

# Right to Smile Data Protection Policy



Last updated: 26th May 2020

## ABOUT US

- **Right to Smile (VO/0583)** is a founded Non- Governmental Organisation (NGO), hereinafter referred to as “R2S” and/or “Right to Smile” and/or “Organisation” that is committed to safeguarding the privacy and security of the personal information provided to us.
- R2S is the Data Controller for the purposes of applicable data protection law. As an NGO, R2S respects your privacy and is committed to protecting your personal data which it processes
- This Privacy Notice explains how the Company will comply with the applicable data protection legislation, including, the General Data Protection Regulation (EU) 2016/679 (hereinafter referred to as the ‘GDPR’), the Data Protection Act (Chapter 586 of the Laws of Malta, any subsidiary legislation and any other applicable laws relating to privacy and electronic communications, as may be amended from time to time.

## **It is important that you read this Privacy Notice so that you are aware of how and why we are using your information**

As the Data Controller, R2S is responsible for deciding how it holds and uses the personal information collected from you. R2S may, in certain circumstances, deliver services in partnership with other organisations whereby the Organisation will be a Joint Controller with such organisations.

### R2S's contact details:

Address: Right 2 Smile PO BOX 1047, South Street, Valletta

Contact Number: +356 9930 1289

E-Mail Address: [contact@right2smile.org](mailto:contact@right2smile.org)

## DATA PROTECTION PRINCIPLES

The Organisation is committed towards compliance. If we need to collect, use or store your Personal Data, we will abide by the following data protection principles:

- Lawfulness, fairness and transparency – the processing of personal data shall take place in a lawful, fair and transparent manner;
- Purpose limitation – the collection of personal data shall only be performed for specified, explicit and legitimate purposes and shall not be further processed in a manner which renders it incompatible with those purposes;
- Data minimisation – the collection of personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed;

- Accuracy – the personal data shall be accurate and where necessary kept up to date. Having regard to the purpose(s) for which personal data is processed, the Company shall take every reasonable step to ensure that inaccurate personal data are erased or rectified without undue delay;
- Storage limitation – personal data shall be kept in a form which permits identification of the data subject, for no longer than is necessary for the purpose(s) for which the personal data is processed;
- Integrity & Confidentiality - personal data shall be kept confidential and stored in a manner which ensures appropriate security. Personal data shall not be shared with third parties except when necessary and with a justifiable legal basis.

## Article 5 of the GDPR provides that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b. 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;*
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- d. 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;*
- e. 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*
- f. 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.*

## WHY DO WE PROCESS PERSONAL INFORMATION?

- If we are required or authorised to do so by law.
- You have provided us with your consent to use your personal information
- It is necessary for the performance of a contract.

## THE PERSONAL DATA WE COLLECT & HOW WE USE IT

We collect and process personal data relating to you in connection with your use of this website and our relationship with you. This personal data may include:

Personal Data	Purpose for Processing	Lawfulness
Full Name Date of Birth ID Number Nationality Postal Address Email address Telephone Number Area of study/occupation	Local Registration	Legitimate Interest
Full Name Age Date of Birth Country of Residence Email address Mobile number Occupation ID number	International 1st Application	Legitimate Interest
Allergies/Health conditions  Emergency contact (Name, relation, phone number, email, home address, country of residence)	International 2nd Application	Legitimate Interest

The purpose of keeping the above mentioned details is to have a database of all the volunteers that have been on our project/s. Basic information is also extracted from the registration forms (name, email and project).

## DISCLOSURE OF YOUR PERSONAL DATA

- Except as described in this Privacy Notice, we will not intentionally disclose the personal data we collect or store to the third parties unless it is an imposed legal obligation on us to do so.
- We will not share your information with any third parties for the purposes of direct marketing.
- We use data processors who are third parties who provide elements of services for us. We have agreements in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will hold it securely and retain it for the period we instruct.
- In some circumstances we are legally obliged to share information. For example, under a court order or where we cooperate with other authorities. We might also share information with other regulatory bodies in order to further their, or our, objectives. In any scenario, we will ensure that we have a lawful basis on which to share the information.

## INTERNATIONAL TRANSFERS

- The information provided to us may be shared with third parties situated in other European Economic Area ('EEA') Member States or in countries outside the EEA.
- The Organisation will only transfer personal data outside the EEA after taking the necessary steps to ensure that your privacy rights continue to be protected, as outlined in this Privacy Notice and in accordance with applicable data protection laws.
- For instance, we will transfer your personal data outside the EEA with your consent, to fulfil a legal obligation or to fulfil our contractual obligations.

## RETENTION OF PERSONAL DATA

- The personal data that we process shall not be kept longer than is necessary. We retain your personal data for as long as we need it to comply with our obligations under applicable law, to enforce our contractual agreements, and if relevant, for the establishment, exercise and defence of legal claims.
- We will actively review the personal data we handle, process and store, and will delete or anonymise it in a secure manner where there is no longer a legal, business or customer need for it to be retained.
- In circumstances where it is impossible for us to specify in advance the periods for which your personal data will be retained, we will determine the retention period on the following criteria:
  - the purpose(s) was for which your personal data was collected;

- whether there are any statutory obligations, obliging us to continue to process your information;
- whether we have a legal basis in place to continue to process your information, including but not limited to consent;
- the value attached to your information;
- whether there are any industry practices stipulating how long the information should be retained;
- the risk, cost and liability attached to such retention; and
- any other relevant circumstances

## DATA SUBJECT RIGHTS

- As a data subject you have a number of rights in relation to your personal data. The Company respects your privacy rights and will endeavour to uphold such rights to the extent that they apply to the way in which we process your personal data.
- Your principal rights are:
  - the right to be informed;
  - the right to access;
  - the right to rectification;
  - the right to erasure;
  - the right to restrict processing;
  - the right to object to processing;
  - the right to data portability;
  - the right to know of the existence of automated decision-making;
  - the right to lodge a complaint with the supervisory authority (IDPC) and/or seek judicial remedy in those cases where you believe that your data protection rights have been infringed following the processing of your personal data by a data controller; and
  - the right to withdraw consent.

## CHANGES TO THIS PRIVACY NOTICE

- This Privacy Notice may change from time to time. If this Notice is changed in ways which affect how we use your personal information, we will advise you of the choices you may have as a result of such changes.
- We will also post a notice that this Notice has changed.