**ENTR’ACTE YOUTH COMPANY**

**DATA PROTECTION POLICY**

## Aim

Entr’acte Youth Company are committed to ensuring that all personal data collected is processed in accordance with all relevant data protection laws including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

## Scope

This policy applies to anyone who has access to Entr’acte Youth Company’s data.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## Definitions

**Personal data** - Any combination of data items which could identify a living person and provide specific information about them, their families or circumstances. The term covers both facts and opinions about an individual.

Personal data may include (but is not limited to):

* Names and addresses (including email addresses)
* Bank details
* Attendance records
* Taxation and national insurance records (staff)

**Special category personal data** - Personal data which is more sensitive and so needs more protection, including information about a living individual’s:

* Racial or ethnic origin
* Religious or philosophical beliefs
* Health – physical or mental
* Sexual orientation

Our Privacy Notice details the types of information we hold and the grounds upon which we process it, this may be found on our website.

**Processing** - Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.

**Data subject** - The identified or identifiable (living) individual whose personal data is held or processed.

**Data controller -** A person or organisation that determines the purposes and the means of processing of personal data.

**Data processor -** A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

**Personal data breach** - A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## Roles and Responsibilities

**Entr’acte Youth Company’s Board and CMT** has the overall responsibility for ensuring that it complies with all relevant data protection obligations.

**Data Protection Officer**

The amount of data that Entr’acte Youth Company holds is not big enough to have a Data Protection Officer, however the Board will appoint a data administrator that will make sure data is being used and stored in line with this policy. The Board will also review this policy annually, if a breach occurs or if new amendments to the regulation are introduced in line with ICO regulations.

## Personal data breaches or near misses

A personal data breach is defined as *“a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a public electronic communications service.”* It may be deliberate or accidental.

Wherever it is believed that a security incident has occurred or a ‘near miss’ has occurred, the staff member must inform the Board **immediately** in order that an assessment can be made as to whether the ICO should be informed within 72 hours as is legally required, and / or those data subjects affected by the breach.

The subject of the breach will only be notified if it is likely to result in a risk of rights and freedoms. If a breach occurs, processes and policies will be reviewed and updated.

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**ICO Data Protection fees**

Entr’acte is exempt from paying fees as it is a not for profit organisation, if the situation within the company changes this will be addressed.

**Data Processors**

All staff at Entr’acte Youth Company are data processors, all have been given relevant training in the regulation. They will adhere to

* Ensure the security of the processing
* Keep accurate records of processing activities
* Notify the controller of any personal data breaches

**All staff** - All staff are responsible.:

* Familiarising themselves with and complying with this policy. The Board and CMT should be aware, that a deliberate or reckless disregard of this policy could result in disciplinary action being taken.
* Taking care to ensure the safe keeping of personal data, minimising the risk of its loss or misuse at all times. All staff should adopt the approach that they should treat the personal data of others with the same care with which they would treat their own.
* The storing, transporting and transferring of data should be done so by using encryption and secure password protected devices.
* Deleting data in line with this policy and the retention schedule.
* Informing the Board of any changes to their personal data, such as a change of address;
* Reporting to the DPO in the following circumstances:
  + Any questions about the operation of this policy, data protection law, retaining or sharing personal data or keeping personal data secure;
  + If they have any concerns that this policy is not being followed;
  + If they are unsure whether they have a lawful basis upon which to use personal data in a particular way;
  + If they need to rely on or capture consent, deal with data protection rights invoked by an individual, or transfer personal data outside the UK and European Economic Area;
  + The discovery of a data breach or near miss (immediate action is required)
  + Whenever they are engaging in a new activity that may affect the privacy rights of individuals;
  + If they are to share personal data with a data processor, for example a contractor or someone offering a service, in which case a contract is likely to be required and potentially a data protection impact assessment, please see - *Sharing Personal Data* (paragraph 9).

1. **Types of Data we Hold**

**Youth Theatre Members Data**

A child under 16 cannot give consent themselves, someone with parental responsibility must provide the consent.

