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| Title: | Data Protection (GDPR) Policy |
| Version: | 2 |
| Issue Date: | SEP 2021 |

1 Scope

This policy covers all the personal data of members and committee members held by The City of Carlisle Orchestra (CoCO), hereinafter referred to as 'the Orchestra'. It should also apply to visiting soloists, piano tuners, and ad-hoc (dep.) players. The policy applies to all the information that CoCO controls and processes relating to the aforementioned, living individuals including contact details, photographs, audio and digital recordings.

2 Introduction

From 25 May 2018, all countries in the European Union are subject to the General Data Protection Regulation (GDPR) (which replaces EU Directive 95/46/EC) and existing local law will be substantially repealed. In the UK, the GDPR is supplemented by the Data Protection Act 2018 (DPA). The committee has a legal obligation to comply with the Data Protection Act. The new law updates data protection laws making them fit for the digital age and covering cyber security as well as giving more control over use of personal data.

GDPR requires all organisations that hold personal data about individuals to have written consent from the individual to store such data. Current members should be advised in writing of how their personal data is stored and that it will only be accessed by authorised persons and will not be passed to third parties without prior consent.

The Data Protection Act requires every 'data controller' (e.g. organisation) that is processing personal data to consider whether they need to register with the Information Commissioner's Office (ICO). Results of a questionnaire on the ICO's website suggests our orchestra does not need to register. <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>.

2.1 Background

Data privacy (or data protection) law gives people the right to control how their 'personal data' is used (any information that relates to them, such as name, contact details, ethnicity, age, etc.). It also places obligations on organisations that use personal data. Information may be personal data even if a person's name is not associated with the information.

Non-compliance would be serious for an orchestra. It could also lead to complaints from individuals, compensation claims, fines from regulators and bad publicity for the orchestra. In reality, CoCO keeps very little information on its members. Typically, this is likely to be name, address and telephone number.

The Committee/Orchestra members will:

- follow good practice
- protect its members, committee members, volunteers and other individuals by respecting their rights
- be open and honest in its approach to personal data and
- protect the orchestra from the consequences of a breach of its responsibilities.

3 Rules

The orchestra will comply with General Data Protection Regulations (GDPR) 2018 as follows:

- a) **Collecting Personal Data:** The orchestra only collects and uses the minimum amount of personal data relevant and individuals are aware of the purposes for which the personal data will be used.
- b) **Transparency:** The orchestra will be open and transparent in the way personal data is used and shared. Individuals will be provided with information about how their personal data is collected and stored and why (i.e. contact details).
- c) **Privacy Impact Assessments:** By collecting only name, and contact details, it is considered that the use of personal data is unlikely to result in significant risks for the rights and freedoms of any members and therefore a Privacy Impact assessment is not necessary.
- d) **Maintaining and ensuring data quality:** Members should inform the Committee if their personal data changes in order to ensure that personal data is accurate.
- e) **Retaining and disposing of data:** Any personal data must only be kept where there is an operational or legal need to do so. When the orchestra disposes of personal data, this will be undertaken in a secure manner.
- f) **Individuals' rights:** Individuals are entitled by law (by making a request) to be supplied with a copy of any personal data held about them (including both electronic and paper records) and have the right to request their data be deleted.
- g) **Security measures:** Personal data will be kept secure. Security measures (both computer or hard-copy systems) are necessary to prevent the unauthorised or unlawful processing or disclosure of personal data, and the accidental loss, destruction of, or damage to personal data.
 - Electronic files containing personal data are password protected and passwords will be changed on a regular basis.
 - Backed up electronic data is held securely.Any suspicion of any data security breach should be reported immediately to the Chair and preventative, protective measures taken to mitigate the impact of the breach.
- h) **Disclosure to Third parties.** Given the nature of the orchestra, it is deemed unnecessary to divulge CoCO member's personal data to third parties.
- i) **Safeguarding the use of special categories of data.** No special categories of data information is held (e.g. ethnicity).
- j) **Collecting Data of Minors:** Data pertaining to children will only be collected when strictly necessary, for example where the orchestra committee appoints children as members and may need to record their age and next of kin's details (See Safeguarding Policy). The committee is aware that children's data is considered more sensitive and will be protected accordingly.

4 Data Storage and processing:

The orchestra recognises that data, albeit limited, is held about members, committee members and potentially also volunteers (e.g. this is likely to be in the form of names and contact details of members of other charities that provide refreshments for concerts).

This information is always stored securely and access is restricted to those who have a legitimate need to know, e.g. Hon. Secretary, Chairperson and Treasurer. We do not transfer data to third parties without the consent of the individual.

4.1 Rights of individuals

All individuals who come into contact with The City of Carlisle Orchestra have the following rights under the DPA:

- a right of access to a copy of their personal data
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to prevent processing for direct marketing
- a right to object to decisions being taken by automated means
- a right, in certain circumstances, to have inaccurate personal data rectified, blocked, erased or destroyed and
- a right to claim compensation for damages caused by a breach of the DPA.

The Committee recognises their overall responsibility for ensuring that the orchestra complies with its legal obligations. The Chair of the Committee is responsible as follows:

Roles and Responsibilities:

- briefing Committee members (or others with access to personal data) on Data Protection responsibilities

- reviewing Data Protection and related policies
- ensuring that Data Protection Policy is read and understood by members and committee members
- handling subject access requests.

All committee members 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 roles.

The following are potential risks:

- breach of confidentiality (information being given out inappropriately)
- individuals being insufficiently informed about the use of their data
- misuse of personal information
- failure to up-date records promptly
- poor IT security and
- direct or indirect, inadvertent or deliberate unauthorised access.

The Committee will review the orchestra's procedures regularly, ensuring that the orchestra's records remain accurate and consistent and in particular:

- IT systems will be designed, where possible, to encourage and facilitate the entry of accurate data
- data on any individual will be held in as few places as necessary and committee members will be discouraged from establishing unnecessary additional data sets
- effective procedures will be in place so that relevant systems are updated when information about an individual changes.

4.2 Subject Access Requests

Any individual who wants to exercise their right to receive a copy of their personal data can do so by making a Subject Access Request, ('SAR') to the clerk. The request must be made in writing and the individual must satisfy the clerk of their identity before receiving access to any information. A SAR must be answered within 30 calendar days of receipt by the orchestra.

4.3 Collecting and using personal data

The orchestra typically collects and uses personal data in connection with the provision of the objects of the orchestra. The orchestra collects personal data mainly in the following ways:

- by asking members to supply names, addresses and other contact details (e.g. phone number) in written format or via an email
- by asking members to give committee members (typically the hon. secretary) information verbally.

The orchestra will:

- not use any of the personal data it collects in ways that have unjustified adverse effects on the individuals concerned
- be transparent about how it intends to use the data and give individuals appropriate privacy notices when collecting their personal data
- handle people's personal data only in ways they would reasonably expect
- not do anything unlawful with the data.

4.4 More information:

Full information about the Data Protection Act, its principles and definitions can be found at www.ico.org.uk