

# Know Your Rights

Data Protection Act 2018

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## **Introduction**

The UK data protection regime is set out in the Data Protection Act 2018 (DPA 2018), along with the General Data Protection Regulation (GDPR). Data protection is about ensuring people can trust others to use their data fairly and responsibly. This guide aims to explain to you what your rights are under DPA 2018 and how you can exercise these rights.

### **Why do I need to know this?**

The Together Trust collects and uses your personal information in order to provide services to you and/or your family. This data can include names, addresses and date of births, as well as more personal information such as health and medical details. This information is needed to ensure the services that we provide to you are relevant to you or your family's needs. However, we realise how important this data is and are committed to making sure we keep this information safe and up-to-date.

### **How do I exercise any of these rights?**

You should contact the Data Protection Officer at the Together Trust in the first instance in one of the following ways:

Postal address: Data Protection Officer  
Together Trust Centre  
Schools Hill  
Cheadle  
SK8 1JE

Telephone: 0161 283 4848

Email: [dataprotection@togethertrust.org.uk](mailto:dataprotection@togethertrust.org.uk)

## What are my rights?

The Data Protection Act 2018 provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decisions and profiling

This guide will look at each of these rights, explain what they mean and how to use them.

### Key points:

- We have included a simplified 'key points' box at the end of each page, which looks like this, for quick reference.

## 1. The right to be informed

### *(or, what information does the Together Trust hold about me?)*

The Together Trust is committed to ensuring that everyone who uses one of our services understands what personal information we may collect from them and what we do with it once we have it.

#### **How will I be informed?**

There are a number of ways in which we will make sure you know what we are doing with your information. This can be done in a number of ways including:

- Verbally: face to face or over the telephone.
- Electronically: information can be found on the Together Trust [website](#)
- In writing: all services will issue 'privacy notices' informing what information we have about you or your child and what we will do with it.

#### **What will these 'privacy notices' tell me?**

It is important to read any information we give you about how we use your information. It will allow you to understand what we have and how we may use it. It will also tell you what your rights are under the DPA 2018. All privacy notices will inform you of the following:

- Who the Together Trust is, what our contact details are and how to contact our data protection officer, in case you need to be in touch with us.
- Why we collect your information and what for.
- Any other organisation or person that we may pass your information on to and why.
- How long we keep your information for.
- What your rights are under the DPA 2018.
- How you can withdraw your consent if applicable.
- How to make a complaint if you are not happy with how we handle your information.
- Whether any decisions we make are through automated decisions (by a computer not a human).

If the information we have about you has been received from another organisation and not provided by you we will also inform you:

- What types of information we have about you.
- Where we got your information from.

#### **Key points:**

- We will make you aware of what information we have about you through privacy notices.
- We will inform you about what we do with your information as soon as possible after receiving it.
- If we make changes to our privacy notices you will be informed about this.

## **2. The right of access**

***(or, how I can receive a copy of any information the Together Trust holds on me)***

The DPA 2018 allows you to ask if we have any information on you and how you can see it. This information may simply be donator details, such as name, address and mailing preferences or it may be your full care file which could contain reports, medical details and your daily routines. You can also ask us:

- What information we have about you and why
- Who we might share it with
- How long we keep this information for
- How I can ask for information to be deleted or changed if it isn't correct
- How to make a complaint
- Where we got your information from
- Any automated decisions we might make with your information.

### **How can I ask for a copy of my information?**

You can see if we have any information on you by contacting our Data Protection Officer.

We may ask you to provide identification to ensure we are providing information to the right person. If we have a lot of information about you we may also ask you to tell us exactly what you would like to see.

### **Is there any information I can't see?**

If there is information about other people in your records we may take this out if we do not have this person's agreement that you can see it.

### **Will I have to pay to receive my information?**

Copies of your information will be provided to you free of charge unless your request is seen to be excessive or repetitive. If this is the case we may charge an administrative fee for providing you with your information or in exceptional cases we may refuse the request.

### **How long will it take to receive my information?**

As soon as we are satisfied that you are requesting your own information, and are legally entitled to it, we will provide you with your information within one month. Sometimes the complexity of the request (especially if you ask for your full social care file) can mean this will take longer and we can extend this time frame by a further 2 months. We will let you know in the first month if we will be taking longer than a month and the reason why.

### **Can I ask for my information electronically?**

We will provide you with information electronically if possible unless you ask to provide it to you in paper.

