

MOORLAND ROAD COMMUNITY LIBRARY



Data Protection & GDPR Policy

Definitions

| | |
|---------------------|---|
| Responsible Person | Jeanette Cook, Treasurer |
| Register of Systems | Register of all systems or contexts in which personal data is processed by the Charity (Appendix 1) |

1. Introduction

Moorland Road Community Library (the Organisation) is committed to a policy of protecting the rights and privacy of individuals. The Organisation needs to collect and use certain types of data in order to carry on its work. This personal information relates to trustees, volunteers and library users and it must be collected and processed appropriately.

Included in this policy are the following appendices:

Appendix 1: Register of Systems

Appendix 2: Data Protection Privacy Notice

Appendix 3: Data Protection, Data Processing and Sharing Arrangements (BANES Council)

Appendix 4: Data Protection Agreement and Acceptable Use Statement

The policy details how personal information will be gathered, stored and managed in line with data protection principles and the General Data Protection Regulation (GDPR). This policy should be read in tandem with the Organisation's Data Protection Privacy Notice (Appendix 2).

Volunteers working in Moorland Road Community Library who have access to personal information, will be expected to read and comply with this policy and BANES Council's Data Protection, Data Processing and Sharing Arrangements (Appendix 3) and to sign the Data Protection Agreement and Acceptable Use Statement (Appendix 4).

2. Purpose

This Data Protection policy and its appendices ensures that the Organisation:

- complies with data protection law and follows good practice;
- protects the rights of members;
- is open about how it stores and processes members' data;
- protects itself from the risks of a data breach.

3. Data protection principles

The Organisation is committed to processing data in accordance with its responsibilities under GDPR.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

4. General provisions

- a. This policy applies to all personal data (library users and volunteers) processed by the Organisation.
- b. The Responsible Person shall take responsibility for the Organisation’s ongoing compliance with this policy.
- c. The Organisation has undergone the Information Commissioner’s Office (ICO) self-assessment and is not required to register with the ICO as it is a not for profit organisation.

5. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the Organisation shall maintain a Register of Systems as shown in Appendix 1.
- b. Individuals have the right to access their personal data and any such requests made to the Organisation shall be dealt with in a timely manner.

6. Lawful purposes

- a. All data processed by the Organisation must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests
- b. The Organisation shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Organisation’s systems.

7. Data minimisation

The Organisation shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

8. Accuracy

- a. The Organisation shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

9. Archiving and removal of personal data

- a. To ensure that personal data is kept for no longer than necessary, the Organisation shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why.

10. Security

- a. The Organisation shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need such access. Appropriate security should be in place to avoid unauthorised sharing of information.
- c. All volunteers should be made aware of their responsibilities with regard to data protection and must sign the Organisation's Data Protection & Acceptable Use Statement (Appendix 3)
- d. When personal data is deleted this should be done safely such that the data is irrecoverable.
- e. Appropriate back-up and disaster recovery solutions shall be in place.

11. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Organisation shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the Independent Commissioners Office (<https://ic.o.org.uk/>).

This policy has been approved by the Trustees of Moorland Road Community Library.

