

**DATA PROTECTION POLICY**

The following definitions apply to this document:

1. Board members: members appointed to ARCH board;

2. Employees/staff: paid individuals who undertake work for ARCH on behalf of the company;

3. Volunteers: unpaid individuals who help run events on the company’s behalf; and

4. Members of the public: members of the public who attend ARCH events.

Checked and approved: July 2021, 2024

**1. Purpose**

This policy applies to ARCH (Archaeology for Communities in the Highlands). ARCH is registered with the Information Commissioner and complete details of ARCH’s current entry on the Data Protection Register can be found on the notification section of the Information Commissioners web site, https://ico.org.uk/. Our registration number is Z2151549.

The Information Commissioners web site provides:

* a fuller explanation of the purposes for which personal information may be used
* details of the types of data subjects about whom personal information may be held
* details of the types of personal information that may be processed
* information about transfers of personal information
* details of the General Data Protection Regulation (GDPR) 2018

ARCH needs to keep certain information about its employees, volunteers, participants on courses and other supporters for administrative purposes. It also needs to process information so that legal obligations to funding bodies and government are complied with. When processing such information, ARCH will comply with the General Data Protection Regulation (GDPR) 2018.

In line with the enforceable principles of the GDPR, ARCH will undertake that personal data will be:

* fairly and lawfully processed;
* processed for limited purposes;
* adequate, relevant and not excessive;
* accurate;
* not kept longer than necessary;
* processed in accordance with the data subject’s rights;
* secure; and
* not transferred to countries without adequate protection.

ARCH staff or others who process or use personal information must ensure that they follow these principles at all times.

**2. Responsibility**

The Board is responsible for ensuring that this policy is applied within the association. ARCH staff or an appointed volunteer are responsible for maintenance, regular review and the updating of this policy.

**3. Status of the policy**

This document sets out ARCH’s policy and procedures to meet the requirements of the General Data Protection Regulation (GDPR) 2018. It will be made available upon request to employees, volunteers, participants and other external agencies (having a legitimate interest), although it is not a substitute for the full wording of the Act.

**4. The data controller**

The ARCH Board is ultimately responsible for Data Protection, and is regarded as the Data Controller.

In practice, the staff or appointed volunteer will deal with day to day matters and ensure that the organisation complies with the Act on an ongoing basis.

**5. Subject consent**

ARCH will only process personal data with the consent of the individual and, if the data is sensitive, express consent must be obtained. This agreement will be sought when any participant registers on a course, or any volunteer becomes involved with the organisation, and is a condition of employment for staff.

Some courses or other ARCH activities will bring staff and volunteers into contact with children and vulnerable adults. ARCH has a duty to ensure that all staff are suitable for the job, students for the courses offered, and volunteers for the ARCH activity they are involved with. ARCH also has a duty of care to all staff, volunteers and participants and must therefore make sure that employees and those who are involved with ARCH do not pose a threat or danger to other users.

Therefore, all prospective staff, volunteers and participants will be asked to consent to their data being processed when an offer of employment, course place or inclusion in other ARCH activities is made. A refusal to give such consent may result in the offer being withdrawn.

Everyone has a right to ask us to stop processing their personal data. Email footers state how to unsubscribe. Anyone who contacts ARCH to be removed will be taken off the mailing lists as soon as possible and within a month.

**6. Staff responsibilities**

This policy will not be incorporated into contracts of employment, but it is a condition of employment that employees will abide by the rules and policies made by ARCH from time to time. Any failures to follow this policy can therefore result in disciplinary proceedings.

Any member of staff who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the Data Controller. If raising the issue with the Data Controller does not resolve it, the matter should be raised as a formal grievance.

6.1. Specific Staff Responsibilities

All staff have a responsibility for:

* Checking that any information that they provide to ARCH in connection with their employment is accurate and up to date.
* Informing ARCH of any changes to information, which they have provided, i.e. changes of address, bank details, etc.
* Informing ARCH of any errors or changes in staff information.

When staff hold or process information about data subjects, they should comply with the following Data Protection Guidelines:

All staff are responsible for ensuring that:

* Any personal data, which they hold, is kept securely. All personal data should be:
* kept in a locked filing cabinet; or
* if it is computerised, be password protected; or
* kept only on disk, which is itself kept securely.
* Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Any unauthorised disclosure will be investigated as a disciplinary matter, and may be considered gross misconduct in some cases. It may also result in a personal liability for the individual staff member, as unauthorised disclosure can be a criminal offence.

6.2. Staff Use of Personal Data Off-Site, On Home Computers or at Remote Sites

Employees processing personal data off-site should ensure they take reasonable precautions to prevent the data from being accessed, disclosed or destroyed as a result of any act or omission on their part.

They should notify the Data Controller immediately in the event of any loss or theft.

**7. Volunteers obligations**

Volunteers should ensure that all personal data provided to ARCH is accurate and up to date. They should also ensure that changes of address etc. are notified as appropriate.

