

BOINGBOING FOUNDATION DATA PROTECTION AND PRIVACY POLICY

Version	2	Policy Lead	Caroline Taylor-Beswick
Date of Issue	3 rd Jan 2023	Applies to	Trustees, staff, students and volunteers who handle or have access to personal data on behalf of Boingboing Foundation
This policy is available to view on Boingboing Foundation website page (public) and staff e-handbook. Printed copies will be made available on request (and this will be made clear to beneficiaries through the registration and /or consent to participate processes for obtaining information).			

1. Context of this policy

In order for Boingboing Foundation to fulfil its Charitable Objects, there is a need for us to process personal information (or “data”). We value the right to privacy and as such are committed to processing data in ways that uphold the data protection requirements that enable this. The UK legal framework for directing data protection requirements is set out in the Data Protection Act 2018 (DPA 2018) and UK General Data Protection Regulation (GDPR), which control how personal information is used by organisations such as Boingboing Foundation.

They set out the regulations for the processing of personal data and gives rights of privacy protection to all living persons. Everyone responsible for using personal data has to follow strict rules called ‘data protection principles’. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

2. Purpose of this policy

We recognise that when we process personal information it can involve collecting, recording, organising, storing, altering, retrieving, using, disclosing, restricting, and erasing or destroying it, and there can be risks associated with that processing to the people whose data it is. Failure to adequately protect people’s personal information can result in significant, even life-changing harm to some individuals, distress, loss of public trust in us, and legal repercussions including fines and other sanctions.

This Data Protection Policy explains, amongst other things, why we ask you for some personal information, how we collect data from you, what we do with it, who it is shared with, how long we keep it and your rights under the law. We will provide details of how you

can unsubscribe from Boingboing Foundation communications or ask for your data to be updated, corrected or deleted.

We have tried to avoid using technical jargon however where a policy has close links to legislation, some legal language must be directly incorporated. If you have any questions or concerns do please contact us info@boingboingfoundation.org.uk.

3. Policy scope and definitions

This policy applies to all trustees, staff, students and volunteers who handle or have access to personal data regardless of where they are physically working e.g. at home, at another organisation, on trips or conference etc., and to all personal information processed by us or on our behalf. This includes the personal information of our data subjects accessed or used by other organisations which work for or with us e.g, contractors, consultants, partner organisations etc.

The following definitions explain a little more about our approach to personal data:

‘Data processors’ are third party organisations which process data on our behalf. They make no decisions about how and why they do that, they just do what we ask them to within the terms of our contract.

‘Data subjects’ are the people about whom we hold data and they fall into several general “categories of person”, for example, our workforce and their next of kin; beneficiaries and their next of kin and other professionals involved with them; our contractors; agency and other partner organisation workers and/or students.

‘Personal data’ is any manually or digitally recorded information relating to a living person (a data subject) which identifies them e.g. a name, an email address, an identification number, location data, an image, an IP address, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person and may include facts or opinions about them. Some of this category of personal data will require enhanced security measures such as encryption, password protection and stricter electronic as well as manual access controls e.g. a locked filing cabinet. This will be determined on the basis of a risk assessment of the harm that failing to secure the data might cause e.g. bank details due to the risk of potential fraud; contact information due to potential harassment etc.

‘Sensitive personal data’ or **‘special category data’** includes disability status, sexual orientation, ethnicity, medical information (both physical and mental health), political, philosophical and religious opinions/beliefs, trade union membership, and details of criminal convictions or allegations. This category of personal data requires enhanced security measures such as encryption, password protection and stricter electronic as well as manual access controls e.g. a locked filing cabinet.

‘Pseudonymised personal or sensitive personal data’ is information that has been de-personalised but key-coded and it can fall within the scope of the GDPR and this policy depending on how difficult it is to attribute the pseudonym to a particular individual.

'Supervisory Authority' is the body that the European Union requires each member state to appoint independently in their own country to regulate compliance with the GDPR. In the UK this regulatory body is the ICO.

