



GDPR and Record Keeping Policy

HD Horsemanship

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Introduction

The protection of personal data is enshrined in UK law, but it is also a moral responsibility that HD Horsemanship LTD takes seriously. Embedding data protection within the organisation benefits Horsemanship LTD, and all individuals who interact with us, by enabling uniform and consistent decision making, building a culture of awareness and responsibility, making personal data management and infrastructure more resilient; and, through transparency and accountability, instilling trust and confidence in individuals when they provide us with their data, and ensuring their rights and freedoms are upheld.

Purpose

The purpose of this policy is to describe the steps that Horsemanship LTD are taking to comply with data protection legislation, to ensure that our compliance with the relevant legislation is clear and demonstrable.

This policy is also intended to provide us with measures for ensuring that risks to individuals through misuse of personal data are minimised, such as:

- personal data being used by unauthorised individuals through poor security or inappropriate disclosure;
- individuals being harmed by decisions made using inaccurate or insufficient data;
- individuals being uninformed by lack of transparency leading to unlawful practice;
- the invasion of privacy due to over-collection or over-retention of data.

Scope

This policy applies to Horsemanship LTD services.

We expect all those processing personal data on behalf of Horsemanship LTD to act in accordance with this policy when engaged in the business of Horsemanship LTD.

Definitions

- **Personal Data** - Any information that relates to an identifiable living individual.
- **Special Categories of Personal Data** (also known as sensitive personal data) - Specific types of data that require additional care being taken when processing. The categories are: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation. Data relating to Safeguarding are considered to be Special Category under the Data Protection Act 2018 where the processing of this data is necessary for the purposes of:
 - protecting an individual from neglect or physical, mental or emotional harm, or
 - protecting the physical, mental or emotional well-being of an individual,
 - where the individual is aged under 18, or
 - aged 18 or over and at risk.
- **Data processing** – Any activity relating to the collection, recording, organising, structuring, use, amendment, storage, access, retrieval, transfer, analysis, disclosure, dissemination, combination, restriction, erasure or disposal of personal data.
- **Data Protection Impact Assessment (DPIA)** - A process designed to help systematically analyse, identify and minimise the data protection risks of a project or activity.
- **Data Subject** - The individual to whom the data being processed relates.

- **Data Controller** - A body or organisation that makes decisions on how personal data is being processed. Data Controllers almost always also process data.
- **Data breach** - any occasion when personal data is: accidentally or unlawfully lost, destroyed, corrupted or disclosed; accessed or passed on without proper authorisation; or made unavailable (through being hacked or by accidental loss/destruction).
- **3rd Party Data Processors** – Other legal entities that process data on behalf of a Data Controller and under instruction from the Data Controller. Data Processors do not have the ability to make decisions about *how* the data should be processed, there should be documented instructions from the Data Controller about what the processor can and cannot do with the data (known as a Data Processing/Sharing Agreement).

Policy Statement

Personal data that Horsemanship LTD collects, uses, stores, transfers, shares and disposes of must be handled in line with the following policy.

Data Protection Lead

Horsemanship LTD has a Data Protection Officer (DPO), based at 42 Palfrey Road BH106DN who may also be contacted by emailing: hdhorsemanship@outlook.com or by phoning: 07927319773. They are responsible for assisting Horsemanship LTD to monitor internal compliance and to inform and advise on data protection obligations.

They will monitor data sharing agreements, data breaches, information risk, subject access requests and compliance with data protection policies and procedures.

Principles of data protection

Personal data is processed according to the following principles:

1. **Data is processed lawfully, fairly and in a transparent manner** in relation to the data subject, through the provision of clear and transparent privacy notices and responses to individual rights requests.
2. **Data is collected for specified, explicit and legitimate reasons** and not further processed for different reasons incompatible with these purposes. Horsemanship LTD will maintain an Information Asset Register and Register of Processing Activities for Horsemanship LTD, that will be regularly and consistently reviewed and updated. Data that is stored and used for archiving purposes in the public interest, scientific or historical research or statistical purposes will be managed by Horsemanship LTD and stored appropriately.
3. **Data is adequate, relevant and not more than is necessary** to complete the task for which it was collected and will be subject to regular review of data collection and processing needs.
4. **Data is accurate and up-to-date** and reasonable steps will be taken to ensure this through regular data quality checks.
5. **Data is not kept for longer than is necessary** to complete the task for which it was collected, by the implementation of a retention schedule and a regular data cleansing programme.
6. **Data is kept secure**, with appropriate technical and organisational measures to protect against unauthorised or illegal processing, accidental corruption, loss or disclosure of personal data. This will include:
 - storing paper copies of personal data in locked cabinets;

- maintaining password protection of electronic data held on computers and online storage;
- ensuring access to paper and electronic media is restricted only to those individuals authorised to access the data;
- ensuring that extra precautions are taken when personal data is carried in public places, to keep the risk of data breaches to an acceptable level.

