

## **The Oasis Centre – Cornwall Data Protection Policy**

The Trustees have adopted this policy in order to comply with the requirements of the Data Protection Act 1998 as amended. This policy document also looks forward to the implementation of the General Data Protection Regulation of the European Union (“the Regulation”). For the purposes of the legislation, the Trustees collectively are the controller<sup>1</sup> of the personal data<sup>2</sup> that is processed<sup>3</sup> by the Charity. (In the footnotes are extracts from the Regulation.) For day-to-day purposes, the processing of personal data by the Charity is the responsibility of Miss Pat Walton, who is the Charity’s Data Protection Officer.

### **The Processing of General Personal Data**

The following personal data may to be processed by the Charity – the names, addresses, telephone numbers, e-mail addresses and other contact details of the following persons –

- the Charity’s Trustees;
- all persons who volunteer or otherwise make themselves available to work for or with the Charity;
- all persons who attend events organised by the Charity or activities in which the Charity plays a part;
- all persons in receipt of or who seek the assistance or advice of the Charity;
- all persons who represent or are connected with bodies capable of working with the Charity, making grants to the Charity or otherwise helping the Charity; and
- all other persons who are ‘Friends’ of or otherwise support the Charity in any way.

This personal data, referred to in this policy as “general personal data”, may only be processed to enable the Charity to carry out its work, to encourage the support and involvement of and to communicate with those persons.

### **The Processing of Sensitive Personal Data**

The processing of sensitive personal data is prohibited by the Regulation<sup>4</sup> unless special conditions can be satisfied<sup>5</sup>. That personal data is referred to in this policy as “sensitive personal data”. The Trustees are of the view that it is not necessary to process sensitive personal data during the normal course of the Charity’s activities. If sensitive personal data comes into the possession of the Charity, the Data Protection Officer is to take direct responsibility for that data in order to –

- identify and maintain a record of the special condition(s) in the Regulation that are satisfied to allow that data to be processed by the Charity;
- ensure that the processing of that personal data is restricted to the minimum necessary to enable the Charity to carry out its work; and
- destroy or delete that personal data when its retention is no longer necessary for the Charity’s work.

### **Consent**

A written consent<sup>6</sup> is to be obtained from every data subject whose personal data is processed by the Charity. Such consents are to be retained until the relevant personal data is no longer processed by the Charity. In the rare cases involving sensitive personal data, it is important to ensure that the data subject understands why the data is needed, what it is to be used for and, so far as is reasonably practicable, a check should be made that the data subject is sufficiently competent to give consent and has given it freely and without any form of duress. A consent form for general use appears at the end of this policy.

If it is necessary to obtain and keep a record of the contact details of the next-of-kin of a vulnerable adult so that any concerns regarding the wellbeing, health or safety of that vulnerable adult can be communicated, there is a second form that requires the signatures of both of them. A third form is for use if the carer for a vulnerable adult has lawful authority to give consent on behalf of that individual.

### **The Holding of Personal Data**

1. The general personal data shall be held in written and/or computerised records accessible only by all Trustees and others who need to have access to those records on behalf of the Charity for the purposes of the Charity's work.
2. The sensitive personal data shall be held in written and/or computerised records accessible only by the Data Protection Officer and any other person specifically authorised by the Trustees.
3. It is the responsibility of the Data Protection Officer to take appropriate measures to prevent unauthorised access to and/or loss of all personal data held by the Charity.

### **The Use and Disclosure of Personal Data**

1. The general personal data shall be used only for the purposes of the Charity's work and to encourage the support and involvement of and to communicate with the data subjects.
2. The sensitive personal data shall be used only for the purposes of the Charity's work when the use of that data is essential to the advice and assistance that the Charity is able to provide to the data subject and its use is considered to be in the data subject's best interests.
3. The general personal data may only be disclosed to persons requiring that data for the performance of the Charity's work and to other persons only as is necessary for the Charity's work.
4. The sensitive personal data may only be disclosed when disclosure is lawfully required or that disclosure is essential for the Charity's work concerning and considered to be in the best interests of the data subject.

