

## Rotherham u3a DATA PROTECTION V1.0

### 1. Main implications of data protection

Ru3a must comply with data protection legislation in managing the data of the members. The most recent legislation is the Data Protection Act 2018 which incorporates the requirements of the General Data Protection Regulation (GDPR). GDPR brought some key changes to the principles established for data protection which were mainly focused on the rights of **data subjects** (the individual whom the data relates to) and the accountability required by those who process data.

The reference to **data** means the personal information that Ru3a gathers from the membership for membership applications, renewals and Gift Aid. One of the main changes from GDPR was that all organisations involved with processing data need to establish a **lawful basis** for doing so. Following legal advice, the Third Age Trust has recommended that u3as adopt either **legitimate interest** or **contract** as their lawful basis for processing membership data.

### 2. Lawful Basis – legitimate Interest

Rotherham u3a is a membership charity. In accepting membership applications, Ru3a has a legitimate interest in requesting and processing personal information from those who wish to join. In addition, Ru3a has a legitimate interest in communicating with existing members in order to inform them about activities relating to their membership. To meet the requirements of this lawful basis Ru3a needs to complete a legitimate interest assessment (LIA) and hold it on file.

The assessment sets out how Ru3a meets the requirements of legitimate interest as a lawful basis for holding information. Once the LIA is complete it will to be held on file as a record of how the requirements for data processing using this lawful basis are met

### 3. Photographs

Photographs constitute personal data and consent will need to be obtained for both taking and displaying photographs of the membership.

NOTE: Some u3as add a consent tick box for photographs to their membership application form. This could prove problematic as not everyone will be aware of who has and hasn't given consent at point of application, so this is not recommended.

- Where group photographs are being taken it is sufficient for you to ask any members of the group who don't wish to be in the photograph to move out of shot.

- Ru3as will include in their privacy statement as to how members can ask for photographs to be removed.
- It is recommended that you ask for consent at the point when photographs are being taken i.e. ask those who don't want to appear to move out of the shot.
- If a member were to object subsequently then the photograph will need to be removed from any publicity or display.

#### **4. Third party processors**

Ru3a's privacy statement must be available to members and must identify the instances where information is shared with a third-party processor.

Consent is not required to provide information to third party processors as this can come under the lawful basis of either legitimate interest or contract.

For u3as who provide members with the option as to whether or not they receive Third Age Matters and reduce their fee where members do not take the magazine it is recommended that consent is obtained from members to confirm that they wish to take the magazine at the membership application stage. Members should be informed of who to contact where they no longer wish to receive the magazine.

#### **5. Special categories of personal data**

Special categories of personal data include:

- The racial or ethnic origin of the individual.
- Political opinions.
- Religious beliefs, philosophical beliefs or other beliefs of a similar nature.
- Whether he/she is a member of a trade union.
- Physical or mental health or condition.
- Sexual life or sexual orientation.
- Genetic data and biometric data, where processed, to uniquely identify an individual.

The main area of consideration for Ru3a in relation to special categories will be information pertaining to health and medical conditions which may be relevant to a member's participation in certain activities.

#### **6. Data protection principles**

Article 5 of the General Data Protection Regulation revises the Data Protection Principles established by the Data Protection Act. The principles stipulate how personal data should be processed:

## 6.1 Principle 1

Personal data must be processed lawfully, fairly, and in a transparent manner relating to individuals.

This principle requires Ru3a to:

- Inform members as to which lawful basis is being used to gather their information.
- Inform members as to what their personal information will be used for.
- Inform members as to how their information will be held.
- Communicate with the membership about actions being taken by Ru3a in respect of data protection.
- Add privacy statements to relevant paperwork and online forms  
Example forms have been drafted and are shown below:
  - Launch questionnaire
  - Membership application form
  - Renewal membership form
- Review the different ways that members are asked for their information, i.e. are group convenors gathering information and are they aware of their responsibilities in respect of data protection?
- Ensure that member information is retained securely.
- Consider who has access to full member information and who has access to partial member information and who needs access. Record this decision and keep it under review.

## 6.2 Principle 2

Personal data must be 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.

This principle requires Ru3a to:

- Only use members' information for the purposes that they have previously informed them that it will be used for
- Inform the membership and, where necessary, gain consent for information to be shared with external organisations (third party processors).

## 6.3 Principle 3

The collection of personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

**This principle requires Ru3a to:**

- Limit the information gathered from members to what is needed for membership purposes.

**6.4 Principle 4**

Personal data held should be 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.

**This principle requires Ru3a to:**

- Keep up to date and accurate records.
- Identify who on the committee is responsible for keeping information up to date.

**What Ru3a needs to do:**

- Ask members to keep their information up to date and let members know who they need to contact to update their information.
- Use membership renewal as an opportunity for members to update their personal information.

**6.5 Principle 5**

Personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for the 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 GDPR in order to safeguard the rights and freedoms of individuals.

**This principle requires Ru3a to:**

- Archive or delete information that is no longer required for membership purposes.

**What Ru3a needs to do:**

- Don't use member data for communication purposes beyond the period of their membership unless there is a specific and agreed need to.
- Archive or delete (depending on how long you need to keep member information) the data of those who do not renew.
- Be aware of where Ru3a needs to retain data for a longer period in order to meet any legal or statutory requirements and where this is the case inform the relevant member.



