



## **Glenkens & District Trust Privacy Notice**

Glenkens & District Trust (GDT) is committed to protecting any personal information shared with it by individuals, or that it receives from other organisations, and to keeping it safe.

This Privacy Notice explains how GDT will use any personal information (data) it collects from you or others to comply with data protection law. This Privacy Notice applies to all data held by GDT and pages hosted at [www.glenkenstrust.org.uk](http://www.glenkenstrust.org.uk). It does not apply to pages hosted by other organisations or individuals which our site may link to or be linked from, whose privacy notices may differ.

GDT is subject to the legal jurisdiction of Scotland and any data protection legislation that applies in that jurisdiction.

In legal terms, for the purpose of the Data Protection Act 2018 (which replaced the Data Protection Act 1998) (DPA) and the General Data Protection Regulation 2018 (GDPR), the data controller for this information is GDT.

### **Who are we?**

GDT is a Scottish Charitable Incorporated Organisation (Number SCO42489) established to resource and enable community development in the Glenkens and district area, based primarily on the use of community benefit funds derived from wind farms.

GDT is the 'data controller' for personal data relating to its membership, associate membership, events and communications relating to the work of GDT.

In relation to managing this data, GDT works with Foundation Scotland who act under the terms of a Memorandum of Understanding as a 'data processor' to provide GDT with administrative support. For information regarding how data is processed for the Blackcraig Wind Farm Community Fund please see <https://www.foundationscotland.org.uk/privacy-policy> and the Appendix: Foundation Scotland GDPR Controller-Processor Agreement Policy.

Foundation Scotland has been contracted by the wind farm owner Blackcraig Wind Farm (Scotland) Limited to deliver the Fund's operational grant making and fund distribution arrangements. Therefore while GDT makes decision on the awards made, GDT does not control or process any personal data relating to the operation of the Blackcraig Wind Farm Community Fund.

## **Why does GDT need your data?**

GDT is committed to supporting and enabling community development in the Glenkens and surrounding district.

In order to do this effectively, we work with a range of individuals, groups and agencies to further the work of the Trust. We use the knowledge we have about people – personal data – only for the purpose of furthering the work of GDT, now and in the future.

We understand our responsibilities as stewards of this data and will protect your privacy. This notice describes how we do this.

## **Whose personal data does GDT collect and how it is collected?**

Personal data means any information capable of identifying an individual. It does not include anonymised data.

Foundation Scotland holds data on individuals who are members or associate members of the Trust. Foundation Scotland also holds data on individuals who have attended a Trust event or signed up to the Trust's mailing list.

The majority of personal data Foundation Scotland holds on behalf of GDT about you, has been provided directly by you.

GDT may also receive information about you from third parties, for example by an individual copying you in to an e-mail. We may receive data from third parties such as carers, relatives, family members or others who have a power of attorney or your written permission, who are acting on your behalf.

GDT may collect information available in the public domain including social media such as Facebook. GDT may also use publicly available directories, electoral registers and similar information such as the British Telecom's telephone number database, Companies House or your organisation's website.

GDT may collect certain data from you automatically as you use our website by using cookies and similar technologies. Please see below for more details about cookies.

GDT may receive data from analytics providers, such as Google, based outside the EU; advertising networks, such as Facebook, based outside the EU; search information providers, such as Google, based outside the EU; and providers of technical, payment and delivery services, such as data brokers or aggregators.

## What Personal Data do we collect about you, for what purpose and on what grounds is it processed?

GDT may process the following categories of personal data about you:

- **Communication Data** that includes any communication that you send to GDT whether that be through letter, e-mail, text, social media messaging, social media posting or any other format. GDT processes this data for the purposes of communicating with you, for record keeping and for the establishment, pursuance or defence of legal claims. GDT's lawful ground for this processing is its legitimate interests, which in this case are to reply to communications sent to it, to keep records and to establish, pursue or defend legal claims.
- **Membership Data** that includes data relating to your nomination to act as a representative of a GDT member Community Council, including your name, title, email address, and phone number/s. GDT processes this data to keep the Trust's membership list up to date, send correspondence on member related issues and to keep records of such transactions. GDT's lawful ground for this processing is its legitimate interests in operating a SCIO accountable to its members.
- **Associate Membership Data** that includes data relating to your application to become an associate member of GDT including your name, title, postal address, email address, and phone number/s. GDT processes this data to keep the Trust's associate membership list up to date, send correspondence on both associate member related and GDT issues and to keep records of such transactions. GDT's lawful ground for this processing is its legitimate interests in operating a community organisation accountable to members of the communities in which it operates.
- **Trustee Data** that includes data relating to your application (electronically and in paper format) to become a Trustee of GDT and processing your membership of GDT. Data held includes your name, title, age, postal address, email address, and phone number/s, biography for election and/or publicity purposes and eligibility to serve as a Trustee.