Adopted by the Trustees on 19<sup>th</sup> February 2018 and to be reviewed annually in January.

# The Oasis Centre - Cornwall

Registered Charity Number 1139355,  
Founded to serve the communities in the parishes of  
St Columb Major, St Mawgan-in-Pydar, St Eval and St Ervan  
Office: 26 Fore Street, St Columb, TR9 6RH  
Telephone: 01637 889682  
Website: oasiscentre-cornwall.org.uk  
Facebook: Oasis Centre – St Columb



## Consent to the processing of personal data

We want to communicate with everyone who helps or supports our Charity regardless of the form that their help or support takes. To do this, we need to 'process' (a technical term under the law relating to data protection) your 'personal data' (the information you give us about yourself). To do this lawfully, we need your consent and that is why we are asking you to complete this form.

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

\_\_\_\_\_

Your E-mail: \_\_\_\_\_

Your Phone: \_\_\_\_\_

By signing this form, you are giving us your consent to use your personal data for the purposes listed below. Please tick each of the boxes below for which you want to give us your consent. You can contact us at any time to change your consent.

I consent to the Charity's use of my personal data for the following purposes –

To hold my personal data in the Charity's records

To contact me by post  telephone  e-mail

To contact me about the Charity's activities and events

To include my name in any list of the Charity's supporters

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Notes:

1. You can withdraw or change your consent at any time by contacting us at our office address above.
2. Without your consent, we cannot use your personal data except as required or permitted by law.
3. You can find our Data Protection Policy on our website.

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## Consent regarding additional personal data

We would like to be able help you by contacting your next-of-kin if, at any time, we have a genuine concern about your wellbeing, your health or your safety. To do this, we need to 'process' (a technical term under the law relating to data protection) your 'personal data' (the information you give us below) and that of your next-of-kin. To do this lawfully, we need your consent and that is why we are asking you to complete this form. Because it includes the personal data of your next of kin, we also need their consent.

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Your E-mail: \_\_\_\_\_

Your Phone: \_\_\_\_\_

Name of Next-of-Kin: \_\_\_\_\_

Address of Next-of-Kin: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone Number of Next-of-Kin: \_\_\_\_\_

By signing this form, you are both giving us your consent to use your personal data for the purpose mentioned above. You can contact us at any time to change your consent.

We consent to the Charity's use of our personal data for the purpose mentioned above.

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Next-of-Kin Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Notes:

4. You can withdraw or change your consent at any time by contacting us at our office address above.
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## Carer's consent regarding personal data

We would like to be able help the vulnerable adult named below by contacting you if, at any time, we have a genuine concern about their wellbeing, their health or their safety. To do this, we need to 'process' (a technical term under the law relating to data protection) your 'personal data' (the information you give us below) and that of the vulnerable adult. To do this lawfully, we need your consent and consent on behalf of the vulnerable adult and that is why we are asking you to complete this form.

Vulnerable Adult's Name: \_\_\_\_\_

Vulnerable Adult's Address: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Vulnerable Adult's Phone: \_\_\_\_\_

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your E-mail: \_\_\_\_\_

By signing this form, you confirm that you have lawful authority to consent on behalf of the vulnerable adult named above and give us your consent to use this personal data for the purpose mentioned above. You can contact us at any time to change your consent.

I consent to the Charity's use of this personal data for the purpose mentioned above.

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Notes:

7. You can withdraw or change your consent at any time by contacting us at our office address above.
8. Without your consent, we cannot use your personal data except as required or permitted by law.
9. You can find our Data Protection Policy on our website.

**The Oasis Centre – Cornwall**  
**Footnotes to the Data Protection Policy**

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<sup>1</sup> ‘controller’ means the natural or legal person, ... or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;

<sup>2</sup> ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

<sup>3</sup> ‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as 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;

<sup>4</sup> 1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

<sup>5</sup> 2. Paragraph 1 shall not apply if one of the following applies:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of

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Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

3. Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies

<sup>6</sup> ‘consent’ of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;