

Malaika Kids Data Protection Policy and Procedures

1. About this Policy

- 1.1 Malaika Kids [the Charity] handles Personal Data about current and former members and supporters, as well as volunteers. Since the purpose of the Charity is to provide financial, managerial and other practical support to Malaika Kids Tanzania, personal information concerning the staff, children under the care and support of that organisation and in some cases their parents and guardians, may be shared with our Charities and held and processed within the UK to the extent necessary to provide this support.
- 1.2 We recognise the need to treat all Personal Data in an appropriate and lawful manner, in accordance with the EU General Data Protection Regulation 2016/679 (GDPR) and other applicable legislation. All Personal Data is treated as confidential and kept secure including that provided through the Charity's Website.
- 1.3 Correct and lawful treatment of this data will maintain confidence in the Charity. This Policy sets out our data protection responsibilities and highlights the obligations of the Charity, which means the obligations of our Trustees, volunteers, members, and any other contractor or legal or natural individual or organisation acting for or on behalf of the Charity. It will be reviewed, updated and re-approved by the Trustees every 2 years or following any substantive change to the underlying legislation. The Master copy will be held on the computer of the Data Protection Adviser.
- 1.4 The Board of Trustees will be responsible for ensuring compliance with this Policy. The Data Protection Adviser has been appointed to provide advice to the Trustees on data protection Issues. If necessary reference will be made to the ICO dedicated advice line for small organisations. Any questions about this Policy or data protection concerns should be referred to the chairman.
- 1.5 We process volunteer, member, supporter and trustee information for the purpose of fundraising, communicating news about the Charity and associated activity in Tanzania, In addition, contractor, supplier and third party Personal Data may be processed for administrative and management purposes. Personal Data may also be processed in connection with Safeguarding activities for volunteers, trustees and others planning to stay at the Children's Village in Mkuranga. This data will only be held and / or

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processed for the time required to complete safe guarding activities and will then be destroyed. Unless required otherwise by law and / or regulatory requirements Personal Data that is no longer required for operational reasons or belonging to those no longer supporting or involved with the Charity will be destroyed within 2 months. All data processing will be carried out fairly and so as to avoid adversely affecting individual's rights and freedoms.

- 1.6 Anyone who believes that the Charity is holding their personal information may request to see what is held. Such requests will be responded to within one month.
- 1.7 Any requests to update or correct Personal Data held by the Charity will be actioned as soon as possible.
- 1.8 Any person whose Personal Data is held by the Charity may request to have this deleted. Any operational consequences of this need to be explained, however if the request is sustained all copies of that person's Personal Data will be destroyed within one month.
- 1.9 All the key definitions under GDPR can be found on the ICO website [here](#) .

2. Background and Legal Basis for Data Processing

- 2.1 Before preparing this Policy and Procedure a Data Audit was carried out. This was documented and is held by the Data Protection Adviser. It will be updated as and when changes occur.
- 2.2 This policy and associated procedures have been prepared using published advice on the ICO Website.
- 2.3 Using ICO self-assessment tools we believe that we are a not for profit organisation that qualifies for exemption from registration.
- 2.4 We have determined that we do not need to appoint a Data Controller [a position specified in the Act] but have chosen to appoint a Data Protection Adviser to keep Trustees up to date on data protection issues.
- 2.5 The legal basis for data processing for all members, trustees, volunteers, donors and supporters where that Personal Data originates within the UK or the EU is consent. A separate section covers consent in more detail.
- 2.6 Personal Data, originating from Malaika Kids Tanzania that is shared with Malaika Kids to enable the Charity to provide management guidance, is processed under the legal basis of legitimate interests.

