



# **Privacy Notice**

**(Employed Staff, Clients,  
Volunteers, Associates)**

**October 2019**

## **Introduction**

Positive Life is a registered charity supporting people who are living with or affected by HIV. We are responsible for collecting, processing, storing and safe keeping personal and other information as part of our organisation's activities.

The organisation as a body corporate is the Data Controller under General Data Protection Regular (GDPR) and the Board of Directors are therefore ultimately responsible for implementation.

We take the confidentiality and security of your information very seriously. This Privacy Notice explains how we meet our obligations under GDPR and relevant Data Protection legislation.

Our Privacy Notice covers the following areas to explain our approach to Data Protection.

- What is personal data?
- Data Protection Principles
- Lawful basis for processing
- What personal information we collect
- How we collect information about you
- Who we collect information on
- How we use your information
- Sharing your information
- International Transfers
- Protecting Personal Information
- Retention of Personal Data
- Your rights as a Data Subject
- Changes to our Privacy Notice
- How to contact us

## **What is Personal Data?**

Personal data is information relating to an identified person or to a person that we can identify (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access.

## **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information as set out in our data protection policy which may be provided upon request.

## **Lawful basis for processing**

The legal bases on which Positive Life will process your personal data are:

- For the performance of a contract or to take steps to enter into a contract, for example when entering into an employment contract with you.
- Public task / official authority / legal obligation.
- Our legitimate interests except where they are overridden by the need to protect your personal data. Our legitimate interests are the provision of services and the effective management of Positive Life.
- The processing is necessary to protect your vital interests or another person (for example giving information to a health care professional in an emergency)
- You have consented to the processing. Where consent is the legal basis for processing you can withdraw consent at any time by contacting us.

## **What personal information we collect**

### **We may collect, process and store information such as:**

- Names, date of birth, National Insurance numbers, contact details
- Bank account details
- Pension details
- Physical, mental health or other conditions
- Occupational Health reports
- Doctors' notes or other relevant medical information
- Responses to surveys or engagement initiatives
- Recording of voicemail messages
- Job application forms
- Employment references
- Leave requests and use
- Next of kin information
- Training and development
- Performance appraisal and compliance with all other policies and procedures.

Some of this information we collect about you may include Sensitive Personal Data (this is known as 'Special Category Data' under the GDPR). Sensitive Personal Data is information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual orientation, biometric or genetic data and personal data relating to criminal offences and convictions.

The processing of any sensitive data will fulfil one of the lawful bases referred to above but will also fulfil one or more of the following conditions for processing sensitive or special category data:

- The 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, social security and social protection law.
- The processing is necessary for the establishment, exercise or defence of legal claims or whenever courts acting in their judicial capacity.
- The processing is necessary for the purposes of preventative or occupational medicine, medical diagnosis, the provision of health or social care treatment or the management of health or social care systems and services.
- The processing is necessary to protect vital interests or another person where you are physically or legally incapable of giving consent.

It is important that you notify us of any changes to your personal information.

## **How we collect information about you**

### **We collect information in a variety of ways, including**

- When you apply for a job
- When you sign a contract of employment
- Through on-going contact with you and other agencies during your employment
- When you terminate your employment
- If you lodge a grievance
- If you become involved in disciplinary proceedings commenced by Positive Life
- If you are involved in legal proceedings commenced or defended by Positive Life
- When you register as a client / assessment plan / consent form
- When you engage in fundraising e.g. activities / volunteering / making a donation

When you apply to become a Positive Life staff member or Volunteer, we will acquire and retain any references necessary to assess your application.

### **Who we collect information on**

#### **We collect information about:**

<b>Employed Staff:</b>	Anyone who makes an application for employment and becomes a member of staff.
<b>Trustees:</b>	Anyone who makes an application and joins the Board of Trustees.
<b>Clients:</b>	Any individual who engages with any Positive Life service / activity.
<b>Volunteer / Associates:</b>	Any individual / organisation with whom we enter into contract/partnership to provide services.  Anyone who makes a complaint or enquiry and visitors to our offices.