To maintain appropriate data security, we will undertake regular risk assessments of our practices and provide awareness and training to all those processing personal data on behalf of Horsemanship LTD.

7. **Data that is transferred outside the United Kingdom** will only take place with appropriate safeguards to protect the rights of individuals.
8. **Accountability.** Horsemanship LTD are responsible for, and will demonstrate, compliance with the principles by:
 - Adopting and implementing this data protection policy;
 - Publish privacy notices to explain our data protection practices to those whose personal data we process
 - Put in place written contracts with 3rd party Data Processors that process personal data on our behalf;
 - Implementing annual reviews, to update the measures we have put in place.

Collecting personal data

Data protection legislation requires that the collection and use of personal data is fair and transparent. If we acquire any personal data related to an individual (including employees, officer holders, volunteers, suppliers, supporters or other external contacts), either directly from the data subject or from a third party, we must do so in line with the above 'Principles of Data Protection'. If we acquire data in error (that is, data we should not have access to), by whatever means, we must inform the Data Protection Lead who will assess whether the data should be retained and if so, arrange for it to be given to the appropriate individual.

Privacy Notices

Individuals have the right to be informed about the collection and use of their personal data and Horsemanship LTD will be open and transparent about our use of personal data in line with this Policy.

We shall create and maintain one or more privacy notices, covering our data processing activities relating to personal data. Privacy notice(s) will be published and we will provide this to individuals at the time we collect or significantly amend their personal data.

If our data processing practices change, causing a Privacy Notice to be updated, we will reissue the notice to the affected data subjects, by email.

Lawful bases

Personal data must only be processed once we have identified an appropriate lawful reason to do so. There are six available lawful bases for processing (Appendix 1). No single basis is 'better' or more important than the others, we must decide which basis is most appropriate depending on our purpose and relationship with the individual.

Individual rights

Data protection legislation gives individuals specific rights regarding their personal data:

1. The right to be informed
2. The right to access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability (unlikely to be relevant to parishes or deaneries)
7. The right to object
8. Rights in relation to automated decision making and profiling (unlikely to be relevant to parishes or deaneries)

Data Protection Impact Assessment

Horsemanship LTD has adopted the principle of privacy by design. All new projects, updated processes or significantly changed systems that require the use of personal data and may pose a high risk to data subjects, will be subject to a Data Protection Impact Assessment (DPIA).

Data Sharing

As a data controller, we recognise that when we share personal data with third parties, we are responsible for:

- ensuring the third party complies with GDPR, and
- stating any constraints or requirements about what the third party can or cannot do with our data.

When sharing or disclosing personal data we shall ensure that:

- We consider the benefits and risks, either to individuals or Horsemanship LTD, of sharing the data, along with the potential results of not sharing the data;
- We are clear about with whom we can share the data. If we are unsure, we check with the data owner, or our Data Protection Lead person.
- We do not disclose personal data about an individual to an external organisation without first checking that we have a legitimate reason to do so (see above 'Lawful bases' section).
- If we must transfer or share data, we do so using appropriate security measures;
- If we are sharing data outside of the UK, we take particular care to ensure that the destination country meets all the necessary requirements to protect the data.

If we are unsure whether or not we can share information, we will contact our Data Protection Lead person.

Data Sharing statements

We may state any constraints or requirements on the use of data shared with third parties in the following ways, depending on the level of risk:

- Through the use of disclaimer-type statements in emails or on contractor job sheets

The following is an *example* of what is meant by 'disclaimer type statement':

The attached personal data is provided by [name_of_data_controller] to [third_party_name] for the purposes of [state_the_purpose_here]. To comply with General Data Protection Regulation 2016/679 and the Data Protection Act 2018, this data is only to be used for [insert_name_here] to

contact the persons listed in the attached data file for the above stated purpose. You must not share it with any other third party; you must store it securely and take all reasonable steps to prevent its unauthorised access, accidental deletion or corruption. When you no longer need this data, it must be deleted and any paper copies you have made destroyed. Should this data suffer an unauthorised disclosure (data breach), you are to notify [name and contract detail for lead data protection person].

- By the inclusion of a 'Data Protection' section of a contract with a third party (such as a leasing agreement)
- By a standalone 'Data Sharing Agreement'

Storing and disposing of data

We will ensure that we use the most appropriate and secure methods available for both storage and disposal of personal data. We will ensure that:

- In so far as we are able, all personal data in our possession is kept secure from unauthorised access;
- We lock physical files containing personal data in a secure cabinet;
- We are vigilant of our surroundings, in particular when working outside of normal office locations, being careful not to place any personal data in a position where it can be viewed, stolen or lost;
- All devices used to handle personal data are password protected and we do not share passwords;
- Desks are kept clear of personal data when not occupied.