Date: 4 January 2022

Review Date: 04 January 2024

APPENDIX 1

Moorland Road Community Library Register of Systems

| | Source | Personal Info | Data Subject | Basis of processing | Data processing | Access | Disposal | Type of communication | Consent |
|----------------------|---|--|--|--|--|---|--|--|--|
| | <i>How was the data collected</i> | <i>What personal info are we collecting</i> | <i>Who is the subject providing the data</i> | <i>Why are you collecting the data</i> | <i>How is it stored and processed</i> | <i>Who has access to it</i> | <i>When is the data disposed of</i> | <i>What type of communication have you obtained opt-in for?</i> | <i>How did you obtain consent</i> |
| Trustees | Verbally, Electronically and paper | Name, address, DOB, phone numbers, email, DBS, background skillset | All Trustees | Charity Commission, Constitution, Fundraising applications, Bank account, General committee communications | PC's of Trustees, Paper records with Secretary, Google drive | Trustees Secretary Trustees | For duration of trustee term plus three years | All of the info provided | Verbally |
| Volunteers | Application form electronic or paper copy | Name, address, email address, phones, references, personal background info | Volunteers | Communication with volunteers, Vetting & support, reasonable adjustments | PC of Trustees Paper copies Googledrive | Trustees Trustees | For duration of participation plus one year | All of the info provided | Followed up with Volunteer agreement and Privacy Policy |
| Library users | Via Mobilecicr | Name, address, DOB, email, phone number, language | Library users | Communication about books on loan / overdue | On secure LibrariesWest website Mobilecicr | All Library volunteers – including trustees | 2 years after card is inactive - deleted by the system | Opt-in is historic for long term users & is managed by Central Library. New users complete new | Paper form or verbally at point of signing up for new membership |

| | | | | | | | | | |
|--|-----------------------|---|---------------------------------------|--|--|--|---|---|--|
| | | | | | | | | forms and are manually added | |
| Library users | Via TinyCat | Name, email or phone number, library card number | Library users | Communication about books on loan / overdue | On secure TinyCat website Email via gmail | All Library volunteers – including trustees | 3 yearly data cleaning activity | Opt in for name, contact details at registration of new users | Verbally at point of signing up for new membership |
| Membership /newsletters | Via mailchimp | Name, email, interests | Local population (self nominated) | Communication of events - news | Mailchimp | Trustees | Users can remove themselves automatically using unsubscribe | All entries have opted in as part of Mailchimp sign up | Mailchimp records date of opt in by user |
| Event bookings | Email, verbal, forms | Name, contact details, numbers attending event | Event participants or parents thereof | Facilitate event management – including possible cancellation | Paper, email, | Library volunteers & trustees & event leader | After the event | Opt in for name, contact details at registration | Consent gained at time they sign up. |
| Room Bookings | Email, verbal, forms | Name, organisation, phone , email, Purpose of room booking, DBS | Room booker | Facilitate event management. Safeguarding due diligence if working with children | Email, spreadsheet booking system, paper copies, | Library Volunteers, & Trustees | Twelve months after last event booked. | Opt in at time of booking | On booking form |
| Financial support / fundraising | Verbally, post, email | Name, organisation email, address, possible bank details | Donor | To process fundraising opportunities | Email, letter, spreadsheet, bank account statement, possibly annual report | Trustees | As per financial management policy – 7 years | Opt-in implied at point of donation | Implied at point of donation. |

MOORLAND ROAD COMMUNITY LIBRARY

Data Protection and General Data Protection Regulation

Privacy Notice for Volunteers

Data controller: Moorland Road Community Library

Data protection officer: Jeanette Cook, Treasurer

1. Introduction

Moorland Road Community Library (the Organisation) collects and processes personal data relating to candidates to manage the potential volunteer relationship. The Organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

This privacy notice describes how we collect and use personal information about volunteers during the volunteer recruitment and selection process, in accordance with the General Data Protection Regulation (GDPR).

It is important that you read this notice, so that you are aware of how and why we are using such information.

2. What information does the Organisation collect?

The Organisation collects and processes a range of information about you. This may include:

- your name, address and contact details
- copies of your photographic identification, e.g. passport or driving licence
- details of your qualifications, skills, experience

We may also collect, store and use the following “special categories” of more sensitive personal information:

- information about your criminal record
- information about medical or health conditions only for the purpose of making reasonable adjustments

The Organisation collects this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Organisation may collect personal data about you from third parties, such as references or information from criminal records checks permitted by law.

Data will be stored in a range of different places, including the Organisation's IT and email systems.

3. Why does the Organisation process personal data?

The Organisation needs to process data to ensure that it is complying with its legal obligations. Some 'special categories' of personal data, such as information about health or medical conditions, are processed to carry out reasonable adjustments to make the working environment more suitable for those with disabilities.