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- 2.7 Some of this data originating from Malaika Kids Tanzania, for example the Health Records of the Children is considered to be special category data. In order to be able to process this data, in addition to the legal basis of legitimate interests the additional condition applies: {Article 9(2) (h)} processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment.
- 2.8 The legal basis for our data processing is stated in the Charity's Privacy Notice that is available on the MK websites .
- 2.9 Data is only processed where required and to the minimum extent to fulfil the purposes of the Charity. Where the legal basis is consent, processing will be limited to the purposes covered by that consent.
- 2.10 In case of data exchanges between Malaika Kids UK and Malaika Kids Netherlands, this policy and procedures shall take precedence.
- 2.11 Photos of children under care in Tanzania may be processed in Holland to illustrate news items and to support fund raising. Care is taken to ensure that such children cannot be individually identified. Malaika Kids Tanzania who provide legal guardianship for the children under their direct care, provides the necessary consent for such use of these pictures.
- 2.12 In case of a data breach, this will be thoroughly investigated by the Data Protection Adviser plus a Trustee and reported to the person affected within 72 hours if feasible. In addition, if the breach is judged likely to result in risks to the individual's rights and freedoms, the breach shall be reported to the ICO within the same time scale. Records shall be kept of all such breaches, investigations and subsequent action by the Data Protection Adviser and reported to the Chairman of Trustees.
3. **Data Protection and Security [Storage, Transfer and Processing]**
- 3.1 Records are maintained on a variety of platforms and in the main are stored on cloud domains where the Charity relies upon the cloud provider's backup routines for security. Files are expected to be encrypted when not being actively accessed or updated.
- 3.2 Access to and processing of information is by means of password protected devices.

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3.3 Transfers of records between officers of the Charity are chiefly by email attachment and some by means of a transfer service where the files are available for a week maximum.

3.4 Processing of records is by software obtained from recognised providers. The Charity does not develop software for data processing.

4. Records and Data Processing to Support the Educational and Welfare Programme in Tanzania

4.1 Records concerning the education of our kids are primarily kept in Tanzania, where they are most used. Malaika Kids Tanzania is the legal guardian of our children in the Children's Village, Mkuranga and in the Reception Home, Kinondoni.

4.2 Individual records are shared with the Head of the Education Interest Group, who may in turn share them with other educational committee members where appropriate. He/She has weekly discussions with the Village Manager in Mkuranga and the CEO in Dar es Salaam where education is the primary focus. The main purpose is to track the attainment of the children so as to ensure they progress to the right next stage in their educational attainment, and to make certain that appropriate budgetary processes are in place.

4.3 Trustees and fundraisers have access to educational data on a need to know basis; for external audiences we only use group data or anonymised records.

4.4 Malaika Kids Tanzania retains educational records indefinitely, for legitimate reasons such as support for our children's job applications. These may be shared with the Education Interest Group for analytical and other purposes.

4.5 Records are held in the EU with the Trustee who recruits Volunteers to help at the Malaika Kids facilities in Tanzania, this includes CVs and contact details. This data is held whilst considering someone as a potential volunteer and if unsuccessful it is deleted. Successful volunteers are subject to EU safeguarding enhanced DBS checks carried out on behalf of the Charity by an outside agency, but those personal details are not held by the Charity. When a volunteer goes out to Tanzania a transfer information sheet is produced for the use of Malaika Kids UK or NL, the management of MK in Tanzania and the volunteer's family, this includes contact details both of Malaika Kids' staff

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and of the volunteer's next of kin in case of emergency. This information is kept only whilst they are in Tanzania.

5. Records and Data Processing to Support the Health Programme in Tanzania

5.1 The legal basis for holding and processing the records is described in Section 2. These records are created and updated by the Charity's Medical Adviser to support the health programme of children in the care of Malaika Kids Tanzania.

5.2 The Electronic Records are updated annually for every child in the programme and are held securely in accordance with the provisions of Section 3.

5.3 This data is held only on the computer of the Medical Adviser. Data from the records is communicated to the Chairman of Trustees, and selected other Trustees, the Management of Malaika Kids Tanzania and Medical Professionals in Tanzania only to the extent necessary to the execution of the planned health programme.

5.4 This data makes up part of their lifetime health record, so when a child [or adult] leaves the care of Malaika Kids Tanzania, that person's health records will be retained in case the person returns to Malaika Kids or needs to refer to his or her medical history in future.

6. Records and Data Processing to Support Fund Raising in the EU and in Tanzania

6.1 Records are maintained by the Charity in the UK to support the use of restricted donations and to make Gift Aid submissions to HMRC.

6.2 Grants are solicited by the Charity from trusts and corporate bodies, and data relating to these submissions is recorded by the Secretary of the Charity and held in a database maintained by Malaika Kids Netherlands.

