



This document outlines our legal requirements under the General Data Protection Regulations and the processes Loop Dance Company have in place in order to comply.

The General Data Protection Regulation (GDPR) is a regulation by which the European Parliament, the European Council and the European Commission intend to strengthen and unify data protection for individuals within the European Union (EU). It also addresses the export of personal data outside the EU. The primary objectives of the GDPR are to give citizens back control of their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. The 1998 Data Protection Act, which came into force on 1 March 2000, will continue to apply until the new General Data Protection Regulations come into force in May 2018.

The following guidance is not a definitive statement on the Regulations, but seeks to interpret relevant points where they affect Loop Dance Company. The Regulations cover both written and computerised information and the individual’s right to see such records. It is important to note that the Regulations also cover records relating to freelance members and volunteers.

The Data controller, Georgia Smith, has overall responsibility for data protection within Loop Dance Company but each individual processing data is acting on the controller’s behalf and therefore has a legal obligation to adhere to the regulations.

<b>Policy information</b>	
<b>Organisation</b>	Loop Dance Company
<b>Scope of policy</b>	This policy applies to all Loop Dance Company freelance staff, volunteers and Trustees. These individuals may adopt the role of Data Processor when holding data and should follow there Letter of Agreement.
<b>Policy operational date</b>	This policy is to be reviewed every 3 years.
<b>Policy prepared by</b>	Georgia Smith, Data Controller/ Data Protection Officer
<b>Date approved by Board/ Management Committee</b>	Signed (Chair): _____ Date: _____
<b>Policy review date</b>	May 2022

<b>Responsibilities</b>	
<b>The Board / Company Directors</b>	They Loop Board of Trustees have overall responsibility for ensuring that the organisation complies with its legal obligations.
<b>Data Protection Officer</b>	Georgia Smith, Loop Company Manager is the Data Protection Officer. Their responsibilities include: <ul style="list-style-type: none"> <li>• Briefing the Board on Data Protection responsibilities</li> <li>• Reviewing Data Protection and related policies</li> <li>• Advising freelance staff and volunteers on Data Protection issues</li> <li>• Notification to the ICO</li> <li>• Handling subject access requests</li> <li>• Approving unusual or controversial disclosures of personal data</li> <li>• Approving letters of agreement with Data Processors</li> </ul>
<b>Freelance Staff &amp; Volunteers</b>	All freelance staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.

### Definitions

**Processing of information** – how information is held and managed.

**Information Commissioner** - formerly known as the Data Protection Commissioner.

**Notification** – formerly known as Registration.

**Data Subject** – used to denote an individual about whom data is held.

**Data Controller** – used to denote the entity with overall responsibility for data collection and management. Age UK Exeter is the Data Controller for the purposes of the Act.

**Data Processor** – an individual handling or processing data

**Personal data** – any information which enables a person to be identified

**Special categories of personal data** – information under the Regulations which requires the individual's explicit consent for it to be held by the Charity.

### Data Protection Principles

Loop Dance Company is required to comply with the principles of good information handling. These principles require the Data Controller to:

1. Process personal data fairly, lawfully and in a transparent manner.
2. Obtain personal data only for one or more specified and lawful purposes and to ensure that such data is not processed in a manner that is incompatible with the purpose or purposes for which it was obtained.
3. Ensure that personal data is adequate, relevant and not excessive for the purpose or purposes for which it is held.
4. Ensure that personal data is accurate and, where necessary, kept up-to-date.
5. Ensure that personal data is not kept for any longer than is necessary for the purpose for which it was obtained.
6. Ensure that personal data is kept secure.
7. Ensure that personal data is not transferred to a country outside the European Economic Area unless the country to which it is sent ensures an adequate level of protection for the rights (in relation to the information) of the individuals to whom the personal data relates.

## **Policy statement**

Loop Dance Company have a commitment to:

- comply with both the law and good practice
- respect individuals' rights
- be open and honest with individuals whose data is held
- Notify the Information Commissioner voluntarily, even if this is not required, of any breaches.

Please note the guidance from ICO on when breaches should be reported as this is one of the main changes from the current Data Protection Act and GDPR (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/>)

## **Types of data and how it is used and stored**

The Loop GDPR Audit should be referred to as this details the information held, why and how it is held and how long it is held for.

