



Tuffney Performing Arts LTD

Policy: Data Protection (GDPR)		
Date Adopted: 09/11/2019	Date of last review: 09/11/2020	To be reviewed next before/on: 09/11/2021
2008 (DPA) Updated 2018 (GDPR)		
Purpose and Statement: <p>Tuffney Performing Arts Ltd is committed to ensuring the data processed by our school remains safe and secure.</p> <p>This policy has been written in line with legislative change, including both the Data Protection Act (1998) and the EU's General Data Protection Regulation (GDPR).</p> <p>Tuffney Performing Arts Ltd has determined the lawful reasons with which it processes personal data:</p> <ul style="list-style-type: none"> • Legal obligation – GDPR Article 6(1)(c) • Legitimate interest – GDPR Article 6(1)(f) • Contract - GDPR Article 6(1)(b) <p>There is also some limited data we process with consent from the Data Subject; Consent – GDPR Article 6(1)(a).</p> <p>While Tuffney Performing Arts Ltd avoids sharing data with third parties at most times, some data is shared in accordance with our business practices. The sharing of data with third parties will always be consensual with the data subject and/or their parent/guardian, and only if Tuffney Performing Arts Ltd is satisfied that their Data Protection policy is GDPR compliant.</p> <p>Main Aims for the policy:</p> <ul style="list-style-type: none"> - Specify the data Tuffney Performing Arts Ltd collect, how it is stored/protected and the reason for collecting it - State how Tuffney Performing Arts Ltd use personal data in processing - Disclose who has access to the data and how long we retain information for - Explain Data Subject's rights with Tuffney Performing Arts Ltd data including access, rectification and erasure 		
Distribution: <ul style="list-style-type: none"> • To be distributed to Board at AGM and Induction sessions for Board Members [IF APPROPRIATE] • To be sent to all staff, freelance staff and volunteers as part of induction and training • To be displayed on the Tuffney Performing Arts Ltd website • This policy will be sent directly to members of the public on request • Confirmation of receipt of information - Signed statement from recipient to be held on file 		

Review and monitoring of policy:

- Reviewed annually or in instances of legislative change
- Monitoring is part of Management and Supervision

The following policy is based on the below principles:

The GDPR includes the following rights for individuals:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

General Principles

Tuffney Performing Arts Ltd is committed to providing fair and understandable privacy policies in relation to personal data.

Tuffney Performing Arts Ltd will, at all times, keep data in secure locations (including, but not limited to, encrypted and access restricted files) and not retain data unnecessarily or past the retention length as set out in this policy.

In the rare instance a data processor that is not an Tuffney Performing Arts Ltd employee is used, such as a third party, the data subject will either be asked for consent pre to supplying the data or be notified and have the right to object to processing.

Participants and Customers

How Tuffney Performing Arts Ltd collect personal data:

Tuffney Performing Arts Ltd customers and participants supply their personal data when signing up for classes through our registration form either via the website, or via paper form.

This is either completed by a parent/guardian or the child themselves if they deemed able to do so.

Personal data may also come to us unsolicited via enquiries through our website and to our generic email account.

Why Tuffney Performing Arts Ltd collect personal data:

To attend any of Tuffney Performing Arts Ltd's activities participants/parents/guardians must agree to some processing of their personal data. This is due to Legitimate Interests – GDPR Article 6(1)(f), Legal Obligation GDPR Article 6(1)(c), Contract - Article 6(1)(b) and/or Consent - Article 6(1)(a).

Should Tuffney Performing Arts Ltd be unable to process participant's data, we would be contravening both our Health & Safety and Child Safeguarding policies. We would also be ignoring best practice regarding working with children/vulnerable adults.

Our participants must remain safe at all times, therefore information about participants must be collected in order to create registers and accurate student records. This information is also used to provide students with appropriate classes, including dividing students into age groups.

Special category data is only collected with the consent of the data subject. Special category data Tuffney Performing Arts Ltd collects includes but is not limited to: Medical/Disability information, Income information, Ethnicity, Gender and Sexuality.

As physical activity providers it is essential that this consent is given should a participant have any medical/disability needs. This allows us to incorporate participants safely into classes. It is also used in assessing if we can incorporate participants safely into classes.

Income information is only collected in instances where a participant applies to attend our classes at a concessionary price, or on a bursary. This financial support is means tested, and therefore is subject to documented proof. Proofs of entitlement to concession are shredded after the entitlement has been noted.

Ethnicity and other sensitive data is to provide information to funding bodies for statistical purposes.

This data is always provided to third parties as quantified data (i.e. cumulative numerical data only with no identifying information relating to any data subject).

