

DATA PROTECTION POLICY STATEMENT (TIER 1)

The Born Free Foundation
Born Free Trading Limited

Document Control

Reference: GDPR DOC 1.0
Issue No: 003
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Prepared by Mark Burnett
Position: DPO
Org: ClearComm

1. Policy, scope and objectives

1.1 The Board of Trustees and Executive management of The Born Free Foundation and its affiliated organisations, located at Broadlands Business Campus, Langhurstwood Rd, Horsham, West Sussex RH12 4QP are committed to compliance with all relevant UK and EU laws in respect of personal data, and to protecting the "rights and freedoms" of individuals whose information The Born Free Foundation collects and keeps in accordance with the General Data Protection Regulation (GDPR). To that end, the Board of Trustees have developed, implemented, maintains and continuously improves a documented personal information management system ('PIMS') for The Born Free Foundation.

1.2 Scope

The scope of the PIMS taking into account organisational structure, management responsibility, jurisdiction and geography. The PIMS includes the whole of The Born Free Foundation including Born Free Trading Limited. All of The Born Free Foundation's activities are included within the scope of this policy document including its Fundraising aims and objectives, which includes thanking supporters by telephone, its Retailing services via Born Free Trading Limited, its educational and research projects and finally its events based endeavors both on and offline. This is not an exhaustive list and may be updated from time to time in the future.

1.3 Objectives of the PIMS

The Born free Foundation's objectives for the PIMS are that it should enable The Born Free Foundation to meet its requirements for the management of personal information; that it should support organisational objectives and obligations; that it should impose controls in line with The Born Free Foundation's acceptable level of risk; that it should ensure that the Born Free Foundation meets applicable statutory, regulatory, contractual and/or professional duties; and that it should protect the interests of individuals and other key stakeholders.

1.4 The Born Free Foundation is committed to complying with data protection legislation and good practice including:

- a. processing personal information only where this is strictly necessary for legitimate organisational purposes and in accordance with Article 6 of the GDPR;
- b. collecting only the minimum personal information required for these purposes and not processing excessive personal information;
- c. providing clear information to individuals about how their personal information will be used and by whom;
- d. only processing relevant and adequate personal information;
- e. processing personal information fairly and lawfully;
- f. maintaining an inventory of the categories of personal information processed by The Born Free Foundation;
- g. keeping personal information accurate and, where necessary, up to date;

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- h. retaining personal information only for as long as is necessary for legal or regulatory reasons or, for legitimate organisational purposes;
- i. respecting individuals' rights in relation to their personal information, including their right of subject access;
- j. keeping all personal information secure;
- k. only transferring personal information outside the EU in circumstances where it can be adequately protected;
- l. the application of the various exemptions allowable by data protection legislation;
- m. developing and implementing a PIMS to enable the policy to be implemented;
- n. where appropriate, identifying internal and external stakeholders and the degree to which these stakeholders are involved in the governance of the Born Free Foundation PIMS; and
- o. the identification of workers with specific responsibility and accountability for the PIMS.

Notification

- 1.5 The Born Free Foundation has notified the Information Commissioner that it is a data controller and that it processes certain information about data subjects. The Born Free Foundation has identified all the personal data that it processes and this is contained in the Born Free Foundation's Asset Register GDPR Policy document 4.4. The Register will be updated from time to time by the Data Controller.
- 1.6 A copy of the ICO notification details is retained by Data Protection Officer and the Data Controller and the ICO Notification Handbook is used as the authoritative guidance for notification.
- 1.7 The ICO notification is renewed annually on [date]. (Not required under GDPR)
- 1.8 Data Protection Officer/GDPR Owner? is responsible, each year, for reviewing the details of notification, in the light of any changes to the Born Free Foundation's activities (as determined by changes to the Data Inventory Register and the management review) and to any additional requirements identified by means of data protection impact assessments.

The policy applies to all Employees/Staff [and interested parties] of The Born Free Foundation such as outsourced suppliers. Any breach of the GDPR or this PIMS will be dealt with under the Born Free Foundation's disciplinary policy and with reference to the GDPR Individual user agreements with staff and employees and may also be a criminal offence, in which case the matter will be reported as soon as possible to the appropriate authorities.