<b>Data recording and storage</b>	
<b>Accuracy</b>	Loop Dance Company aim to keep accurate data and this will be reviewed regularly. For those on the mailing lists, they will have the option to update their data at any time. Where information is taken over the telephone or view email, the accuracy of the information will be confirmed at the time it was given. Where information is submitted on a form, the person completing the form will be asked to sign the form to confirm that information given is accurate.
<b>Updating</b>	The information collected will be available on request for individuals to update as needed.
<b>Retention periods</b>	Personal data will be retained until the individual withdraws consent, the project and evaluation has been completed or the data is no longer used by Loop Dance Company.
<b>Archiving</b>	Archived data has been sorted and the data that doesn't have consent has been deleted/ shredded. Archived data moving forward will have consent, will be password protected or be in locked filing cabinets.

## **Use of Files, Books and Paper Records**

In order to prevent unauthorised access or accidental loss or damage to personal information, it is important that care is taken to protect personal data. Paper records are to be kept in locked cabinets/drawers overnight and care should be taken that personal information is not left unattended and in clear view during the working the day. If your work involves you having personal data at home or in your car, the same care needs to be taken.

## **Disposal of Scrap Paper, Printing or Photocopying**

Be aware that names/addresses/phone numbers and other information written on scrap paper are also considered to be confidential. Please take care of any scrap paper that contains personal information and ensure that it is shredded.

If you are transferring papers from your home to the office for shredding this should be done as soon as possible and not left in a car for a period of time.

## **Computers**

Where computers are networked, access to personal information is restricted and computers must be password protected. Computers are to be virus protected at all times to reduce the possibility of hackers accessing the system and thereby obtaining access to personal data.

Loop Dance Company works with many Freelance artists and this will involve them using their own devices. Where personal computers/ laptops and other devices are used, the device must be password protected. Once the project has finished, all personal details and media must be uploaded to the Loop Computer System and deleted from personal devices.

## **Cloud Computing**

When commissioning cloud based systems, Loop Dance Company will satisfy themselves as to the compliance of data protection principles and robustness of the cloud based providers. Loop Dance Company currently uses cloud based systems to hold and manage information for marketing purposes.

## **Consent**

Loop Dance Company must record explicit consent to storing certain information (known as 'personal data') on file. For the purposes of the Regulations, personal data covers information relating to:

1. Name and contact details
2. The racial or ethnic origin of the Data Subject
3. His/her political opinions
4. His/her religious beliefs or other beliefs of a similar nature
5. His/her physical or mental health or condition
6. His/her sexual orientation
7. The commission or alleged commission by him/her of any offence
8. Online identifiers such as an IP address

As a general rule Loop Dance Company will always seek consent where personal or special categories of personal information is to be held. It should also be noted that where it is not reasonable to obtain consent at the time data is first recorded and the case remains open, retrospective consent should be sought at the earliest appropriate opportunity.

If personal and/or special categories of personal data need to be recorded for the purpose of service provision and the individual refuses consent, the case should be referred to the Data Controller for advice.

## **Obtaining Consent**

Consent may be obtained in a number of ways depending on the situation, and consent must be recorded on or maintained securely. The data can then only be used for the purpose stated. Further consent needs to be obtained to use the data for other purposes. Consent needs to be obtained to share this data with third parties. Only in situations relating to safeguarding or criminal offences may this data be shared without gaining consent first.

Specific consent for use of any photographs and/or videos taken should be obtained in writing. Such media could be used for, but not limited to, publicity material, press releases, social media, and website. Consent should also indicate whether agreement has been given to their name being published in any associated publicity. If the subject is less than 18 years of age then parental/guardian consent should be sought.

Individuals have a right to withdraw consent at any time. If this affects the provision of a service(s) by Loop Dance Company then this should be discussed with the Data Controller at the earliest opportunity.

### **Ethnic Monitoring**

In order for Loop Dance Company to monitor how well our freelance staff and volunteers reflect the diversity of the local community, on some projects it may be requested that participants complete an Equality and Diversity Monitoring form. The completion of the form is voluntary, although strongly encouraged. Responses are securely stored and held for statistical purposes.

### **Direct Marketing**

The marketing communication may be in any of a variety of formats including mail, phone and email. Loop Dance Company will not share or sell its database mailing list(s) with outside organisations.

Loop Dance Company holds information on our freelance staff, volunteers, participants and other supporters, to whom we will from time to time send copies of our newsletters and details of other activities that may be of interest to them. Specific consent to contact will be sought including which formats they prefer (eg mail, email, phone etc) before making any communications.

