



Action Homeless (Leicester) Ltd (“ACTION HOMELESS”)

PRIVACY NOTICE FOR TRUSTEES AND THOSE APPLYING TO BE TRUSTEES

What is the purpose of this document?

Action Homeless is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the **General Data Protection Regulation (GDPR)**.

It applies to all trustees of Action Homeless and anybody who applies to become a trustee of Action Homeless.

Action Homeless is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former trustees and those applying to become trustees. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.



4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Title, Mr, Mrs, Dr etc
- First name
- Middle names (if you have any)
- Last name
- Date of birth
- Nationality
- Occupation
- Correspondence address
- Home address
- Home phone number
- Mobile phone number
- Email address
- Next of Kin:
- Work Address and Work Contact tel. No:
- Country of residence
- Appointment date
- National Insurance number



- Town of birth
- CV skills audit and interests
- Qualifications
- Any special requirements when attending meetings (e.g. disabilities)
- Criminal convictions
- Ethnic origin
- Previous charity experience and roles
- Interview notes and assessments and opinions of suitability for trustee role
- ID including photograph, passport and or driving licence, proof of address e.g. utility bill
- Photograph for use on our website
- Any one of the following:
 - Eye colour
 - Father's first name
 - Passport number

How is your personal information collected?

We collect personal information about trustees or would-be trustees through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including referees and former charities you may have been a trustee of. .

We may also collect personal data by carrying out checks of the Register of disqualified directors, register of removed charity trustees, and may in certain circumstances be required to carry out a criminal records and barred lists check.

We will collect additional personal information in the course of you acting as a trustee for Action Homeless.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to comply with a legal obligation;



2. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
3. Where it is needed in the public interest or for official purposes

How we use particularly sensitive personal information

“Special categories” of particularly sensitive personal information require higher levels of protection. This information includes the following information: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic/biometric data, health, sex life or sexual orientation.

In so far as your personal information amounts to special categories of personal data, in addition to the above, we will most likely use your personal information in the following additional circumstances:

1. In limited circumstances, with your explicit written consent;
2. Where it is necessary for the purposes of carrying out obligations and exercising rights under employment, social security and social protection law and in line with our data protection policy;
3. Where it is necessary to protect your vital interests (in emergency situations);
4. Where the processing is necessary for reasons of substantial public interest (such as equal opportunities monitoring) and in line with our data protection policy;
5. Where the processing is necessary for the establishment, exercise or defence of legal claims.

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to enable us to comply with legal obligations [*]. In some cases we may use your personal information to pursue legitimate interests



of our own or those of third parties [**], provided your interests and fundamental rights do not override those interests. We have indicated by asterisks below the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

The situations in which we will process your personal information are listed below.

- Making a decision about your recruitment or appointment * and ** which will include obtaining references from your referees.
- Checking you are legally entitled to work in the UK (if relevant to the role)*.
- Business management and planning, including accounting and auditing **.
- Conducting performance reviews, managing performance and determining performance requirements of trustees.**
- Assessing qualifications to determine suitability and for ensuring we have knowledge of particular specialisms/expertise that may be useful to Action Homeless.**
- Gathering evidence for dealing with trustee complaints or grievances.* and **
- Making decisions about your continued Trusteeship **
- Making arrangements for the termination of our relationship.**
- Education, training and development requirements.**
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work. * and **
- Ascertaining your fitness to act as a trustee and considerations of reasonable adjustments * and ** (we will in addition rely on special category additional condition 2 above)
- To check your eligibility to be a director; * and **
- Managing attendance at trustee meetings and committee meetings * and ** (and special category additional condition 2 above)
- Complying with health and safety obligations.* (and special category additional condition 2 above)



- To prevent fraud * and **.
- Equal opportunities monitoring.* and ** and public interest condition (and special category additional conditions 2 and 4 above)
- To publish your name, position, background and profile (including your photograph) on our website and in our publications (including annual reports) **

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure your health and safety when acting as a trustee and carrying out voluntary work on our behalf and to assess your fitness to act as a trustee, to provide appropriate adjustments, and to monitor and manage attendance at trustee and committee meetings
- We will use information about your racial or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to appoint you as a trustee or to continue permitting you to act as a trustee, or we may be prevented from complying with our legal obligations (such as to ensure your health and safety or to ensure that we have the necessary checks in place as required by our regulators).

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.



Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Do we need your consent?

Given that you are to be a trustee, save for information to enable us to report on equality and diversity within our organisation, including amongst our board of trustees, and occasional need to comply with employment/health and safety laws (if relevant) we do not envisage needing to process special categories of personal data. If we do, then generally we will seek your Explicit Consent to do so and explain as part of seeking that consent the reason why we need this information and give you the right to withdraw your consent at any time.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Because of the nature of the work we do (working with vulnerable adults and children) we are required by law to carry out criminal conviction checks of employees, workers, and volunteers (which may include trustees). This is in accordance with our obligations under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012). If we are required to carry out a criminal conviction check of you as a trustee or would-be trustee, we will generally seek to do so using the Disclosure and Barring Service. In some instances, where you are acting only as a trustee but do not carry out any specific work with our clients, then it is likely that no such criminal conviction check is required. We may in those circumstances seek your consent to



obtain such a check, given that the Charity Commission recommends that charities that deal with vulnerable adults and children should generally seek to carry out such checks of its trustees.

Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group (which includes Action Trust).

We require third parties to respect the security of your data and to treat it in accordance with the law.

We will not transfer your personal information outside the EU

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group (e.g. Action Trust).

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group (Action Trust) are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.



When might you share my personal information with other entities in the group?

We will share your personal information with other entities in our group (Action Trust) in so far as this is relevant and necessary taking into account your role as trustee of Action Homeless.

What about other third parties?

We may share your personal information with other third parties, for example, our accountants for producing our annual accounts and reports, the Charity Commission for regulatory purposes, Companies House to register you as a director, our IT services provider for system support and hosting of data and as part of our legitimate interests or otherwise as required by law.

Transferring information outside the EU

We will not transfer your personal information outside the EU

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?



We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. We also take into account the limitation periods applicable for making any claims against us which features in our decision-making on retention.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a trustee of Action Homeless we will retain and securely destroy your personal information in accordance with our policies.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).



- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

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 Tammy Bolton, HR Manager in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where we have relied on your consent for the collection, processing and transfer of your personal information for a specific purpose (which will be rare), you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Tammy Bolton, HR Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Person responsible for managing data at Action Homeless



We have appointed Reg Mawdsley, Finance Director to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact Reg Mawdsley. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact Reg Mawdsley or Tammy Bolton