BGEN Data Protection Policy

Table of Contents

Scope 2

Definitions: 2

1. Data protection principles 3

2. General provisions 3

3. Lawful, fair and transparent processing 3

4. Lawful purposes 4

5. Data minimisation 4

6. Accuracy & Retention 4

7. Archiving / removal 5

8. Security 5

9. Breach 5

10. Roles and Responsibilities 5

11. Register of Systems 6

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Scope

This policy applies to all personal data processed by the Botanic Gardens Education Network (BGEN) in connection with its charitable activities. It covers all trustees, staff, volunteers, contractors, and partners who handle personal data on behalf of the charity, regardless of location or format. The policy applies to data held in electronic as well as paper records, and covers all processing activities including the collection, storage, use, sharing, and disposal of personal information relating to members, event participants, partners, and supporters.

All trustees, staff, and volunteers who handle data must be aware of this policy and receive basic training or guidance.

Definitions:

Charity	Botanic Gardens Education Network (BGEN), a registered charity No. 1103482
UK GDPR	means the United Kingdom General Data Protection Regulation, which is the UK's retained version of the EU GDPR as incorporated into UK law by the Data Protection Act 2018. It sets out the rules for processing personal data and protecting the privacy rights of individuals within the UK.
Data Protection Act 2018	The **Data Protection Act 2018** is the UK law that governs how personal data must be collected, used, stored, and protected, ensuring individuals' privacy rights are upheld in line with the UK GDPR.
Data Controller	means the Charity Board of Trustees responsible for why and how data is stored. BGEN's Coordinator supervises GDPR needs on a day to day basis as the Data Processor.
Register of Systems	means a register of all systems or contexts in which personal data is processed by the Charity.

1. Data protection principles

The Charity is committed to processing data in accordance with its responsibilities under the **UK General Data Protection Regulation (UK GDPR)** and the **Data Protection Act 2018** (DPA 2018).

Article 5 of the Data Protection Act requires that personal data shall be:

processed lawfully, fairly and in a transparent manner in relation to individuals;

a) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
b) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
c) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
d) 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
e) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

2. General provisions

a) This policy applies to all personal data processed by the Charity.
b) The Data Controller shall take responsibility for the Charity's ongoing compliance with this policy.
c) This policy shall be reviewed at least annually.
d) The Charity shall register with the Information Commissioner's Office as an organisation that processes personal data.

3. Lawful, fair and transparent processing

a) To ensure its processing of data is lawful, fair and transparent, the Charity shall maintain a Register of Systems.
b) The Register of Systems shall be reviewed at least annually.

c) Individuals have the right to access, correct and erase ("right to be forgotten") their personal data and any such requests made to the charity shall be dealt with in a timely manner (typically within 1 month).

4. Lawful purposes

a. The Charity processes personal data only where at least one of the following lawful bases applies:
    i. Consent – the individual has clearly agreed to the processing of their personal data for a specific purpose (for example, subscribing to newsletters or receiving event updates).
    ii. Contract – processing is necessary to fulfil a contract with the individual (for example, managing membership subscriptions or event bookings).
    iii. Legal Obligation – processing is required to comply with UK law (for example, retaining financial records for accounting purposes).
    iv. Legitimate Interests – processing is necessary for the Charity's legitimate purposes, such as administering events or improving member services, provided this does not override the rights and interests of the individual.
    v. Vital Interests – processing may be carried out to protect someone's life, though this basis is unlikely to apply to BGEN's usual activities.
    vi. Public Task – processing is carried out in the public interest or in the exercise of official authority; this basis is generally not used by BGEN but is noted for completeness.
b. The Charity shall note the appropriate lawful basis in the Register of Systems.
c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the Charity's systems.

5. Data minimisation

a) The Charity shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

6. Accuracy & Retention

a) The Charity shall take reasonable steps to ensure personal data is accurate.
b) Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.
c) The Charity will adhere to a simple data retention schedule, which will be enforced by the data controllers and data processors:
    (i) Membership Data – 3 years after lapse of Membership

(ii) Event Data (not directly related to Membership) – 1 year after event
(iii) Financial Records - 7 years (as legal requirement)

7. Archiving / removal

a. To ensure that personal data is kept for no longer than necessary, the Charity shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
b. The archiving policy shall consider what data should/must be retained, for how long, and why.

8. Security

a. The Charity shall ensure that personal data is stored securely using modern software that is kept-up to date. Either by the Charity, or by a named responsible third party.
b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
c. When personal data is deleted this should be done safely such that the data is irrecoverable.
d. Appropriate back-up and disaster recovery solutions shall be in place.

9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO (more information on the ICO website).

10. Roles and Responsibilities

The Communications and Membership Workstream Lead and Governance Lead are responsible for managing operational data protection, and ensuring compliance. In addition to this, the following are responsibilities fall to:

- All Board Members as Data Controllers (decides **why and how** personal data is collected and used)
- BGEN Co-Ordinator as Data Processor (acts **on behalf of the controller** to handle or process that data according to their instructions)
- Any Workstream Volunteers as individuals acting under the charity's direction are responsible for adhering to the policy

11. Register of Systems

The Charity engages a number of systems, including Third Party processors, to deliver organisational operations. This data sharing only occurs when necessary and with compliant partners.

System	Purpose	Storage Location	Data Processor/Controller	Lawful Process
MemberWorks	CRM for membership management	Cloudbased CRM typically UK or EEA	Memberworks/BGEN Coordinator	Contract Legitimate Interest
MailChimp	Email Marketing	Cloud based Email marketing platform, primarily in the USA	MailChimp/BGEN Coordinator	Consent Legitimate Interest
GA4	Website Analytics	Cloud based Analytics service, stored in Google's global cloud infrastructure sometimes outside of UK	Google/BGEN Comms Lead	Consent
WordPress	Website CMS	Cloud based web hosting typically within UK or EEA	Hosting Provider (PushLogic)/BGEN Coordinator	Consent Legitimate Interest

HotJar	Website Behaviour Analytics	Cloud based behavioural analytics platform typically within EEA	HotJar/BGEN Comms Lead	Consent
Microsoft 365	Use of word, excel, outlook and forms for emailing people, recording details about events and speakers, and retrieving data on speakers and member opinions	Cloud based productivity suite typically in data centres in UK or EEA	Microsoft/BGEN Board	Legitimate Interest
Sage Accounting Software	Financial accounts and transactions for our members. Bookkeeping	Cloud based accounting platform in Sage managed servers in UK or EEA	Sage/BGEN Treasurer	Legal Obligation
Stripe Inc	Financial Transactions processes for our Members	Cloud based payment processing platform in Stripe's global cloud infrastructure sometimes outside of UK/EEA	Stripe Inc/BGEN Treasurer	Legal Obligation

-END OF POLICY-