



---

# HAI DATA PROTECTION POLICY

---

## **INTRODUCTION**

Humanitarian Aid International (HAI) is a not-for-profit organization under the Indian Trusts Act, founded by a team of humanitarian and development professionals with a collective global experience of over 300 years. The organizational purpose is to establish a global aid institution founded and headquartered in India to extend effective and efficient humanitarian assistance and invest in sustainable and resilient development to eradicate poverty, hunger and suffering.

Data protection is paramount for the safe exchange, secure storage and confidential treatment of personal data. In keeping with its vision and values, HAI's data protection policy seeks to protect the interests of HAI beneficiaries, as well as the Organization itself.

## **SCOPE AND PURPOSE**

This Data Protection Policy applies to the Board, advisors, consultants, interns, all contracted staff, volunteers, partners, contractors, suppliers employed by HAI and others acting on behalf of HAI.

The purpose of this policy is to maintain the privacy of and protect the personal information of beneficiaries, employees, contractors, vendors, interns, associates, donors and partners of HAI and ensure compliance with laws and regulations applicable to HAI.

## **DEFINITIONS**

1. Data subject: A data subject who is the subject of personal and sensitive personal data. By providing the personal information in forms, the data subject agrees to the collection and use of information in accordance with this policy.
2. Personal data: Personal data is any information about an individual (the data subject) which
  - can be used to distinguish or trace an individual's identity;
  - any other information that is linked or linkable to an individual. Examples included but not limited to: Name, Address, Date of birth etc.

3. Sensitive Personal Information: Sensitive personal data means personal data consisting of information but not limited to the following attributes of the data subject:

- password
- financial information such as bank account or credit card or debit card or otherpayment instrument details
- physical, physiological, and mental health condition
- sexual orientation
- medical records and history
- genetic or biometric information
- racial and ethical origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- any detail relating to the above clauses as provided to body corporate for providingservice; and
- any of the information received under above clauses by body corporate for processing, stored or processed under lawful contract or otherwise:

Provided that, any information that is freely available or accessible in public domain or furnished under the Right to Information Act, 2005 or any other law for the time being in force shall not be regarded as sensitive personal data or information for the purposesof these rules.

4. Third Parties: All external parties – contractors, interns, summer trainees, vendors, media

– who have access to HAI information assets or information systems.

5. Data Protection: Anyone collecting personal and customer information must fairly and lawfully process it, process it only for limited, specifically stated purposes, use the information in a way that is adequate, relevant and not excessive, use the information accurately, keep the information on file no longer than absolutely necessary, process the information in accordance with your legal rights, keep the information secure and never transfer the information outside the country without adequate protection

### **DATA PROTECTION POLICY**

This Policy describes generally acceptable privacy principles for the protection and appropriate use of personal information at HAI. These principles shall govern the use, collection, disposal and transfer of personal information, except as specifically provided by this Policy or as required by applicable laws.

The following strategies are followed in accomplishing the abovementioned objectives:

### **NOTICE**

- HAI shall provide data subjects with notice about how it collects, uses, retains, and discloses personal information about them.

### **CHOICE AND CONSENT:**

- Consent must be obtained at the time of collection or as soon as it is reasonably practical thereafter, unless exceptional circumstances justify knowledge as the bare minimum requirement. The condition and legal capacity of certain vulnerable groups and individuals should always be taken into account.
- HAI shall give data subjects the choices and obtain their consent regarding how it collects, uses, and discloses their personal information.
- If beneficiary lists are needed for donor reporting or if it is necessary to disclose beneficiaries' names and contact details in reports and publications, HAI will inform the data subjects of such as well as the intended and foreseen purpose(s); and obtain consent at the time of collecting and signing records.
- Capacity to consent: For consent to be valid, data subjects must have the capacity to consent. Children and mentally disabled data subjects should be interviewed in the presence of parents or legal guardians.
- Informed Consent: All the relevant facts should be communicated to data subjects. This includes the benefit of providing consent and the risk of withholding consent, as well as any negative consequences that could result from disclosure to third parties. HAI will ensure that data collectors /interviewers communicate sufficient information to data subjects, to allow for full understanding and appreciation of the specified purpose for which personal data are collected and processed.
- Withholding Consent: If data subjects expressly withhold consent, they should be advised of the implications, including the effect it may have on assistance that could be rendered. If the data subject nevertheless makes an informed decision to withhold consent, the data collection should discontinue for that particular data subject.
- Withdrawing Consent: Data subjects retain the right to withdraw consent at any stage of the data collection process. HAI should, to the extent possible, respect the wishes of data subjects and all related personal data should be destroyed after the withdrawal of consent.