Partners and any third parties working with or for The Born Free Foundation, and who have or may have access to personal information, will be expected to have read, understood and to comply with this policy. No processor or Sub-contractor may access personal data held by The Born Free Foundation without having first entered into a data confidentiality agreement, a copy of which can be found within The Born Free Foundation's GDPR policy documentation, which imposes on the third party obligations no less onerous than those to which The Born Free Foundation is

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committed, and which gives the Born Free Foundation the right to audit Processors and third parties compliance with the agreement. Furthermore, we frequently review the data protection competency of all data processors or third parties that we share data with, to ensure they remain compliant with the agreement we have made.

2. **Background to the General Data Protection Regulation ('GDPR')**

The General Data Protection Regulation 2016 replaces the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the "rights and freedoms" of living individuals, and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

3. **Definitions used by the Born Free Foundation (drawn from the GDPR)**

Territorial scope – the GDPR will apply to all controllers that are established in the EU (European Union) who process the personal data of data subjects, in the context of that establishment. It will also apply to controllers outside of the EU that process personal data in order to offer goods and services, or monitor the behavior to data subjects who are resident in the EU.

Establishment – the main establishment of the controller in the EU will be the place in which the controller makes the main decisions as to the purpose of its data processing activities. The main establishment of a processor in the EU will be its administrative center. If a controller is based outside the EU, it will have to appoint a representative in the jurisdiction in which the controller operates, to act on behalf of the controller and deal with supervisory authorities.

Personal data – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special categories of personal data – personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Data controller – the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the

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processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data subject – any living individual who is the subject of personal data held by an organisation.

Processing – any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Profiling – is any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person, or to analyse, or predict that person's performance at work, economic situation, location, health, personal preferences, reliability, or behavior. This definition is linked to the right of the data subject to object to profiling and a right to be informed about the existence of profiling, of measures based on profiling and the envisaged effects of profiling on the individual.

Personal data breach – a breach of security leading to the accidental, or unlawful, destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. There is an obligation on the controller to report personal data breaches to the supervisory authority and where the breach is likely to adversely affect the personal data or privacy of the data subject.

Data subject consent - means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data.

Child – the GDPR defines a child as anyone under the age of 16 years old. The processing of personal data of a child under 13 years of age is only lawful if parental or custodian consent has been obtained.

Third party – a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Filing system – any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

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4. Responsibilities under the General Data Protection Regulation

- 4.1 The Born Free Foundation is a data controller under the GDPR.
- 4.2 Top Management and all those in managerial or supervisory roles throughout The Born Free Foundation are responsible for developing and encouraging good information handling practices within the organisation; responsibilities are set out in individual job descriptions.
- 4.3 Data Protection Officer, namely Mark Burnett and the /GDPR Owner, namely Matt Smithers of the senior management team, is accountable to the Board of Trustees of The Born Free Foundation for the management of personal information within The Born Free Foundation and for ensuring that compliance with data protection legislation and good practice can be demonstrated. This accountability includes:
 - 4.3.1 development and implementation of the PIMS as required by this policy; and
 - 4.3.2 security and risk management in relation to compliance with the policy.
- 4.4 Data Protection Officer/GDPR Owner who Board of Trustees considers to be suitably qualified and experienced, has been appointed to take responsibility for the Born Free Foundation's compliance with this policy on a day-to-day basis and, in particular, has direct responsibility for ensuring that the Born Free Foundation complies with the GDPR, as do the Information Asset Owner/s (IAO) in respect of data processing that takes place within their area of responsibility.
- 4.5 The Data Protection Officer/GDPR Owner have specific responsibilities in respect of procedures such as the Subject Access Request Procedure GDPR Doc 2.2, and are the first point of call for Employees/Staff seeking clarification on any aspect of data protection compliance.
- 4.6 Compliance with data protection legislation is the responsibility of all members of the Born Free Foundation who process personal information and as such all have been trained in GDPR awareness training by our GDPR Data Protection Officer (ClearComm). The training was completed in May 2017. Training is an on-going requirement and so The Born Free Foundation will be ensuring from time to time that staff are kept up to date in the GDPR legislation.
- 4.7 The Born Free Foundation's Training Policy sets out specific training and awareness requirements in relation to specific roles and to members of The Born Free Foundation generally.
- 4.8 Members of The Born Free Foundation are responsible for ensuring that any personal data supplied by them, and that is about them, to **The Born Free Foundation** is accurate and up-to-date.

