

## **Ludlow Arts: *Classical***

### **Data Protection Policy**

#### **Application**

This Data Protection Policy applies to:

- ◆ The following participants of Ludlow Arts: *Classical* for all purposes including membership and subscription administration:
  - Ludlow Music Society
  - other participants may join in due course.
- ◆ The following participants of Ludlow Arts: *Classical* for the purposes of event publicity only:
  - all Ludlow Arts: *Classical* participants, some of which may also have other systems subject to separate policies.

In this Policy document Ludlow Arts: *Classical* has the **meaning** defined above and is referred to in this document as **'the Group'**.

Policy prepared by: James Caird

Approved by Ludlow Arts *Classical* Forum on: 14/05/18.

Next review date: May 2019

#### **Introduction**

In order to operate, the Group needs to gather, store and use certain forms of information about individuals.

These can include members, subscribers, employees, artists, contractors, suppliers, volunteers, audiences and potential audiences, business contacts and other people the groups have relationships with or regularly needs to contact.

This policy explains how this data is collected, stored and used in order to meet data protection standards and comply with the General Data Protection Regulations (GDPR).

#### **Why is this policy important?**

This policy ensures that the Group:

- ◆ Protects the rights of our members, volunteers and supporters.
- ◆ Complies with data protection law and follows good practice.
- ◆ Protect the group from the risks of a data breach.

## Who and what does this policy apply to?

This applies to all those handling data on behalf of the Group:

- ◆ Committee members
- ◆ Employees and volunteers
- ◆ Members
- ◆ Contractors and 3<sup>rd</sup>-party suppliers

It applies to all data that the Group holds relating to individuals, including:

- ◆ Names
- ◆ Email addresses
- ◆ Postal addresses
- ◆ Phone numbers
- ◆ Any other personal information held including:
  - memberships of constituent societies or their committees;
  - subscriptions;
  - ticket purchases;
  - preferences for email communications;
  - artist and other contractor details.

## Roles and responsibilities

Ludlow Arts: *Classical* Forum is the Data Controller. The administrator is James Caird. Any questions relating to the collection or use of data should be directed to him: [info@ludlow-arts-classical.org.uk](mailto:info@ludlow-arts-classical.org.uk).

The Group is made up of voluntary organisations and data is generally held by volunteers acting as:

- ◆ secretaries;
- ◆ membership secretaries;
- ◆ treasurers;
- ◆ webmasters.

Everyone who has access to data as part of the Group has a responsibility to ensure that they adhere to this policy.

Data collected includes that collected:

- ◆ from online forms;
- ◆ paper application forms;
- ◆ where data may legitimately continue to be held under this policy, from legacy data systems.

The Group may use third part Data Processors (e.g. Mail Chimp) to process data on its behalf. The Group will ensure all Data Processors are compliant with GDPR.

### a) **We fairly and lawfully process personal data in a transparent way**

The Group will only collect data where lawful and where it is necessary for the legitimate purposes of the group.

- ◆ A **member's** name and contact details will be collected when they first join the Group, and will be used to contact the member regarding Group membership administration and activities. Other data may also subsequently be collected in relation to their membership, including their payment history for subscriptions.
  - Lawful basis for processing this data: **Contract** (the collection and use of data is fair and reasonable in relation to the Group completing tasks expected as part of the individual's membership).
- ◆ The name and contact details of **volunteers, employees and contractors** will be collected when they take up a position, and will be used to contact them regarding group administration related to their role.

Further information, including personal financial information and criminal records information may also be collected in specific circumstances where lawful and necessary (e.g. in order to process payment to the person or in order to carry out a DBS check).

- Lawful basis for processing this data: **Contract** (the collection and use of data is fair and reasonable in relation to the Group completing tasks expected as part of working with the individuals).
- ◆ An **individual's** name and contact details will be collected when they make a booking for an event. This will be used to contact them about their booking and to allow them entry to the event.
  - Lawful basis for processing this data: **Contract** (the collection and use of data is fair and reasonable in relation to the Group completing tasks expected as part of the booking),
- ◆ An **individual's** name, contact details and other details may be collected at any time (including when booking tickets or at an event), with their consent, in order for the Group to communicate with them about and promote group activities. See 'How we get consent' below.
  - Lawful basis for processing this data: **Consent**.
  - We obtain consent by online or paper affirmative tickbox, or by affirmative email response.

