

Sharing information about grant applicants can help safeguard charitable funds, protect funding so it goes to the intended beneficiaries, and help prevent criminal activity. But how can information be shared without contravening the Data Protection legislation and the Freedom of Information Act?

The below, represents the7stars foundation's position on collection and sharing of information, and is based on advice and guidance from the Association of Charitable Foundations and Farrer & Co Solicitors.

#### Data Protection Act

The provisions of the Data Protection Act (the DPA) relate to personal data. Information about companies (or charities or voluntary organisations) is not personal and, accordingly, there are no requirements to protect this data. Also, a large proportion of company information, such as financial accounts, is available to the public.

However, a distinction needs to be drawn between information relating to a company, and information relating to an employee or director of that company. Information relating to an employee or director is personal data, and that individual has the same rights under the DPA as any other person as to how you process the data and how that data is stored. So, information held about XYZ Limited can be freely exchanged. Information about an employee of XYZ Limited is subject to the provisions of the DPA.

#### The DPA only applies to information which:

- ★ Has a living individual as its focus
- ★ Is biographical in a significant sense
- ★ Affect's an individual's privacy whether in his/her home life or professional life.

#### Sensitive personal data is information which relates to a living individual:

- ★ Race/ethnicity
- ★ Political/Religious beliefs
- ★ Trade union membership
- ★ Physical/Mental health
- ★ Sexual life
- ★ Commission or alleged commission, or any criminal offence and related proceedings/sentence

The7stars foundation is committed to the following, in their collection and sharing of an individual's data:

1. Data is to be processed fairly and lawfully
2. Data must only be obtained for one or more specified purposes
3. All data held must be accurate and kept up to date, and not be kept longer than necessary.
4. Measures should be taken to ensure the data kept is secure, to avoid accidental loss/destruction.

The foundation will obtain the individual's consent to process personal data, and explicit consent if the foundation intends to share sensitive personal data with a third party.

The foundation understands applicants are freely entitled to request to see the information held that relates to them and to ask for what purpose it is held and with whom it might be shared. This will include any views that are expressed, however personal, so care must be taken not to express private thoughts, however justified. Any views and information about potential applicants must therefore be factually based and recorded accurately.

#### Data Protection Statement

In order to satisfy data protection obligations, application forms should routinely contain a Data Protection Statement:

As a necessary part of the application process the7stars foundation will be collecting information about you, including personal data. The7stars foundation obtains and uses such information as part of the process of assessing grant applications and for monitoring the use of those grants. From time to time the7stars foundation will share the information with [other grant providers, trusts, and charities and external auditors] for the following purposes:

- ★ Determining, preventing or detecting crime.
- ★ Ensuring that no one individual is receiving multiple grants.
- ★ Validating any contract that we may enter into with you.
- ★ As part of our external auditing requirements.

We will not keep your information on file for longer than we need to. In usual circumstances your file will be shredded after 3 years.

By signing and submitting your application form you give your explicit consent for us to use data relating to you for the purposes outlined above".