# Hebden Bridge Arts

# Data Protection & Data Security Policy

## October 2022

**CONTENTS**

## 1. INTRODUCTION

Hebden Bridge Arts ('the Charity') is committed to ensuring that all personal data handled by us will be processed according to legally compliant standards of data protection and data security.

In this policy '**Staff'** includes employees, fixed term employees and freelancers on a contract for services.

The Charity collects information and data throughout its business procedures. As defined by data protection laws the Charity can be either a Data Controller or a Data Processor, https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/

The purpose of this policy is to help us achieve our data protection and data security aims by:

1. Notifying our Staff of the types of personal information that we may hold about them, our audiences, project participants, customers, suppliers and other third parties and what we do with that information;
2. Setting out the rules on data protection and the legal conditions that must be satisfied when we collect, receive, handle, process, transfer and store personal data and ensuring Staff understand our rules and the legal standards; and
3. Clarifying the responsibilities and duties of Staff in respect of data protection and data security.

This is a statement of policy only and does not form part of any contract of employment. We may amend this policy at any time, in our absolute discretion.

For the purposes of this policy:

1. **Criminal records data** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.
2. **Data protection laws** means all applicable laws relating to the processing of Personal Data, including, for the period during which it is in force, the General Data Protection Regulation (Regulation (EU) 2016/679) and the wider Data Protection Act 2018 (DPA 2018).
3. **Data subject** means the individual to whom the personal data relates.

4. **Personal data** means any information that relates to an individual who can be identified from that information.
5. **Processing** means any use that is made of data, including collecting, storing, amending, disclosing, or destroying it.
6. **Special categories of personal data** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

**Data Protection Officer:**

Lisa Graham, Company Secretary, Hebden Bridge Arts.
Postal Address: c/o The Town Hall, St George's Street, Hebden Bridge, HX7 7BY.
Email: contactus@hebdenbridgearts.co.uk

**Data Protection Principles**

1. All Staff and board members whose work involves using personal data relating to others must comply with this policy and with the following data protection principles which require that personal information is:

a. **processed lawfully, fairly and in a transparent manner**. We must always have a lawful basis to process personal data, as set out in the data protection laws. Personal data may be processed as necessary to perform a contract with the data subject, to comply with a legal obligation which the data controller is the subject of, or for the legitimate interest of the data controller or the party to whom the data is disclosed. The data subject must be told who controls the information (us), the purpose (s) for which we are processing the information and to whom it may be disclosed
b. **collected only for specified, explicit and legitimate purposes**. Personal data must not be collected for one purpose and then used for another. If we want to change the way we use personal data, we must first tell the data subject
c. **processed only where it is adequate, relevant and limited to what is necessary for the purpose of processing**. We will only collect personal data to the extent required for the specific purpose notified to the data subject
d. **the Charity takes all reasonable steps to ensure that information that is inaccurate is rectified or deleted without delay**. Checks to personal data will be made when collected and regular checks must be made afterwards. We will make reasonable efforts to rectify or erase inaccurate information

e. **kept only for the period necessary for processing**. Information will not be kept longer than it is needed and we will take all reasonable steps to delete information when we no longer need it. For guidance on how long particular information should be kept, contact the Data Protection Officer.
f. **secure, and appropriate measures are adopted by the Charity to ensure as such.**

**Who Is Responsible for Data Protection and Data Security?**

2. Maintaining appropriate standards of data protection and data security is a collective task. This policy and the rules contained in it apply to all Staff and board members and any volunteers. It applies to all data that the Charity holds relating to identifiable individuals.

3. Questions about this policy, or requests for further information, should be directed to the Data Protection Officer.

4. All Staff and board members have personal responsibility to ensure compliance with this policy, to handle all personal data consistently with the principles set out here and to ensure that measures are taken to protect the data security. The Data Protection Officer must be notified if this policy has not been followed, or if it is suspected this policy has not been followed, as soon as reasonably practicable.