**b) We only collect and use personal data for specific, explicit and legitimate purposes and will only use the data for those specified purposes.**

When collecting data, the Group will always provide a clear and specific privacy statement explaining to the subject why the data is required and what it will be used for – **this Policy**.

**c) We ensure any data collected is relevant and not excessive**

The Group will not collect or store more data than the minimum information required for its intended purpose – e.g. we need to collect telephone numbers from members in order to be able to contact them about group administration, but data such as marital status will not be collected since it is unnecessary for the purposes of group administration.

**d) We ensure data is accurate and up-to-date**

The Group will ask members, volunteers and staff to check and update their data on a regular basis. Any individual will be able to update their data at any point by contacting the Administrator.

#### **e) We ensure data is not kept longer than necessary**

The Group will keep records for no longer than is necessary in order to meet the intended use for which it was gathered, unless there is a legal requirement to keep records.

The storage and intended use of data will be reviewed in line with the Group's data retention policy. When the intended use is no longer applicable (e.g. contact details for a member who has left the group), the data will be deleted within a reasonable period.

#### **f) We keep personal data secure**

The Group will ensure that data held by us is kept secure.

- ◆ Electronically-held data will be held within a password-protected and secure environment.
- ◆ Passwords for electronic data files will be re-set each time an individual with data access relinquishes their role.
- ◆ Physically-held data (e.g. membership forms or email sign-up sheets) will be stored securely.
- ◆ Access to data will only be given to relevant trustees, committee members or contractors where it is clearly necessary for the running of the group. The Administrator will decide in what situations this is applicable and will keep a master list of who has access to data.

#### **g) Transfer to countries outside the EEA**

The Group will not normally transfer data to countries outside the European Economic Area (EEA), and in exceptional cases only if the country has adequate protection for the individual's data privacy rights.

### **Individuals' rights**

When the Group collects, holds and uses an individual's personal data that individual has the following the rights over that data it will ensure its data processes comply with those rights and will make all reasonable efforts to fulfil requests from an individual in relation to those rights.

- ◆ *Right to be informed:* whenever the Group collects, holds and uses an individual's personal data that individual has the following the rights over that data it will ensure its data processes comply with those rights and will make all reasonable efforts to fulfil requests from an individual in relation to those rights. collects data it will provide a clear and specific privacy statement explaining why it is being collected and how it will be used.
- ◆ *Right of access:* individuals can request to see the data the Group holds on them and confirmation of how it is being used. An individual who is registered on the online database may access his/her own data held on the database by logging in online. Other requests should be made in writing to the Administrator and will be complied with free of charge and within one month. Where requests are complex or numerous this may be extended to two months.
- ◆ *Right to rectification:* individuals can request that their data be updated where it is inaccurate or incomplete. An individual who is registered on the online database may update his/her own personal details and preferences by logging in online. The Group

will request that their data processors check and update their data on an annual basis. Any requests for data to be updated will be processed within one month.

- ◆ *Right to object*: individuals can object to their data being used for a particular purpose. The Group will provide a way for an individual to withdraw consent in marketing communications. This can be done online in the same way as rectification. Where we receive a request to stop using data we will comply unless we have a lawful reason to use the data for legitimate interests or contractual obligation.
- ◆ *Right to erasure*: individuals can request for all data held on them to be deleted. The Group's data retention policy will ensure data is not held for longer than is reasonably necessary in relation to the purpose it was originally collected. If a request for deletion is made we will comply with the request unless:
  - There is a lawful reason to keep and use the data for legitimate interests or contractual obligation.
  - There is a legal requirement to keep the data.
- ◆ *Right to restrict processing*: individuals can request that their personal data be 'restricted' – that is, retained and stored but not processed further (e.g. if they have contested the accuracy of any of their data, the Group will restrict the data while it is verified).
- ◆ Though unlikely to apply to the data processed by the Group, we will also ensure that rights related to portability and automated decision making (including profiling) are complied with where appropriate.

## Other matters

We do not normally pass members details to other members. The main exception to this is where:

- ◆ individuals agree to participate in the administration or governance of the Group or its participating groups.

The Group will regularly use data collected from consenting supporters for marketing purposes. This includes contacting them to promote performances, updating them about group news, fundraising and other group activities.

When data is collected for this purpose, we will provide:

- ◆ A method for users to show their positive and active consent to receive these communications.
- ◆ A method allowing them to disclose specific interests.
- ◆ A clear and specific explanation of what the data will be used for.