4. Who has access to your data?

Your information may be shared internally, including the Moorland Road Community Library Board of Trustees.

If you are selected as a volunteer then the Organisation may share your data with third parties in order to obtain character references and, if required, obtain necessary criminal records checks from the Disclosure and Barring Service. Please note, this information will only be shared with third parties in order to progress your application.

5. How does the Organisation protect your data?

The Organisation takes the security of your data seriously. The Organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed.

6. For how long does the Organisation keep your data?

If you are an active volunteer your data will be retained for the length of your relationship with the Organisation. When you cease to be a volunteer we will destroy or anonymise your data 12 months from that date.

7. Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request
- request the transfer of your personal information to another party
- require the Organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing
- object to the processing of your data where the Organisation is relying on its legitimate interests as the legal ground for processing.
- If you believe that the Organisation has not complied with your data protection rights, you can complain to the Information Commissioner.
- If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

Bath & North East Somerset Council

Future of Modern Libraries

Schedule 3

DATA PROTECTION, DATA PROCESSING AND SHARING ARRANGEMENTS

PART 1 - DATA PROTECTION

Background

- (A) Under the terms of the Libraries and Museums Act 1964 (“the Act”) the Council is the Data Controller as a Library Authority with a statutory responsibility to provide "a comprehensive and efficient library service for all persons desiring to make use thereof".
- (B) Under and from the date of this Agreement the Council intends to withdraw funding from Moorland Road branch library and the Organisation intends to provide a Community Run Library.
- (C) It is not intended that the Organisation should on behalf of the Council manage loan and other related library records using the computerised Library Management System (“LMS”).
- (D) The Council is obliged under the Data Protection Act 2018 to take appropriate technical and organisational measures to protect the personal information under its control, including personal information held as part of customer/borrower records on the LMS.
- (E) This Schedule to the Agreement regulates the access to Personal Data that the Organisation will have on behalf of the Council.

1. RIGHTS AND OBLIGATIONS OF THE COUNCIL AS THE DATA CONTROLLER

- 1.1 The Council will provide access to the Personal Data for the Organisation by means of the **MobileCirc** solution together with such other information as the Organisation may reasonably require in order to provide the Community Run Library.

- 1.2 The instructions given by the Council to the Organisation in respect of the Personal Data will at all times be in accordance with Data Protection Legislation.

2. OBLIGATIONS OF THE ORGANISATION AS THE DATA PROCESSOR

- 2.1 The Organisation will treat the Personal Data and any other Information provided by the Council as confidential.
- 2.2 The Organisation will process the Personal Data in compliance with Data Protection Legislation.
- 2.3 If the Organisation receives any complaint, notice or communication which relates directly or indirectly to the processing of the Personal Data or to either party's compliance with the Data Protection Act 2018, it will immediately notify the Council and will provide the Council with full cooperation and assistance in relation to such complaint, notice or communication.
- 2.4 The Organisation will not disclose the Personal Data to any Data Subject or to any third party other than at the request of the Council or as provided for in this Schedule.
- 2.5 The Organisation will ensure that access to the Personal Data is limited to:
 - (a) those volunteers or employees of the Organisation who have signed a Data Protection Agreement and Acceptable Use Statement and who need access to the Personal Data to meet the Organisation's obligations under this Schedule; and
 - (b) such part or parts of the Personal Data as is strictly necessary for the performance of the Organisation's obligations under this Schedule.
- 2.6 The Organisation, with the cooperation and assistance of the Council, will ensure that all volunteers or employees of the organisation who are permitted access to the Personal Data:
 - (a) are informed of the confidential nature of the Personal Data;
 - (b) have undergone training relating to the handling of Personal Data; and
 - (c) are aware of the Organisation's duties and their personal duties and

obligations under the Data Protection Legislation and this Schedule;
and

(d) have signed a Data Protection Agreement and Acceptable Use Statement.

