

# **Lomond Mountain Rescue Team (LMRT) – Data Protection Policy**

## **1. Introduction**

LMRT is a Scottish Charitable Incorporated Organisation (SCIO). The organisation's purposes are to facilitate the following through search and rescue, on behalf of Police Scotland:

- Saving of lives
- The location and relief of people who are lost, injured, missing or otherwise in need of assistance, in the mountains and other inaccessible areas within the Lomond and Trossachs Area and surrounding district.
- To render assistance to other search and rescue teams in Scotland.
- To assist Police Scotland in other emergency situations where our resources can provide public benefit.
- To promote safe practice in the mountains.

LMRT is required to comply with the General Data Protection Regulation, which came into force on the 25th of May 2018.

**Post-Brexit:** The UK's Data Protection Act 2018 has already enacted the EU GDPR's requirements into UK law, and with effect from 1 January 2021, [the DPPEC \(Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\)\) Regulations 2019](#) amended the DPA 2018 and merged it with the requirements of the EU GDPR to form a new, UK specific data protection regime that works in a UK context after Brexit as part of the DPA 2018.

This new regime is known as "UK GDPR".

GDPR requires organisations which record and process personal data to ensure it is:

1. Processed lawfully in a fair and transparent manner
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
4. accurate and, where necessary, kept up to date
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
6. processed in a manner that ensures appropriate security of the personal data.

This Policy sets out:

- The data held by LMRT
- The actions taken by LMRT to ensure it is compliant with GDPR
- Arrangements for the review of this policy

## **2. Data held by LMRT**

The data held by LMRT is summarised in Appendix 4. It includes "personal" and "sensitive personal" data. Personal data includes name, address, phone number and e mail. Sensitive personal data includes information about physical or mental health.

### **3. GDPR Compliance**

#### **3.1 Data Controller**

The Secretary of LMRT is the designated Data Controller. He/ she is responsible for ensuring the Team complies with the GDPR.

#### **3.2 Legal justification for holding and processing information**

There are six lawful bases for processing personal data – Consent, Contract, Legal obligation, Vital interests, Public task and Legitimate interests.

In the case of LMRT, the suggested legal justifications for holding different data are given in Appendix 2. For the most part, the team holds information that is in the **legitimate interests** of the subject (eg phone numbers allow a team member to be alerted to callouts).

#### **3.3 Privacy Notices**

The privacy notices for the groups we process information for form Appendix 3

#### **3.4 Data Retention Policy**

The LMRT Data Retention Policy forms Appendix 4

#### **3.5 Secure storage and transfer of information**

LMRT will ensure all files containing personal data are password protected and the passwords sent separately from the e mails containing the data.

### **4. Review of this policy**

This policy will be reviewed by the Committee and Trustees of LMRT on an annual basis in accordance with the calendar set out in the Team Governance document.

## **Appendix 2 – Legal basis for holding and processing personal information**

### **1. The legal basis for processing personal data of team members, their next of kin and ex-Team members for the purpose of administering membership of LMRT**

This document identifies the data processing LMRT undertakes with personal data in relation to our current and ex members and their next of kin and the legal basis under which we carry out data processing.

#### **Data processing**

Including – circulation of emails to a variety of address lists (team members; Committee members; Trustees; ex Team members); maintenance of contact list of current and ex-Team members; maintenance of next of kin information. This may involve from time to time sharing personal data with relevant and related third parties eg Police Scotland, Scottish Ambulance Service and others. To enable communications between teams this personal data may be shared from time to time within the MR community in Scotland, eg contact details of one team leader may be given to another Team.

LMRT believes that

- persons whose data we process for this purpose reasonably expect us to carry out this processing
- processing personal data in this way furthers the administration of our Team
- processing personal data in this way is reasonable and necessary for the administration of our Team
- the data used for this processing is not particularly sensitive or private
- people expect that their data is used in this way

LMRT is happy to explain our use of personal data to the individuals whose data we use in this way.