If you become a Trustee, GDT will also collect further data such as: former names and addresses; date of birth; occupation; consent to act as a Trustee; eligibility to act as a Trustee; sample signature. We may also require photo identification and bank account details to verify your identity and reimburse any expense claims.

GDT's lawful ground for processing this data is to manage the governance of the organisation and comply with its legal requirements and obligations.

- **Marketing and Consultation Data** includes data about your preferences in receiving marketing and consultations from GDT and your communication preferences. GDT processes this data to deliver relevant website and social media content, to consult you on GDT related and wider

community development related activity. Our lawful ground for this processing is our legitimate interests in how residents use and benefit from GDT's work and activities and how to develop it in response to identified needs.

### **Who has access to data held by GDT?**

The GDT Board has access to your data. As a third party providing secretariat services for GDT, Foundation Scotland has access to your data. Foundation Scotland is an independent charity registered in Scotland with the Office of Scottish Charity Regulator [registration number SC022910] and a company limited by guarantee [company number SC152949].

GDT will not sell or rent your data to third parties, or share your data with third parties for marketing purposes.

GDT may pass data to other organisations, businesses and professional advisers, known as Data Processors, to provide specific services. An example would be providing data to Foundation Scotland in providing secretariat services; a mailing house in order to send out a newsletter; an organisation providing electoral services to conduct a vote; the organiser of an event or function that a GDT representative is attending or GDT has commissioned; or an assessor trained to assess an application for funding.

GDT will also provide your data to establish and defend its legal rights, and to prevent and detect crimes such as fraud. It may need to share your personal data with other people for this reason, such as Courts and law enforcement agencies.

Where relevant, GDT provides the necessary Board Member data to OSCR, donors and GDT appointed accountants and bankers because it has a legal obligation to provide this information.

GDT requires all third parties to whom your data is transferred to respect the security of your personal data and to treat it in accordance with the law. GDT only allows such third parties to process your personal data for specified purposes and in accordance with its instructions.

### **What are Cookies and what do they do?**

Cookies are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently, as well as to provide information to the owners of the site. Most web browsers allow some control of most cookies through the browser settings. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.allaboutcookies.org](http://www.allaboutcookies.org).

You have the ability to accept or decline cookies by modifying the settings in your browser. For example, in Internet Explorer, you can go to Tools and Internet Options, where there is the option to change your settings to disable cookies. However, you may not be able to use all the features of our

site if cookies are disabled. You also have the ability to delete cookies that have been installed in the cookie folder of your browser. To do this you should search for “cookies” in your “Help” function for information on where to find your cookie folder. Unless you have adjusted your browser settings so that it will refuse cookies, our system will issue cookies when you log on to our Site. To prevent Google Analytics cookies being set, you may install the Google Analytics Opt-Out Browser Add-On by clicking on this link <https://tools.google.com/dlpage/gaoptout> and following the instructions. Most web browsers allow some control of most cookies through the browser settings.

### **How do we use Cookies?**

We sometimes use ‘pop up’ messages (like the one that tells you about the cookies on this site) to make sure our visitors are aware of important information. If you choose to acknowledge the message, the pop up will no longer appear when you visit the site. These kinds of messages include a cookie that ‘remembers’ you have already acknowledged the message when you visit.

Google Analytics – Google - sets these cookies on our website. These cookies are used to collect information about how visitors use our site. Google stores the information collected on servers in the United States. Google may transfer this information to third parties where required to do so by law, or where third parties process the information on Google’s behalf. Google states that it will not associate your IP address with any other data it holds.

We may embed videos from YouTube using YouTube’s privacy-enhanced mode. This mode may set cookies on your computer once you click on the YouTube video player, but YouTube will not store personally-identifiable cookie information for playbacks of embedded videos using the privacy-enhanced mode. To find out more please visit YouTube’s embedding videos information page: <https://support.google.com/youtube/answer/171780?hl=en-GB>

### **International Transfers**

We may use suppliers who run their operations outside of the European Economic Area (EEA). Although they may not be subject to the same data protection laws as companies based in the UK, we will take steps to make sure they provide an adequate level of protection in accordance with UK data protection law. By submitting your personal information to us you agree to this transfer, storing or processing at a location outside the EEA.

### **Security of your data**

Non-sensitive details (your email address, etc.), when transmitted normally over the internet cannot be guaranteed to be 100% secure. Whilst GDT uses all possible means to protect your personal data, it cannot guarantee the security of any information you transmit electronically to GDT, and you do so at your own risk.

GDT has put in place security measures to prevent your personal data from being accidentally lost, used, altered, disclosed, or accessed without authorisation.

GDT also allows access to your personal data only to those Trustees and parties who have a business need to know such data. They will process your personal data only on GDT instructions and they must keep it confidential.