5. Any breach of this policy will be taken seriously and may result in disciplinary action up to and including dismissal. Significant or deliberate breaches, such as accessing Staff or customer personal data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

**What Personal Data and Activities Are Covered by This Policy?**

6. This policy covers personal data:
a. which relates to a natural living individual who can be identified either from that information in isolation or by reading it together with other information we possess
b. is stored electronically or on paper in a filing system
c. in the form of statements of opinion as well as facts
d. which relates to Staff (present, past or future) or to any other individual whose personal data we handle or control

e. which we obtain, is provided to us, which we hold or store, organise, disclose or transfer, amend, retrieve, use, handle, process, transport or destroy

7. This personal data is subject to the legal safeguards set out in the data protection laws.

**What Personal Data Do We Process About Staff?**

8. We collect personal data about you which:

a. you provide or we gather before or during employment with us
b. is provided by third parties, such as references or information from suppliers or another party that we do business with
c. is in the public domain.

9. The types of personal data that we may collect, store and use about you include records relating to your:

a. home address, contact details and contact details for your next of kin
b. recruitment (including your application form or curriculum vitae, references received and details of your qualifications)
c. telephone, email, internet, fax or instant messenger use
d. performance and any disciplinary matters, grievances, complaints or concerns in which you are involved

**Sensitive Personal Data**

10. We may from time to time need to process sensitive personal information (sometimes referred to as "special categories of personal data").

11. We will only process sensitive personal information if:

a. we have a lawful basis for doing so, for example it is necessary for the performance of the employment contract
b. one of the following special conditions for processing personal information applies:
    - the data subject has given explicit consent
    - the processing is necessary for the purposes of exercising the employment law rights or obligations of the Charity or the data subject
    - the processing is necessary to protect the data subjects vital interests, and the data subject is physically incapable of giving consent

- processing relates to personal data which are manifestly made public by the data subject
- The processing is necessary for the establishment, exercise, or defence or legal claims
- The processing is necessary for reasons of substantial public interest

12. Before processing any sensitive personal information, Staff must notify the Data Protection Officer of the proposed processing, in order for the Data Protection Officer to assess whether the processing complies with the criteria above.

13. Sensitive personal information will not be processed until the assessment above has taken place and the individual has been properly informed of the nature of the processing, the purposes for which it is being carried out and the legal basis for the processing.

**Criminal Records Information**

15. The Charity may collect data about criminal history and criminal record for recruitment and compliance purposes.

**How We Use Your Personal Data**

16. We will tell you the reasons for processing your personal data, how we use such information and the legal basis for processing in our privacy notice. We will not process Staff personal information for any other reason.

17. In general we will use information to carry out our business, to administer your employment or engagement and to deal with any problems or concerns you may have, including, but not limited to:

a. **Staff Address Lists** to compile and circulate lists of home address and contact details, to contact you outside of working hours
b. **Performance Reviews** to carry out performance reviews

**Accuracy and Relevance**

18. We will:

a. ensure that any personal data processed is up to date, accurate, adequate, relevant and not excessive, given the purpose for which it was collected
b. not process personal data obtained for one purpose for any other purpose, unless you agree to this or reasonably expect this

19. If you consider that any information held about you is inaccurate or out of date, then you should inform the Data Protection Officer. If they agree that the information is inaccurate or out of date, then they will correct it promptly. If they do not agree with the correction, then they will note your comments.

**Storage and Retention**

20. Personal data (and sensitive personal information) will be kept securely and the periods for which we hold personal data are contained in our Retention Policy.

**Individual Rights**

22. You have the following rights in relation to your personal data.

23. Subject access requests:

a. You have the right to make a subject access request. If you make a subject access request, we will tell you:
   - whether or not your personal data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from you
   - to whom your personal data is or may be disclosed
   - for how long your personal data is stored (or how that period is decided)
   - your rights of rectification or erasure of data, or to restrict or object to processing
   - your right to complain to the Information Commissioner if you think we have failed to comply with your data protection rights
   - whether or not we carry out automated decision-making and the logic involved in any such decision making
b. We will provide you with a copy of the personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise
c. To make a subject access request, contact us at contactus@hebdenbridgearts.co.uk
d. We may need to ask for proof of identification before your request can be processed. We will let you know if we need to verify your identity and the documents we require
e. We will normally respond to your request within 28 days from the date your request was received. In some cases, e.g. where there is a large amount of personal data being processed, we may respond within 3 months of the date your request is received. We will write to you within 28 days of receiving your original request if this is the case

f. If your request is manifestly unfounded or excessive, we are not obliged to comply with it

