



DATA PROTECTION POLICY OF HATOF FOUNDATION



NOVEMBER 1, 2016
HATOF FOUNDATION

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1. General provisions

1.1. Purpose

This Policy lays down the rules and principles relating to the processing of personal data of persons of concern to HATOF. Its purpose is to ensure that the organization processes personal data in a way that is consistent with the Ghana data processing Act, 2012 and other international instruments concerning the protection of personal data and individuals' privacy. The Policy will be complemented by Operational Guidelines that will provide guidance on its implementation, supervision and accountability.

1.2. Rational

In pursuit of its international protection and solutions mandate, and also when offering its good offices to Ghana, HATOF Foundation is often required to process personal data of persons of concern. This may also include the need to share personal data with Implementing Partners and/or third parties. In processing personal data there are inherent risks such as accidental or unauthorized loss or disclosure. Given the particularly vulnerable position of persons of concern to HATOF, the nature of their personal data is generally sensitive and, therefore, requires careful handling in line with this Policy. For HATOF, the proper protection of the personal data of persons of concern is therefore of particular importance and the Organization has a responsibility to process it in a way that respects data protection principles. The Policy also complements the provisions of Ghana Staff Regulation and commitments in HATOF's Code of Conduct.

1.3. Scope

This Policy applies to all personal data held by HATOF in relation to persons of concern to HATOF. The processing of other data, e.g. aggregated or anonymized, does not fall within the

scope of this Policy, but is covered, inter alia, by HATOFs Information Classification, Handling and Disclosure Policy. This Policy applies whether processing takes place within HATOF office, or whether personal data is transferred to Implementing Partners or third parties. The Policy continues to apply even after persons are no longer of concern to HATOF. Compliance with this Policy is mandatory for all HATOF personnel.

Definitions

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| HATOF Foundation | HATOF/Organization |
| GDPR | General Data Protection Regulation. |
| Data controller | The staff member of HATOF Foundation, who has the authority to oversee the management of, and to determine the purposes for, the processing of personal data. |
| Register of Systems | Means a register of all systems or contexts in which personal data is processed by HATOF Foundation. |
| Data breach | A breach of data security leading to the accidental or unlawful/ illegitimate destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transferred, stored or otherwise processed. |
| Personal data | Any form of information concerning an identified or identifiable natural person. This means all information that directly or indirectly, alone or in combination, may identify a specific natural person. |

2. General provisions

This policy applies to all personal data processed by HATOF.

- a. The Responsible Person shall take responsibility by the organization's ongoing compliance with this policy.
- b. This policy shall be reviewed at least annually.

3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, HATOF shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the organization shall be dealt with in a timely manner.

4. Lawful purposes

- a. All data processed by HATOF must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests (see Ghana data protection Act, 2012 Act 843).
- b. HATOF 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 HATOF systems.

5. Data minimisation

HATOF 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. Information

When collecting personal data from a data subject, the HATOF should inform the data subject of the following, in writing or orally, and in a manner and language that is understandable to the data subject:

The specific purpose(s) for which the personal data or categories of personal data will be processed;

- a. Whether such data will be transferred to Implementing Partner(s) or third parties or, where the data is being collected by an Implementing Partner on behalf of HATOF, that the data subject is informed of this fact;
- b. The importance of the data subject providing accurate and complete information;
- c. The data subject's duty to keep the organization, and/or, as appropriate, Implementing Partners, informed of changes to their personal situation;
- d. Any consequences for refusing or failing to provide the requested personal data;
- e. The data subject's right to request access to their personal data, or correction or deletion of it;
- f. The data subject's right to object to the collection of personal data;
- g. How to lodge a complaint with the data controller.

7. Access

Upon request the data subject may receive from HATOF Foundation:

- a. Confirmation as to whether or not data related to him or her has been, is being or will be processed; and
- b. Information on the personal data being processed, the purpose(s) for processing such data and the Implementing Partner(s) and/or third parties to whom such data has been, is being or will be transferred.

8. Accuracy

- a. The organization 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.

9. Archiving / Removal

- a. To ensure that personal data is kept for no longer than necessary, the organization 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.

10. Security

- a. HATOF shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- 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.

11. 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, HATOF shall promptly assess the risk to people's rights and freedoms and where necessary appropriately report this breach to the Data Protection Commission of Ghana. (<https://www.dataprotection.org.gh/>)

END OF POLICY