If you are a GDT Trustee , where GDT has given you a password to access its website, social media accounts, and/or other online accounts and tools, you are responsible for keeping this password confidential and must not share it with others.

Where Trustee's personal e-mail addresses are used to send and receive GDT related correspondence, the Trustee is responsible for password protecting it and keeping this password confidential, and must not share it with others.

GDT keeps your data secure on its secretariat's IT systems with appropriate security mechanisms in place. GDT does not share your data with anyone else or any other organisation unless it is necessary for the purposes outlined above listing why GDT collects your data.

### **GDT responsibilities and how long your data will be kept for**

The law requires GDT to tell you the basis on which it processes your data.

- Where activities require your consent, GDT will obtain it before carrying out that activity.
- Other activities are carried out to fulfil a contract or agreement. If a contract is in place then GDT will process your data based on that contract.
- In all other cases the law allows GDT to process your data if it is in its legitimate interest to do so, but only so long as it needs to, and your "interests or your fundamental rights and freedoms are not overriding". Practically speaking this means carrying out an exercise to check that GDT will not cause you harm by processing your data, that the processing is not overly intrusive and that it will only do so in a way which is described in this Privacy Notice.

GDT will retain your personal data only as long as necessary to fulfil the purposes it was collected for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Relationships between stakeholders and GDT are likely to be long term, and so GDT expects to keep your data for as long as that relationship exists, or until it is no longer needed.

When deciding what upon the correct duration to hold your data, GDT considers the following: the amount, nature and sensitivity of the data, potential risk of harm from unauthorised use or disclosure, the processing purposes and whether these purposes can be achieved by other means, and legal requirements.

In some circumstances, GDT may anonymise your personal data for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## Your Legal Rights

Under the law, you have rights in relation to your personal data that include the right to request access, correction, erasure, restriction and/or transfer, to object to processing, to object to portability of data, and (where the lawful ground of processing is consent) to withdraw consent.

You can see more about these rights at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you wish to exercise any of the rights set out above, please email GDT at [info@glenkenstrust.org.uk](mailto:info@glenkenstrust.org.uk)

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, GDT may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive, and GDT may refuse to comply with your request in these circumstances.

GDT may need to request specific information from you to help it confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. GDT may also contact you to ask you for further information in relation to your request to speed up its response.

GDT will try to respond to all legitimate requests within one month. Occasionally it may take longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you. If you are not happy with any aspect of how GDT collects and uses your data, you have the right to complain to the Information Commissioner's Office (ICO). GDT would be grateful if you would contact GDT first if you do have a complaint, so that GDT can try to resolve it for you.

## Contacting us

If you have any questions about this Privacy Notice or the way in which GDT processes your data, or if you wish to change the way GDT uses your data, including how it communicates with you, then please contact the GDT secretariat Foundation Scotland as follows:

GDT c/o Foundation Scotland, Tel: 01557 814927; Email: [info@glenkenstrust.org.uk](mailto:info@glenkenstrust.org.uk)

## Changes to this Privacy Notice

This Privacy Notice was approved by the GDT Board in May 2021. The Board may make amendments to this Privacy Notice from time to time to keep it up to date or to comply with legal requirements. The Privacy Notice is also available at the GDT website at [www.glenkenstrust.org.uk](http://www.glenkenstrust.org.uk)

Ends

GDT is a Scottish Charitable Incorporated Organisation (SC573283)  
Registered address: Balmaclellan House, Balmaclellan, DG7 3PW

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## 1 Introduction

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- 1.1 Foundation Scotland [FS] is committed to protecting the personal data of its employees and other stakeholders and to ensuring its compliance with all relevant legislation. As part of its business, FS relies upon a number of third-party organisations to assist in providing a high level of service to its stakeholders, in looking after its employees, and a range of other activities.
- 1.2 The General Data Protection Regulation (GDPR) places obligations on a controller of personal data to ensure the protection of that data when they are processed by a third party, i.e. a processor. In forming a controller/processor relationship, the GDPR is quite specific about the fact that a contractual agreement must be in place between the two parties, and that it should specify key items of information about the personal data involved and how it is processed.

## 2 Scope

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- 2.1 This policy document sets out the information that must be included in all FS contracts that involve the processing of personal data.

## 3 Abbreviations and Definitions

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### Abbreviations

- EU – European Union
- GDPR – General Data Protection Regulation
- CFOO – Chief Finance and Operations Officer
- ICO – Information Commissioner’s Office
- LMS – FS’s Learning Management System

## 4 Policy

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### GDPR Controller/Processor Agreement Context

- 4.1 It is a requirement of all existing and new contractual agreements between FS and third parties where personal data is shared or processed, that specific information is detailed, and data protection-related contract terms are included. The contract must be legally binding on the processor for it to be compliant. The following sections set out the information that is required and the terms that must be included.

