DATA PROTECTION POLICY

INTRODUCTION

The Data Protection Act 2018 covers all Personal Data (PD), whether on paper or in electronic format. It enacted the EU General Data Protection Regulation (GDPR) (which came into effect in 2018) into UK Law. There is also a UK GDPR which took over from the EU GDPR on 31 Dec 2020. There are certain differences, but little of relevance to FCA.

Personal Data (PD) is information relating to a living individual who can be identified from that information, and for the FCA consists only of individuals' names, addresses, relevant phone numbers, email addresses, in some cases signatures, and for Trustees dates of birth.

The Act also defines 'sensitive information', such as racial or ethnic origin and religious or other beliefs. FCA policy is never to hold any Sensitive Data on individuals.

1. Data Protection Principles

The FCA is committed to processing personal data in accordance with its responsibilities under GDPR.

Article 5 of GDPR specifies that personal data shall be:

a. Processed lawfully, fairly and in a transparent manner in relation to individuals.

b. 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 purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

d. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

e. Kept in a form which permits identification of data subjects for no longer than necessary for the purposes for which the personal data is 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 the implementation of the appropriate technical and organisational measures required by GDPR in order to safeguard the rights and freedoms of individuals; and

f. 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 and organisational measures.

2. General Provisions

a. This policy applies to all personal data processed by the FCA.

b. The Responsible Person shall take responsibility for the FCA's ongoing compliance with this policy.

c. This policy shall be reviewed at least annually.

d. The FCA shall register with the Information Commissioner's Office as an organisation that processes personal data.

3. Lawful, fair and transparent processing
    a. To ensure its processing of data is lawful, fair and transparent, the FCA shall maintain an Information Asset Register based on a Data Audit.
    b. The Information Asset Register and the Data Audit shall be reviewed annually.
    c. Individuals have the right to access their person data and any such requests made to the FCA shall be dealt with in a timely manner.
4. Lawful purposes
    a. All data processed by the FCA must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests.
    b. The FCA shall note the appropriate lawful basis in the Register of Systems.
    c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
    d. Where communications are sent to individuals based on their consent, the. option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the FCA's systems.
5. Data minimisation
    a. The FCA shall ensure that personal data is adequate, relevant, and limited to what is necessary in relation to the purposed for which it is processed.
6. Accuracy
    a. The FCA shall take reasonable steps to ensure personal data is accurate.
    b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.
7. Archiving / removal
    a. To ensure that personal data is kept for no longer than necessary, the FCA shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
    b. the arching policy shall consider what data should/must be retained, for how long, and why.
8. Security
    a. The FCA shall ensure that personal data is stored securely using modern software that is kept up-to-date.
    b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
    c. When personal data is deleted, this should be done safely such that the data is irrecoverable.
    d. Appropriate back-up and disaster recovery solutions shall be put in place.
9. Breach
    a. In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data, the FCA shall promptly assess the risk to peoples's rights and freedoms and if appropriate report this breach to the ICO.