



# Data Protection Policy

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## Overview

The [Data Protection Act 2018](#) is the UK's implementation of the General Data Protection Regulation (GDPR), sometimes referred to as 'GDPR UK' and the Data (Use and Access) Act 2025 (DUAA) is a UK law enacted on 19 June 2025. This policy sets out how Highgate Community Support Limited (HCSL) controls personal information to comply with this legislation and ensure personal data we keep is fair and essential. Everyone at HCSL is responsible for data protection and must make sure all 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/processed in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as, race, ethnic background, political opinions, religious beliefs, trade union membership, genetics, biometrics (where used for identification), health, sex life or orientation. There are separate safeguards for personal data relating to criminal convictions and offences.

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## Scope

This policy applies to all personal data processed or held by HCSL and is part of our compliance with data protection law, together with other related policies. All our staff are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

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## What is Personal Data?

GDPR UK defines personal data as:

*'...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.'*

i.e information relating to individuals who:

- can be identified or are identifiable, directly from the information in question; or
- can be indirectly identified from that information in combination with other information.

At HCSL, this personal data may be captured in documents, photography, film, sound recordings, artwork or any personal artefact.

Personal data may also include special categories of personal data and criminal conviction and offences data. These types of data are considered to be more sensitive, require greater protection and can only be processed in more limited circumstances.

Special category data is considered more sensitive because if this type of data were inappropriately accessed it could create more significant risks to a person's fundamental rights and freedoms, such as putting them at risk of unlawful discrimination. Special category data is information about an individual's:

- racial or ethnic origin;
  - political, religious or philosophical beliefs;
  - trade union membership;
  - genetic and biometric data (where used for ID purposes);
  - health, sex life or sexual orientation.
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## Lawful basis for processing

The GDPR requires organisations to have a valid lawful basis in order to process personal data. There are 6 lawful bases for processing:

- the individual has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the individual is party or in order to take steps at the request of the individual prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which HCSL is subject;
- processing is necessary in order to protect the vital interests of the individual or of another person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the individual which require protection of personal data, in particular, where the data subject is a child.

The lawful basis for lawfully processing special category data is different, there must be both a lawful basis under Article 6 of GDPR and a separate condition for processing special category data under Article 9 of GDPR, of which there are 10. The Article 9 GDPR conditions should also be read alongside the Data Protection Act 2018, which adds more specific conditions and safeguards in Schedule 1 Part 1 and Part 2.

## Consent

For consent to be compliant with the GDPR, it must:

- be freely given
- be a positive opt-in by individuals, this means that HCSL must not use pre-ticked boxes or any other method of default consent;
- be clear, concise, easy to understand and obvious;
- be specific and 'granular', i.e. separate consent must be sought for separate uses of the personal information. consent for the use of personal data must also be separate from other terms and conditions. Vague or blanket consent is not appropriate;
- make it easy for individuals to withdraw consent and they must be informed how to do this;
- not be a precondition of service;
- reveal the name of the organisation processing the personal data, the purposes of the processing and the types of processing activity;
- name any third-party data controllers who will rely on the consent; and



- explicit consent for the use of special category data must be a clear and specific statement of consent expressly confirmed in words, rather than by any other positive action.

Consent is often not a suitable basis for processing personal and special category data, particularly if consent is a precondition of a service.

HCSL will keep records to evidence any consent which has been sought from individuals. These records must include; who consented, when, how, and what they were told. Records of consent must be kept under constant review and refreshed when changes occur.

HCSL adapt a template consent form for projects:

<https://forms.gle/NwCFJh8foDTa4CNN6>

## Legitimate Interest and Assessment

There are many legitimate reasons why HCSL will hold an individual's personal data. Legitimate interests aren't centred around a particular purpose (such as performing a contract or meeting a legal obligation) and aren't the same as consent (processing information in a way that an individual has specifically agreed to).

Legitimate interests are more flexible than either of these, and can apply to any type of information processing so long as it's for a reasonable purpose.

There are three elements to the legitimate interests basis. We will assess and regularly review the basis on which Friction Arts holds personal data in order to:

- identify a legitimate interest
- show that storing it is necessary
- balance it against the individual's interests, rights and freedoms

Legitimate interests can be our own interests or the interests of third parties. They can include commercial interests, individual interests or broader societal benefits.