5. Risk Assessment

Objective: To ensure that **The Born Free Foundation** is aware of any risks associated with the processing of particular types of personal information.

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The Born Free Foundation has a process for assessing the level of risk to individuals associated with the processing of their personal information. Assessments will also be carried out in relation to processing undertaken by other organisations on behalf of **The Born Free Foundation**. **The Born Free Foundation** shall manage any risks which are identified by the risk assessment in order to reduce the likelihood of a non-conformance with this policy.

Where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the "rights and freedoms" of natural persons, **The Born Free Foundation** shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risks.

Where, as a result of a Data Protection Impact Assessment, it is clear that **The Born Free Foundation** is about to commence processing of personal information that could cause damage and/or distress to the data subjects, the decision as to whether or not **The Born Free Foundation** may proceed must be escalated for review to the Data Protection Officer/GDPR Owner. The Data Protection Officer / GDPR Owner shall, if there are significant concerns, either as to the potential damage or distress, or the quantity of data concerned, escalate the matter to the Information Commissioner's Office.

Appropriate controls will be selected to reduce the level of risk associated with processing individual data to an acceptable level, by reference to **The Born Free Foundation** documented risk acceptance criteria, the requirements of the GDPR and the advice given by the data Protection Officer

6. Data protection principles

All processing of personal data must be done in accordance with the following data protection principles of the Regulation, and **The Born Free Foundation's** policies and procedures are designed to ensure compliance with them.

6.1 Personal data must be processed lawfully, fairly and transparently.

The Born Free Foundation's Fair Processing Procedure is set out in GDPR Doc 2.1

The GDPR introduces the requirement for transparency whereby the controller has transparent and easily accessible policies relating to the processing of personal data and the exercise of individuals' "rights and freedoms". Information must be communicated to the data subject in an intelligible form using clear and plain language.

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The specific information that must be provided to the data subject must as a minimum include:

- 6.1.1 the identity and the contact details of the controller and, if any, of the controller's representative;
 - 6.1.2 the contact details of the Data Protection Officer, where applicable;
 - 6.1.3 the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
 - 6.1.4 the period for which the personal data will be stored;
 - 6.1.5 the existence of the rights to request access, rectification, erasure or to object to the processing;
 - 6.1.6 the categories of personal data concerned;
 - 6.1.7 the recipients or categories of recipients of the personal data, where applicable;
 - 6.1.8 where applicable, that the controller intends to transfer personal data to a recipient in a third country and the level of protection afforded to the data;
 - 6.1.9 any further information necessary to guarantee fair processing.
- 6.2 Personal data can only be collected for specified, explicit and legitimate purposes.
Data obtained for specified purposes must not be used for a purpose that differs from those formally notified to the Information Commissioner as part of **The Born Free Foundation's** GDPR registration. GDPR DOC 2.1 sets out the relevant procedures.
- 6.3 Personal data must be adequate, relevant and limited to what is necessary for processing.
- 6.3.1 The Data Protection Officer/GDPR Owner is responsible for ensuring that information, which is not strictly necessary for the purpose for which it is obtained, is not collected.
 - 6.3.2 All data collection forms (electronic or paper-based), including data collection requirements in new information systems, must be approved by the Data Protection Officer / GDPR Owner.
 - 6.3.3 The Data Protection Officer / GDPR Owner will ensure that, on an annual basis all data collection methods are reviewed by The Data Protection Officer to ensure that collected data continues to be adequate, relevant and not excessive.
 - 6.3.4 If data is given or obtained that is excessive or not specifically required by **The Born Free Foundation's** documented procedures, the Data Protection Officer / GDPR Owner is responsible for ensuring that it is securely deleted or destroyed in line with The Born Free Foundations policy outlined in GDPR Doc 11.2.7
- 6.4 Personal data must be accurate and kept up to date.
- 6.4.1 Data that is kept for a long time must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that it is accurate.
 - 6.4.2 The Head of HR is responsible for ensuring that all staff are trained in the importance of collecting accurate data and maintaining it.