Data collected will only ever be used in the way described and consented to (e.g. we will not use email data in order to market 3rd-party products unless this has been explicitly consented to).

Every marketing communication will contain a method through which a recipient can withdraw their consent. Opt-out requests such as this will be processed within 30 days.

**A cookie** is a small text file that is downloaded onto 'terminal equipment' (e.g. a computer or smartphone) when the user accesses a website. It allows the website to recognise that user's device and store some information about the user's preferences or past actions.

Ludlow Arts: *Classical* does not use cookies on its website, [www.ludlow-arts-classical.org.uk](http://www.ludlow-arts-classical.org.uk).

Ludlow Arts: *Classical* maintains a link to its data protection and cookies policy on its home page and on sign-up and log-in screens. The policy is downloadable as a pdf file and is available as a paper document on request.

## **Data retention policy**

### **Introduction**

This policy sets out how Ludlow Arts: *Classical* ("the Group") will approach data retention and establishes processes to ensure we do not hold data for longer than is necessary.

It forms part of Ludlow Arts: *Classical* Data Protection Policy.

### **Data review**

A regular review of all data will take place to establish whether the Group still has good reason to keep and use the data held at the time of the review.

As a general rule a data review will be held every 2 years and no more than 27 calendar months after the last review:

- ◆ For data that has been acquired by consent *de novo* from April 2018 – review will commence in April 2020.
- ◆ For data that has been acquired through legacy contractual arrangements – review will commence in April 2019.

### **Data to be reviewed**

- ◆ The Group stores data on digital documents (e.g. spreadsheets) stored on personal devices held by committee members.
- ◆ Data stored on third party online services (e.g. Google Drive, Mail Chimp).
- ◆ Physical data stored at the homes of committee members.

### **Who the review will be conducted by**

The review will be conducted by the Administrator with other committee members to be decided on at the time of the review.

### **How data will be deleted**

- ◆ Physical data will be destroyed safely and securely, including shredding.
- ◆ All reasonable and practical efforts will be made to remove data stored digitally.
- ◆ Priority will be given to any instances where data is stored in active lists (e.g. where it could be used) and to sensitive data.
- ◆ Where deleting the data would mean deleting other data that we have a valid lawful reason to keep (e.g. on old emails) then the data may be retained safely and securely but not used.

### **Criteria**

The following criteria will be used to make a decision about what data to keep and what to delete.

Question	Action	
	Yes	No
Is the data stored securely?	No action necessary	Update storage protocol in line with Data Protection policy
Does the original reason for having the data still apply?	Continue to use	Delete or remove data
Is the data being used for its original intention?	Continue to use	Either delete/remove or record lawful basis for use and get consent if necessary
Is there a statutory requirement to keep the data?	Keep the data at least until the statutory minimum no longer applies	Delete or remove the data unless we have reason to keep the data under other criteria.
Is the data accurate?	Continue to use	Ask the subject to confirm/update details
Where appropriate do we have consent to use the data. This consent could be implied by previous use and engagement by the individual	Continue to use	Get consent
Can the data be anonymised	Anonymise data	Continue to use

### Statutory Requirements

Data stored by the Group may be retained based on statutory requirements for storing data other than data protection regulations. This might include but is not limited to:

- ◆ Gift Aid declarations records
- ◆ Details of payments made and received (e.g. in bank statements and accounting records)
- ◆ Trustee meeting minutes
- ◆ Contracts and agreements with suppliers/customers
- ◆ Insurance details
- ◆ Tax and employment records

### **Member data**

- ◆ When a member leaves Ludlow Arts: *Classical* and all administrative tasks relating to their membership have been completed any potentially sensitive data held on them will be deleted – this might include bank details or medical data.
- ◆ Unless consent has been given data will be removed from all email mailing lists.
- ◆ All other data will be stored safely and securely and reviewed as part of the next two year review.

### **Mailing list data**

- ◆ If an individual opts out of a mailing list their data will be removed as soon as is practically possible.
- ◆ All other data will be stored safely and securely and reviewed as part of the next two year review.

### **Volunteer and freelancer data**

- ◆ When a volunteer or freelancer stops working with the Group and all administrative tasks relating to their work have been completed any potentially sensitive data held on them will be deleted – this might include bank details or medical data
- ◆ Unless consent has been given data will be removed from all email mailing lists
- ◆ All other data will be stored safely and securely and reviewed as part of the next two year review

### **Other data**

All other data will be included in a regular two year review.

May 2018