**Can I ask for copies of my child's information?**

Parents do not have an automatic right to see information about their child under the DPA 2018. If a child is over the age of 12 and understands how to access their own information the charity would need consent from the young person in order to release information to the parent. We provide guidance for children on how to access their information on our website.

**What about school records?**

Parents of pupils who attend a Together Trust school have the right to see their child's educational records under The Education (Pupil Information) (England) Regulations 2005. Only those records that form part of the child's official educational record can be accessed and a copy will be provided. A request for information under these regulations will be answered within 15 school days.

**Key Points:**

- You can ask us to provide you with copies of your information.
- We will not charge you to receive these.
- In most circumstances we will provide it in one month.

### 3. The right to rectification

*(or, how to have your information corrected if it is not accurate or incomplete)*

You have a right under the DPA 2018 to make sure the information we hold about you is correct and that we have not missed anything out. Rectification means you can ask us to change any information that is incorrect or ask us to include information if we have missed it out. We can only change information that is proved to be inaccurate.

#### **How do I make a request for rectification?**

If you believe the information we hold about you is wrong or we have missed information out please write to the Data Protection Officer giving as much information as possible as to what is wrong and why.

#### **How long will it take to make these changes?**

The Together Trust has one month to rectify your information unless the request is complex. If it will take longer than this we will let you know.

#### **Will you also tell anyone else about these changes?**

If we have to share your information with anybody else (i.e. your local authority or doctor) we will make them aware of any changes.

#### **Are there any times when you will not comply with my request?**

There may be times when we will not make changes. For example, this could be because we cannot confirm your information is inaccurate.

We will let you know if rectifications will not be made and also tell you how to make a complaint if you do not agree with this.

#### **Key Points:**

- You can ask us to make changes to your information if you can prove what we hold is inaccurate
- In most cases we will make these changes within one month.



## 4. The right to erasure

*(or, the right to be forgotten)*

The DPA 2018 allows you to request us to delete or remove your personal data from our website or databases if there is no legal or business need for it to be kept. For example, you may no longer want an image we have of you to be on our website or you might want your details to be removed permanently from our fundraising database.

### **In what circumstances will you delete my information?**

The right to erasure does not mean we will automatically delete anything we hold on you. We have to keep information on you to provide you with a service or because we have to legally keep it for a certain amount of time. The following gives details of when information will be erased:

- If you withdraw consent for us using certain types of your information
- If we have no legitimate reason for keeping your information any longer
- If we were processing your data when we shouldn't have been
- If information needs to be deleted to comply with a legal obligation
- When we no longer need your information for the original reason we collected it for.

### **When might you refuse to delete my information?**

We may not delete your information if:

- We need it to comply with a legal obligation
- It exercises the right of freedom of expression
- We need to keep it for future historical research
- We need it to defend legal claims.

#### **Key Points:**

- You have a right to ask us to permanently delete your personal data if we have no legitimate reason to keep it and you withdraw consent
- This will be done within one month of your request.
- There may be some circumstances where we cannot delete your information, if for example we have a legal obligation to keep it. We will inform you of this.

## 5. The right to restrict processing

### *(or, the right to stop further use of your data)*

There may be times when you do not want the Together Trust to delete your information but you would also not like us to continue using the information we have about you in the future. In these cases under the DPA 2018 you can ask us to 'restrict' using your information. We will continue to store the information we already have about you but will not use for any further purposes.

### **What is processing?**

Processing is anything we do with your personal data such as collection, recording, organisation, storage, disclosure or erasure.

### **In what circumstances will you stop using my data?**

You can ask us to restrict the processing of your information in the following circumstances:

- You believe the information we hold on you is not correct. We will restrict this information until we can determine its accuracy
- You believe we are using your information in an unlawful way and want us to stop, however you do not want the information we hold about you to be deleted
- If we no longer need your information for the original reason we collected it but you require us to keep it to make or defend a legal claim
- If you disagree with the way we use your information. If we believe we have a legitimate reason for processing we will restrict the use of your information until this can be proven.

### **How will I know that the Together Trust will stop using my information once it has been restricted?**

If your information has been restricted we will make sure all our employees are aware that it cannot be used for further processing. In most circumstances we will also inform any other organisations that have received this information from us that it should no longer be processed.

### **Is there any time when you might start processing my information again?**

The only time it will be further used is if you give us your consent, for the establishment or defence of legal claims or the protection of another person. We will let you know if we do this.

#### **Key points:**

- You can ask us to keep your information but stop using it in the future for further processing.
- If you ask us to do this we will restrict your information within one month of your request.
- We will inform you if we lift this restriction in the future.