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- 6.4.3 It is also the responsibility of individuals to ensure that data held by **The Born Free Foundation** is accurate and up-to-date. Completion of an appropriate registration or application form will be taken as an indication that the data contained therein is accurate at the date of submission.
- 6.4.4 Employees/Staff, supporters, customers and Volunteers should notify **The Born Free Foundation** of any changes in circumstance to enable personal records to be updated accordingly. **The Born Free Foundation** will make every effort to ensure records are accurate, but cannot be held responsible for inaccurate data if the Data subject has not made reasonable effort to inform the organisation. It is the responsibility of **The Born Free Foundation** to ensure that any notification regarding change of circumstances is noted and acted upon. A list of ways to contact The Born Free Foundation to update records and information held is available from the Data Controller.
- 6.4.5 The Data Protection Officer / GDPR Owner is responsible for ensuring that appropriate additional steps are taken to keep personal data accurate and up to date, taking into account the volume of data collected, the speed with which it might change and any other relevant factors.
- 6.4.6 On at least an annual basis, the Data Protection Officer / GDPR Owner will review all the personal data maintained by **The Born Free Foundation**, by reference to the Data Inventory Register, and will identify any data that is no longer required in the context of the registered purpose and will arrange to have that data securely deleted/destroyed in line with GDPR-C DOC 11.2.7.
- 6.4.7 The Data Protection Officer / GDPR Owner is responsible for making appropriate arrangements that, where third party organisations may have been passed inaccurate or out-of-date personal information, for informing them that the information is inaccurate and/or out-of-date and is not to be used to inform decisions about the individuals concerned; and for passing any correction to the personal information to the Processor or Sub-Contractor where this is required.
- 6.5 Personal data must be kept in a form such that the data subject can be identified only as long as is necessary for processing.
- 6.5.1 Where personal data is retained beyond the processing date, it will be Pseudonymised in order to protect the identity of the data subject in the event of a data breach.
- 6.5.2 Personal data will be retained in line with the retention of records procedure GDPR Doc 2.3 which will be reviewed every **two years**. The Born Free Foundation accepts that 'Consent' from data subjects to receive marketing and fundraising messages is for the time being. The Born Free Foundation is committed to upholding the rights and freedoms of data subjects and makes every effort possible to be clear and transparent about the reasons for processing data. Should a data retention review result in the decision to delete data it will be securely destroyed as set out in this procedure.

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- 6.5.3 The Data Protection Officer / GDPR Owner must specifically approve any data retention that exceeds the retention periods, and must ensure that the justification is clearly identified and in line with the requirements of the data protection legislation. This approval must be written.
- 6.5.4 The Born free Foundation accepts that there may be other times where the personal data that it holds on supporters and it's customers may be deleted. They are acknowledged as; The data is no longer necessary for the purpose it was collected. The subject has withdrawn Consent. The subject's rights override the Legitimate Interests of The Born Free Foundation. The Subject has objected to marketing or other communications and The Born Free Foundation has decided to stop such messages even if it's Legitimate Interests were proven to be valid and had not infringed the rights and freedoms of the subject or subjects in question. Where unlawful processing had been identified. Where there was a legal obligation on the Data Controller. Where there was an instruction from a joint Controller. This is not an exhaustive list and will be regularly reviewed by the data Controller and the data Protection Officer.

6.6 Personal data must be processed in a manner that ensures its security

6.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

These controls have been selected on the basis of identified risks to personal data, and the potential for damage or distress to individuals whose data is being processed.

The Born Free Foundation compliance with this principle is contained in its Information security policy.

Security controls will be subject to audit and review, following the

6.8 Personal data shall not be transferred to a country or territory outside the European Union 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 transfer of personal data outside of the EU is prohibited unless one or more of the specified safeguards or exceptions apply.

6.8.1 Safeguards

An assessment of the adequacy by the data controller taking into account the following factors:

- the nature of the information being transferred;
- the country or territory of the origin, and final destination, of the information;
- how the information will be used and for how long;

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- the laws and practices of the country of the transferee, including relevant codes of practice and international obligations; and
- the security measures that are to be taken as regards the data in the overseas location. (This is a UK-specific option.)

6.8.2 Binding corporate rules

The Born Free Foundation may adopt approved Binding Corporate Rules for the transfer of data outside the EU. This requires submission to the relevant Supervisory Authority for approval of the rules that **The Born Free Foundation** is seeking to rely upon.