2.7 The Organisation will take reasonable steps to ensure the reliability of any of the Organisation's volunteers or employees who have access to the Personal Data.

2.8 The Organisation will not disclose the Personal Data to a third party in any circumstances other than at the specific written request of the Council, unless the disclosure is required by law.

2.9 The Organisation, with the cooperation and assistance of the Council, will employ appropriate operational and technological processes and procedures to keep the Personal Data safe from unauthorised use or access, loss, destruction, theft or disclosure.

PART 2

BATH & NORTH EAST SOMERSET COUNCIL AND COMMUNITY RUN LIBRARIES DATA PROTECTION AGREEMENT

Introduction

Bath & North East Somerset Council (the Council) will provide Organisations with access to **MobileCirc** web based library system to enable them to operate a Community Run Library for customers. The systems contain Personal Data under the terms of the Data Protection Act 2018. It is therefore necessary for staff and volunteers of the Organisations to understand and agree to the terms and conditions included within this document before accessing Personal Data.

It is the Organisation's responsibility to ensure each of its staff and volunteers has read and understood Parts 1, 2, and 3 of **Schedule 3** of this Agreement and signed The Data Protection Agreement and Acceptable Use Statement document before accessing Personal Data. There is an example Data Protection Agreement and Acceptable Use Statement template document included with the Volunteer guidance pack.

Access will be provided to the Library Management System known as **MobileCirc**. This is the database that contains library membership records and through which book loans are transacted.

1. Data Protection

The Data Protection Act 2018

(DPA) governs the use of information about people (Personal Data). Personal Data can be held on computer or in a manual file, and includes email, minutes of a meeting, CCTV footage, photographs or recordings of telephone conversations. The Council will remain the Data Controller for the purposes of the Data Protection Act 2018, for the information held on the library system, and **MobileCirc**. However, Community Run Library volunteers will be personally responsible for processing (using) this and other personal information in accordance with the Data Protection Act 2018.

The Data Protection Act 2018 contains 8 principles for processing Personal Data which you must comply with. Personal Data must be:

- 1) Processed fairly and lawfully;
- 2) Obtained and only used for specified and lawful processes;
- 3) Adequate, relevant and not excessive;

- 4) Accurate and kept up to date;
- 5) Not kept longer than necessary;
- 6) Processed in accordance with individuals' rights;
- 7) Kept secure;
- 8) Not transferred to countries without adequate data protection regimes.

2. Risk Management

The consequences of breaching Data Protection can cause harm or distress to customers if their information is released to inappropriate people, or they could be denied a service to which they are entitled. Volunteers and staff employed by the organisation should be aware that they can be personally liable if they use customers' Personal Data inappropriately. This agreement is designed to minimise the risks of breach and to ensure that the reputations of the Council, the Organisation and the Community Run Library are not damaged through inappropriate or unauthorised access as a result of login credentials being compromised, or through the introduction of viruses or malware to the wider community.

3. Applying the Data Protection Act within the Community Run Library Service

Purpose

You must not use the Personal Data provided by the Council, for any purpose other than delivering the Community Run Library Service.

Collecting Personal Data

Whilst access is limited to the borrower details stored on **MobileCirc**, volunteers in Community Run Libraries may undertake additional tasks involving the collection of personal details from customers, e.g. Summer Reading Challenge. In such circumstances you must let the customer know why you are collecting their personal details and it is your responsibility to ensure that those personal details are only used for that purpose. If you want to use it for a different purpose you will need to tell the customer how you intend to use their personal details and get their consent before using it.

Correcting data

Customers have a right to have their Personal Data corrected if it is wrong, to prevent it being used to cause them damage or distress or to stop marketing information being sent to them. If a customer asks for their personal details to be amended you must either pass the request

to your Community Library Officer from the Council or contact a Council library for assistance.