### **How we use your personal information**

#### **We use your personal information for managing our relationship with you**

- Provide support services
- Update on relevant news, activities, events, appointments
- Assess your suitability for a job
- Managing the employment contract with you.

From time to time we may wish to use your data for other purposes e.g. to assist with research. This will only be done with your specific opt-in permission.

#### **Sharing your information**

As part of our role we may share information with the following and when doing so this will be done securely.

- Payroll services
- Pensions Regulator
- Social services
- PSNI
- Courts/Tribunals
- Our professional/legal advisors
- Support Partners
- Health services
- Training providers
- Next of Kin

## **International transfers**

It is unlikely that we will transfer your personal details outside the EEA. If we do need to transfer your data to a country outside the EEA we will take appropriate steps to ensure the security of that data.

## **Protecting personal information**

We are committed to ensuring your information is kept secure. We will apply appropriate technical and organisational measures to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

We also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner of a suspected data security breach where we are legally required to do so.

Where it is necessary to share personal data with any other agency or organisation as referred to previously, the sharing will be governed by a contract which will include strict data sharing and confidentiality protocols.

## **Retention of personal data (as per the Data Protection & Retention Policy 2018)**

### **Your Rights as a Data Subject**

The right to be informed - We will be open and transparent about how and why we use your personal information.

The right of access – you have a right to ask us what personal information we hold about you and to request a copy of your information. This is known as a ‘Subject Access Request’ (SAR).

SARs need to be made in writing and we ask that your written request is accompanied by your proof of address and identification.

To help us respond, please be as specific as you can be about the information you would like to see. We may charge a reasonable fee based on the administrative cost of providing the information to you, where a request is manifestly unfounded or excessive and particularly if it is repetitive.

Upon receipt of any appropriate fee and proof of identity, any appropriate information will be provided to you without delay and in any event within one month of receipt of the SAR.

Where any requests are complex or numerous, the period of compliance will be extended by a further two months however we will inform you within one month of receipt of your SAR if this is applicable and we will provide further details in relation to why an extension is required.

**The right of rectification** – you can ask us to rectify your personal data if it is inaccurate or incomplete. Please help us to keep our records accurate by keeping us informed if your details change.

**The right to be forgotten** – In some circumstances, you can ask us to delete or remove personal data where there is no compelling reason for its continued processing. We will need to consider the circumstances of any such request and balance this against our need to continue processing that data. Our response will be guided by legal and GDPR compliance.

**The right to restrict processing** – In some circumstances you can ask us to restrict processing, for example, if you disagree with the accuracy of personal data. If you object to the processing which is necessary for the performance of a public interest task or which is necessary for our legitimate interests we will consider whether our legitimate interests override those held by you.

We will consider your request in accordance with the relevant legislation.

**The right to data portability** – you have the right to have data provided to you in a commonly used electronic form where the processing is carried out by automated means.

**The right to object** – you can tell us if you object to our processing of your personal data:

- Based on legitimate interests
- For direct marketing purposes
- For the purposes of research and statistics
- Where the processing is carried out in the public interest or the exercise of official authority

We will consider your request in accordance with the relevant legislation.

**The right not to be subject to automated decision-making including profiling** – you can ask us to review any decisions that are determined by automated means. You can also object to our use of your personal data for profiling.

### **Changes to our Privacy Notice**

We may update this Privacy Notice from time to time to take account of changes or updates to processes. We will display an up-to-date copy of the Privacy Notice in our offices which will be kept under regular review.

### **How to contact us**

If you would like to talk to us about your rights, you can contact us on 02890 249268 or at [info@positivelifeni.com](mailto:info@positivelifeni.com). Alternatively, if you want to raise a complaint about our processing of your data or would like to seek an independent view, you can contact Information Commissioner at:

The Information Commissioner's Office – Northern Ireland  
3<sup>rd</sup> Floor  
14 Cromac Place  
Belfast  
BT7 2JB