#### **Conclusion**

**We conclude that data processing for the purpose of administering the membership of LMRT is a legitimate interest.**

LMRT has:

- circulated a privacy notice informing members, ex members and next of kin that we are using their data in this way and under the legitimate interest legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy

## **Appendix 2 – Legal basis for holding and processing personal information**

### **2. The legal basis for processing personal data of team members for the purpose of complying with the SMR (Scottish Mountain Rescue) opiates licence**

SMR holds an opiates licence that enables MRT members who hold a casualty care certificate to use opioid based analgesics in mountain rescues. As a condition of that licence SMR must hold and process data on Team Opiates Servants who hold responsibility for the drugs within the team of which they are a member.

This document identifies the data processing that LMRT undertakes with personal data in relation to this licence and the legal basis under which we carry out this data processing.

#### **Data processing**

It is a condition of the licence that SMR pass to the Home Office data on team opiates servants. This includes name and address and the team to which they belong. LMRT provides SMR with information about its Opiates Servants.

LMRT does not have discretion over provision of this information to SMR and the Home Office and there is no other way to comply with terms of the licence

#### **Conclusion**

**We conclude that data processing for the purpose of administering the Opiates licence of SMR is a legal obligation.**

LMRT has:

- circulated a privacy notice informing Team Opiates servants that we are using their data in this way and under the legitimate interest legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy

## **Appendix 2 – Legal basis for holding and processing personal information**

### **3. The legal basis for processing personal data of individual donors/ organisations approached for funding**

LMRT receives donations from individuals and organisations to support mountain rescue and approaches organisations to request funding.

We offer general opportunities via a dedicated page on our website and have a donate button on our Facebook site, so any personal data we hold related to donors is voluntarily offered to us. Information about individuals in organisations we approach for funding is sourced through publicly available media eg the internet or publications.

This document identifies the data processing that LMRT undertake with personal data that comes in to our possession in relation to individual/ organisational donors and the legal basis under which we carry out data processing.

#### **Data processing**

We use the personal data that comes in to our possession on individual/ organisational donors to

- Acknowledge receipt and offer thanks
- Answer questions
- Keep records according to accounting regulations

LMRT believes that

- persons whose data we process for this purpose reasonably expect us to carry out this processing
- processing personal data in this way furthers the administration of donations received
- processing personal data in this way is reasonable and necessary for the administration of donations received
- the data used for this processing is not particularly sensitive or private
- people expect that their data is used in this way

LMRT is happy to explain our use of personal data to the individuals whose data we use in this way.

#### **Conclusion**

**We conclude that data processing for the purpose of administering/ seeking donations is a legitimate interest.**

LMRT has:

- circulated a privacy notice informing donors that we are using their data in this way and under the legitimate interest legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy

## Appendix 2 – Legal basis for holding and processing personal information

### 4. The legal basis for processing personal data acquired via the Lomond MRT website: [www.lomondmrt.org.uk](http://www.lomondmrt.org.uk)

This document identifies the data processing that we undertake with personal data that comes in to our possession from our website ([www.lomondmrt.org.uk](http://www.lomondmrt.org.uk)) and the legal basis under which we carry out data processing.

#### Data Processing

We use the personal data that comes into our possession from our website to

- Understand the effectiveness of our website and improve the user experience
- Respond to communications including queries that users send to us via the contact form.

LMRT believe that

- Persons whose data is processed in this way reasonably expect us to carry out this processing
- Processing personal data in this way furthers the effectiveness of our website and allows us to improve the user experience and allows us to respond to communications received
- processing data in this way is reasonable and necessary
- the data used for this processing is not particularly sensitive or private
- people expect that their data is used in this way

LMRT is happy to explain our use of personal data to the individuals whose data we use in this way.

#### Conclusion

**We conclude that data processing for the purpose of administering our website is a legitimate interest.**

LMRT has:

- placed a privacy notice on our website informing viewers that we are using their data in this way and under the legitimate interest legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy

## Appendix 2 – Legal basis for holding and processing personal information

### 5. The legal basis for processing personal data of lost, missing or injured persons for the purpose of assisting Police Scotland

This document identifies the data processing LMRT undertakes with personal data in relation to lost, missing or injured persons and the legal basis under which we carry out data processing.