Subject Access Requests

If a customer asks for the personal details held about them, you must refer the request to your Community Library Officer from the Council as soon as possible. Under legislation it is necessary to respond within 40 (forty) calendar days of a written request, subject to receiving proof of the individual's ID and payment of a fee.

Destroying personal data

Personal Data about a customer should only be kept for as long as it is needed for the purpose it was obtained. For example: a customer joins the Summer Reading Challenge. You must only keep that Personal Data and use it for the duration of administering the Summer Reading Challenge and securely dispose of once the promotion and monitoring period is complete.

4. Further information

Any specific questions about information security and Data Protection in relation to the data used by the Community Run Library should be directed to the named Council Library Service contact in the first instance. The Information Commissioner's website (www.ico.gov.uk) is another source of useful information.

PART 3 –

APPENDIX A: PROCESSING, PERSONAL DATA AND DATA SUBJECTS

1. The Organisation shall comply with any further written instructions with respect to processing.

2. Any such further instructions shall be incorporated into this Appendix.

| Description | Details |
|--|---|
| Subject matter of the processing | <i>Customer details for Community Run libraries</i> |
| Duration of the processing | <i>Duration of the Agreement period</i> |
| Nature and purposes of the processing | <p><i>The nature of the processing means the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means) of personal details.</i></p> <p><i>The purpose is to facilitate the lending and use of library resources.</i></p> |
| Type of Personal Data | <i>Name, address, date of birth, telephone number and any other personal data required to facilitate the purpose of lending whilst observing the principle of Article. 5 para. (c.) of the Data Protection Act 2018</i> |
| Categories of Data Subject | <i>Members of the public</i> |
| Plan for return and destruction of the data once the processing is complete UNLESS requirement under union or member state law to preserve that type of data | <ul style="list-style-type: none"> • <i>Records will be maintained within the SIRSI system by the processor.</i> • <i>Upon termination of the Agreement period, records will be retained within the SIRSI system.</i> • <i>The processor will store records only in the SIRSI system and the access to that system will be removed upon termination of this agreement.</i> • <i>SIRSI suppliers will manage the deletion of records after closure in accordance with the Libraries West Consortium.</i> |

MOORLAND ROAD COMMUNITY LIBRARY

**Data Protection Agreement and Acceptable Use Statement
for Volunteers**

The following document is a guide to what is deemed acceptable when using Moorland Road Community Library’s ICT resources and is provided to help volunteers use these resources in a safe and secure way.

- 1) I acknowledge that my use of the data supplied by the Council and library users may be monitored and/or be recorded for lawful purposes.
- 2) I will not use personal information for any other purpose than the purpose which the customer has agreed to and for the delivery the Community run Library Service. I will not disclose such information to third parties unless there is a legal requirement to do so, or where the person concerned gives written authority for the information to be disclosed.
- 3) I will not attempt to access any computer system that I have not been given explicit permission to access.
- 4) I will not attempt to circumvent any security measures that the Council has put in place to protect the information assets of the Council.
- 5) I understand that deliberate distribution of computer viruses is an offence under the Computer Misuse Act.
- 6) I will securely store or destroy any printed information that relates to personal information.
- 7) I will not leave my computer logged on and unattended for any period of time but will either log out of the machine, lock it or activate the password protected screen saver.
- 8) If I detect, suspect or witness an incident that may be a breach of security (e.g. unauthorised use of or loss, theft or inappropriate use of personal or potentially sensitive information) I will report this as soon as possible to the Volunteer Coordinator and the Council’s Data Protection Officer.
- 9) I agree to abide by all relevant legislation applying to data protection and misuse of computer equipment and Council-held information.

Signed Confirmation

I accept that I have been granted access to the Council systems for the purposes of operating a Community run Library. I understand the reasons why I have been granted access and how I may use this access. I agree to the terms of use and understand that any breach of this agreement and statement or the rights that I have been given may lead to action being taken against me and the Organisation.

Signed:

Name:

Date: