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# The Tobacco Pipe Makers and Tobacco Trade Benevolent Fund

Policy adopted [1] September 2021

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Registered Charity No: 1135646

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## GDPR Policy Scope

This Policy applies to the activities of the Tobacco Pipe Makers and Tobacco Trade Benevolent Fund (the 'Benevolent Fund') including the collection and processing of personal data for the purposes of;

1. making donations to other charities supported by the Benevolent Fund (including but not limited to holding the contact details of individuals acting on behalf of those charities);
2. recording donations from donors to the Benevolent Fund;
3. Submitting Gift Aid recovery claims to HMRC and
4. providing financial assistance to applicants to the Benevolent Fund's Welfare Committee including the collection of personal data relating to income and health as deemed necessary by the Benevolent Fund in order to assess whether the applicant meets the criteria for assistance.

## GDPR Policy

The General Data Protection Regulation ('GDPR') provides the following rights for individuals whose personal data may be held by the Benevolent Fund:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object

1. The right to be informed

By sharing your personal data with the Benevolent Fund and specifically when making an application to the Benevolent Fund and every time a reassessment for continued eligibility to be a beneficiary is completed, usually on an annual basis, you are agreeing that:

'you understand that your information will be held on a computer database and password protected server, and you consent to the collection, processing and dissemination of this information by The Tobacco Pipe Makers and Tobacco Trade Benevolent Fund and its agents, including Forum Court Associates, in line with the General Data Protection Regulation ('GDPR'). Applicants for financial assistance also give permission for us to contact other charities regarding your application for help or for possible additional funding for your application.'

2. The right of access



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As an individual, you have the right to access your personal data and certain supplementary information, including the right to verify the lawfulness of the processing of your data.

We will provide the information free of charge, unless the request is manifestly unfounded or excessive, particularly if it is repetitive, in which circumstances we will charge a reasonable fee, to reflect the costs of administrating this request.

We will provide the information without delay and at the latest within one month of receipt, unless the request is complex or multiple requests have been made by or in respect of you.

If the request is complex or numerous, we have the right to extend the period of compliance by a further two months. If this is the case, we will inform you within one month of the receipt of the request and explain why the extension is necessary.

If your requests are manifestly unfounded or excessive, in particular because they are repetitive, we can:

- refuse to respond.

We will base the reasonable fee on the administrative costs of complying with the request. If we decide to charge a fee we will contact you promptly and inform you. We do not need to comply with the request until we have received the fee.

If we refuse to respond to a request, we will explain why and you will have the right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

### 3. The right to rectification

As an individual you have the right to have inaccurate personal data rectified. You may also be able to have incomplete personal data completed – although this will depend on the purposes for the processing. This may involve providing a supplementary statement to the incomplete data.

If we receive a request for rectification we will take reasonable steps to satisfy ourselves that the data held is accurate and to rectify the data if necessary.

We will let you know if we are satisfied that the personal data is accurate, and tell you that we will not be amending the data. We will explain our decision, and you will have the right to make a complaint to the ICO or another supervisory authority; and you will have the ability to seek to enforce your rights through a judicial remedy.

We can refuse to comply with a request for rectification if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If we consider that a request is manifestly unfounded or excessive we can:

- request a reasonable fee to deal with the request; or



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- refuse to deal with the request.

In either case we will justify our decision.

The reasonable fee will be based on the administrative costs of complying with the request. If we decide to charge a fee we will contact you without undue delay and within one month. We do not need to comply with the request until we have received the fee.

If we refuse to comply with a request for rectification, we will inform you without undue delay and within one month of receipt of the request about:

- the reasons why we are not taking action;
- your right to make a complaint to the ICO or another supervisory authority; and
- your ability to seek to enforce this right through a judicial remedy.

We will also provide this information if we charge a fee or need additional information to identify you.

We will act upon the request without undue delay and at the latest within one month of receipt.

We can extend the time to respond by a further two months if the request is complex or we have received a number of requests from you. We will let you know without undue delay and within one month of receiving or in respect of your request and explain why the extension is necessary.

If we have disclosed the personal data to others, we will contact each recipient and inform them of the rectification or completion of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, we will also inform you about these recipients.

#### 4. The right to erasure

As an individual, you have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.

You have the right to have your personal data erased if:

- the personal data is no longer necessary for the purpose for which we originally collected or processed it;
- we are relying on consent as our lawful basis for holding the data, and you withdraw your consent;
- we are relying on legitimate interests as our basis for processing, you object to the processing of your data, and there is no overriding legitimate interest to continue this processing;
- we are processing the personal data for direct marketing purposes and you object to that processing;



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- we have processed the personal data unlawfully or
- we have to do it to comply with a legal obligation.