#### Data processing

Including – gathering personal and sensitive personal information about lost/ missing/ injured persons including name; address; DOB; medical conditions; sharing personal data with relevant and related third parties eg Police Scotland, Scottish Ambulance Service and others.

LMRT believes that

- persons whose data we process for this purpose reasonably expect us to carry out this processing
- processing personal data in this way furthers the achievement of the purposes (see Constitution) of our Team
- processing personal data in this way is reasonable and necessary for the achievement of the purposes of our Team
- the data used for this processing is not particularly sensitive or private
- people expect that their data is used in this way

LMRT is happy to explain our use of personal/ sensitive personal data to the individuals whose data we use in this way.

#### Conclusion

**We conclude that processing of lost, missing or injured persons data in order to achieve the purposes of our Team (see Constitution) is a legitimate interest under GDPR Article 6. We also conclude that this processing is in the subject's vital interests under Article 9, either to allow us to treat immediate injury or to prevent future injury, which may occur between us locating a casualty and delivering them to safety.**

LMRT has:

- as far as is practicable, informed lost, missing or injured persons that we will use their data in this way and under the legitimate interest/ vital interests legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy



## **Appendix 2 – Legal basis for holding and processing personal information**

### **6. The legal basis for processing personal data of volunteers who are not Team members**

This document identifies the data processing LMRT undertakes with personal data in relation to volunteers who are not Team members or ex Team members and the legal basis under which we carry out data processing.

#### **Data processing**

Including – circulation of emails with volunteers personal data to a variety of address lists (team members; Committee members; Trustees); maintenance of contact list of volunteers. This may involve from time to time sharing personal data with relevant and related third parties eg other mountain rescue teams.

LMRT believes that

- persons whose data we process for this purpose reasonably expect us to carry out this processing as they have volunteered to assist the Team, eg by being a casualty in an exercise or by assisting with fund raising.
- processing personal data in this way furthers the administration of our Team
- processing personal data in this way is reasonable and necessary for the administration of our Team
- the data used for this processing is not particularly sensitive or private
- people expect that their data is used in this way

LMRT is happy to explain our use of personal data to the individuals whose data we use in this way.

#### **Conclusion**

**We conclude that processing data of volunteers who are not current or ex Team members of LMRT as noted above is a legitimate interest.**

LMRT has:

- circulated a privacy notice informing volunteers that we are using their data in this way and under the legitimate interest legal basis.

LMRT will:

- Review this assessment on an annual basis as part of the review of the Data Protection Policy

## **Appendix 3 – Privacy notices for groups LMRT hold information for**

### **Lomond Mountain Rescue Team Privacy Notice**

#### **For current members and their next of kin; ex members; volunteers who are not members**

LMRT is a Scottish Charitable Incorporated Organisation (SCIO). The organisation's purposes are to facilitate the following through search and rescue, on behalf of Police Scotland:

- Saving of lives
- The location and relief of people who are lost, injured, missing or otherwise in need of assistance, in the mountains and other inaccessible areas within the Lomond and Trossachs Area and surrounding district.
- To render assistance to other search and rescue teams in Scotland.
- To assist Police Scotland in other emergency situations where our resources can provide public benefit.
- To promote safe practice in the mountains.

To do our work LMRT collects stores and uses personal data from current members and their next of kin; ex members; volunteers who are not members

We are serious about protecting the personal information we hold. This privacy notice sets out how we will use that data, who we will share it with, how we secure it and the rights of the individuals whose data we hold.

#### **The information LMRT collects**

- LMRT holds contact information for current members and their next of kin; ex members; volunteers who are not members
- This data includes name, address, date of birth, email address and phone numbers.
- Payment information, used to transfer money from the Team account to personal accounts. Held securely via online banking facility.
- Photography; we have a collection of images related to MR activities that include recognisable faces

We hold this information to fulfil the purposes of our Constitution.