We will make anyone with whom we share the personal data of our data subjects aware of our relevant policy, procedures and expectations at the outset of sharing.

Any breach of this policy, or of the Regulation itself must be reported to our Data Protection Officer and may need to be reported to the ICO as the Supervising Authority for the United Kingdom. The breach could be unlawful and result in legal action or prosecution and regardless of any legal repercussions it may also be actionable under our disciplinary procedures.

This policy will be updated as necessary to reflect improving practice in data management, security and control and to ensure compliance with any changes to relevant legislation.

4. **Personal Information we collect**

Personal Information is any information which personally identifies an individual. Personal information we may collect includes:

- name, postal address, phone number or email address
- health and medical information including details of next of kin
- bank and other details necessary and relevant to the making or receiving of payments for the goods/services being sold to, or purchased from the Charity
- registers and records of event attendance, job role and event evaluation
- communication preferences, distribution lists and subscriptions, including emails we send that may track read and click links, and the pages you visit on our website after clicking emails or completing online forms

The main places that we gather Personal Information are:

- when registering to be part of a project, research programme or piece of work
- during registration for and/or attendance at an event including training courses
- when accessing and/or downloading our publications or resources
- when providing feedback or evaluation information
- when subscribing to a communication or distribution list
- when accessing our website pages (currently hosted by Boingboing CIC www.boingboing.org.uk who use tracking devices (known as cookies) to track web visits; their Privacy Policy can be found here <https://www.boingboing.org.uk/about-us/privacy-policy/>)
- when someone is in contact with us with an enquiry or complaint

5. **How we use Personal Information**

We use the Personal Information that you share with us to:

- Send you relevant emails about our news, events, resources, products and services if you subscribe to our mailing list
- Deal with your enquiries and requests – If you contact us with an enquiry, request or complaint we may keep a record of that correspondence to ensure that we can deal with it quickly and effectively.
- Invite you to give us feedback or participate in research – We may ask you to complete surveys that we use for research purposes, to better understand how you use our resources, whether you find them useful and how we might improve them. Participation in surveys is always completely voluntary.
- Provide anonymised statistics on how many people use our publications and resources or come to our events – We may show these to supporters and funders to help demonstrate that people are interested in our work and that it has impact in the real world.
- Carry out our obligations arising from any contracts entered into between you and us, and to give you the information, products and services that you have asked for.
- Notify you about changes to services that you use, such as the email mailing list – We may periodically ask you for permission to continue emailing you if you don't open our emails, to make sure that you still want to hear from us.

6. **Our legal basis for collecting and processing your Personal Information**

At Boingboing Foundation we collect and process your Personal Information on the basis that we have described in this Privacy Policy.

We may rely on consent as our only lawful basis for processing personal and special category data, but when we ask we will include the following information:

- Our name
- the name of any third party controllers who will rely on the consent;
- why we want the data;
- what we will do with it; and
- that individuals can withdraw consent at any time.

People will be asked to actively indicate their consent in words and if there are different options, these will be made clear e.g. consent for a child to participate in an event being clearly separate from any consent to use images of them taken at the event (if no standing images consent is already held).

There is no set time limit for consent. How long it lasts depends on the context and what we have told people in our Privacy Notice or other communications. We review and refresh consents as appropriate.

Genuine consent should put individuals in control, build trust and engagement, and enhance our reputation so, when we do rely on it, we need to keep a record that helps show it was freely given e.g. who consented, when, how, and what they were told.

If at any point you want to stop receiving our communications or you would like to opt-out or withdraw previously given consent for any projects or services, please contact us at info@boingboingfoundation.org.uk.

7. **Data security and integrity**

Article 5(1)(f) of the GDPR concerns the ‘integrity and confidentiality’ of personal data. It says that personal data shall be: “Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures”.

The security measures we put in place seek to ensure that the data:

- can be accessed, altered, disclosed or deleted only by those we have authorised to do so and that those people only act within the scope of the authority we give them;
- is accurate and complete in relation to why we are processing it; and
- remains accessible and usable, i.e. if personal data is accidentally lost, altered or destroyed, we should be able to recover it and prevent any damage or distress to individuals.

