

IMPACT

Shaping practices
Influencing policies
Impacting lives



DATA PROTECTION POLICY

Version 2 | 2024

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I. INTRODUCTION

A. Preamble

1. Independent, private and non-profit, IMPACT respects a strict political and religious impartiality, and operates following the principles of neutrality, non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.
2. IMPACT is committed to shape practices and influence policies in humanitarian and development settings in order to positively impact lives of people and their communities. IMPACT aims to enable better and more effective decision making by generating and promoting knowledge, tools and practices for humanitarian and development stakeholders.
3. The commitment of IMPACT is guided by 4 core values:
 - **Responsibility:** we ensure the efficient and responsible delivery of humanitarian aid with the means and the resources that have been entrusted to us.
 - **Impact:** we are committed to having the most sustainable impact for the communities and the people with whom we engage.
 - **Enterprising-spirit:** we are enterprising and engage in our work with a spirit that creates common values and overcomes challenges.
 - **Inspiration:** we strive to inspire all those around us through our vision, values, approaches, choices, practice, actions and advocacy.

B. Policy statement

IMPACT is fully committed to the respect of privacy and the protection of personal data.

The purpose of this Policy is to present the main principles related to the protection of Personal Data that IMPACT implements in the framework of all its activities.

This policy is aimed at guiding IMPACT staff, and must be considered together with:

- IMPACT's Code of Conduct;
- IMPACT's Child Protection Policy;
- IMPACT's Conflict of Interest Prevention Policy;
- IMPACT's Anti-Fraud, Bribery & Corruption Policy;
- IMPACT's Grievance Policy;
- IMPACT's Policy Against Sexual Exploitation, Abuse and Harassment;
- IMPACT's Environmental Safeguarding Policy;
- IMPACT's relevant procedures, guidelines and manuals¹.

This policy is in alignment with the organizational-level recommendations included in the Operational Guidance of IASC on Data Responsibility in Humanitarian Action.

¹ As per global partnership between IMPACT and ACTED, this includes the application of ACTED's Security and Safety manuals and procedures; and the application of any other ACTED manuals, procedures and policies applicable in countries where IMPACT teams and programs are hosted by ACTED.



II. INTERPRETATION AND APPLICATION

Article 1. Scope of Application

1. This policy applies to all IMPACT staff and governance members.
2. The provisions of this policy may also be requested to be applied to any person employed by an entity that carries out missions for IMPACT.
3. The scope of this policy is defined by the Swiss Federal Act of Swiss Federal Act of 25 September 2020 on Data Protection ("FADP") and its ordinances, and where applicable, the Regulation (UE) 2016:679 of the European Parliament and of the Council of 27 April 2016 ("General Data Protection Regulation" or "GDPR").

Article 2. Definitions

For the purposes of this Policy, the terms below have the following meanings:

1. **"Data recipient"**: means the natural or legal person, public authority, department or other body that receives disclosure of Personal Data, whether or not it is a third party;
2. **"Data controller"**: means the business, organisation, natural person, or authority that determines (alone or jointly with others) the purpose and means of the processing of personal data. For the purposes of this policy and the Processing referred to herein, IMPACT is the Data controller;
3. **"Data processor"**: means the business, organisation, natural person, or authority that processes personal data on behalf (and for the purposes of) the controller;
4. **"Supervisory authorities"**: refers to the Swiss Federal Data Protection and Information Commissioner (FDPIC) and any other relevant authority;
5. **"Data Protection focal point "**: person in charge in particular of (i) informing and advising IMPACT and IMPACT staff regarding their obligations with respect to the protection of Personal Data, (ii) monitoring IMPACT's compliance with the obligations regarding the protection of Personal Data, (iii) accompanying IMPACT during the performance of impact analysis, (iv) and cooperating with the supervisory authorities;
6. **"Personal Data"**: means any information relating to an identified or identifiable natural person; an "identifiable natural person" is deemed to be a "natural person" if it can be individually identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier, or to one or more elements specific to its physical, physiological, genetic, psychological, economic, cultural or social identity;
7. **"Sensitive Personal Data"**: data on religious, ideological, political or trade union-related views or activities; health, the intimate sphere or the racial origin; social security measures; administrative or criminal proceedings and sanctions;
8. **"IMPACT staff"**: under the terms of this policy, the term "IMPACT staff" refers to any person employed or contracted by IMPACT. IMPACT's interns and volunteers are considered to fall within this category for the purposes of this policy;
9. **"Data subject"**: means a natural person who can be individually identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier, or one or more elements specific to his or her physical, physiological, genetic, psychological, economic, cultural or social identity. For the purposes of this policy, a data subject is defined as a natural person whose Personal Data are processed by IMPACT;
10. **"Applicable law"**: refers to the legislation in force relating to the protection of privacy regarding the processing of Personal Data, in particular the Swiss Federal Act of 25 September 2020 on Data Protection



("FADP") and its ordinances, and where applicable, the Regulation (UE) 2016:679 of the European Parliament and of the Council of 27 April 2016 ("General Data Protection Regulation" or "GDPR").