#### **Why we need to hold personal information – legitimate interests**

We will hold and process the personal information provided by team members and their next of kin; ex Team members; volunteers who are not members in pursuit of our legitimate interest to:

- Ensure we can respond to requests from the emergency services, eg to deploy personnel on a search.
- Circulate from time to time, emails that update our membership or ex members on matters of interest, eg calling e mails for the AGM
- Organise and facilitate meetings and training
- Promote the Team, eg through photographs.

### **Other uses of your personal information**

We may ask if we can process personal information of team representatives or members for other purposes. If we do so we will provide relevant additional privacy information at that time.

### **Who we share personal data with**

We may be required to share personal data with statutory or regulatory authorities to comply with statutory obligations. Eg Police Scotland

In the event we share data then within the meaning of the GDPR we are the data controller and the organisation we share data with is the data processor. Data is only shared for specific purposes related to the functions of LMRT. We will take reasonable steps to ensure that recipients process personal data that we share in accordance with the purpose of LMRT

We may share personal information with the following third parties

- Police Scotland, NMOC/ARCC and Bristow's Helicopters Limited may receive personal data to allow them to discharge and deliver their duties and responsibilities in relation to mountain rescue.
- The Home Office - we provide the Home Office/ SMR with personal data of team Opiate Servants as a legal obligation that enables LMRT to fulfil conditions of our Opiates Licence.
- SMR - to record results of Casualty Care assessments.
- External trainers (employed, self-employed and volunteer) to enable the delivery and management of our training courses.
- Within the community of MRTs. From time to time another Team requests contact details for our Committee members and we provide that information
- Our insurance providers – we do not routinely share personal information with insurance providers but may do so in the event of a claim.

We do not share personal information with

- the media
- the general public
- friends or family of people assisted by MRTs
- In these cases, we will seek individual Team Members consent to release their personal information

### **How we protect personal information**

LMRT will ensure all files containing personal data are password protected and the passwords sent separately from the e mails containing the data.

### **How long will we keep personal data?**

We keep personal data for as long as that particular data is required to fulfil our purposes, set out in our Constitution. If we are informed of changes to team members, next of kin or ex members we will update our records immediately.

Unless required to retain information by legislation or regulation we will delete personal data immediately upon request.

**What rights does the individual have?**

For all personal data we hold the individual may

- Change their communication preferences or restrict processing of their personnel data in relation to specific purposes.
- Request amendments to the data we hold if they believe it is inaccurate or incomplete
- Request that we delete personal data
- See the personal data we hold by making a “subject access request.”

To make any of these changes or to make a subject access request people can email us on [enquiries@lomondmrt.org.uk](mailto:enquiries@lomondmrt.org.uk)

If you have cause for concern about how we handle data as described above, you have the right to raise a complaint with the Information Commissioner’s Office [www.ico.org.uk](http://www.ico.org.uk)

## **Lomond Mountain Rescue Team Privacy Notice For lost, missing or injured persons**

LMRT is a Scottish Charitable Incorporated Organisation (SCIO). The organisation's purposes are to facilitate the following through search and rescue, on behalf of Police Scotland:

- Saving of lives
- The location and relief of people who are lost, injured, missing or otherwise in need of assistance, in the mountains and other inaccessible areas within the Lomond and Trossachs Area and surrounding district.
- To render assistance to other search and rescue teams in Scotland.
- To assist Police Scotland in other emergency situations where our resources can provide public benefit.
- To promote safe practice in the mountains.

To do our work LMRT collects and stores data from lost, missing or injured persons who we interact with in our capacity as an emergency response service or through providing safety cover at events.

We are serious about protecting the personal information we hold. This privacy notice sets out how we will use that data, who we will share it with, how we secure it and the rights of the individuals whose data we hold.

### **The information LMRT collects**

- LMRT holds personal and sensitive personal data about lost, missing or injured persons
- Personal data includes name, address, date of birth, next of kin information and phone numbers.
- Sensitive personal data includes medical data gathered to provide emergency first aid including information about current injuries/ disabilities, medical conditions, allergies and treatments

We hold this information to fulfil the purposes of our Constitution.

