

## 1. General principles

- 1.1 Span Arts is fully committed to compliance with the requirements of Data Protection as amended by the General Data Protection Requirements (GDPR) which comes into force on 25<sup>th</sup> May 2018.
- 1.2 Span Arts will therefore follow procedures which aim to ensure that all employees, volunteers, trustees and others who have access to any personal data held by or on behalf of Span Arts are fully aware of and abide by their duties under the legislation.
- 1.3 Span Arts is committed to a policy of protecting the rights and freedoms of individuals with respect to the processing of their personal data.

## 2. Statement of Policy

- 2.1 To operate efficiently, Span Arts has to collect and use information about people with whom it works. These may include clients; current, past and prospective employees; past and prospective volunteers; trustees and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of government and its funders.
- 2.2 This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the legislation to ensure this.
- 2.3 Given the nature of Span Arts activities and its aims and principles, we view the lawful and correct treatment of personal information as very important to its successful operations, and to maintaining confidence between Span and those with whom it carries out business.
- 2.4 To this end, Span Arts fully endorses and adheres to the principles of data protection as set out in the General Data Protection Regulations 2018.

## 3. The Principles of the General Data Protection Requirements

- 3.1 Under the GDPR, the data protection principles set out the main responsibilities for organisations.

3.2 Article 5 of GDPR requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals
  - 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 not be considered to be incompatible with the initial purposes
  - Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
  - Accurate and where necessary, kept up to date every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
  - Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
  - Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- and
- the controller shall be responsible for, and be able to demonstrate, compliance with the principles.

3.3 GDPR provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.

3.4 Personal data is defined as any information relating to an identifiable person either directly or indirectly by reference to an identifier: Such as

- Name, identification number, location data or online identifier
- It applies to both automated personal data and manual filing systems

- Personal data that has been pseudonymised – e.g. key coded can also fall within the scope of GDPR.

3.5 Sensitive personal data (special category data) is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or philosophical beliefs
- Trade union membership
- Health
- Sex life or sexual orientation
- Genetic and biometric data
- Note Criminal Offence data is no longer included within this category as there are separate safeguards for personal data relating to criminal convictions and offences etc which are set out in Article 10 of the GDPR

## 4. Handling of Personal / Sensitive Information

4.1 Span Arts will, through appropriate management and the use of strict criteria and controls:-

- Observe fully the conditions regarding the fair collection and use of personal information, obtaining consent for retaining data including that required for direct marketing purposes.
- Ensure and document that there is a **lawful basis** for the processing of personal data and maintaining records of such. There are 6 lawful bases for processing but in the main these will be through having the appropriate Consents in place; in order to fulfil a contractual requirement; to comply with common law or a statutory obligation.
- Ensure that privacy notices include the lawful basis for processing data as well as the purpose of the processing
- Under GDPR children have the same rights as adults over their personal data. Where Span Arts uses consent as the lawful basis for collecting and processing personal data in relation to children, it will ensure that it has the appropriate consents in place. If the child is 13 or over they will be able to provide their own consent. For children

under 13 the person who holds parental responsibility for that child must give the consent.

- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Apply checks to determine the length of time information is held and is in compliance with the timescales set out in Span Arts **Document Retention Policy**
- Take appropriate technical and organisational security measures to safeguard personal information including information held on computer records.
- Ensure that the right procedures are in place to detect, report and investigate a personal data breach.
- Ensure that where Span uses another organisation to process data it has a written contract in place so that both parties understand their responsibilities and liabilities.
- Ensure that personal information is not transferred without suitable safeguards.
- Ensure that the rights of people about whom the information is held can be fully exercised under the GDPR.

These include:

- The **right to be informed** about the collection, use and processing of personal data processing through privacy notices.
- The **right of access** to one's personal information and supplementary information and to be aware of and verify the lawfulness of the processing. Information **MUST** be provided within one month of the request
- The **right to rectification** if the personal data is inaccurate or incomplete.
- The **right to erasure** enabling an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- The right to **restrict processing** – individuals have a right to block or suppress processing of personal information e.g. when someone

contests the accuracy of the personal data, processing should be restricted until its accuracy has been verified

- The **right to data portability** which allows individuals to obtain and reuse their personal data for their own purposes across different services
- The **right to object** to for example direct marketing and profiling and processing for e.g historical research and statistics. To enable individuals the opportunity to object on line
- The **right not to be subject to automated decision-making** including profiling

4.2 Under the GDPR there is no mandatory duty for Span Arts to appoint a specific Data Protection Officer (DPO) as the level of the processing of personal data is below the requirement. Whilst Span Arts could have appointed a DPO voluntarily for this purpose, due to the limited resources within Span Arts, a specific appointment of a DPO will **NOT** be made at this point in time.

