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An Initiative of Association for Voluntary Action (AVA)

Intellectual Property & Data Protection Policy

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1 Introduction

Association For Voluntary Action (“**AVA**” or “**the Organization**”) is committed to adhere to the highest standards of ethical, moral and legal conduct of operations. We are committed to a high level of legal and ethical standards in the conduct of our operations. This commitment includes respecting and protecting our intellectual property rights and to treat information of employees, customers, stakeholders and other interested parties with utmost care and confidentiality.

2 Purpose

This Intellectual Property & Data Protection Policy (“**this Policy**”) aims to provide guidelines on the:

- a) ownership and control of the intellectual Property created and owned by the Organization; and;
- b) protection of Organization’s data

3 Scope

This Policy is applicable to all the employees, consultants, representatives, volunteers, trustees, interns, network partners, directors, members of the Board of Trustees, and any other committees of AVA (“**Associates**”).

4 Definitions

“**Data**” is a representation of information, knowledge, facts, concepts or instruction which are being prepared or have been prepared in a formularized manner or is intended to be processed or have been processed in a computer system or computer network and may be in any form (including computer printouts, magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer;

“**Intellectual Property**” shall mean and include AVA’s confidential and proprietary information, patents, trademarks, trade secrets, trade dress, know-how, name, copyright, logos of the Organization, and all deliverables, results and work products produced, or to be produced through/during one’s tenure/engagement with the Organization, and other rights therein, including, without limitation, all copyrights, rights over derivative works, article\paper\book or any other material pertaining to AVA’s activities, all correspondence that may be had with other Organizations in connection

with AVA's activities, patents, trademarks, trade dress, know how, trade secrets, name, logos of the Organization or any other intellectual property rights;

“Personal Data” shall mean any information that relates to a natural person, which either directly or indirectly, in combination with other information available or likely to be available with a body corporate, is capable of identifying such person;

“Sensitive personal data” of a person shall mean such personal data which consist of information relating to:

- Passwords
- Financial Information such as bank account or credit card or debit card or other payment instrument details;
- Credit/debit card details;
- Present and past health records;
- Physical, physiological and mental health condition;
- Sexual orientation;
- Biometric data;
- Any other details relating to the above mentioned, provided by any person to AVA for providing services;
- Any Information received pursuant to the above mentioned by AVA for processing, or storing such Information under a 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 will not be considered to be Sensitive or Personal Data.

5 Data Protection

The Organization is committed to ensure that all Data, Personal Data and Sensitive Personal Data is:

- i. Processed, stored, lawfully and in a transparent manner in relation to individuals and in accordance with the following:
 - Information Technology Act, 2000;
 - Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011;
 - Where applicable; the General Data Protection Regulation (“GDPR”); and

- Any other applicable law and regulation which is relevant and in force for time being.
- ii. 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 be considered to be compatible with the initial purposes;
 - iii. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
 - iv. Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that Data is accurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
 - v. Processed for the purpose for which it was obtained, and in a manner that ensures appropriate security of the Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or Organizational measures;
 - vi. Processed and stored in a lawful, fair and transparent manner;
 - vii. Archived as per the Data Retention Policy;
 - viii. Accessible to authorised individuals only and for the defined purpose for which it was obtained. Any unauthorised access shall be prohibited and punishable.

6 Intellectual Property Rights

- i. The Organization shall exclusively own all rights in the Intellectual Property and Associates shall transfer, assign and convey to the Organization all right, title and interest therein;
- ii. Associate shall also execute any document deemed necessary by the Organization to evidence and secure AVA's' exclusive ownership of the deliverables and the Intellectual Property, including a waiver of moral rights;
- iii. Associates shall not use the name, logos and trademarks of the Organization in any manner, offline (catalogues, brochures, pamphlets etc.) or online (websites and other advertisements etc.) without prior written consent of the Organization.

7 Compliance and Violations of Policy

- i. An Associate who violates this Policy, regardless of whether financial loss to the Organization results or not, may be subject to appropriate disciplinary action up to, and including termination. This remedy shall be in addition to any other legal and remedial actions available to the Organization under the applicable law;
- ii. An Associate who violates this Policy shall also indemnify and hold harmless the Organization against any and all liability, claims, suits, losses, damages, costs and legal fees caused by, resulting/arising out of such violation; and
- iii. All Associates must handle all data covered by this Policy in compliance with the Confidentiality and Data Protection obligations of the Organization.

8 Exceptions and Review of Policy

- 8.1 Any deviations from this Policy require approval from the Management Committee;
- 8.2 The Organization reserves the right to modify and/or review the provisions of this Policy from time to time, in order to comply with applicable legal requirements or internal policies, to the extent necessary.



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