6.8.3 Model contract clauses

The Born Free Foundation may adopt approved model contract clauses for the transfer of data outside of the EU. If **The Born Free Foundation** adopts the model contract clauses approved by the Information Commissioner's Office there is an automatic recognition of adequacy.

6.8.4 Exceptions

In the absence of an adequacy decision, including binding corporate rules, a transfer of personal data to a third country, or an international organisation, shall take place only on one of the following conditions:

- the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards;
- the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request;
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person;
- the transfer is necessary for important reasons of public interest;
- the transfer is necessary for the establishment, exercise or defence of legal claims;
- the transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent;
- the transfer is made from a register which according to Union or Member State law is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union or Member State law for consultation are fulfilled in the particular case.

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A list of countries that satisfy the adequacy requirements of the Commission are published in the *Official Journal of the European Union*.

6.9 Accountability

The GDPR introduces the principle of accountability which states that the controller is not only responsible for ensuring compliance but for demonstrating that each processing operation complies with the requirements of the GDPR. Specifically, controllers are required to maintain necessary documentation of all processing operations, implement appropriate security measures, perform DPIAs (Data Processing Impact Assessment), comply with requirements for prior notifications, or approval from supervisory authorities and appoint a Data Protection Officer if required.

7. Data subjects' rights

Data subjects have the following rights regarding data processing, and the data that is recorded about them:

- 7.1 To make subject access requests regarding the nature of information held and to whom it has been disclosed.
- 7.2 To prevent processing likely to cause damage or distress.
- 7.3 To prevent processing for purposes of direct marketing.
- 7.4 To be informed about the mechanics of automated decision-taking process that will significantly affect them.
- 7.5 Not to have significant decisions that will affect them taken solely by automated process.
- 7.6 To sue for compensation if they suffer damage by any contravention of the GDPR.
- 7.7 To take action to rectify, block, erased, including the right to be forgotten, or destroy inaccurate data.
- 7.8 To request the ICO to assess whether any provision of the GDPR has been contravened.
- 7.9 The right for personal data to be provided to them in a structured, commonly used and machine-readable format, and the right to have that data transmitted to another controller.
- 7.10 The right to object to any automated profiling without consent.

Data subjects may make data access requests as described in GDPR DOC 2.2; this procedure also describes how **The Born Free Foundation** will ensure that its response to the data access request complies with the requirements of the Regulation.

Complaints

Data Subjects who wish to complain to **The Born Free Foundation** about how their personal information has been processed may lodge their complaint directly with the Data Protection Officer. Contact details are clearly available via telephone, post,

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email or our website. Any member of staff at the The Born Free Foundation can make this information available upon request.

Data subjects may also complain directly to the Information Commissioner's Office and where **The Born Free Foundation** provides appropriate contact details. Details are available on The Born Free Foundation's website.

Where data subjects wish to complain about how their complaint has been handled, or appeal against any decision made following a complaint, they may lodge a further complaint to the Data Protection Officer / GDPR Owner. The right to do this should be included in the GDPR section of **The Born Free Foundation's** complaints procedure.

8. Consent and other conditions that the Born Free Foundation will use to process data.

The Born Free Foundation understands 'consent' to mean that it has been explicitly and freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she by statement, or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. The consent of the data subject can be withdrawn at any time.

The Born Free Foundation understands 'consent' to mean that the data subject has been fully informed of the intended processing and has signified their agreement, while in a fit state of mind to do so and without pressure being exerted upon them. Consent obtained under duress or on the basis of misleading information will not be a valid basis for processing. There must be some active communication between the parties which demonstrate active consent. Consent cannot be inferred from non-response to a communication. For sensitive data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.

In most instances consent to process personal and sensitive data is obtained routinely by **The Born Free Foundation** using standard consent documents.

Where **The Born Free Foundation** provides online services to children, parental, or custodial authorisation must be obtained. This requirement applies to children under the age of 16 (unless the Member State has made provision for a lower age limit – which may be no lower than 13).

We will be processing data wherever and whenever we believe it is lawful but always in accordance with the GDPR Article 6.