In addition, however, we will ensure that:

- The Manager will, however have specific responsibility for and oversight of data protection within Span Arts. The Manager will also be assisted with the compliance of data protection within the organisation by 2 nominated trustees from the Board of Trustees. (The current nominated trustees are the Chair and Company Secretary).
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so. Span Arts will ensure that staff, volunteers and trustees understand the importance of protecting personal data and are familiar with the data protection and the requirements of GDPR.
- Everyone managing and handling personal information is appropriately supervised.
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or volunteer or a member of the public, knows what to do.

- Queries about handling personal information are promptly and courteously dealt with and within the relevant timescales
- Methods of handling personal information are regularly assessed and evaluated.
- Performance with handling personal information is regularly assessed and evaluated.
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

4.3 All employees and volunteers will be made fully aware of this policy and of their duties and responsibilities, and will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. In particular they will ensure that:

- Paper files and other records or documents containing personal / sensitive data are kept in a secure environment.
- Records that are no longer required, in accordance with the Data Retention Policy will be securely destroyed.
- Any confidential waste produced as a result of an employee / volunteer's day to day activities within Span Arts will be placed in a secure locked bin and shredded on a weekly basis.
- Personal data held on computers and computer systems is protected by the use of secure passwords. The data held will be deleted, at the appropriate time in accordance with the Data Retention Policy.
- Where individual passwords are used these must be such that they are not easily compromised.

## 5. Implementation

5.1 The Manager is responsible for leading and monitoring policy implementation. They will also have overall responsibility for:

- Provision of cascade data protection training for staff and volunteers within Span Arts
- Carrying out compliance checks to ensure adherence, throughout Span Arts, with the Data Protection Act.

## 6. Notification to the Information Commissioner

6.1 The Information Commissioner's Office currently maintains a public register of Data Controllers. Span Arts is registered as a Data Controller with the Information Commissioner's Office. The Registration Number is Z7172366

6.2 Under the GDPR and after May 2018 Span Arts will be required to pay the ICO a **data protection fee**. Where organisations are already registered with the ICO in the last year, prior to May 2018, Span Arts will only pay the fee once the current registration expires. The fee is likely to be in the region of £40.

6.3 The Data Protection Fee replaces the requirement to 'notify (or register) with the ICO.

6.4 The ICO will contact Span Arts when the data protection fee is due. It will be the Manager's responsibility to provide the information requested by the ICO.

6.5 The data protection fee and relevant information will be provided on annual basis.

## 7. Storage of Disclosure Information

7.1 All organisations using the Disclosure and Barring Services to help assess the suitability of applications for positions of trust and who are recipients of Disclosure information must comply fully with the DBS Code of Practice.

7.2 The Code places an obligation on such organisations to have a written policy on the correct handling and safekeeping of Disclosure information. The following principles contained on this policy will ensure compliance with the Code in this respect.

7.3 As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, Span Arts complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

7.4 Span Arts complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters which is available to those who wish to see it on request.

7.5 Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

- 7.6 In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.
- 7.7 Span Arts will maintain a record of all those to whom Disclosures or Disclosure information has been revealed and Span Arts recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 7.8 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 7.9 Once a recruitment (or other relevant) decision has been made, Span Arts will not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.
- 7.10 If in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months; Span Arts will consult the DBS about this. Span Arts will give full consideration to the Data Protection and Human Rights individual subject access requirement before doing so.
- 7.11 Once the retention period has elapsed, Span Arts will ensure that any Disclosure information is immediately destroyed by secure means i.e. by shredding, pulping or burning.
- 7.12 Span Arts will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.
- 7.13 However, notwithstanding the above, Span Arts will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

For more Information and Advice about the GDPR and Data Protection the ICO has set up a helpline for small Charities on **0303 123 1113**

This policy will be reviewed annually by the Span Arts Manager and Board of Trustees.

Signed

Date

Trustee / Director

Trustee / Director