Any volunteer who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with a member of staff initially. If the matter is not resolved informally, it should then be raised with the Data Controller, and if it is still not resolved it should be raised as a formal complaint through ARCH’s complaints procedure.

Volunteers will not have access to any personal information on other volunteers, staff or any person involved with the organisation.

**8. Participant obligations**

Participants must ensure that all personal data provided to ARCH is accurate and up to date. They must ensure that changes of address, etc., are notified as appropriate.

8.1. Participant Personal Information – The Purposes for Which it is Used

Information that we collect, including information that participants give us at registration, is added to a record. Personal information is used in the following ways:

* To keep interested parties informed of ARCH’s activities. This includes sending information about current and future opportunities with ARCH.
* To provide information about participants to other bodies in accordance with statutory and government requirements e.g. to the local authorities, the Scottish Government and other funding or governmental bodies.
* To produce statistical information for publication and to help us plan and improve our services.

Participant’s personal data records will also be used in anonymous form, unless they have specifically consented to the use of their name.

Names will not be used or included in any statistical analysis and precautions will be taken to minimise the risk that individuals will be identifiable from the data.

Contact details will not be made available, unless individuals have given their consent for this.

**9. Accuracy of data**

Updating is required only "where necessary" on the basis that, provided ARCH has taken reasonable steps to ensure accuracy (e.g. taking up references), the data held is presumed accurate at the time it was collated.

All employees, volunteers and participants should be made aware of the importance of providing ARCH with notice of any change in personal circumstances.

Employees, volunteers and participants will be entitled to correct any of their details.

**10. Third parties**

Any personal data which ARCH receives and processes in relation to third parties, such as visitors, suppliers, former participants and volunteers, employers, enquirers and other individuals on mailing lists etc. will be obtained lawfully and fairly and dealt with in accordance with the principles and conditions of the GDPR.

Employees should obtain explicit consent from third party data subjects to process such personal data for the purposes expressed and should ensure that there is a mechanism for data subjects to gain access to data about themselves, to prevent the processing of such data for the purposes of direct marketing and to object to the disclosure of such data.

**11. Security measures**

This policy is designed to fulfil statutory requirements and to prevent unauthorised disclosure of/or access to personal data. The following security measures will therefore be required in respect of the processing of any personal data:

* Access to personal data on staff, volunteers and participants is restricted to those members of staff who have a legitimate need to access such data in accordance with ARCH’s notification to the Information Commissioner.
* Members of staff authorised to access personal data, will be allowed to do so, only in so far as they have a legitimate need and only for the purposes recorded in the notification.
* All persons processing data and individuals requesting access to personal data in accordance with this policy must have familiarised themselves with this policy.
* All personal data will be stored in such a way that access is only permitted by authorised staff, including storage in filing cabinets, computers and other storage systems. Any act or omission which leads to unauthorised access or disclosure could lead to disciplinary action.
* Personal data should be transferred under conditions of security commensurate with the anticipated risks and appropriate to the type of data held.
* Personal data held electronically should be appropriately backed up and stored securely to avoid incurring liability to individuals who may suffer damage or distress as a result of the loss or destruction of their personal data.
* Any disposal of personal data will be conducted in a secure way, normally by shredding. All computer equipment or media to be sold or scrapped must have had all personal data completely destroyed, by re-formatting, overwriting or degaussing (a method of erasing data held on magnetic media).

11.1. Retention of Data

ARCH will keep different types of information for differing lengths of time, depending on legal and operational requirements. In some cases funders will require data be kept for a certain period of time.

11.2. Transfer of Data Outside the UK

ARCH does not transfer personal data outside the UK.

**12. Use of personal data in research**

The 1998 act provides certain exemptions for 'research purposes' including statistical or historical purposes. Provided that the purpose of research processing is not targeted at particular individuals and it does not cause substantial distress or damage to a data subject, then personal data may be:

* Processed for purposes other than for which they were originally obtained
* Held indefinitely
* Exempt from the right of access by data subjects where the results do not identify individual data subjects

Most of the Data Protection Principles still apply to personal data used for research purposes and researchers should always provide clear guidance to individuals whose personal data will be used in research as to why the data is being collected and the purposes for which it will be used.

**13. Collection of personal data from web pages**

ARCH invites people to sign up to the mailing list via the ARCH website. It is made clear on the website:

* The purpose for which the data is being collected
* The recipients or classes of recipients to whom the data may be disclosed
* An indication of the period for which the data will be kept
* Any other information to ensure that the processing is 'fair'

ARCH will provide users with the opportunity to opt out of any parts of the collection of or use of the data that are not directly relevant to the intended transaction.

**14. Rights to access information**

Staff, volunteers and other users of ARCH have the right to access any personal data that is being kept about them either on computer or in manual files. Any person who wishes to exercise this right should submit a written request to the Company Secretary (Data Controller) at ARCH’s office address along with proof of identity. We may charge £10 to cover costs.

People can contact us by phone or email, and we will respond within a month unless the request is manifestly unfounded or excessive. In those cases, we will explain why we have refused, and inform them that they have a right to complain to the supervisory authority and to a judicial remedy.