11. **"Third party"**: refers to a natural or legal person, a public authority, a department or body other than the data subject, the data controller, the data processor, the subcontractor, if any, and the persons who, placed under the direct authority of the data controller, the data processor or the subcontractor, if any, are authorized to process the Personal Data;
12. **"Processing"**: means any operation performed on personal data, irrespective of the means or procedures applied, and in particular the collection, storage, keeping, use, modification, adaption or alteration, disclosure, archiving, deletion or destruction of data.

Article 3. Adherence to the policy

1. This policy is published under the authority of IMPACT. IMPACT staff, as well as the other entities referred to in Article 1 of this Policy, when applicable, are required to conduct themselves in accordance with this policy and must, therefore, be aware of its provisions and any changes and have understood them. When they are unsure about how to proceed, they must seek the advice of a competent person, notably their line manager or the Data Protection focal point at the following address: geneva.dp@impact-initiatives.org.
2. IMPACT staff, as well as the other entities referred to in Article 1, if applicable, have certified their knowledge of the present policy and agreed to commit to the full respect of this policy. This policy forms part of the agreement between IMPACT and IMPACT staff.
3. It is the responsibility of IMPACT staff, as well of the entities mentioned in Article 1 if applicable to ensure their compliance with this policy and to take the appropriate measures against any violations of this policy.
4. IMPACT will review the provisions of this policy at regular intervals.

III. GENERAL PRINCIPLES APPLICABLE TO DATA PROTECTION

Article 4. Compliance to the policy

1. Any person concerned by this policy as per Art. 1 undertakes to respect the content of this policy at all times when carrying out their duties.

Article 5. The legal basis of personal data processing

1. Any processing of personal data carried out by IMPACT must be lawful in accordance with Applicable Law, namely: (i) consent of the data subject; (ii) performance of a contract; (iii) compliance with a legal obligation; (iv) overriding private interest; (v) overriding interests of the data subject or of another natural person; or (vi) public interest. Any person concerned by this policy must ensure the lawfulness of the personal data processing carried out within their duties.

Article 6. The purpose of processing

1. The Purpose of processing operations carried out by IMPACT must be predetermined, legitimate, explicit and compatible with the missions carried out by IMPACT.
2. Personal Data must not be used in a way that is incompatible with the purposes initially determined for each processing operation.



Article 7. Minimization and accuracy of data

1. The defined and predetermined purposes mentioned above enable an assessment of the need to collect the Personal Data by IMPACT. Only data which is adequate and necessary to achieve these purposes shall be collected and processed.
2. IMPACT is committed to processing only accurate, complete and up to date data. Under these conditions, IMPACT reserves the right to contact the persons concerned by the data (i.e. the Data subjects) to ensure and verify its accuracy

Article 8. Data retention

1. Personal Data shall be kept i) no longer than necessary according to the predetermined purposes and ii) at least for the duration required by the Applicable Law. A memo on Data Retention has been drafted by IMPACT and must be consulted in case of doubt about the retention period of Personal Data during a data processing operation.
2. For any questions regarding the storage of Personal Data, please contact the Data Protection focal point at the following address: geneva.dp@impact-initiatives.org.

Article 9. Transfers of personal data

1. IMPACT may transfer personal data to subcontractors. IMPACT has implemented procedures framing such transfers. In particular, IMPACT has implemented procedures framing the transfer of Personal Data out of Switzerland and the EU ensuring it is carried out in accordance with Applicable law. IMPACT staff in charge of processing personal data must ensure the implementation of these procedures, especially when concluding contracts with suppliers.
2. In accordance with the applicable law, data subjects from whom Personal Data have been collected shall be informed (when applicable) of the existence of a transfer of Personal Data out of Switzerland and the EU. IMPACT staff in charge of processing personal data must ensure that this information has been properly communicated.

Article 10. Data Protection focal point

1. IMPACT has appointed a Data Protection focal point who is responsible for preserving the privacy and the protection of of Personal Data.
2. The Data Protection focal point is a contact person specialized in the protection of Personal Data, responsible for ensuring the proper application of data protection rules and is the privileged contact person for the supervisory authorities, IMPACT staff and all persons involved in the collection or processing of Personal Data.
3. IMPACT's Data Protection focal point can be contacted at the following address: geneva.dp@impact-initiatives.org.



IV. PRINCIPLES APPLICABLE TO ACCESS TO INFORMATION AND RIGHTS OF DATA SUBJECT

Article 11. Access to information for Data Subjects

1. IMPACT must provide to any data subject clear, complete, easily accessible and understandable information for the processing of Personal Data.
2. In this respect, any data subject shall be informed of the following:
 - The identity of the Data controller and, where applicable, that of its representative;
 - The contact details of IMPACT's Data Protection focal point or, where applicable, the one of the Third Party partner collecting personal data or supporting personal data collection;;
 - The Purpose of Processing for which the data are intended;
 - The data recipients or categories of data recipients;
 - The rights of the data subjects with regards to the processing of their Personal Data as specified in Article 12 of this policy.
 - If applicable, the existence of an automated computer processing of Personal Data² . IMPACT will inform the data subjects and may, if necessary, obtain their consent. Data subjects have the right to obtain the reasons for the implementation of automated processing of their data and may express their refusal by requesting human intervention.
 - The potential need for IMPACT to cross-reference the personal data in order to improve the quality and effectiveness of IMPACT's missions, assess the situation of the people concerned or predict it.
 - The existence, if any, of the transfer of Personal Data to a State outside Switzerland and the EU.
3. IMPACT has drafted several information notices specific to certain categories of data subjects in order to meet this obligation. Relevant IMPACT staff in charge of the personal data processing must ensure that these information notices are communicated to the right categories of persons.