### **Why we need to hold personal information – legitimate interests**

We will hold and process the personal information provided by lost, missing or injured persons to:

- Ensure we can respond to requests from the emergency services to find and provide first aid to lost missing or injured persons
- Ensure we can provide safety cover at events
- Ensure we can safely hand over casualties to other emergency services eg the Scottish Ambulance Service

### **Other uses of your personal information**

We may ask if we can process personal information of lost, missing or injured persons for other purposes. If we do so we will provide relevant additional privacy information at that time.

### **Who we share personal data with**

We will share personal data with statutory or regulatory authorities or third parties to comply with statutory obligations. Eg Police Scotland, Bristow's Helicopters

In the event we share data then within the meaning of the GDPR we are the data controller and the organisation we share data with is the data processor. Data is only shared for specific purposes related to the functions of LMRT. We will take reasonable steps to ensure that recipients process personal data that we share in accordance with the purpose of LMRT

We do not share personal information with

- the media
- the general public

### **How we protect personal information**

LMRT will ensure all files containing personal data are password protected and the passwords sent separately from the e mails containing the data.

### **How long will we keep personal data?**

Documents containing sensitive personal data, eg casualty cards, will be destroyed immediately following the transfer of this data to other emergency services.

Personal data will be held for up to a period of one year and will then be destroyed.

### **What rights does the individual have?**

For all personal data we hold the individual may

- Change their communication preferences or restrict processing of their personal data in relation to specific purposes.
- Request amendments to the data we hold if they believe it is inaccurate or incomplete
- Request that we delete personal data
- See the personal data we hold by making a "subject access request."

To make any of these changes or to make a subject access request people can email us on [enquiries@lomonmrt.org.uk](mailto:enquiries@lomonmrt.org.uk)

If you have cause for concern about how we handle data as described above, you have the right to raise a complaint with the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)

## **Appendix 3 – Privacy notices for groups LMRT hold information for**

### **Lomond Mountain Rescue Team Privacy Notice For Team Opiates Servants**

LMRT is a Scottish Charitable Incorporated Organisation (SCIO). The organisation's purposes are to facilitate the following through search and rescue, on behalf of Police Scotland:

- Saving of lives
- The location and relief of people who are lost, injured, missing or otherwise in need of assistance, in the mountains and other inaccessible areas within the Lomond and Trossachs Area and surrounding district.
- To render assistance to other search and rescue teams in Scotland.
- To assist Police Scotland in other emergency situations where our resources can provide public benefit.
- To promote safe practice in the mountains.

To do our work LMRT collects and uses personal data from members of the Team who are designated as Opiates Servants.

We are serious about protecting the personal information we hold. This privacy notice sets out how we will use that data, who we will share it with, how we secure it and the rights of the individuals whose data we hold.

#### **The information we collect for the purpose of complying with the Opiates licence**

We hold and process by forwarding to the Home Office to fulfil our legal obligation under the Opiates Licence, contact information for the LMRT Opiates Servant

We have considered the legal basis for this data process and have concluded that LMRT has a legal obligation to process this information in this way.

#### **Why we need to hold personal information – legal obligation**

To comply with the law.

#### **Other uses of your personal information**

We may ask if we can process personal information of team representatives or members for other purposes. If we do so we will provide relevant additional privacy information at that time.

#### **Who we share personal data with**

We will share the data we hold on LMRT Opiates Servants with the Home Office as required by law.

We may be required to share personal data with other statutory or regulatory authorities to comply with statutory obligations.

In the event we share data then within the meaning of the GDPR we are the data controller and the organisation we share data with is the data processor. Data is only

shared for specific purposes related to the functions of LMRT. We will take reasonable steps to ensure that recipients process personal data that we share in accordance with the purpose of LMRT.

### **How we protect personal information**

Personal information about LMRT Opiates Servants is stored on password protected files. Personal data is accessed by LMRT members only for purposes consistent with the constitution of LMRT.

### **How long will we keep personal data?**

We keep personal data for as long as that particular data is required to deliver our purposes set out in our Constitution. If we are informed of changes to Team Opiates Servants we will update our mailing lists immediately.

Unless required to retain information by legislation, regulation or constitution we will delete personal data immediately as there are changes in the LMRT Opiates Servant(s).