All staff and any others who process the personal data of our data subjects are expected to work to the same principles we do at all times.

We have appropriate procedures and security measures in place to try to prevent Personal Information from being accidentally lost or used or accessed in an unauthorised way. However, we can't *guarantee* the security of information that you give to us over the internet, as sending any information via the internet is not completely secure, and any transmission or transaction on the internet is at your own risk.

8. **Who will see your data?**

We may share your Personal Information with other organisations (“third parties”) to help us provide you with resources and services in the ways described above in this Privacy Policy. These organisations may process data outside the European Economic Area via international information transfers. Boingboing Foundation values your privacy and will only share your data with these other organisations in very specific and limited circumstances, which are explained in this section. We review the privacy policies of those companies and only work with companies we trust to keep your data safe. We will not sell, barter or rent your data.

Boingboing Resilience CIC

Boingboing Resilience CIC is the sole member of the Charity although both are separate and independent legal entities. Given the close working relationship between the two organisations, there is a Memorandum of Understanding in place which establishes a collaboration and resource-sharing agreement to cover the co-productive approaches

inherent in our work. In these circumstances, Personal Information may be jointly shared and processed. Boingboing Resilience CIC is committed to the same high standard of privacy and data protection as Boingboing Foundation, and their Privacy Policy can be found here <https://www.boingboing.org.uk/about-us/privacy-policy/>.

The University of Brighton

We work very closely with the [Centre of Resilience for Social Justice](#) at the University of Brighton, including developing collaborative resources, conducting collaborative research projects and hosting joint events. In these cases Personal Information may be jointly shared and processed. The Centre of Resilience for Social Justice is committed to the same high standard of privacy and data protection as Boingboing, and the University of Brighton is based in the UK and registered as a Data Controller with the Information Commissioner's Office (ICO). For further details, please see:

- [University of Brighton's privacy notices](#)

Mailchimp

We use Mailchimp to manage our newsletter database. Mailchimp is a third-party service that is not owned or managed by Boingboing Foundation. Mailchimp operates in the USA and subscribes to the EU-US Privacy Shield, which commits to European standards of data protection. You should check Mailchimp's terms and conditions and privacy policy to make sure you agree with them, as we are not able to accept any responsibility or liability for their policies:

- [Mailchimp terms and conditions](#)
- [Mailchimp privacy policy](#)

Ticket Tailor

We use Ticket Tailor for event promotion and bookings. Ticket Tailor is a third-party service that is not owned or managed by Boingboing Foundation. Ticket Tailor are registered in England and Wales under company number 07583551. You should check Ticket Tailor's terms and conditions and privacy policy to make sure you agree with them, as we are not able to accept any responsibility or liability for their policies:

- [Ticket Tailor terms and conditions](#)
- [Ticket Tailor privacy policy](#)

Stripe

We use Stripe to process payment information if required. Stripe is a third-party service that is not owned or managed by Boingboing Foundation. Stripe operates in the USA and is certified under the EU-US Privacy Shield Framework and adheres to the Privacy Shield Principles. Stripe collects and processes European data in Ireland. You should check Stripe's terms and conditions and privacy policy to make sure you agree with them, as we are not able to accept any responsibility or liability for their policies:

- [Stripe terms and conditions](#)
- [Stripe privacy policy](#)

Disclosures

We may also share your Personal Information to third parties if we are under a duty to disclose or share your Personal Information because we have been asked to comply with laws and regulations, legal obligations (such as law enforcement or other authorities), to respond to a subpoena, search warrant or other lawful request for information, or to otherwise protect the rights, property, or safety of Boingboing Foundation.

Our communications may include links to other websites and organisations. If you click on a link to another websites, they will have their own privacy policies and we do not accept any responsibility or liability for the policies and practices of any third party to whom we link. Please check their policies before giving them any Personal Information.