## 6. The right to data portability

*(or, the right to ask for and reuse your own personal data)*

The DPA 2018 allows you to ask for any personal data that you have provided us with and have it sent back to you so you can use it with other organisations. We will provide this information in a 'structured, commonly used and machine-readable format'. This means that any other organisation you may want to transfer it to will be able to access and use it easily.

### When does this right apply?

You can request this data if:

- The data is information that you have provided to us
- The information being processed is done by a computer.
- Where the processing is based on your consent or the performance of a contract.

### Are there any times when I cannot ask for this?

You can only ask for personal data that you have already provided to us. If this data contains information about another person we may not be able to transfer it without their consent. If there is any other reason why we are not able to do this we will let you know why within one month of your request and how to make a complaint if you are not happy with this reason.

#### Key Points:

- Any data you provide to us can be asked for and reused by you with other organisations.
- We will provide this free of charge.
- In most circumstances this will be completed in one month unless there are any complications with your request.

## **7. The right to object**

***(or, the right to ask us to stop using your information in certain circumstances)***

The DPA 2018 gives you the right to ask us to stop using your information in certain circumstances.

### **What kinds of processing can I object to?**

You ask us to stop using your personal data if it is for the following purposes:

1. We are using your information for our own business reasons (otherwise known as legitimate interests)
2. Direct marketing (when the charity advertises events and services to you)
3. If we use it for the purposes of historical research or statistics.

#### **1. Legitimate interests**

If we use your information for our own business need you can ask us to stop. We will always make you aware of your right to object to us processing your personal data in this way through our initial communications with you and through our privacy notices.

We will stop using your information unless:

- We can demonstrate we have legitimate grounds for processing your personal data which overrides your objection.
- The processing is for establishing or defending a legal claim.

#### **2. Direct marketing**

The Together Trust sometimes uses your personal information, such as an email address or postal address to send you information about the charity. This may be in the form of a newsletter, events we are holding or services you may be interested in. We send you this form of marketing because you have consented for us to do this when you first got in contact. However you have a right to object to us sending you this at any time.

You can do this by contacting our communications team and telling them you no longer want to receive any marketing from us at: [communications@togethertrust.org.uk](mailto:communications@togethertrust.org.uk)

As soon as we receive this we will ensure you receive no further marketing communication in the future.

#### **3. Research purposes**

Occasionally the Together Trust may use your personal data for statistical purposes for scientific or historical research. We will put safeguards in place if we do this to protect your information, such as pseudonymisation (using the information in a way that it cannot be identified without additional information) or minimisation.

You can object to us doing this if you have reasons why we should not and we will stop processing unless we are doing it for reasons of public interest.

**Key points:**

- You can ask us not to continue processing your personal data for the following purposes:
  1. The Together Trust's legitimate interests
  2. Direct marketing
  3. Research
- You have the right to do this at any time. We will inform you of this right when we first communicate with you.

## **8. Rights relating to automated decision making and profiling**

### ***(or, the right to ask for a human to make a decision not a computer)***

The DPA 2018 allows you in some circumstances to ask for decisions made about you to be done by a human not a computer. This means decisions will not be made about you by putting your data into a computer programme and allowing it to make an automated decision.

#### **When does this right apply?**

This right applies when we use your information and make a decision through automated processing which has a legal effect on you. If the decision does not have a legal effect on you, you cannot challenge the decision.

In this instance we will ensure that your processing obtains human intervention, will allow you to express your own viewpoint and challenge the final decision if necessary.

#### **Is there any times when I cannot object to an automated decision?**

There are some circumstances when you cannot object to these types of decisions:

- if this is necessary for a contract entered into between you and ourselves
- is authorised by law
- is based on your clear consent.

#### **What about profiling?**

Profiling is a specific type of automated processing which is used to assess certain personal characteristics of an individual.

If we ever profile you we will ensure the following:

- That we let you know we are profiling you and will do it in a fair and transparent way
- That we will use appropriate software programmes to make these decisions and make sure organisational procedures are in place to enable any inaccuracies to be corrected.

#### **Key Points:**

- You can ask us not to make automated decisions from your personal data if it can have a legal effect on you.
- We will inform you if we are making automated decisions about you.
- We never use automated decisions when personal data belongs to a child.

## **Further reading**

You can find more information and guidance on the DPA 2018 at the following websites:

- General Data Protection Regulation
- Information Commissioner's Office
- Data Protection Act