What data we collect:

Personal data and some special category is collected.

It is essential to our primary function (providing classes to participants) that we are provided, and allowed to process and store the following:

Participant Personal Data:

- Full Name - GDPR Article 6(1)(f)
- Date of Birth - GDPR Article 6(1)(f)
- Home Address - GDPR Article 6(1)(f)
- Sex - GDPR Article 6(1)(f)

Photos/Videos of Participants

Tuffney Performing Arts Ltd often use footage/photos used from shows, performances and classes for marketing purposes both in print media and the website. Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

Some attendees at events may film/take photos for their own personal use (e.g. parents of other participants). Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

Social Media:

Tuffney Performing Arts Ltd regularly share photos/videos of students in workshops, events and performances through social media platforms including; Instagram, Facebook, Twitter, Email. These will never be shared with any identifying information (age, location etc.). There may be times where we will share first names, but only with the explicit consent of the parents.

Staff (Employees/Freelance), Trustees, Volunteers and Potential Staff/Trustees and/or Volunteers

For the purposes of this policy, the aforementioned persons above will be referred to as 'staff'.

How Tuffney Performing Arts Ltd collect personal data:

Tuffney Performing Arts Ltd staff supply their personal data when applying for roles within the company.

This is either completed through an application form or submission of a CV.

Further information is collected when applicants are considered successful. Unsolicited data may come to Tuffney Performing Arts Ltd in the form of applicants emailing regarding work/volunteer opportunities.

Why Tuffney Performing Arts Ltd collect personal data:

It is Tuffney Performing Arts Ltd's legal obligation to collect staff's personal data in relation to their employment. This is due to Legal Obligation GDPR Article 6(1)(c) and/or Contract - Article 6(1)(b)

Should Tuffney Performing Arts Ltd be unable to process staff's data, we would be contravening UK Employment law, our own employment contracts (both PAYE and Freelance) and our own Health & Safety and Child Safeguarding policies.

Special category data is only collected with the consent of the data subject. Special category data Tuffney Performing Arts Ltd collects includes but is not limited to: Medical/Disability information, Ethnicity, Gender and Sexuality. Tuffney Performing Arts Ltd's lawful purpose for collecting this data is both Article 6(1)(b) – contract and

Article 9(2)(b) – employment. This also ensures we are confirming to our Equal Opportunities policy. Any data is always recorded as quantified data (i.e. cumulative numerical data only with no identifying information relating to any data subject).

Tuffney Performing Arts Ltd is also entitled to obtain and process data in relation to criminal convictions and DBS checks. Most posts within [SCHOOL NAME] are exempt from the Rehabilitation of offenders act (1974) by the 1975 and 2001 Exceptions Amendment, as they involve working with vulnerable and/or young people. This is further supported by article 10 of GDPR.

What data we collect:

Personal data and some special category is collected.

It is essential to our business that we are provided, and allowed to process and store the following:

Staff Personal Data:

- Full Name Legal obligation – GDPR Article 6(1)(c) Legal Obligation
- Date of Birth - GDPR Article 6(1)(c) Legal Obligation
- Contact Details - GDPR Article 6(1)(c) Legal Obligation
- Pension Information - GDPR Article 6(1)(c) Legal Obligation
- NI number - GDPR Article 6(1)(c) Legal Obligation
- UTR number - GDPR Article 6(1)(c) Legal Obligation
- Right to work in the UK - GDPR Article 6(1)(c) Legal Obligation
- References - GDPR Article 6(1)(c) Legal Obligation
- Bank Details - Article 6(1)(b) Contract
- Tax details - GDPR Article 6(1)(c) Legal Obligation
- Qualifications - Article 6(1)(b) Contract

Funders

How Tuffney Performing Arts Ltd collect personal data:

Tuffney Performing Arts Ltd funders supply their personal data when donating to the charity both online and in person.

Why Tuffney Performing Arts Ltd collect personal data:

Tuffney Performing Arts Ltd collect data regarding funders through GDPR Article 6(a) consent.

In some instances funders data is processed in order to process donations, including Gift Aid. Some funders information is processed to provide marketing when further fundraising drives are collected.

What data we collect:

Personal data is collected. No special category data is obtained.

Funders Personal Data:

- Name
- Address/Contact Details
- UK Tax Payer status
- Email Address

How data is sent internally:

Any transfer of data regarding funders is conducted through encrypted emails and/or stored in our encrypted cloud-based server.

Any unsolicited information is received to an encrypted email server.

Storage/Retention of data:

Funders personal details are stored in encrypted files both in office hardware and backed up to our encrypted cloud-based server.