If we have disclosed the personal data to others, we will contact each recipient and inform them of the erasure, unless this proves impossible or involves disproportionate effort. If asked to, we will also inform you about these recipients.

Where personal data has previously been made public in an online environment, with your consent, reasonable steps will be taken to inform other controllers who are processing the personal data to erase links to, copies or replication of that data. When deciding what steps are reasonable we will take into account the available technology and the cost of implementation.

The right to erasure does not apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims (including under contract law)

We can refuse to comply with a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If we consider that a request is manifestly unfounded or excessive we can:

- request a reasonable fee to deal with the request; or
- refuse to deal with the request.

In either case we will justify our decision.

We will base the reasonable fee on the administrative costs of complying with the request. If we decide to charge a fee we will contact you promptly and inform you. We do not need to comply with the request until we have received the fee.

## 5. The right to restrict processing

You have the right to request that we restrict the processing of your personal data in the following circumstances:

- You contest the accuracy of your personal data and we are verifying the accuracy of the data;



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- the data has been unlawfully processed and you oppose erasure and request restriction instead;
- we no longer need the personal data but you need us to keep it in order to establish, exercise or defend a legal claim; or
- you have objected to us processing your data under Article 21(1), and you are considering whether our legitimate grounds override yours.

Although this is distinct from the right to rectification and the right to object, there are close links between those rights and the right to restrict processing:

- if you have challenged the accuracy of your data and asked for us to rectify it, you also the right to request we restrict processing while we consider your rectification request; or
- if you exercise your right to object under Article 21(1), you also have a right to request we restrict processing while we consider your objection request.

If we have disclosed the personal data in question to others, we will contact each recipient and inform them of the restriction of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, we will also inform you about these recipients.

In many cases the restriction of processing is only temporary, specifically when the restriction is on the grounds that:

- you have disputed the accuracy of the personal data and we are investigating this; or
- you have objected to us processing your data on the basis that it is necessary for the performance of a task carried out in the public interest or the purposes of your legitimate interests, and we are considering whether our legitimate grounds override yours.

Once we have made a decision on the accuracy of the data, or whether our legitimate grounds override yours, we may decide to lift the restriction.

If we do this, we will inform you **before** we lift the restriction.

We can refuse to comply with a request for restriction if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If we consider that a request is manifestly unfounded or excessive we can:

- request a reasonable fee to deal with the request; or
- refuse to deal with the request.

In either case we will justify our decision.

We will base the reasonable fee on the administrative costs of complying with the request. If we decide to charge a fee we will contact you promptly and inform you. We do not need to comply with the request until we have received the fee.



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If we refuse to comply with a request for restriction, we will inform you without undue delay and within one month of receipt of the request.

We will inform you about:

- the reasons we are not taking action;
- your right to make a complaint to the ICO or another supervisory authority; and
- your ability to seek to enforce this right through a judicial remedy.

We will also provide this information if we charge a fee or need additional information to identify you.

In most cases we will not charge a fee to comply with a request for restriction.

However, as noted above, where the request is manifestly unfounded or excessive we may charge a reasonable fee for the administrative costs of complying with the request.

We will act upon the request without undue delay and at the latest within one month of receipt.

We can extend the time to respond by a further two months if the request is complex or we have received a number of requests from or in respect of you. We will let you know within one month of receiving your request and explain why the extension is necessary.

## 6. The right to data portability

The right to data portability only applies:

- to personal data you have provided to us;
- where the processing is based on your consent or for the performance of a contract; and
- when processing is carried out by automated means.

We will provide the personal data in a structured, commonly used and machine readable form, where these conditions are met. Open formats include CSV files. Machine readable means that the information is structured so that software can extract specific elements of the data. This enables other organisations to use the data.

The information will be provided free of charge.

If you request it, we may be required to transmit the data directly to another organisation if this is technically feasible. However, we are not required to adopt or maintain processing systems that are technically compatible with other organisations.

If the personal data concerns more than one individual, we must consider whether providing the information would prejudice the rights of any other individual.

We will respond to a request without undue delay, and within one month.



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This can be extended by two months where the request is complex or we receive a number of requests from or in respect of you. We must inform you within one month of the receipt of the request and explain why the extension is necessary.

Where we are not taking action in response to a request, we must explain why, informing you of your right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

## 7. The right to object

We must and will stop processing your personal data at your request unless:

- we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

We will inform individuals of your right to object “at the point of first communication”.

This will be “explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information”.

We will stop processing personal data for direct marketing purposes as soon as we receive an objection. There are no exemptions or grounds to refuse.

We will deal with an objection to processing for direct marketing at any time and free of charge.



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