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## Our Processes

HCSL will:

- ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the data protection legislation
- not do anything with an individual's personal data that the individual would not expect given the content of this policy and the fair processing or privacy notice
- ensure that appropriate privacy notices are in place advising staff and others how and why their data is being processed, and advising data subjects of their rights



- only collect and process the personal data that it needs for purposes it has identified in advance
- ensure that, as far as possible, the personal data it holds is accurate and ensure systems are in place for ensuring that it is kept up to date
- only hold onto an individual's personal data for as long as it is needed, after which time our Data Protection Lead will arrange secure erasure or deletion of personal data. HCSL Collection and Retention procedures set out the timescales.
- ensure that appropriate security measures are in place so that personal data can only be accessed by those who need to access it and that it is held and transferred securely
- keeps records of processing activities involving the use of personal data, covering areas such as: the type of personal data being used, the purpose for processing the data, any data sharing arrangements and the retention period for the data
- undertake data protection impact assessments when required

HCSL will ensure that all staff who handle personal data on its behalf are aware of their responsibilities under this policy and other relevant information security policies, and that they are adequately trained in matters relating to data protection and information security and supervised.

The UK GDPR and the Data Protection Act 2018 [set out exemptions](#) from some of the rights and obligations in some circumstances, containing specific provisions that adapt the application of the [purpose limitation](#) and [storage limitation](#) principles when processing personal data for archiving purposes in the public interest. Please refer to our [Archives Collection and Retention Policy](#).

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## Data Subject Rights

HCSL have processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under data protection legislation. All staff have received training and are aware of the rights of data subjects. Staff can identify such a request and know who to send it to.

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

**Subject access:** the data subject has the right 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 the right to obtain the following information:

- the purpose of the processing



- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

**Rectification:** the data subject has the right to rectify inaccurate personal data concerning them.

**Erasure:** the right to have data erased and to have confirmation of erasure, but only where: the data is no longer necessary for the purpose for which it was collected or used; consent is withdrawn; there is no legal basis for the processing; the personal data was collected or used unlawfully; where the processing of personal data was for direct marketing purposes and the individual objects to that processing; or there is a legal obligation to delete data.

**Restriction of processing:** the data subject has the right to ask for certain processing to be restricted in the following circumstances:

- if the accuracy of the personal data is being contested
- if our processing is unlawful but the data subject does not want it erased
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims
- if the data subject has objected to the processing, pending verification of that objection

**Data portability:** the data subject has the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if HCSL was processing the data using consent or on the basis of a contract.

**Object to processing:** the data subject has the right to object to the processing of personal data relying on the legitimate interests processing condition unless HCSL can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

**Proportional response:** HCSL do not use data records directly to make profit. We set out clear principles on ownership in our values and throughout our policies. This is reflected in our contracts, consent forms, archive, and all systems and procedures relating to personal data. We will destroy personal data on request unless there are exceptional circumstances.



## Training and Procedures

All staff will receive in-house training and annual refresher training on Freedom of Information Requests (FOI), GDPR, [Data Subject's Right to be Forgotten, Art 17](#) and all issues relating to Data Protection and its impact on our organisation. Data Protection Lead will provide clarity on what a failure to comply means and ensure all procedures and systems in place.

The Board of HCSL will ensure provision of training for appropriate staff additional to in-house training.

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## Responsibility for Processing Personal Data

Data Protection is a team effort and an opportunity to establish the correct protocols for archive storage and controlled access of all our media.

The Board of HCSL have oversight and take ultimate responsibility for data protection.

The Data Protection Lead is responsible for implementing Data Protection Policy and devising systems and procedures with HCSL staff to meet HCSL responsibilities and maintaining the Company's record of personal data processing. Any new project or process that involves the processing of personal data must be reported to the Data Protection Lead to ensure it is appropriately recorded.

If an individual has any concerns or wishes to exercise any of their rights under the GDPR UK, please contact the Data Protection Lead:

Manon Evans, Company Administrator [info@HCSLarts.com](mailto:info@HCSLarts.com)

In her absence contact Marcus Belben [marcus.belben@gmail.com](mailto:marcus.belben@gmail.com) 07511 482528

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Prepared [marcus.belben@gmail.com](mailto:marcus.belben@gmail.com) for board Approval Nov 2025