Fact versus Opinion

When using personal data, it is our policy not to write comments about any individual that are unfair, untrue or offensive and that you would not be able to defend if challenged. In general we:

- Express facts, not opinions
- Work on the basis that anything written about an individual might be seen by that individual.

This includes emails. Although a certain amount of informality attaches to email writing, it should not be overlooked that these can provide a written record of our comments and, in the event of a Subject Access Request, they are subject to disclosure if they contain personal data.

Data Breaches

A personal data breach means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.

There will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

Any data breach, as described above, is to be reported to the Data Protection Lead person.

Where a breach is known to have occurred which is likely to result in a high risk to the rights and freedoms of individuals, our Data Protection Lead person will report this to the ICO within 72 hours and will co-operate with any subsequent investigation. We will contact the affected data subject(s) where it is necessary to do so.

Training

We will provide appropriate support and training to all those involved in Horsemanship LTD in the safe and lawful processing of personal data.

Scope

The data which the CMA creates, receives or maintains including data inherited from its predecessor departments (the Office of Fair Trading and the Competition Commission) is subject to this Data Retention Policy.

Retention policy

HD Horsemanship Ltd data should only be kept for as long as there is an administrative need to keep it to enable HD Horsemanship Ltd carry out its business or support functions, or for as long as it is required to demonstrate compliance for audit purposes or to meet legislative requirements. Legislative requirements include, but are not limited to, compliance with the Public Record Act 1958 (selection and disposition of records), the Enterprise and Regulatory Reform Act 2013, the Competition Law Act 1998, the Code of Practice on the Management of Records issued under section 46 the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

Retention periods

To comply with the administrative and legislative requirements described above, a retention period for the data based on one of the options listed below needs to be agreed with the Company Directors.

The retention period is defined as the specified time following the last entry, financial year, case or project closure or the date the data is superseded, depending on the type of data and or its context.

The defined retention periods applied within the HD Horsemanship Ltd are:

2 years – destroy: includes types of records that are generally of low or short-term value such as those relating to general administration, local management or business support

6 years – review or destroy: includes types of records that generally need to be retained by law or for audit or compliance purposes but aren't considered to be of historical value. Examples include those relating to finance, commercial activities, facilities management and information management

10 years – review or destroy: includes types of records that generally hold long-term value to the organisation or are required to be retained by law for longer periods. In some cases, these records may be of historical value.

15 years – review or destroy: includes types of records that are likely to hold historical value for the organisation or be considered for permanent preservation.

Permanent preservation: following the review of a record it may be selected for permanent preservation, these records will be processed and retained before being transferred to The National Archives or place of deposit within 20 years of creation.

Review periods

Although the HD Horsemanship Ltd has stipulated retention periods as detailed above, we also have implemented an interim review period for some data types. This ensures that we regularly review our data to determine whether it should be retained longer or re-classified and disposed of earlier, or to determine the most appropriate disposal action to take place at the end of the retention period. This enables teams across the HD Horsemanship Ltd to assess the ongoing business need to keep data.

Extended data retention

Inevitably there will be a few exceptions where the retention requirement does not fall into the above timescales. In these circumstances, unique disposition dates are applied. These exceptions are often found in the support areas of the department such as HR where, for example, staff files such as pension records need to be kept for 100 years from an employee's date of birth.

Retention of personal data

Any personal data processed by the HD Horsemanship Ltd, for example as part of a project, or for managing staff should only be kept for as long as there is a business need, otherwise it should be destroyed at the earliest opportunity. The HD Horsemanship Ltd will make a proportionality assessment on a case-by-case basis, namely personal information that is interwoven throughout the record will remain part of the casework file to ensure the records are complete and an accurate account of the work conducted throughout the case. Personal data collated as a consultation, will be disposed of and only the responses kept for reference.

Data protection law requires that 'Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed'.

'Personal data' is any information relating to a living individual who can be identified, directly or indirectly from it, in particular by reference to a name, an identification number, location data, an online identifier or to factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.

'Processing' is anything we do to personal data for example collecting, receiving, storing, viewing, accessing, disclosing, sharing, profiling, deleting, redacting.