6.3 This data is maintained by the Charity's independent financial consultant; it can contain names, addresses, and telephone numbers but this person does not use these details for direct contact with the donors.

6.4 Subsidiary accounting records are held in paper form for the current and the previous accounting years.

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6.5 From time to time the Charity organises fund raising events in the EU. Personal Data may be solicited from participants beforehand to facilitate the running of the event and for follow-up afterwards. Events may be organised in association with a bona fide third party which may collect personal details on their own behalf to help run the event. The Charity will endeavour only to work with other organisations that adhere to the GDPR standards.

7. Social Media

7.1 Malaika Kids has social media accounts with Facebook, Twitter and Instagram. Sign-up to these is voluntary and is made online, directly with the provider and is also subject to their data protection standards.

7.2 A discontinued blog account is to be deleted within three months.

8. Consent

8.1 One of the lawful bases on which we will be processing data is the individual's consent.

8.2 An individual consents to us holding and processing their Personal Data if they clearly indicate specific and informed agreement in a format that enable a record to be kept [letter , website ticked box opt in, Email]. The intended use of the data provided must be clearly stated in a statement separate from other conditions.

8.3 Some consents are maintained by other organisations used to facilitate supporter communications. The Charity will ensure that these also satisfy the latest GDPR standards.

8.4 Consents will be held securely in specific folders the computers of the Data Protection Adviser and the Secretary and Chairman of Trustees

8.5 Individuals must be easily able to withdraw their consent at any time and withdrawal must be promptly honoured and the data destroyed within one month, or as soon as feasible.

8.6 Explicit consent is usually required for cross-border data transfers, and for processing special category Personal Data. Where children are involved then the consent must be in writing from parent/guardian.

8.7 Where records of consent are not available or where they do not satisfy current GDPR standards, these consents will be renewed, or alternatively the applicable Personal Data deleted.

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9. Website Data Protection

- 9.1 The Malaika Kids website is accessed securely using the protocol (https://).
- 9.2 The Malaika Kids may process Personal Data but only uses it for the minimum length of time; for instance when a person signs up for an event organised by the Charity. Thereafter information is retained for a maximum of two years in case of query.

10. Personal Data Held by Third Parties

- 10.1 Third party organisations do hold personal information for one-off and continuing donations, participation in sporting events for instance. The Charity will endeavour only to use bona fide organisations that adhere to GDPR standards.

11. Accurate data

- 11.1 We will ensure that Personal Data we hold is accurate and kept up to date. We will check the accuracy of any Personal Data at the point of collection. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

12. Processing in line with Data Subjects' Rights

- 12.1 As data subjects, all individuals have the right to:
 - 12.1.1 be informed of what Personal Data is being processed;
 - 12.1.2 request access to any data held about them by the Data Protection Adviser;
 - 12.1.3 object to processing of their data for direct-marketing purposes (including profiling);
 - 12.1.4 ask to have inaccurate or incomplete data rectified;
 - 12.1.5 be forgotten (deletion or removal of Personal Data);
 - 12.1.6 restrict processing;
 - 12.1.7 data portability.
- 12.2 The Charity is aware that not all individuals' rights are absolute, and any requests regarding the above will be immediately reported to the Trustees.

13. Dealing with Requests from Individuals

- 13.1 Individuals may make a formal request concerning information we hold about them. Anyone who receives such a request should forward it to the Data

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Protection Adviser, the Secretary and the Chairman of Trustees immediately, to enable timely action to be taken. The necessary action will be initiated by the Data Protection Adviser in conjunction with the Chairman of Trustees. Nobody should feel bullied or pressured into disclosing personal information.

13.2 Should the Data Protection Adviser be unavailable due to sickness, vacation, etc., the Secretary will act instead.

13.3 When receiving telephone enquiries, we will only disclose Personal Data if we have verified the caller's identity to make sure they are entitled to it.

14. Personal Data and Fundraising

14.1 Fund raising requests may only be directed to individuals who have specifically consented to this.

14.2 Stories about the children in our care are often used for fundraising purposes. In such cases care must be taken to anonymise the individuals involved by removing all identifiers to protect their rights.

15. Changes to this policy

We reserve the right to change this policy at any time. Where appropriate, we will notify you by email.