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# Directive on data protection

201805\_DirDataProt\_v1\_En



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# 1. Context

## 1.1 Objective

Following the quick win package recently developed by Tdh data protection working group, the group felt the need to set a minimum standard regarding data collection, especially for the field, that wouldn't be overly ambitious, due mainly to technical constraints and lack of homogeneity within the countries of intervention and would allow teams to gain awareness on the importance of handling personal data in a responsible and safe manner. Therefore, the objective of the present directive is to provide a set of basic guiding principles to be applied whenever data are collected. This directive is an interim regulation, since a Regulation on data protection will be drafted, mainly to take into account the requirements of the new General Data Protection Regulation (GDPR).

## 1.2 Framework

This directive stems from the Tdh 2016 - 2020 Strategic plan, in which Tdh commits to align to the Core Humanitarian Standard (CHS), that raises the importance of responsible data collection.

## 1.3 Scope

This directive applies to all staff and consultants at headquarters and field level, regardless of their status, type of contract, or percentage of work. This directive sets the minimum standard regarding data collection, without compromising the possibility of setting higher standards in delegations affected by stricter national data protection laws.

## 1.4 Definitions

Pour une compréhension claire et complète de la présente directive, il est important de rappeler les définitions des notions pertinentes suivantes :

- **Data (personal data):** all information relating to an identified or identifiable person.<sup>[1]</sup>
- **Personal Identifiable Information (PII):** Personal Identifiable Information (PII) include all types of information that allow for the identification of an individual (this can be highly contextual). The PII are not necessarily limited to names and addresses, but, depending on the context, also other kinds of information (including sensitive information) can allow for the identification of a person.
- **Sensitive data:** sensitive data is data about an individual that can be used in discriminatory way, such as<sup>[2]</sup> the racial or ethnic origin of the data subject, his political opinions, his religious beliefs or other beliefs of a similar nature, his religious beliefs or other beliefs of a similar nature, whether he is a member of a trade union<sup>[3]</sup>, his physical or mental health or condition, his sexual life, the commission or alleged commission by him of any offence, or any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

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<sup>[1]</sup> Source: <https://www.admin.ch/opc/en/classified-compilation/19920153/index.html>

<sup>[2]</sup> Source: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

<sup>[3]</sup> Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

## 2. Guiding principles for data protection

**1. Proportionality: Do not collect more data than what you need.**

By need we mean: what you are going to use in your analysis, for decision making, or other purpose as defined in the Monitoring and Evaluation (M&E) plan.

**2. Consent: Do always ensure that you respect the informed consent rules** when collecting data from the people (with specific considerations when collecting data from the children / on children).

**3. Ownership:** The delegations need to have **ownership over the data and define clear roles and responsibilities** in the whole data management cycle.

**4. Nécessity:** Personal identifiable information and sensitive data **should only be collected when absolutely necessary and protected** according to the guidance proposed in the Quick Wins package.

**5. Self-assessment: Self-assessments** should be conducted once a year and prior to any new project when preparing the project M&E plan.

**6. Anonymization:** Personal identifiable information **should be anonymized as soon as possible and always before transmitting the data** to HQ.

**7. Secure transfer:** in the future, data from and to partners should be transmitted securely avoiding personal emails and non-disclosure agreement should be in place.

**8. MDC:** When using Mobile data collection, **a specific assessment** of the risk should be collected, if needed with support from HQ.

**9. Innovation: Any innovation projects** involving Personal identifiable information and sensitive data should be conducted in consultation with HQ Quality and Accountability (Q&A) unit.

**10. Incident management:** In case of **incident** regarding data protection, this should be promptly reported to the Risk Management Sector (*risks@tdh.ch*) in HQ.

**11. Legal:** In any case, the work conducted by the delegation involving Personal identifiable information and sensitive data should be conducted in accordance with **national law**.

## 3. Responsibilities

### 3.1 Individual responsibility

All staff is required to follow the present directive as well as other specific procedures implemented by the organization regarding data protection and collection. In case of problems, it is expected from staff that they would raise the issue to their manager, or to the Risk Management Sector through the incident management procedure or the whistleblowing procedure.

### 3.2 Country representative

The country delegate is in charge of identifying the processes. Moreover, he ensures the deployment and the implementation of this directive. He also ensures that the key elements of the mapping are transmitted to the relevant person.