Legitimate Interest – Article 6 section (f)

The Born Free Foundation is an international wildlife charity. Founded in 1984

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Born Free takes action worldwide to save lives, stop suffering and protect species in the wild. Our work to prevent individual animal suffering, protect threatened species and keep wildlife in the wild sets us apart from the rest. The aims and objectives of the Born Free Foundation are:

- To conserve wild animal species and their natural habitats, through methods that include research, enforcement and advocacy.
- To promote compassionate conservation, which recognises individual animals and their welfare as key considerations in the design and execution of wildlife conservation programmes.
- To end all forms of wild animal exploitation and mitigate negative impacts of human activities on wild animal welfare and wildlife conservation.
- To ensure that the welfare of animals in sanctuary care is of the highest standard.
- To work with local communities who live alongside wildlife to promote tolerance and co-existence.
- To bring about decisions that have a positive lasting impact on animal welfare and wildlife conservation by raising the profile and importance of these issues with policymakers, the wider public and other stakeholders, through education and advocacy.

Our Legitimate interest is to raise funds to continue our important work, to complete existing obligations to which we are committed and to extend our work to new projects. We require financial income to fund infrastructure such as our office overheads and staff costs for administrative purposes. The bulk of the monies we generate however are spent on the beneficiaries of our organisation. Our income is generated by means of fundraising, but it could also be events, educational courses, retailing goods and services and research projects too. We will pursue our Legitimate Interest whenever we see it is applicable unless it overrides the fundamental rights and freedoms of any data subjects for whom we may retain personal data or may obtain personal data for in the future. Should it be deemed that our Legitimate Interest does override the rights and freedoms of the data subject or data subjects in question, we will not use our Legitimate Interest to raise important funds to pursue our aims and objectives with those particular and identifiable data subjects. We will also uphold the data subjects other rights in the GDPR such as the Right to be Forgotten or the right to be Restricted and others. If it can be demonstrated that our Legitimate Interest does not override the rights and freedoms of those data subjects with which it may have in the past, we may resume and further pursue our Legitimate interest in the future. This will only ever be done after careful consideration and consultation with our data Protection

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Officer and in some cases the Supervisory Authority (ICO) according to the GDPR, Prior Consultation Article 36.

We reserve the right to pursue our Legitimate Interest with any data subject, who may in the future either, make a donation, leave us a legacy or major gift, buy a product or service from us, engage in an educational project or be involved in a research program, that we believe may be able to help us fulfill our aims and objectives as an organisation. We will do this using all lawful conditions available to us and within the legislation of the GDPR. We have taken the advice of a GDPR data practitioner and have appointed a Data Protection Officer with the necessary experience and expertise to reach this decision. The data Controller will take and document the advice of the Data Protection Officer on aspects relating to our Legitimate Interest (And all other conditions described in Article 6 of the GDPR) and it will be continuously assessed to ensure that it remain valid and legitimate.

Necessary for Contract – Article 6 section (b).

From time to time we will use article 6 section b to lawfully process the data of subjects. Mostly, this will be when a data subject has purchased a product or service from us and we believe that a legally binding contract has been established. The purpose of the processing will be to uphold that contract and fulfill our obligations to the customer or supporter. We will ensure that the customer or supporter's rights under the Sale of Good Act are upheld, but regardless of this, their rights and Freedoms will always be considered first whenever we may process their data.

We will process the data of subjects when they purchase a product or service from us only where it relates to that purchase or similar products and services we consider relevant. We will not market or promote unrelated products and services and will not fundraise to that data subject, promote events or educational projects to that subject unless we have a legitimate interest to do so.

Our intentions will be clearly explained in our privacy notices issued at the time. We will write specific notices relating to each condition we may rely upon under Article 6 of the GDPR. We will uphold the rights and freedoms of data subjects at all times but especially if they object to our processing. We have a policy and a procedure for dealing with these circumstances and our Data Controller will always take the advice of the Data Protection Officer if it is deemed necessary. We will only ever reply upon disproportionate effort to not comply with a data subjects wishes when it is absolutely necessary.

We fully understand our obligations under the Privacy and Electronic Communications Regulation (PECR) in this respect.

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We may from time to time use other conditions under Article 6 of the GDPR that we see are lawful and fair. We may from time to time reply upon implied consent and soft Opt-in to communicate electronically with customers and supporters as described in PECR sections 57,58,59,60,61 and 62. We undertake to stop processing data should the data subject object, wish to be forgotten, wish for their data to be restricted or if the purpose for which the data was collected is no longer valid. We reserve the right to change the condition for processing data if we see fit.