Most funders' data is retained for 2 YEARS (post-donation).

Exceptions to our retention policy:

- Financial Information, including Gift Aid receipts, are retained for 6 years due to our legal obligations

Third Parties/Data Processors:

Tuffney Performing Arts Ltd does not actively share data with third parties, however there are certain instances where sharing information is crucial to our business processes.

HMRC/Police:

In the instance we believe a donation to be part of a money laundering operation, Tuffney Performing Arts Ltd has a legal obligation to provide data to the aforementioned parties.

Rights of the data subject and Tuffney Performing Arts Ltd compliance with responses:

Any data subject with personal data stored within Tuffney Performing Arts Ltd is entitled to the rights of:

- **Access**

You may contact Tuffney Performing Arts Ltd at any time to access all data held relating to you. Tuffney Performing Arts Ltd will ensure that we respond to a subject access request without undue delay and within one month of receipt. If the information request will also include data regarding others, Tuffney Performing Arts Ltd has the right to refuse the request or take steps in order to obtain consent from other involved parties.

The right of access does not apply to Tuffney Performing Arts Ltd's legal obligations such as financial records.

- **Rectification**

You may contact Tuffney Performing Arts Ltd at any time in order to rectify data held relating to you. Tuffney Performing Arts Ltd will ensure that we respond to a rectification request without undue delay and within one month of receipt.

The right to rectification does not apply to Tuffney Performing Arts Ltd 's legal obligations such as payment record information.

- **Erasure**

You may contact Tuffney Performing Arts Ltd at any time in order to erase data held relating to you. Tuffney Performing Arts Ltd will ensure that we respond to an erasure request without undue delay and within one month of receipt.

The right to erasure does not apply to Tuffney Performing Arts Ltd's legal obligations.

- **Restrict Processing**

You may contact Tuffney Performing Arts Ltd at any time in order to restrict the data we process relating to you. Tuffney Performing Arts Ltd will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt. The right to restrict processing does not apply to Tuffney Performing Arts Ltd's legal obligations.

- **Data Portability**

You may contact Tuffney Performing Arts Ltd at any time in order to obtain the data we process relating to you and reuse it across different services. [Tuffney Performing Arts Ltd will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

Please note, this does not apply to Tuffney Performing Arts Ltd's legal obligations.

- **Objection**

You may contact Tuffney Performing Arts Ltd at any time in order to object to the processing of data relating to you. Tuffney Performing Arts Ltd will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt. Please note, this does not apply to Tuffney Performing Arts Ltd's legal obligations.

- **Rights related to automated decision making including profiling**

You may contact Tuffney Performing Arts Ltd at any time in order to object to profiling relating to you). Tuffney Performing Arts Ltd will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

Please note, this does not apply to [Tuffney Performing Arts Ltd's legal obligations.

Any and all verbal requests are noted, and then contacted again either via phone or email to verify the request. Verbal requests will be responded to in the time frames mentioned above.

Training and Data Protection in Practise

All members of staff (PAYE, Freelance and Voluntary) must agree to this Data Protection policy prior to accepting a contract of employment.

Training is supplied as part of management and supervision. It is also included in all induction and training periods.

Tuffney Performing Arts Ltd is registered as a Data Controller with the Independent Commissioners Office (ICO). The registered Data Protection Officer (DPO) is Director, Kylie Tuffney, 28, Woodcock Avenue, Walters Ash, BUCKS, HP144TW, office @tuffney.com

Complaints and Data Breeches

Complaints:

Complaints in regard to the handling of any personal data can be made directly to Tuffney Performing Arts Ltd's DPO: Director, Kylie Tuffney.

Email: office@tuffney.com

Telephone: 07852958418

Address: 28, Woodcock Avenue, Walters Ash, BUCKS, HP144TW

If you feel that your complaint was not handled in the correct manner, or still have concerns, you may escalate the complaint by either contacting Tuffney Performing Arts Ltd's Chair of Trustees (details upon application) or by contacting the Independent Commissioner's Office (ICO).

ICO Telephone Number: 0303 123 1113

Data Breeches:

If Tuffney Performing Arts Ltd experiences a data breach of any kind, we have a legal obligation to report this to ICO within 72 hours. The data breach will be reported by the DPO. In the instance they are unavailable to report the breach, the next most senior staff member shall do so.

Tuffney Performing Arts Ltd will also inform all the victims of the data breach as soon as possible if there is a high risk of adversely affecting individuals' rights and freedoms.

Tuffney Performing Arts Ltd will store and record all data breeches.