

Directors: Ben Fitzgerald and Rosie Frost

KINDCODY POLICY - DATA PROTECTION

Revised; 10 APRIL 2021

Policy

1. In the course of your work you will come into contact with or use confidential information about KINDCODY and its staff, trustees, donors and beneficiaries.
2. The Data Protection Act 1998 contains principles affecting employee and other personal records. Information protected by the Act includes not only personal data held on computer but also certain manual records containing personal data, for example employee personnel files that form part of a structured filing system. It is a UK national law that complements the European Union's General Data Protection Regulation (GDPR), which in turn updates the Data Protection Act 1998.
3. Details of other data protect and privacy legislation worldwide can be found at:

https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Data-Protection-Laws.aspx

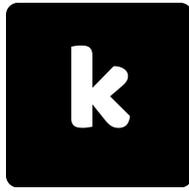


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4. The purpose of these rules is to ensure you do not breach the Act or the laws of other jurisdictions. If you are in any doubt about what you can or cannot disclose and to whom, do not disclose the personal information until you have sought further advice from the staff member designated responsible for data protection issues or your line manager.
5. You should be aware that you could be criminally liable if you knowingly or recklessly disclose personal data in breach of the Act. A serious breach of data protection is also a disciplinary offence and will be dealt with under KINDCODY's disciplinary procedures.
6. If you access another employee's personnel records without authority, this constitutes a gross misconduct offence and could lead to your summary dismissal.

The data protection principles

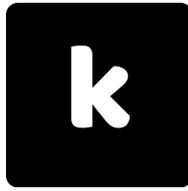
7. There are eight data protection principles that are central to the Act. KINDCODY and all its employees must comply with these principles at all times in its information-handling practices. In brief, the principles say that personal data must be:
 8. Processed fairly and lawfully and must not be processed unless certain conditions are met in relation to personal data and additional conditions are met in relation to sensitive personal data. The



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conditions are either that the employee has given consent to the processing, or the processing is necessary for the various purposes set out in the Act. Sensitive personal data may only be processed with the explicit consent of the employee and consists of information relating to:

- 8.1. race or ethnic origin;
 - 8.2. political opinions and trade union membership;
 - 8.3. religious or other beliefs;
 - 8.4. physical or mental health or condition;
 - 8.5. sexual life;
 - 8.6. criminal offences, both committed and alleged.
9. Obtained only for one or more specified and lawful purposes, and not processed in a manner incompatible with those purposes.
10. Adequate, relevant and not excessive. KINDCODY will review personnel files on an annual basis to ensure they do not contain a backlog of out-of-date information and to check there is a sound business reason requiring information to continue to be held.
11. Accurate and kept up-to-date. If your personal information changes, for example you change address, you must inform the practice manager as soon as practicable so that KINDCODY's records can be updated. KINDCODY cannot be held responsible for any errors unless you have notified KINDCODY of the relevant change.

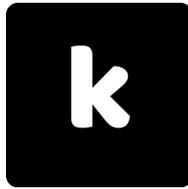


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12. Not kept for longer than is necessary. KINDCODY will keep personnel files for no longer than six years after termination of employment. Different categories of data will be retained for different time periods, depending on legal, operational and financial requirements. Any data, which KINDCODY decides it does not need to hold for a period of time, will be destroyed after one year. Data relating to unsuccessful job applicants will only be retained for a period of one year.

Processed in accordance with the rights of employees under the Act.

13. Secure, technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, data. Personnel files are confidential and are stored in locked filing cabinets.
14. Only authorised staff have access to these files. Files will not be removed from their normal place of storage without good reason. Data stored on CD-ROM or other removable media will be kept in locked filing cabinets.
15. Data held on computer will be stored confidentially by means of password protection, encryption or coding and again only authorised employees have access to that data. KINDCODY has network backup procedures to ensure that data on computer cannot be accidentally lost or destroyed.



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16. Not transferred to a country or territory outside the European Economic Area unless that country ensures an adequate level of protection for the processing of personal data.