9. Security of data

All Employees/Staff are responsible for ensuring that any personal data which **The Born Free Foundation** holds and for which they are responsible, is kept securely and is not under any conditions disclosed to any third party unless that third party has been specifically authorised by **The Born Free Foundation** to receive that information and has entered into a confidentiality agreement and a data processor contract.

All personal data should be accessible only to those who need to use it, and access may only be granted in line with the Access Control Policy GDPR Doc 9.1.1 The Born Free Foundation has carefully considered the sensitivity and value of the information in question. Therefore it has been decided that paper based personal data will be kept:

- in a lockable room with controlled access.
- if computerised, password protected in line with **The Born Free Foundation's** password policy.

Care must be taken to ensure that PC screens and terminals are not visible except to authorised Employees/Staff of **The Born Free Foundation**. All Employees/Staff are required to enter into an Individual user agreement a copy of which can be found with the policy documentation, before they are given access to organisational information of any sort.

Manual records may not be left where they can be accessed by unauthorised personnel and may not be removed from business premises without explicit written authorization from the Data Controller or in his absence the Data Protection officer.

Personal data may only be deleted or disposed of in line with the Data Retention Procedure GDPR Doc 2.3. Manual records that have reached their retention date are to be shredded and disposed of as 'confidential waste' by an approved data processor. Hard drives of redundant PCs are to be removed and immediately destroyed before disposal.

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Processing of personal data 'off-site' presents a potentially greater risk of loss, theft or damage to personal data. Staff must be specifically authorised to process data off-site.

10. Rights of access to data

Data subjects have the right to access any personal data (i.e. data about them) which is held by **The Born Free Foundation** in electronic format and manual records which form part of a relevant filing system. This includes the right to inspect confidential personal references received by **The Born Free Foundation**, and information obtained from third-party organisations about that person.

Subject Access Requests are dealt with as described in GDPR DOC 2.2.

11. Disclosure of data

The Born Free Foundation must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends, government bodies, and in certain circumstances, the Police. All Employees/Staff should exercise caution when asked to disclose personal data held on another individual to a third party as explained in the training delivered by the Data Protection Officer. It is important to bear in mind whether or not disclosure of the information is relevant to, and necessary for, the conduct of **The Born Free Foundation's** business.

The GDPR permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- to safeguard national security;
- prevention or detection of crime including the apprehension or prosecution of offenders;
- assessment or collection of tax duty;
- discharge of regulatory functions (includes health, safety and welfare of persons at work);
- to prevent serious harm to a third party;
- to protect the vital interests of the individual, this refers to life and death situations.

All requests to provide data for one of these reasons must be supported by appropriate paperwork and all such disclosures must be specifically authorised by the Data Protection Officer / GDPR Owner.

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12. Retention and disposal of data

Personal data may not be retained for longer than it is required. **The Born Free Foundation** fully understands its obligations under the GDPR to securely delete data no longer required for the purpose it was collected, or where a data subject has required to be forgotten. However, it reserves the right under the GDPR to retain the data in an encrypted form should it require the data for a legal purpose or reason or for research purposes. The Born Free Foundation fully understands that to contact the data subject for any reason other than these would be a breach of data protection and an infringement of that data subject's rights and freedoms. **The Born Free Foundation's** data retention and data disposal procedures will apply in all cases.

Disposal of records

Personal data must be disposed of in a way that protects the "rights and freedoms" of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion) and in line with the secure disposal procedure (GDPR-C DOC 11.2.7).

Document Owner and Approval

The Data Protection Officer and the Data Controller is the owner of this document and are responsible for ensuring that this policy document is reviewed in line with the review requirements stated above.

A current version of this document is available to all members of staff at The Born Free Foundation and Born Free Trading Limited.

This policy was approved by the Board of Trustees and the senior management on [date] and is issued on a version controlled basis under the signature of the Chief Executive Officer (CEO).

Signature:

Date:

Change History Record

Issue	Description of Change	Approval	Date of Issue
1	Initial draft issue	Matt Smithers	11/05/17
2	Second Draft	Matt Smithers	TBC
3	Final version	Matt Smithers	06/03/18

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