

FDCS Data Protection policy

Overview

Key details

- Policy prepared by Anita Evans
- Approved by Board/committee on: **14/05/2018**
- Next review date: **01/05/2019**

Introduction

In order to operate, Frodsham & District Choral Society (FDCS) needs to gather, store and use certain forms of information about individuals.

These can include members, our conductor & accompanist, musicians & soloists, suppliers, audiences and potential audiences, business contacts and other people the group has a relationship with or regularly needs to contact.

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

Why is this policy important?

This policy ensures that Frodsham & District Choral Society (FDCS) protects the rights of our members, volunteers, those we pay to provide services and supporters. This policy

- Complies with data protection law and follows good practice
- Protects the group from the risks of a data breach

Roles and responsibilities

Who and what does this policy apply to?

This applies to all those handling data on behalf of FDCS e.g.:

- Committee members
- Those whose musical services we pay for (e.g. Conductor & Accompanist)
- Choir members
- Contractors/3rd-party suppliers

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

- Names
- Email addresses
- Postal addresses
- Phone numbers
- Any other personal information held (e.g. financial)

Roles and responsibilities

FDCS is the Data Controller and will determine what data is collected and how it is used. The Data Protection Officer for FDCS is Anita Evans. They, together with the FDCS Committee are responsible for the secure, fair and transparent collection and use of data by FDCS. Any questions relating to the collection or use of data should be directed to the Data Protection Officer fdcs.dpo@gmail.com

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

As and when FDCS uses third party Data Processors to process data on its behalf, it will ensure all Data Processors are compliant with GDPR. (We currently do not use any data processors).

Data protection

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

FDCS 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 subscription payments, gift aid declarations and bank details. Where possible FDCS will anonymise this data.
 - Lawful basis for processing this data: Contract (the collection and use of data is fair and reasonable in relation to FDCS completing tasks expected as part of the individual's membership).
- The name and contact details of data subjects will be collected when they take up an FDCS position, and will be used to contact them regarding group administration related to their role. For FDCS these details will be collected for committee members, honorary officers, the conductor & accompanist, the musicians and soloists. As Trustees, committee members, dates of birth will also be collected, a requirement by the Charities Commission.

Further information, including qualifications / experience and criminal records information may also be collected in specific circumstances where lawful and necessary (e.g. specialist qualifications and experience are a prerequisite for the appointments of a Safeguarding Officer and a Data Protection Officer. A DBS certificate is required for those members with a formal safeguarding role).

- Lawful basis for processing this data: Contract (the collection and use of data is fair and reasonable in relation to FDCS 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 FDCS 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 FDCS to communicate with them about and promote group activities. See the "How we get consent" section later in this document.
 - Lawful basis for processing this data: Consent

a) 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, FDCS 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. Privacy notices have been produced for the following groups:

- New Members
- Existing Members
- Committee Members
- Conductor & Accompanist
- Musicians & Soloists
- Mailing List Subscribers
- Event Attendees

We do not knowingly collect or store any personal data about children under the age of 13

b) We ensure any data collected is relevant and not excessive

FDCS 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 on their marital status or sexuality will not be collected, since it is unnecessary and excessive for the purposes of group administration.

c) We ensure data is accurate and up-to-date

FDCS will ask all FDCS members and the Conductor & Accompanist to check and update their data on an annual basis, via a reminder in the FDCS newsletter. Any individual will be able to update their data at any point by contacting the FDCS Secretary or Data Protection Officer.

d) We ensure data is not kept longer than necessary

FDCS 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 FDCS 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.

e) We keep personal data secure

FDCS 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 leaves their role/position
- Physically-held data (e.g. membership forms or email sign-up sheets) will be locked away and stored securely.
- Access to data will only be given to relevant trustees/committee members/contractors where it is clearly necessary for the running of the group. The Data Protection Officer will decide in what situations this is applicable and will keep a master list of who has access to data

f) Transfer to countries outside the EEA

FDCS will not transfer data to countries outside the European Economic Area (EEA), unless the country has adequate protection for the individual's data privacy rights. FDCS does use Gmail and occasionally Google docs. Google protects personal data by complying with the EU-US Privacy Shield, which is an agreement designed to protect data being transferred from the EU to the US or vice versa.

The data on our website and backups are stored in the EEA.

Individual Rights

When FDCS collects, holds and uses an individual's personal data that individual has the following rights over that data. FDCS 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.

Individual's rights

Right to be informed: whenever FDCS collects data it will provide a clear and specific privacy notice explaining why it is being collected and how it will be used.

Right of access: individuals can request to see the data FDCS holds on them and confirmation of how it is being used. Requests should be made in writing to the Data Protection Officer 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. FDCS will request that members, Conductor & Accompanist 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. FDCS will always provide a way for an individual to withdraw consent in all marketing communications. 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. FDCS 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, FDCS will restrict the data while it is verified).

Though unlikely to apply to the data processed by FDCS, we will also ensure that rights related to portability and automated decision making (including profiling) are complied with where appropriate. To note FDCS does not currently use cookies on its website and does not use automated decision making.

Member-to-member contact

We only share members' data with other members with the subject's prior consent

As a membership organisation FDCS encourages communication between members.

To facilitate this:

Members can request the personal contact data of other members in writing via the Data Protection Officer or FDCS Secretary. These details will be given, as long as they are for the purposes of contacting the subject (e.g. an email address, not financial or health data) and the subject has consented to their data being shared with other members in this way.

How we get consent

FDCS will regularly collect data from consenting members and supporters for marketing purposes. This includes contacting them to promote performances, updating them about group news, Come & Sing events, fundraising and other group activities.

Any time data is collected for this purpose, we will provide:

- A method for users to show their positive and active consent to receive these communications (e.g. a privacy statement, which is a consent agreement form)
- A clear and specific explanation of what the data will be used for (e.g. have an accompanying privacy notice, such as that for Mailing List Subscribers)

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 14 days.

Data retention policy

Overview

Introduction

This policy sets out how FDCS will approach data retention and establishes processes to ensure we do not hold data for longer than is necessary.

It forms part of FDCS Data Protection Policy.

Roles and responsibilities

FDCS is the Data Controller and will determine what data is collected, retained and how it is used. The Data Protection Officer for FDCS is Anita Evans. They, together with the committee are responsible for the secure and fair retention and use of data by FDCS. Any questions relating to data retention or use of data should be directed to the Data Protection Officer fdcs.dpo@gmail.com

Regular Data Review

A regular review of all data will take place to establish if FDCS 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. The first review will take place on 1 May 2018.

Data to be reviewed

- FDCS 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, Site HQ website).
- Physical data stored at the homes of committee members

Who the review will be conducted by

The review will be conducted by the Data Protection Officer 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 FDCS 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
- Charity Commission requirements

Other data retention

Member data

- When a member leaves FDCS 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.
- 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.

Committee member, Conductor/Accompanist, Musicians & Soloists

- When a committee member, honorary officer, conductor / accompanist resigns their post or a musician stops working with FDCS (and all administrative tasks relating to their work have been completed) then any potentially sensitive data held on them will be deleted - this might include bank details.
- 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.
- FDCS does have an archive of permanent records to capture its social history. The archive includes both electronic and hard copy versions of the following:

FDCS Newsletters; concert programmes; committee minutes & reports; photos; historic attendance records; anonymised attendance records.

Personal data which might be published in these documents include names, contact details, biographical summaries and photos. We always seek consent before we include personal data in these documents (the exception being the committee minutes & reports, which are retained for governance requirements).