9. How long will we hold your data?

Data you provide with consent (such as subscribing to the mailing list) is held until you withdraw that consent.

Data about how you engage and interact with us, such as reading emails and browsing web pages, is held for up to 8 years from the last time you engage with us.

Where you have participated in research with Boingboing Foundation, we will only retain your Personal Information for as long as we need it to carry out the research as stated on the consent form you will have signed, including analysing research data (eg matching questionnaires administered before and after a project to the same person, monitoring who comes to events that are part of a research project), and for the purposes of satisfying any legal, accounting, or funding report requirements (because we can't do research without fulfilling those obligations).

When working out how long to hold your Personal Information, we think about the amount, nature, and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of the Personal Information, what we need the Personal Information for and whether we can achieve the same result a different way, and any relevant legal requirements.

10. Your rights

The General Data Protection Regulation (GDPR) is a major piece of data protection law that gives you rights and choices about how your Personal Information is used. In summary, the GDPR includes the right to:

- Fair processing of information and transparency over how we use your use personal information

- Access to your personal information and to certain other supplementary information that this Privacy Policy is already designed to address
- Require us to correct any mistakes in your information which we hold
- Request the erasure of personal information concerning you in certain situations
- Receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to a third party in certain situations
- Object at any time to processing of personal information concerning you for direct marketing
- Object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you
- Object in certain other situations to our continued processing of your personal information
- Otherwise restrict our processing of your personal information in certain circumstances
- Complain to a supervisory authority if you believe we have misused your data

You can exercise your rights at any time by contacting us using the contact information below.

You can choose whether to receive marketing communications

Boingboing Foundation uses Personal Information to send subscribers newsletter emails with details about news, events, resources, products and services. You have the right to ask us to stop sending you these emails. All newsletter emails contain a personalised “unsubscribe” link at the bottom.

You can choose to correct, update or delete your information

We want to make sure that your information is accurate and up to date. You may update your information in the newsletter database yourself by clicking on the “Update your preferences” link at the bottom of each email. If you would like us to remove any other Personal Information we hold about you, please contact us using the contact information below.

Access to your information

If you are a European resident, you have the right to access any Personal Information we hold about you and to ask that your personal information be corrected, updated, or deleted under the Data Protection Act 2018 and the General Data Protection Regulation. If you would like to exercise this right, please send a description of the information you would like to see, together with proof of your identity, to the contact information below. No administration fee will be charged for considering or complying with such a request unless the request is deemed to be excessive or you require further copies.

You can find out more about your rights under Data Protection

For more information about your rights under the Data Protection Act 2018 and the General Data Protection Regulation go to the website of the [Information Commissioner's Office](#) (ICO).

If you have a complaint about Boingboing Foundation data processing

We hope that we can resolve any queries or concerns you may have about our use of your Personal Information, so please contact us at info@boingboingfoundation.org.uk.

The General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in the UK is the Information Commissioner who may be contacted at ico.org.uk/concerns/ or telephone: 0303 123 1113.

11. The Data Controller that looks after your data

Data protection law asks every company to make it clear who is responsible for looking after your Personal Information, so here are our details:

Boingboing Foundation is the data controller of the Personal Information collected from you. We are a registered Charity in England and Wales (Charity no. 1194676) and a registered Company Limited by guarantee (Company no. 13384036). Our registered address is Cornelius House, 178-180 Church Road, Hove, East Sussex, BN3 2DJ.

12. Amendments

We may review and update our Privacy Policy from time to time in order to reflect, for example, changes to our practices or for other operational, legal or regulatory reasons. Any changes we may make to our Privacy Policy in the future will be posted on our webpage.

13. Contact information

For more information about our privacy practices, if you have any questions or concerns about who we are or how we process your Personal Information, or if you would like to make a complaint, then do please contact us by email at info@boingboingfoundation.org.uk or by letter using the details provided below:

Cornelius House, 178-180 Church Road, Hove, BN3 2DJ, United Kingdom