### **RIGHTS OF DATA SUBJECT:**

- Data subjects have the right to choose when and to whom they wish to reveal their personal data.
- HAI shall provide individuals with the right to control their personal information, which includes the right to access, modify, erase, restrict, transmit, or object to

certain uses of their information and for withdrawal of earlier given consent to the notice.

#### **DATA COLLECTION:**

- HAI shall collect personal information from data subjects only for the purposes identified and only to provide requested service.
- HAI is responsible for ensuring that personal data is collected in a safe and secure environment and all necessary steps are taken to ensure that individual vulnerabilities and potential risks are not enhanced.

#### **CONFIDENTIALITY OF DATA:**

- Confidentiality of personal data must be respected and applied at all stages of data collection and data processing.
- HAI shall take all reasonable and necessary precautions to preserve the confidentiality of personal data and the anonymity of data subjects.
- All HAI staff and individuals representing third parties, who are authorized to access and process personal data, are bound by confidentiality.
- HAI will take all reasonable steps to ensure that all its employees, agents and subcontractors abide by the confidentiality obligations under this Agreement.

#### **PSEUDONYMIZATION OF DATA SUBJECTS**

- To avoid the adverse consequence of identifying data subjects, HAI adopts the practice of using pseudonyms for the purpose of reporting case studies and donor reporting, except when consent is given by the data subject to use their identifying information.

#### **DATA QUALITY:**

- HAI shall maintain data integrity and quality, as appropriate for the intended purpose of personal data collection and use and ensure data is reliable, accurate, complete and current.

#### **DATA USE:**

- Personal data is always collected on a “need to know” basis that are necessary to fulfil the original specified purpose; and additional categories needed for foreseeable use that are compatible with the original specified purpose, and that are likely to occur during the life cycle of data processing.
- HAI will only use the information for the purposes for which it is provided, for any compatible purposes and to fulfil HAI’s legal or regulatory obligations unless the data subject has agreed for his/her data to be used for other purposes.
- HAI will prohibit any processing of the personal data which is not in accordance with the terms of this policy.
- HAI does not sell or rent out personal data for any purposes.

### **DATA STORAGE AND RETENTION:**

- Personal data should be kept in safe and secure locations with appropriate confidentiality measures. HAI maintains inventories of electronic media and paper files that are used to store personal data.
- HAI will only retain the data provided to us through our website and programmes for as long as required by applicable laws or as is necessary for the purpose for which it was collected and to maintain reasonable business records. HAI may retain data for an additional specified period, if required, for the benefit of the data subject.
- HAI shall retain the personal data it receives under strict conditions of confidentiality and security and shall not disclose it to any third party in accordance with any consents provided.

### **ACCESS TO DATA:**

- Access to the personal data shall be limited on a strictly applied “need to know” basis to authorized employees and agents of HAI who are bound by the confidentiality obligations under this policy.
- **Access request from data subjects:** HAI shall allow data subjects to make inquiries regarding the personal information about them, that HAI shall hold and, when appropriate, shall provide access to their personal information for review, and/or update. All data subjects are entitled to access and rectify their personal data at any time, and HAI should respond to access requests without undue delay. HAI shall immediately update, rectify and/or delete the personal data upon instruction from data subject.
- HAI should ensure a general policy of openness towards the data subject about
- developments, practices and policies with respect to personal data.

