**CEDAR Prime Data Protection Policy**

1. For the purpose of this policy, Data by definition refers to data concerning an individual Data Subject’s racial or ethnic origin, political or religious beliefs, trade union membership, physical and mental health, sexuality, biometric or genetic data and personal data relating to criminal offences and convictions.
2. Data Subject

An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees and volunteers.

1. Data Controller

The organisation storing and controlling such information (i.e. CEDAR Prime) is referred to as the Data Controller.

1. Processing

Processing data involves any activity that involves the use of personal data. This includes but is not limited to obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

1. Automated Processing

This is any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements. An example of automated processing includes profiling and automated decision making.
Automatic decision making is when a decision is made which is based solely on automated processing which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.

1. Data Protection Impact Assessment (DPIA)

DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

1. Criminal Records Information

This refers to personal information relating to criminal convictions and offences,
allegations, proceedings, and related security measures.

**When Can CEDAR Prime Process Personal Data?**

Data Protection Principles
CEDAR Prime is responsible for and adheres to the principles relating to the processing of personal data as set out in the UK GDPR.
The principles that CEDAR Prime must adhere to are: -
(1) Personal data must be processed lawfully, fairly and in a transparent manner;
(2) Personal data must be collected only for specified, explicit and legitimate purposes;
(3) Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
(4) Personal data must be accurate and, where necessary, kept up to date;
(5) Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed; and
(6) Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Further details on each of the above principles is set out below:

**Principle 1:** Personal data must be processed lawfully, fairly and in a transparent manner
CEDAR Prime only collects, processes and shares personal data fairly and lawfully and for specified purposes.

Before the processing starts for the first time the CEDAR Prime will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. Those purposes will then be regularly reviewed whilst processing continues for assurance that the processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve that purpose).

**Personal Data**CEDAR Prime may only process a data subject’s personal data if one of the following fair processing conditions are met: -
● The data subject has given their consent;
● The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;
● To protect the data subject’s vital interests;
● To meet the CEDAR Prime compliance obligations (other than a contractual obligation);
● To perform a task in the public interest or in order to carry out official functions as authorised by law;
● For the purposes of CEDAR Prime’s legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

**Special Category Data**
CEDAR Prime may only process special category data if it is entitled to process personal data (using one of the fair processing conditions above) AND one of the following conditions are met: -
● The data subject has given their explicit consent;
● The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the CEDAR Prime in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
● To protect the data subject’s vital interests;
● To meet the CEDAR Prime’s legal compliance obligations (other than a contractual obligation);
● Where the data has been made public by the data subject;
● To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;
● Where it 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;
● Where it is necessary for reasons of public interest in the area of public health;
● The processing is necessary for archiving, statistical or research purposes. CEDAR Prime identifies and documents the legal grounds being relied upon for each processing activity.

**Consent**
Where the CEDAR Prime relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the UK GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject’s wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Data subjects must be easily able to withdraw consent to processing at any time
and withdrawal must be promptly honoured.

If explicit consent is required, the CEDAR Prime will normally seek another legal basis to process that data. However, if explicit consent is required the data subject will be provided with full information in order to provide explicit consent.

CEDAR Prime will keep records of consents obtained in order to demonstrate compliance with consent requirements under the UK GDPR.

**Principle 2:** Personal data must be collected only for specified, explicit and legitimate purposes
Personal data will not be processed in any matter that is incompatible with the legitimate purposes.

CEDAR Prime will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

**Principle 3:** Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
CEDAR Prime will only process personal data when its obligations and duties require it to do so. Excessive data will not be collected, and any personal data collected will be adequate and relevant for the intended purposes. When personal data is no longer needed for specified purposes, Cedar Prime will delete or anonymise the data.

**Principle 4:** Personal data must be accurate and, where necessary, kept up to date
CEDAR Prime will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. All reasonable steps will be taken to destroy or amend inaccurate or out of date personal data.
Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the CEDAR Prime.

**Principle 5:** Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed. Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. will ensure that it adheres to legal timeframes for retaining data.
Reasonable steps will be taken to destroy or erase from the CEDAR Prime systems all personal data that is no longer require. Details will be provided in privacy notices to inform data subjects of the period for which data is stored and how that period is determined. CEDAR Prime Data Retention Policy provides further details about how the organisation retains and removes data.

**Principle 6**: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

In order to assure the protection of all data being processed, CEDAR Prime will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -
● Encryption;
● Pseudonymisation (this is where the CEDAR Prime replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);
● Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);
● Adhering to confidentiality principles;
● Ensuring personal data is accurate and suitable for the process for which it is processed.

CEDAR Prime follows procedures and technologies to ensure security and will
regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

CEDAR Prime will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

**Sharing Personal Data**CEDAR Prime will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. These include where:
● The third party has a need to know the information for the purposes of providing the contracted services;
● Sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject’s consent has been obtained;

● The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
● The transfer complies with any applicable cross border transfer restrictions;
and,
● A fully executed written contract that contains UK GDPR approved third
party clauses has been obtained.

There may be circumstances where CEDAR Prime is required either by law or in the best interests of the children we are supporting, parents or staff to pass information on to external authorities, for example, the local authority, Ofsted or the department of health.

These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect. The intention to share data relating to individuals to an organisation outside of CEDAR Prime shall be clearly defined within written notifications and details and basis for sharing that data given.

**Transfer of Data Outside the European Economic Area (EEA)**
The UK GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the UK GDPR is not undermined.

CEDAR Prime will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the UK GDPR. All staff and volunteers must comply with the CEDAR Prime guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when data is transmitted, sent, viewed or accessed in that particular country.

**RIGHTS AND REQUESTS OF DATA SUBJECTS**
Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data.

In relation to how the CEDAR Prime handles their personal data, the rights of data subjects are able to:
(a) (Where consent is relied upon as a condition of processing) Withdraw consent to processing at any time;
(b) Receive certain information about the CEDAR Prime processing activities;
(c) Request access to their personal data that we held by the CEDAR Prime
(d) Prevent CEDAR Prime using their personal data for marketing purposes;
(e) Ask the CEDAR Prime to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
(f) Restrict processing in specific circumstances;
(g) Challenge processing which has been justified on the basis of the CEDAR Prime legitimate interests or in the public interest;
(h) Request a copy of an agreement under which personal data is transferred outside of the EEA;
(i) Object to decisions based solely on automated processing;
(j) Prevent processing that is likely to cause damage or distress to the data subject or anyone else;
(k) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;
(l) Make a complaint to the supervisory authority; and
(m) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member/volunteer within the CEDAR Prime to verify the identity of the individual making the request.

**Subject Access Requests**
A Data Subject has the right to be informed by the CEDAR Prime of the following: -
(a) Confirmation that their data is being processed;
(b) Access to their personal data;
(c) A description of the information that is being processed;
(d) The purpose for which the information is being processed;
(e) The recipients/class of recipients to whom that information is or may be disclosed;
(f) Details of the CEDAR Prime sources of information obtained;
(g) In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller’s decision making. Such data may include, but is not limited to, performance at work,

creditworthiness, reliability, and conduct.

(h) Other supplementary information

Any Data Subject who wishes to obtain the above information must notify CEDAR Prime in writing of his or her request. This is known as a Data Subject Access. The request should in the first instance be sent to the Peter Webber

CEDAR Prime Data Protection Policy November 2023