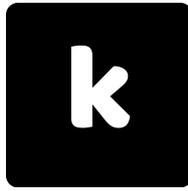
Your consent to personal information being held

17. KINDCODY holds personal data about you and, by signing your Contract of Employment, you have consented to that data being processed by KINDCODY. Agreement to KINDCODY processing your personal data is a condition of your employment. KINDCODY also holds limited sensitive personal data about its employees and, by signing your Contract of Employment, you give your explicit consent to KINDCODY's holding and processing that data, for example sickness absence records, health needs and equal opportunities monitoring data.

Your right to access personal information

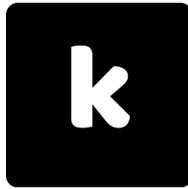
18. You have the right, on request, to receive a copy of the personal information that KINDCODY holds about you, including your personnel file, and to demand that any inaccurate data be corrected or removed. You have the right on request:

- 18.1. to be told by KINDCODY whether and for what purpose personal data about you is being processed;



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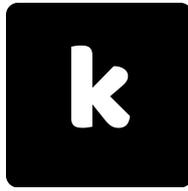
- 18.2. to be given a description of the data and the recipients to whom it may be disclosed;
 - 18.3. to have communicated in an intelligible form the personal data concerned, and any information available as to the source of the data;
 - 18.4. to be informed of the logic involved in computerised decision-making.
19. Upon request, KINDCODY will provide you with a statement regarding the personal data held about you. This will state all the types of personal data KINDCODY holds and processes about you and the reasons for which they are processed. If you wish to access a copy of any personal data being held about you, you must make a written request for this to the responsible staff member.
 20. If you wish to make a complaint that these rules are not being followed in respect of personal data KINDCODY holds about you, you should raise the matter with the responsible staff member. If the matter is not resolved to your satisfaction, it should be raised as a formal grievance under KINDCODY's grievance procedure.



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Your obligations in relation to personal information

21. You should ensure you comply with the following guidelines at all times:
 - 21.1. do not give out confidential personal information except to the data subject. In particular, it should not be given to someone from the same family or to any other unauthorised third party unless the data subject has given their explicit consent to this;
 - 21.2. be aware that those seeking information sometimes use deception in order to gain access to it. Always verify the identity of the data subject and the legitimacy of the request, particularly before releasing personal information by telephone;
 - 21.3. only transmit personal information between locations by fax or e-mail if a secure network is in place, for example, a confidential fax machine or encryption is used for e-mail;
 - 21.4. if you receive a request for personal information about another employee, you should forward this to the responsible staff member;
 - 21.5. ensure any personal data you hold is kept securely, either in a locked filing cabinet or, if computerised, it is password protected;



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21.6. compliance with the Act is your responsibility. If you have any questions or concerns about the interpretation of these rules, take this up with the staff member responsible for data protection matters.

Data protection and privacy

22. The KINDCODY Foundatiuon website will contain a privacy statement that states (to meet GDPR requirements):

“KINDCODY does not collect any personal information about users, except information that is knowingly and specifically supplied to us by users. When you interact with our website through joining our mailing list, submitting through the contact form or making a donation, you may be required to submit personal information (such as your name and contact details). When you submit this information, we may use it to respond to enquiries, or to notify you of news updates or upcoming events unless you have specifically asked us not to. We will hold your personal information on our systems for as long as is necessary for the relevant activity.

We are committed to ensuring the confidentiality of your personal and organisational information, and never sell it or pass it to third parties for marketing purposes.

Unfortunately, the sending of information via the internet is not totally secure and on occasion such information can be intercepted. We cannot



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guarantee the security of data that you choose to send us electronically, sending such information is entirely at your own risk.”

23. In Iraq, the GDPR has had limited impact and data protection principles are only applied through privacy and other legislation. There is currently no modern data protection law in Iraq, and there is accordingly no Data Protection Authority. There are Iraqi law considerations that could be material in the context of considering personal data processing activities, either in an HR context or more broadly. These have not been prepared with GDPR in mind. They range from general provisions protecting privacy or providing for remedies where someone causes damage to another. Depending on the circumstances of a data breach, it may be prudent to consider notifying law enforcement authorities and affected individuals, although there is no generally applicable legal obligation to do so.

Entry into Force

24. This policy is effective immediately.

Chris Frost, Chief Operating Officer