### **DATA SECURITY:**

- Personal data must be kept secure, both technically and organizationally, and should be protected by reasonable and appropriate measures against unauthorized modification, tampering, unlawful destruction, accidental loss, improper disclosure or undue transfer.
- HAI shall protect personal information from unauthorized access and implement appropriate data security measures to preserve the integrity of the personal data and prevent any corruption, loss, damage, unauthorized access and improper disclosure of the same.
- HAI will routinely review and upgrade data security measures should be to ensure a level of data protection that is adequate to the degree of sensitivity applied to personal data.

### **DISPOSAL OF DATA:**

- Personal data should be kept for as long as is necessary and should be destroyed or rendered anonymous as soon as the specified purpose(s) of data collection and data processing have been fulfilled.
- HAI shall dispose the personal information once it has served its intended purpose or as specified by the data subject.
- When no longer necessary, all records and backups should be destroyed or rendered anonymous, after receiving authorization from the Head of Department.

### **OWNERSHIP OF PERSONAL DATA**

- HAI shall assume ownership of personal data collected directly from the data subject or collected on behalf of HAI unless otherwise agreed, in writing, with a third party.

### **DISCLOSURE TO THIRD PARTIES:**

- Personal data should only be transferred to third parties with the explicit consent of the data subject, for a specified purpose, and under the guarantee of adequate safeguards to protect the confidentiality of personal data and to ensure that the rights and interests of the data subject are respected.
- HAI shall not further process, disclose, publish or transmit the personal data to any thirdparty, without consent.
- HAI shall disclose personal information to Third Parties / partner firms only for purposes identified in the privacy notice / contract agreements.
- HAI shall disclose personal information in a secure manner, with assurances of protection by those parties, according to the contracts, laws and other segments, and, where needed, with consent of the data subject
- HAI staff will only transfer the personal data to agents or subcontractors, with the prior written permission of HAI supervising Head of Department, and in accordance with the HAI's data protection principles.
- HAI shall maintain a record of all disclosures made to third parties. Records of disclosure should include the specified purpose of transfer, date of transfer and description of the categories of personal data that have been disclosed.
- Adequate safeguards that protect the confidentiality of personal data and the rights and interests of data subjects should be examined in light of the risks and benefits associated with the potential transfer. HAI should engage in a due diligence exercise taking account of all the circumstances surrounding the potential transfer
- Transfer to Media: All data subjects have the right to remain anonymous with respect to media coverage, and the media should be encouraged to protect the identity of data subjects. Unless prior consent is obtained, faces should be blurred, identities and location should be hidden, and voice-overs should be included in media coverage. This is particularly important for highly sensitive cases and vulnerable data subjects who may be at risk.

## **MONITORING AND ENFORCEMENT:**

- HAI shall monitor compliance with its privacy policies, both internally and with Third Parties, and establish the processes to address inquiries, complaints and disputes.

## **COMPLIANCE AND COMPLAINT REDRESSAL**

- HAI shall perform a periodic review of all the complaints related to data privacy to ensure that all the complaints are resolved in a timely manner and resolutions are documented and communicated to the data subjects.
- HAI shall document and address any privacy related incidents and breaches and take measures to remedy unlawful data collection and data processing, as well as breach of the rights and interests of the data subject.
- Non-compliance with the HAI's policy and unlawful data processing should be immediately reported to the supervising Head of Department, who should investigate complaints without undue delay. If a complaint is found to be justified, appropriate measures should be taken, including suggestions and recommendations for amending policies and practices.
- Employees with inquiries or complaints about the processing of their personal information shall first discuss the matter with their immediate supervisor.
- Beneficiaries / Donor / Third Party with inquiries or complaints about the processing of their personal information shall bring the matter to the attention of the HAI management in writing. Any disputes concerning the processing of the personal information of non- employees shall be resolved through arbitration.

## **DISCLAIMER**

The legal basis on which HAI holds and uses data will vary depending on the activity involved. In some cases, HAI might hold the data because it is needed to fulfil a contract or meet HAI's legal obligations. We note that the basis on which we process your data will influence the data subject's specific rights.

## **CHANGES TO THIS POLICY**

This Privacy Policy will be updated from time to time. Changes and updates may alter the terms that you have previously agreed to.

## **POLICY**

### **APPROVED ON:**

### **APPROVED BY:**