NB: for Gift Aid Ru3a will need to keep member information in line with the timeframes specified by HMRC.

### 6.6 Principle 6

Personal data must be 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.

#### This principle requires Ru3a to:

- Keep personal data and special categories of personal data secure.
- Discuss and agree processing arrangements with any external organisations/third party processors such as venues, travel agents, Beacon.
- Ensure that committee members/group conveners who hold information delete or return all data when relinquishing their roles.
- It is recommended that Ru3a has a formal agreement with those in these roles regarding data and the relinquishing of their roles.
- Inform members where information is to be passed to a third party and ensure that third party processors are GDPR compliant.

## 7. Individuals' rights

GDPR also requires Ru3a to be aware of individual's rights which are:

- The right to be informed.
- The right of access.
- The right to rectification.
- The right to erasure.
- The right to restrict processing.
- The right to data portability.
- The right to object.

#### What Ru3a needs to do

- Inform the membership how they can make a 'subject access request' (a request to view the data that is held on them) and how quickly this will be responded to.
- Review practice in relation to data on an ongoing basis.
- Discuss data protection within the committee and provide an induction for new committee members.
- Ensure group leaders are aware of expectations in relation to data protection.
- Liaise with National Office if you encounter any issues that Ru3a is unsure about or need further guidance with.
- Adopt a data protection policy and privacy policy.

## 8. Data security and emails

### 8.1 What Ru3a can do:

- Ensure that committee members use strong passwords.
- Avoid sharing passwords.
- Using password protection, a membership database and secure cloud systems to store and share data between committee members and/or group leaders
- Avoid leaving PCs with sensitive information on them in such a way that someone else could easily access that information.
- Using password protection, Firewall, Security and Anti-virus on all laptops, PCs and other devices that contain personal information or Rotherham u3a data
- Making documents read only, so that permission is needed for edits
- Making certain folders in the business workspace (cloud) read only, so that permission is needed for edits
- When sending confidential information by email use password protection.
- Avoid opening e-mail attachments from an unknown source.
- Where there is an issue between members ensure that any recordings are factual and avoid recording opinion unless directly from an interview. For serious matters, please contact National Office for support.
- Avoid sending emails that could be considered offensive or discriminatory.
- Avoid sharing email addresses or personal information via email without permission.
- If a laptop is stolen or lost that holds a large amount of member information please contact National Office.

### 8.2 Accountability principle

GDPR introduced an accountability principle that requires Ru3a to be able to demonstrate, compliance with the data protection principles. The principle refers to a 'data controller' - however it is recommended that the committee assume joint responsibility for how data is processed and managed.

#### 8.2.1 What Ru3a can do

- Review the u3a's current policies and data protection practice and record this formally.
- Add data protection to the agenda of the committee meetings and minute the meetings.
- Agree that all committee members have joint responsibility for data even where it is not accessed by all committee members. This will help to avoid the responsibility feeling too burdensome for the membership secretary.
- Access training for committee members.

- Ensure practice is transparent by adopting policies and putting statements regarding privacy on Ru3a paperwork and the website.
- Induct new committee members and group conveners in the principles of GDPR and how they apply in practice.

### 8.3 Breach notification


GDPR requires Ru3a to report certain types of data breaches to the relevant supervisory authority, and in some cases to the individuals affected.

#### 8.3.1 What Ru3a needs to do:

- On discovering a breach, investigate the extent of the breach:
  - How many members does the breach potentially affect?
  - What personal information has been exposed?
  - How did the breach occur?
- Keep a record of actions taken since the breach was discovered and take any immediate actions needed to reduce any further breaches.
- Contact National Office to discuss whether or not the Information Commissioner's Office needs to be informed of the breach. These will be reviewed on a case-by-case basis.
- Report serious breaches i.e. ones that could risk the rights or freedoms of individuals.
- Be aware of timelines for serious breaches as these need to be reported within 72 hours.
- Inform members, as required, if there has been a data breach providing them with full information.

#### Related documentation:

Charity Commission Registration for u3as in England and Wales - u3a-KMS -DOC-001  
 Committee meetings and minutes - u3a-KMS-DOC-015  
 Trustee responsibilities - u3a-KMS-DOC-031  
 Legitimate Interest Assessment Sample – Membership - u3a-KMS-FRM-005  
 Legitimate Interest Assessment Sample - Emergency Contact - u3a-KMS-FRM-006  
 Membership application form Sample - u3a-KMS-FRM-004  
 Membership renewal form Sample - u3a-KMS-FRM-007  
 Data Protection Policy - Template - u3a-KMS-POL-002  
 Privacy Policy Template - u3a-KMS-POL-004

	<b>Rotherham u3a Data Protection</b>	<b>The Third Age Trust</b>
<b>Version</b>	<b>Description of changes</b>	<b>Date</b>



0.1	Initial draft based upon national u3a Template GS	19/05/2025
0.2	Peer Review and Formatting MM	19/05/2025
1.0	Adopted and minuted at Trustee Meeting	6 <sup>th</sup> June 2025

