



## ShareGift Privacy Policy – Revised 25 January 2021

### Introduction

**ShareGift** (The Orr Mackintosh Foundation Limited) is a registered charity in England and Wales (1052686) and a registered company in England and Wales (3150478). We are committed to protecting your privacy and security. Although it is a charity, ShareGift does not fundraise and we do not send unsolicited mailings. We will only contact you in connection with the donation you wish to make or have made. We will never share your details with any third party for marketing purposes. A list of the third parties with whom we may share your data, for example for the purposes of completing your donation, or for claiming Gift Aid as per your instructions, is set out in sections 3 and 4 below.

ShareGift respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you visit our website and use our service (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

Our practices are aligned with the UK General Data Protection Regulation (UK GDPR), and the existing ePrivacy regulation, called the Privacy and Electronic Communications Regulation (PECR).

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#### 1. IMPORTANT INFORMATION AND WHO WE ARE

##### **Purpose of this privacy policy**

This privacy policy aims to give you information on how ShareGift collects and processes your personal data, both through your use of this website and in your other dealings with us, including any data you may provide when you contact ShareGift in order to make a charitable donation.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.



## Data Controller

The Orr Mackintosh Foundation Limited is the controller and responsible for your personal data (referred to as "ShareGift", "we", "us" or "our" in this privacy policy).

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the data privacy manager by email at [sharegift@sharegift.org](mailto:sharegift@sharegift.org), or by post at 4<sup>th</sup> Floor, 67/68 Jermyn Street, London SW1Y 6NY.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. This version was last updated on 25 January 2021. Historic versions can be obtained by contacting us.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## 2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). We do not knowingly collect data relating to children.

The information we request from you is necessary to complete your donation. In particular, the transfer of shares requires the completion of a legal document which the donor signs in order to transfer beneficial ownership of the shares. We need certain information so that we can complete the transfer documents, and thereby your donation.

We use a database called *Microsoft 365*, which is a 'Customer Relationship Management' (CRM) system.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, nationality and gender.
- **Contact Data** includes postal address, email address and telephone numbers.
- **Transaction Data** includes details about the cash, shares or other securities to be transferred.
- **Technical Data** includes internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and

other technology on the devices you use to access or interact with our website [www.sharegift.org](http://www.sharegift.org)

- **Profile Data** includes your username and password, your Gift Aid declaration (where appropriate), and your National Insurance Number in circumstances where we are required to request this, for example where a share transfer falls under the FCA's MIFID2 rules on Transaction Reporting.

We may also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of donors suggesting an area of charitable interest.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

#### **If you fail to provide personal data**

Where we need to collect personal data by law and you fail to provide that data when requested, we may not be able to complete your donation to ShareGift in accordance with your instructions. We will notify you if this is the case at the time.

### **3. HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Profile Data by filling in forms or by corresponding with us by post, phone, email or otherwise.
- **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please see below for further information on our use of cookies.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties if you donate cash, shares or other securities to us via a dealing service run by one of the registrars. Where you have elected to Gift Aid a cash donation the registrars will send us copies of your Gift Aid form. We are obliged to retain these records for 7 years, in line with HMRC rules.
- **Technical data and Cookies.** We may receive Aggregated Data from analytics providers such as Google, who may be based inside or outside the EU. Google uses cookies and we use their web analytics service, Google Analytics, to help us to monitor how people use our website. It creates statistical reports that allow us to learn more about what parts of our website are of most interest to visitors. Cookies are text files placed on a computer which

collect visitor behaviour information. You can opt-out of cookies, but in order to do this, must change the setting in your browser. You can find out how to turn off cookies by visiting [aboutcookies.org](http://aboutcookies.org) or [www.allaboutcookiges.org](http://www.allaboutcookiges.org). You can always opt-out of Google Analytics cookies by using [Google's opt-out tool](#)

#### 4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to arrange for the transfer of cash, shares or other securities in accordance with your instructions.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.
- Where we need to contact you or instruct a third party to do so in connection with data security.

#### LAWFUL BASIS

- **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests.
- **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract
- **Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

Generally, we do not rely on consent as a legal basis for processing your personal data although we may ask for your consent in specific circumstances. You have the right at any time to withdraw any consent you give us by contacting us.

#### Purposes for which we will use your personal data

When transferring cash, shares or other securities using a Company's share registrars we are typically confirming data already held by them in respect of the holding you are donating. Where a donation of cash has been made together with an election for Gift Aid, we will share the relevant details with HMRC in order to reclaim Gift Aid.

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new donor	(a) Identity (b) Contact	Performance of a contract with you
To process and execute your donation, including liaising with stockbrokers, share registrars and government / regulatory bodies	(a) Identity (b) Contact (c) Profile (d) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests (c) Necessary to comply with a legal obligation
To manage our relationship with you which will include notifying you about changes to our terms or privacy policy and data security issues	(a) Identity (b) Contact (c) Profile	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests
To administer and protect our business and website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (b) Necessary to comply with a legal obligation
To use data analytics to improve our website, services, donor relationships and experiences	(a) Technical	Necessary for our legitimate interests

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may share your personal data with third parties based in the UK as set out below for the purposes set out in the table in section 4.above.

- Service providers acting as processors who provide share registrar, stockbroking, communications, IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers who require reporting of processing activities in certain circumstances.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

## **6. INTERNATIONAL TRANSFERS**

We do not transfer your personal data outside the European Economic Area (EEA). For donations of UK shareholdings, we do not transfer your personal data outside the European Economic Area (EEA). Donations of international shareholdings registered in countries outside the EEA will require us to transfer personal data outside the EEA. In that case we will only transfer such data as is necessary to prepare for or implement the contract for ownership of the shareholding to be transferred.

## **7. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. DATA RETENTION**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint.

Under HMRC rules, we have to retain Gift Aid declarations for a period of 7 years. These are locked in secure storage and are destroyed in the 8<sup>th</sup> anniversary year.

Details of retention periods for different aspects of your personal data can be provided on request by contacting [sharegift@sharegift.org](mailto:sharegift@sharegift.org).

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- **Request access to your personal data** (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it.
- **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - If you want us to establish the data's accuracy.
  - Where our use of the data is unlawful but you do not want us to erase it.
  - Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
  - You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Withdraw consent** at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at [sharegift@sharegift.org](mailto:sharegift@sharegift.org).

**No fee usually required**



You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

#### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

25 January 2021