By becoming a member consent is automatically given for Entr’acte to hold relevant personal data. This data will only be used to create registers, emergency contact details and databases for administration purposes. Details will also be used to disseminate important information. Members information will never be shared with other members.

Members data will be kept for the length of the membership and up to a year after a member has informed the company of leaving. On leaving, permission will be requested to add details to the general mailing list.

**Mailing List**

A mailing list is kept informing those on it of workshops, productions and information about the company. Members will be contacted annually in order to ascertain whether they wish to remain on the mailing list. Those who do not reply or opt out will be removed. Data will be kept for 18 months and those on the mailing list will be given the opportunity to ‘opt out’ of receiving data with every communication, whether email or post.

**Staff**

Information about staff will be kept to process contracting and pay. All data is relevant and stored securely. Data is used by a third party to administer payroll. This data is transferred securely using password protected documents.

**Processing data**

Data will be processed fairly and in a transparent manner, Entr’acte will only collect data for a specific purpose explained to the data subjects. Data will only be used for what it was collected for, this data will be accurate and kept up to date. Any out of date or inaccurate data will be erased or rectified.

Certain sensitive data will need to be collected from all participants and those that interact with the company for reporting to Arts Council England purposes. This information will be kept securely and subjects will not be able to be identifiable from data given to Arts Council England.

Any data the company holds will have been obtained by one of the following means:

* Consent given by the subject **(Mailing List)**
* Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
* Processing necessary for compliance with a legal obligation
* Processing is necessary to protect the vital interest of a data subject or another person
* Processing is necessary for the performance of a task carried out in the public interest in the exercise of official authority vested in the controller
* Necessary for the purposes of legitimate interests pursued by the controller or a third party, expect where such interests are overridden by the interests, rights of freedom or the data subject. **(Members)**

**Data Storage**

All data will be kept on an external hard drive, and backed up regularly, only staff members have access to this and all computers are password protected. All documents that have personal data on them are either in hidden files that only Entr’acte Board members have access to or are password protected. No data will be held on personal computers/USB or unsecured services.

Entr’acte Youth Company registers have been computerised and put onto Microsoft Share point with access granted only to those with company email addresses to log into the system.

Paper copies of any information will only be printed when necessary, such as during productions or when events are happening off the main rehearsal site and these will be kept in a file by the company board.

Data will be regularly audited to make sure it is still relevant, if deemed not, it will be removed from systems.

**Data Sharing**

Entr’acte Youth Company will never give data to another company. If it is requested by an outside company the data subject will be given that company’s data and it will be their decision to contact them.

Entr’acte Youth Company will only share personal data under limited circumstances, when there is a lawful basis to do so and where identified in the Privacy Notice(s).

Entr’acte Youth Company will share data where there is a need to liaise with other agencies. It will seek consent as necessary and appropriate before doing so. However, where child protection and safeguarding concerns apply, it will apply the “Seven golden rules of information sharing” which provide that in limited circumstances data may be shared with external agencies without the knowledge or consent of the parent or student.

**Viewing Data/Right to Erasure**

Anyone whose data is held by the company has the right to either view the data being held or to ask for their data to be erased. Entr’acte Youth Company will provide all data held by the company to its owner within 30 days of the request.

If someone requests to be erased for records, all data will be identified then removed, this will include any back up data storage. We will not be able to erase any data that has been published in print such as names in Show Programmes.

We will not be able to continue with the request if any of the following apply:

* If a member of Entr’acte Youth Company and wish to continue to be.
* To exercise the right of freedom of expression and information
* To comply with the legal obligation for an official authority
* For the establishment, exercise or defence of legal claims.
* For archiving in the nations interest

## Links with Other Policies

This Data Protection Policy is linked to the following:

* Retention & Disposal Policy
* Bring your own device Policy
* Data Breach Policy
* Privacy Notices
* Safeguarding Policy
* Acceptable Usage Policies
* Consent / Permissions Form

Entr’acte Youth Company have the right to amend this document at all times.