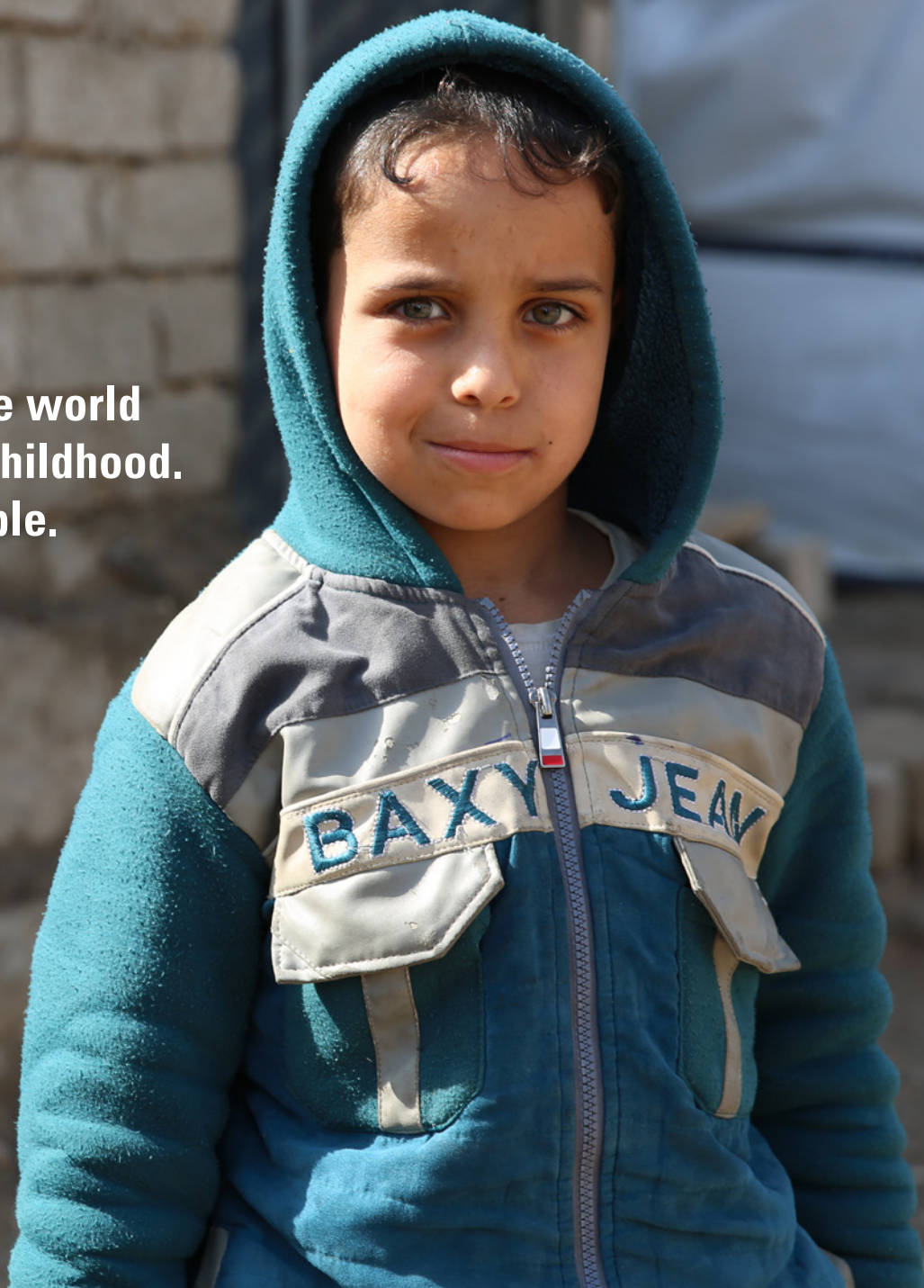
### 3.3 Quality and Accountability Unit

Tdh's Q&A unit ensures that guidance advice is provided on safe and proportionate use of data for monitoring and evaluation plans. Additionally, it provides regular training, feedback and expertise on data protection and assists delegations with the implementation of the present directive.

## 4. Preparation, validation and enforcement procedure

This directive was prepared by the data protection working group in January 2018, revised in April 2018 and was validated by the CODIR on may 15<sup>th</sup>, 2018, in charge of the correct application of the present directive.

Every child in the world  
has the right to a childhood.  
It's that simple.



## Directive on data protection

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**Responsibility for implementation:** Tdh managers, Country delegates, Q&A Unit, Risk Management Sector, all the staff

**Other attached documents:**

*Quick wins package*



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