24. Other rights:

a. You have a number of other rights in relation to your personal data. You can require us to:
   - rectify inaccurate data
   - stop processing or erase data that is no longer necessary for the purposes of processing
   - stop processing or erase data if your interests override our legitimate grounds for processing the data (where we rely on our legitimate interests as a reason for processing data)
   - stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the Employer's legitimate grounds for processing data

b. To request that we take any of these steps, please send the request to contactus@hebdenbridgearts.co.uk

**2. DATA SECURITY**

25. We will use appropriate technical and organisational measures to keep personal data secure, and in particular to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

26. Maintaining data security means making sure that:

a. only people who are authorised to use the information can access it
b. where possible, personal data is password protected
c. information is accurate and suitable for the purpose for which it is processed
d. authorised persons can access information if they need it for authorised purposes
e. passwords which are used over the Internet and are in sensitive sites are changed 2-3 times a year.

27. By law, we must use procedures and technology to secure personal information throughout the period that we hold or control it, from obtaining to destroying the information.

28. Personal Information must not be transferred to any person to process (e.g. while performing services for us or our behalf), unless that person has either agreed to comply with our data security procedures or we are satisfied that other adequate measures exist.

29. Security procedures include:

a. any desk or cupboard containing confidential information must be kept locked
b. computers should be locked with a strong password that is changed regularly or shut down when they are left unattended and discretion should be used when viewing personal information on a monitor to ensure that it is not visible to others
c. data stored on CD's or memory sticks must be encrypted or password protected and locked away securely when they are not being used
d. the Data Protection Officer must approve of any cloud used to store data
e. data should never be stored directly to mobile devices such as laptops, tablets or smartphones
f. all servers containing sensitive personal data must be approved and protected by security software
g. servers containing personal data must be kept in a secure location, away from general office space

h. data should be regularly backed up

30. Telephone Precautions. Particular care should be taken by Staff who deal with telephone enquiries to avoid inappropriate disclosures. In particular:

a. the identity of any telephone caller must be verified before any personal information is disclosed
b. if the callers identity cannot be verified satisfactorily then they should be asked to put their query in writing
c. do not allow callers to bully you into disclosing information. In case of any problems or uncertainty contact the Data Protection Officer

31. Methods of disposal. Copies of personal information, whether on paper or on any physical storage device, must be physically destroyed when they are no longer needed. Paper documents should be shredded and CD's or memory sticks or similar must be rendered permanently unreadable.

**Data Impact Assessments**

32. Some of the processing that the Charity carries out may result in risk to privacy.

33. Where processing would result in a high risk to Staff rights and freedoms, the Charity will carry out a data protection impact assessment to determine the necessary and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

**Data Breaches**

34. If we discover that there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, we will report it to the Information Commissioners if applicable, within 72 hours of discovery.

35. We will record all data breaches regardless of their effect to manage the incident and put processes in place to ensure a breach is not repeated.

36. If the breach is likely to result in a high risk to rights and freedoms, we will tell affected individuals that there has been a breach and provide them with more information about its likely consequences and the mitigation measures it has taken.

**Individual Responsibilities**

37. Staff are responsible for helping the Charity keep their personal data up to date.

38. Staff should let the Charity know if personal data provided changes, e.g. if you move house or change bank details.

39. You may have access to the personal data of other Staff members and of our customers in the course of your employment. Where this is the case, the Charity relies on Staff members to help meet its data protection obligations to Staff and to customers.

40. Individuals who have access to personal data are required:

a. to access only personal data that they have authority to access and only for authorised purposes
b. not to disclose personal data except to individuals (whether inside or outside of the Charity) who have appropriate authorisation
c. to keep personal data secure (e.g. by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction)
d. not to remove personal data, or devices containing or that can be used to access personal data, from the Charity's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device
e. not to store personal data on local drives or on personal devices that are used for work purposes.