- 4.2 Note that the exact wording of the data protection clauses may vary in each individual contract and that each amendment to an existing contract or creation of a new contract should be subject to review by the CFOO, taking legal advice as necessary.
- 4.3 The GDPR makes provision for UK authorities to publish standard contractual clauses although, none have so far been published. The website of the ICO must be consulted on a regular basis to check whether this situation has changed.

## GDPR Controller/Processor Agreement Policy Details

### 4.4 Information to be specified

- 4.4.1 The following information about the processing of personal data must be included in each contract for it to be GDPR-compliant. This information must be specific to the individual contract and must describe the processing in clear terms, i.e. generic descriptions with a wide interpretation must not be used.

### 4.5 Subject matter and duration of the processing

- 4.5.1 The topic or area that the processing is concerned with should be described, together with an indication of the period of time the processing should continue for. A simple example could be "the calculation of net pay and the production and distribution of payslips to employees for a period of one year from the date of contract."
- 4.5.2 This gives a clear indication of the area the personal data are intended to be used in and for how long they should be kept. The processor is therefore not permitted to use the data for any other purpose and cannot retain the data for longer than is contractually agreed.

### 4.6 Nature and purpose of the processing

- 4.6.1 Describe what the processing consists of and the intended reasons for it. A simple example of the nature of the processing could be "the distribution of payslips from a list provided by FS and their dispatch to the recipient." Similarly, a simple example of the purpose of the processing could be "to provide a compliant payroll service to FS".
- 4.6.2 Again, this information is intended to make it clear how the personal data will be used and why.

### 4.7 Type of personal data and categories of data subjects

- 4.7.1 The personal data involved in the processing must be described as clearly as possible, partly in order to give an indication of its level of sensitivity, particularly if special categories of data [e.g. health] are involved. Information about the groups of data subjects that the personal data refers to must also be given, in as much detail as is available or appropriate.
- 4.7.2 A simple example could be "name of employees and their health records" for use by FS's HR Advisors.

### 4.8 Obligations and rights of the controller

- 4.8.1 The controller of the personal data must comply with the GDPR and must therefore require the processor to recognise and agree to specific terms that set out how they will assist the controller in remaining within the law.
- 4.8.2 The GDPR requires that the controller specify a set of minimum terms related to data protection in the contract. These require that the processor:
  - 4.8.2.1 processes the personal data only on documented instructions from the controller
  - 4.8.2.2 ensures that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality
  - 4.8.2.3 takes all measures required pursuant to Article 32 of the GDPR (see Note 4.9)
  - 4.8.2.4 respects the conditions referred to in paragraphs 2 and 4 of Article 28 of the GDPR for engaging another processor (see Note 4.10)
  - 4.8.2.5 assists the controller by applying appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of the controller's obligation to respond to requests for exercising the data subject's rights laid down in Chapter III of the GDPR (see Note 4.11)
  - 4.8.2.6 assists the controller in ensuring compliance with the obligations pursuant to Articles 32 to 36 of the GDPR (see Note 4.12)
  - 4.8.2.7 at the choice of the controller, deletes or returns all the personal data to the controller after the end of the provision of services relating to processing, and deletes existing copies unless UK law requires storage of the personal data
  - 4.8.2.8 makes available to the controller all information necessary to demonstrate compliance with the obligations laid down in Article 28 of the GDPR (see Note 4.13) and allows for and contributes to audits, including inspections, conducted by the controller or another auditor mandated by the controller.

## Notes

- 4.9 Article 32 – Security of processing requires both controllers and processors to “implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk (to the rights and freedoms of natural persons)”. The level of risk may be evaluated from a data protection impact assessment and therefore the extent of security controls required will vary across contracts. These may include the use of encryption, backup systems and other techniques to provide an appropriate level of confidentiality, integrity, availability, and resilience of the systems that are used to process personal data.
- 4.10 These conditions dictate that the processor may not engage another processor (sub-processor) without the prior authorisation of the controller. In cases where another processor is engaged, the sub-processor must be subject to the same contractual terms as described in this policy.
- 4.11 Chapter III – Rights of the data subject, sets out the information that must be provided to the data subject and the types of request they may make to the controller. These include the right to access their personal data, have it erased and object to them being processed.
- 4.12 Articles 32 to 36 address the areas of security of processing, personal data breaches and data protection impact assessments.

4.13 Article 28 – Processor, is the main article that addresses the contractual requirements of the GDPR and is largely the subject of this policy document.

## **5 Roles and Responsibilities**

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5.1 Roles and responsibilities are detailed in the policy.

## 6 Training

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- LMS - GDPR

## 7 References

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- <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

## 8 Review

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- 8.1 This policy is reviewed, approved, and endorsed by the CEO. It is updated when required by legislation, to ensure that it reflects statutory responsibilities, government guidance and best practice for FS, or every 24 months whichever is the soonest.