Article 12. Rights of the data subjects and procedures for exercising them

1. IMPACT commits to implement technical and organisational measures to enable the data subjects to exercise the following rights:
 - the right of access: the right of the data subject to be informed and to request the disclosure of his /her Personal Data in an accessible format;
 - the right to rectification: the right of the data subject to have the Personal Data which concerns him/her rectified when deemed inaccurate;
 - the right to erasure: the right of the data subject to obtain the erasure of his/her Personal Data;
 - the right to limitation: the right of the data subject to obtain a limitation for the processing of his or her Personal Data;
 - the right to portability: the right for the data subject to receive Personal Data concerning him or her in a structured format and to request their transmission by IMPACT to a third party of his / her choice;
 - the right to object: the right of the data subject to object to all or part of the processing of his or her Personal

² Consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements (art. 5 of Federal Act of Data protection. [RS 235.1 - Loi fédérale du 25 septembre 2020 sur la protection des données \(LPD\) \(admin.ch\)](#))



- Data for reasons relating to his or her particular situation;
- finally, every data subject has the right to define the directives relating to the use of their Personal Data after their death.
2. All the above-mentioned rights can be exercised at any time by sending a request to IMPACT's Data Protection focal point either by email to geneva.dp@impact-initiatives.org or in writing to IMPACT Initiatives Data Protection focal point, 9 chemin de Balexert, 1219 Chatelaine, Switzerland, or to the address of the hosting partners in countries where IMPACT's operations are hosted by a third party³.
 3. For any request, IMPACT reserves the right to carry out an identity check.
 4. In the event of complaints from data subject, the data subject may choose to refer the matter to the supervisory authority.
 5. In case of receipt of a data subject's request, in the exercise of the above-mentioned rights, IMPACT must respond as rapidly as possible with a maximum limit of 30 days.

V. PRINCIPLES APPLICABLE TO CONFIDENTIALITY AND SECURITY

Article 13. Confidentiality

1. Respect for data confidentiality, in particular when using any electronic means of communication, is an essential requirement of IMPACT.
2. The protection of IMPACT's interests requires everyone to respect a general and permanent obligation of confidentiality, discretion and business secrecy with regard to data made available to anyone concerned by this policy in the exercise of his or her professional activity, in the context of the use of Information Systems.
3. Compliance with this obligation implies compliance with IMPACT's Charter of use of Information Systems, which every User of IMPACT Information Systems commits to respect.
4. IMPACT requires any subcontractor to whom Personal Data have been entrusted to provide the appropriate safeguards to protect the confidentiality of Personal Data.

Article 14. Data Security

1. IMPACT commits, to the limits of its means and capacity, to take all necessary precautions as well as all necessary technical and organizational measures to preserve the security of Personal Data and in particular to prevent their distortion, destruction or communication to unauthorized third parties. This applies in particular to any sensitive personal data that IMPACT may process.
2. IMPACT shall treat any breach of personal data according to Applicable law.
3. Subcontractors may be requested to provide for similar or equivalent safeguards (i.e. technical and organizational measures).
4. Only duly authorized data recipients can access the information necessary for their activities. Access rights are granted according to the principles of "least privilege"⁴.
5. IMPACT has drafted a Charter of use of Information Systems which IMPACT's staff commits to respect.

³ When the host partner is ACTED, as part of our Global partnership, this will be in the framework of ACTED's CRMs

⁴ The principle of "least privilege" works by allowing only enough access to perform the required job



VI. POLICY MODIFICATION

Article 15. Policy modification

1. This policy, accessible to all, is regularly updated to consider legislative and regulatory changes, and any change in IMPACT's organization or in the performance of its missions.
2. In the event of any relevant modification of this policy, IMPACT shall make its best efforts to inform the concerned persons. The date of this policy will be modified accordingly each time it is updated.
3. In the event that a modification of this policy is likely to have a fundamental impact on the nature of a data processing or a substantial impact on the situation of a data subject, IMPACT commits itself to inform the data subjects as soon as possible so that they can exercise their rights (for example, to oppose the processing).

VII. IMPLEMENTATION OF THE POLICY

Article 16. Implementation date of the policy

1. This Data Protection Policy comes into effect from June 1st 2024.

Article 17. Adherence to the policy

1. IMPACT staff, and the other entities referred to in Article 1 of this policy if appropriate, certify that they adhere to these principles by signing this policy and/or by signing their employment contract.





**DATA PROTECTION
POLICY**