Examples of where personal data might be being processed and what needs to be done with the personal data to ensure compliance with data protection law are listed below:

When a child stops attending HD Horsemanship Ltd sessions or events it is the Director's responsibility to decide whether there is a continuing need to keep the personal data that has been collected, including that contained in Public Folders, or whether it can be securely deleted. Consideration should be given to redacting or anonymising the personal data if it is deemed reasonable. Where it is decided that the personal data should be securely deleted, Cloud Based Drive administrator will carry this out. In the case of hardcopy or physical material a nominated person from HD Horsemanship Ltd should do this.

Emails containing personal data that is no longer required should be deleted as soon as possible.

Cloud Based Drives – Documents containing personal data that is no longer required should be deleted as soon as possible.

Approval and review

Approved by	
Policy owner	
Policy author	
Date	
Review date	

Revision History

Version No	Revision Date	Previous revision date	Summary of Changes

APPENDIX 1 – Lawful bases (from GDPR Article 6)

Legitimate interest

The processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

Processing Safeguarding data will usually be considered as being included under this heading.

The Data Protection Act allows all organisations to process data for safeguarding purposes lawfully and without consent where necessary for the purposes of:

- protecting an individual from neglect or physical and emotional harm; or
- protecting the physical, mental or emotional wellbeing of an individual.

However, this only applies to the extent that complying with these provisions would be likely to *prejudice* the proper discharge of your functions. If you can comply with these provisions and discharge your functions as normal, you must do so.

Legitimate Interest Assessment. When can you rely on legitimate interests?

- When processing is not required by law but is of benefit to you
- When there is a limited privacy impact on the data subject
- When the data subject would reasonably expect your processing to take place

In order to use legitimate interests as your lawful basis for processing, your processing must therefore meet all of the following criteria:

- Have a specific purpose with a defined benefit
- Be necessary – if your defined benefit can be achieved without processing personal data then legitimate interests is not appropriate
- Be balanced against, and not override, the interests, rights and freedoms of data subjects

Contract

The processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

Legal obligation

The processing is necessary for you to comply with the law (not including contractual obligations).

Consent

The individual has given clear consent for you to process their personal data for a specific purpose.

If Consent is used it must be valid (freely given, unambiguous, actively selected, can easily be withdrawn); Both giving and withdrawing consent must be recorded.

For consent to be valid, i.e. the correct basis, it must be a choice - so if the data subject refuses to give consent, does that mean that the service can't be provided? If it is an essential service (e.g. pension, payroll etc) then the data controller cannot refuse the service, so there is effectively no choice, so consent is not valid.

Vital interests

The processing is necessary to protect someone's life.

Public Task

The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

For further information and assistance seek advice from Data Protection Lead.

Appendix 2 General Data Protection Regulation (GDPR) Notice



The information below is a guide for parents or carers of children and young people attending HD Horsemanship to ensure that all parties are fully informed as to the use of any personal details that may be stored by HD Horsemanship about the attendees. This could be contact details of attending child or young person, medical information or the use of CCTV on site.

These forms should be amended as necessary and completed upon arrival of a new child or young person. A copy should be retained by both parties.

EU General Data Protection Regulation (GDPR) Notice

The EU General Data protection Regulation (GDPR) came into force across the European Union (EU) on 25th May 2018 and brings with it significant changes to data protection law. The new regulation aims to standardise data protection laws and processing across the EU.

HD Horsemanship is the Data Controller for your personal data, which means that we decide what information we need to keep about you, why and how we process that data.

1. What personal information do we keep and process?

Before bringing your child or young person to HD Horsemanship, we ask you to complete a registration form which asks for personal data. This should be updated and maintained for the duration of your attendance with us. This data can only be viewed by relevant members of staff.

2. What do we use your personal data for?

Personal data is used to help us best care for you and your child or young person. It will enable us to contact you in relation to the care of the child or young person. It will also allow us to contact a next of kin on your behalf if necessary.

3. How is your personal data stored?

Your personal data is stored in the following ways: password protected PC, password protected phone or mobile device, locked cabinet, accident records (*Or Amend as necessary*). We will not share your personal data with any other third party without your permission.

4. What is the legal basis for processing your data?

Your personal data is processed based on your attendance with us for teaching of your child or young person and our responsibility over the care of your child or young person. It is deemed necessary to allow us to contact you or take the relevant action in the event of an emergency.

5. How long do we keep your personal data for?

We keep your personal data for the duration of your attendance with us.

6. What are your rights with regards to your personal data?

- To know what personal data we keep about you
- Request a copy of the personal data we hold about you
- Request that we correct any personal data which is found to be inaccurate or out of date
- Request that we erase any personal data where it is no longer necessary for us to hold that data
- Withdraw your consent for processing to which you have previously given your consent.

By signing this form, you are confirming that you have read this Data protection Notice and that you are consenting to HD Horsemanship holding and processing your personal data for the purposes listed above.

Name Date
.....

Signed: