



Data Protection Policy

The General Data Protection Regulation (GDPR) was passed in order to implement the European Directive on data protection and applies to all personal data which are held either electronically or in a manual filing system. The General Data Protection Regulation commenced on the 25 May 2018.

The Magistrates' Association is committed to a policy of protecting the rights and freedoms of individuals with respect to the processing of their personal data.

The Magistrates' Association holds personal information about individuals such as members, officers, volunteers, staff and others, defined as data subjects in the regulation. Such data must only be processed in accordance with this policy and with the terms of The Magistrates' Association notification to the Information Commissioner, which sets out the purposes for which the Magistrates' Association holds and processes personal data. Any breach of the policy may result in the Magistrates' Association, as the registered data controller, being liable in law for the consequences of the breach. This liability may extend to the individual processing the data and his/her director under certain circumstances.

The Magistrates' Association's other data protection policies and procedures are:

- privacy policy
- data retention register
- IT security policies
- record of processing activities

The scope

This policy applies to all data, regardless of where the data is held and, in respect of automatically processed data, the ownership of the equipment used, if the processing is for the Magistrates' Association purposes and is part of the Magistrates' Association's compliance with data protection law.



Data protection principles

All data users must comply with the General Data Protection Regulation Principles. The principles define how data can be legally processed. 'Processing' includes obtaining, recording, holding or storing information and carrying out any operations on the data, including adaptation, alteration, use, disclosure, transfer, erasure, and destruction.

The principles are:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be held only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed.
4. Personal data shall be accurate and where necessary kept up to date.
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
6. Personal data shall be processed in accordance with the rights of data subject under GDPR.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of the data.
8. Personal data shall not be transferred to a country or a territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Magistrates' Association will facilitate any request from a data subject who wishes to exercise their rights under the data protection law as appropriate, always communicating in a concise, transparent, and easily accessible form without undue delay.

The GDPR defines both personal data and sensitive personal data. Data users must ensure that the necessary conditions are satisfied for the processing of personal data and in addition that the extra, more stringent, conditions are satisfied for the processing of sensitive personal data.

Personal data has a broad ranging definition and can include not only items such as home and work address, age, telephone number and schools attended but also photographs and other images. Sensitive personal data consists of racial/ethnic origin, political opinion, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual life and criminal record.



Responsibilities of the trustees and data users

The national officers, board of trustees, chairs of the committees, branch officers, and staff have a responsibility to ensure compliance with the act and this code, and to develop and encourage good information handling practices, within their areas of responsibility. All users of personal data within the Magistrates' Association have a responsibility to ensure that they process the data in accordance with the principles and the other conditions set down in the GDPR.

The board of trustees may choose to delegate the management of, but not the responsibility for, data protection matters to a named Magistrates' Association data protection officer.

The Magistrates' Association will perform periodic audits to ensure compliance with this code and the act and to ensure that the notification is kept up-to-date.

Handling of personal data by branch executive members

The use of personal data by members is governed by the following:

- A branch executive member should only use personal data for the Magistrates' Association related purpose with the knowledge and consent of the chief executive or the head of membership, branch development and events.
- The use of members' personal data by the Magistrates' Association branch executive members should be limited to the minimum consistent with the achievement of outlined objectives. Wherever possible, data should be de-personalised so that volunteers are not able to identify the subject.

Use of personal data by branch executive members is subject to the regulations set out below. The Magistrates' Association policy stated above and the regulations are based on the principle that branch executive members must only use personal data under the guidance of the chief executive or head of membership, branch development and events. A breach of these regulations is an offence against the Magistrates' Association discipline.

1. Branch executive members will not retain files of personal data without the express authority of the chief executive or head of membership, branch development and events.
2. When giving such authority, the member of staff shall make the member volunteers aware of the requirements of the Data Protection Act 2018 and of the appropriate



level of security arrangements which are attached to the particular set of personal data.

3. Branch executive members must abide by the data protection regulations and follow the instructions of the Magistrates' Association in relation to any uses of personal data notified by the Magistrates' Association.

Data subject rights

The Magistrates' Association has processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under data protection law. All staff have received training in the process and are aware of the rights of data subjects.

All requests will be considered without undue delay and within one month of receipt as far as possible.

Subject access to data

The General Data Protection Regulation gives data subjects a right to access to personal data held about them by the Magistrates' Association. **The Magistrates' Association will seek to take an approach which facilitates access to their personal data by individuals without them having to make formal subject access requests under the Act, whilst acting within the general data protection regulations. A record must be kept of all requests for access to personal data. Any cases of doubt as to whether a request for access to personal data is a subject access request under the regulation must be referred to the data protection officer without delay.**

Subject access is the right of the data subject to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with right to obtain the following information:

- The purpose of the processing
- The categories of personal data
- The recipients to whom data have or will be disclosed
- The retention periods
- The right to lodge a complaint with the Information Commissioner's Office
- The source of the information if not collected directly from the subject
- The existence of any automated decision making

Rectification: - the data subject has the right to be allowed to rectify inaccurate personal concerning them.

Retention of data



Personal data must only be kept for the length of time necessary to perform the processing for which it was collected. This applies to both electronic and non-electronic personal data. The Magistrates' Association will publish a retention register that will allow users to apply a common standard across the Magistrates' Association in relation to the erasure / disposal of personal data.

Data transfer

When personal data is transferred internally, the recipient must only process the data in a manner consistent with the Magistrates' Association notification and the original purpose for which the data was collected.

No sensitive data is transferred outside of the United Kingdom.

Personal data can only be transferred out of the United Kingdom under certain circumstances. The act lists the factors to be considered to ensure an adequate level of protection for the data and some exemptions under which the data can be exported.

Information published on the web must be considered to be an export of data outside of the United Kingdom.

Data security

All the Magistrates' Association data users of personal data must ensure that all personal data they hold is kept securely. They must ensure that it is not disclosed to any unauthorised third party in any form either accidentally or otherwise.

Data protection officer

The Magistrates' Association take ultimate responsibility for data protection.

The Magistrates' Association has notified the Office of the Information Commissioner that it processes personal data.

If you have any concerns or wish to exercise any of your rights under the GDPR, please contact the Magistrates' Association data protection officer at: dataprotection@magistrates-association.org.uk.