We recognise that participants, freelance staff, volunteers and supporters for whom we hold records have the right to unsubscribe from our mailing lists. This wish will be recorded on their records and will be excluded from future contacts.

The following statement is to be included on any forms used to obtain personal data:

We promise never to share or sell your information to other organisations or businesses and you can opt out of our communications at any time by telephoning 01634 831531, writing to Loop Dance Company, The Brook Theatre Chatham, ME4 4SE or by sending an email to [info@loopdancecompany.co.uk](mailto:info@loopdancecompany.co.uk).

### **Privacy Statements**

A fuller Privacy Statement will also be published on our website. Any documentation which gathers personal data should contain the following Privacy Statement information:

- Explain who we are
- What we will do with their data
- Who we will share it with
- Consent for marketing notice
- How long we will keep it for
- That their data will be treated securely
- How to opt out
- Where they can find a copy of the full notice

### **Confidentiality**

When working from home, or from some other off-site location, all data protection and confidentiality principles still apply. All computer data, e.g. documents and programmes related to work for Loop Dance Company should be stored on a password protected device.

When sending emails to outside organisations, care should be taken to ensure that any identifying data is used where needed and if not needed, then removed.

Any paperwork kept away from the office should be treated as confidential and kept securely as if it were held in the office. Documents should not be kept in open view and should be safely out of sight is a minimum requirement.

<b>Right of Access</b>	
<b>Responsibility</b>	The Loop Data Controller, Georgia smith will be responsible for handling access requests.
<b>Procedure for making request</b>	Right of access requests must be in writing using the GDPR form provided.  The request will then be considered and part two of the GDPR form is to be completed and sent to the individual making the request. Loop will provide the information in a commonly used electronic format.
<b>Provision for verifying identity</b>	Where the Data Controller managing the access requested does not know the individual personally there should be provision for checking their identity before handing over any information.
<b>Charging</b>	Loop will provide the information free of charge. However Loop can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.  Loop may also charge a reasonable fee to comply with requests for further copies of the same information. The fee will be based on the administrative cost of providing the information.

<b>Transparency</b>	
<b>Loop's Commitment</b>	Loop Dance Company have a commitment to ensuring that Data Subjects are aware that their data is being processed and for what purpose it is being processed.
<b>Withdrawing consent</b>	Loop Dance Company will be transparent in telling individuals about their rights with regards to consent. Loop acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where the Loop has no choice but to retain data for a certain length of time lawfully, even though consent for using it has been withdrawn.
<b>Lawful Basis</b> <b>Underlying principles</b>	Loop Dance Company outlines their lawful basis for the personal data they hold and this is outlined in the Loop GDPR Audit.

### What to Do If There Is a Breach

If a freelance staff member, volunteers or other person discovers, or suspects, a data protection breach they should report this to the Data Controller (Georgia smith) who will review the systems, in conjunction with the Artistic Director and the Board of Trustees to prevent a reoccurrence. The Data Controller should be informed of the breach, action taken and outcomes to determine whether it needs to be reported to the Information Commissioner and also for reporting to the Board of Trustees. There is a time limit for reporting breaches to ICO so they should be informed without delay.

Any deliberate or reckless breach of this Data Protection Policy by any freelance staff member or volunteer may result in disciplinary action which may result in dismissal of current contracts/ Letters of Agreement.

Details of the Information Commissioner:

The Information Commissioner’s office is at:

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Switchboard: 01625 545 700

Email: mail@ico.gsi.gov.uk

Data Protection Help Line: 01625 545 745

Notification Line: 01625 545 740 For more information, please visit the ICO website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

When using a third party data processor, please read the guidelines here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/contracts/>

<b>Acceptance of responsibilities</b>	
<b>Induction</b>	Freelance Staff and Volunteers of Loop Dance Company who have access to any kind of personal data will have their responsibilities outlined during their induction procedures.
<b>Procedure for staff signifying acceptance of policy</b>	Freelance Staff and Volunteers of Loop Dance Company will show acceptance of their responsibilities to Data Protection by completing the GDPR Letter of Agreement provided to them.

### **Revision History**

This policy will be reviewed for the following reasons:

- Strengthening the guidance on disposal of documents
- Security of computers
- Rewording of the DBS processes
- Additional information on confidentiality
- Change to the length of time files/documents are kept.

<b>Revision date</b>	<b>Summary of Changes</b>	<b>Other Comments</b>

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Registered Charity No 1112763

Company Limited by Guarantee No 4847257

Patron: - • Artistic Director: Nina Atkinson