### **What rights does the individual have?**

As we complete this processing as a legal obligation the individual Team Opiates Servants do **NOT** have the right

- to erase their data
- to data portability
- object to this processing

To discuss this processing or to make a subject access request people can email us on [enquiries@lomondmrt.org.uk](mailto:enquiries@lomondmrt.org.uk)

If you have cause for concern about how we handle data as described above, you have the right to raise a complaint with the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)

### **Note:**

It is also a legal requirement that LMRT pass to the Home Office the postal addresses of our base in which opiates are held. As this is not personal information it is not covered by GDPR and not considered further.



## Appendix 4 – LMRT GDPR Data Retention Policy

LMRT is a Scottish Charitable Incorporated Organisation (SCIO). The organisation's purposes are to facilitate the following through search and rescue, on behalf of Police Scotland:

- Saving of lives
- The location and relief of people who are lost, injured, missing or otherwise in need of assistance, in the mountains and other inaccessible areas within the Lomond and Trossachs Area and surrounding district.
- To render assistance to other search and rescue teams in Scotland.
- To assist Police Scotland in other emergency situations where our resources can provide public benefit.
- To promote safe practice in the mountains.

LMRT is required to comply with the General Data Protection Regulation, which came into force on the 25th of May 2018. GDPR requires organisations which record and process personal data to ensure it is, "kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed."

### What personal information do we collect?

We collect the following personal information

From	Data collected
Team members	Personal data to allow fulfilment of the Team purposes including name, address, phone number, e mail, medical information and for the purposes of reimbursing legitimately incurred expenses, bank account details.
Team members next of kin	Personal data to allow fulfilment of the Team purposes including name, address and phone number.
Volunteers who are not Team members	Personal data to allow fulfilment of the Team purposes including name, address, e mail and phone number
Team opiates servants	Personal data to fulfil our legal obligation with respect to the SMR Opiates licence.
Ex-Team members	Personal data to inform them of matters which may be of interest such as the Annual General Meeting
Casualty information	Personal data and sensitive personal data including contact details and information about medical conditions
Other agency/ individual information, eg emergency services; Bristow's Helicopters; landowners	Personal data including contact details of agencies and individuals we interact with to fulfil the Teams purposes
Supplier information	Personal data including contact details to allow us to fulfil the Teams purposes
Donor information	Personal data including contact details and bank details
Website users	Personal data to allow answering of queries and donations, including email address

### **How long will we keep personal data?**

We keep personal data for the minimum time possible that allows us to fulfil the business purpose for which that data is held.

Unless we are required by legislation, regulation, guidance from OSCR, our own constitution or other authority we will delete personal data from our systems as soon as practicably possible after the correspondence, interaction or query is complete.

We comply with any and all relevant legislation applicable to charities in Scotland, which on occasion has implications for data retention eg:

- Accounting legislation which requires related data to be held for 6 years.
- Retention of accident books recording medical treatments given by our staff or volunteers, legislation requires that this information is held for 7 years.

When a Team member leaves the organisation, we will keep their contact details for a year in case of a Police investigation. After this time, we will ask them if they wish us to keep their details so we can inform them of issues of interest and if permission is not given, we will delete their information.

### **Exceptions and variations**

We are required by law to keep details of Team Opiates servants.

### **What rights does the individual have?**

For most personal data we hold the individual may

- Change their communication preferences or restrict processing of their personal data in relation to specific purposes.
- Request amendments to the data we hold if they believe it is inaccurate or incomplete
- Request that we delete personal data
- See the personal data we hold by making a “subject access request.”

Exceptions occur if we are obliged by law to process data in particular ways for example provision of Team Opiate Servant information to the Home Office or retention of data in our accounts. People whose personal data is treated in this way do **NOT** have some of these rights.

To make any of these changes or to make a subject access request people can email us on [enquiries@lomondmrt.org.uk](mailto:enquiries@lomondmrt.org.uk)

If you have cause for concern about how we handle data, you have the right to raise a complaint with the Information Commissioner’s Office [www.ico.org.uk](http://www.ico.org.uk)