



DANCE RESOURCE BASE DATA PROTECTION AND CONFIDENTIALITY POLICY

2013

Adopted by the Organisation on: 22 November 2013

Signed _____

Review Date: 22 November 2016

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1. Introduction

In order to carry out its proper business and organisational functions, Dance Resource Base has to collect and use information about people. All personal information held by an organisation is handled properly according to the provisions and obligations set out in the Data Protection Act 1998 ('the Act'). Dance Resource Base is committed to meeting its obligations under the Act. This policy sets out how Dance Resource Base will obtain, store, process and disclose personal information and sensitive data.

Dance Resource Base respects the rights of individuals to the protection of their personal information and to privacy.

Dance Resource Base is a not-for-profit organisation and only deals with personal information in ways that exempt it from registering with the Information Commissioner's Office as a Data Controller.

2. The Eight Data Protection Principles

There are eight principles of data processing with which the Data Controller must ensure compliance. In this instance, Dance Resource Base is the 'Data Controller'.

Personal data shall be:

Principle 1: Processed fairly and lawfully

Principle 2: Obtained only for the purpose stated

Principle 3: Adequate, relevant and not excessive

Principle 4: Accurate and up-to-date

Principle 5: Not kept for longer than is necessary for that purpose

Principle 6: Processed in line with the rights of data subjects under the Act

Principle 7: Secured by appropriate technical and organisational measures

Principle 8: Not transferred to countries without adequate protection.

3. Compliance with Data Protection Principles

Principle 1 – Processed fairly and lawfully

This means that when Dance Resource Base is collecting personal information from individuals:

- the processing is necessary for the organisation to carry out its activities;
- that the individuals are made aware of the uses of the information collected;
- consent has been obtained for any secondary uses of their personal information; and
- individuals are made aware of disclosures of their personal information to third parties.

Information held by Dance Resource Base includes details on the following:

- members (current, past and prospective);
- personnel (staff, freelance and board both current, past and prospective);
- applicants for recruitment and selection;
- service users (current, past and prospective);
- events and activities participants;
- health and safety / building management;
- contracts;
- emails; and
- mailing lists.

Dance Resource Base does not actively collect sensitive personal information. If the organisation should, by its various administration processes, come to have in its possession this information, it will be processed only for a purpose set out in Schedule 3 of the Act including as examples with explicit consent from the individual, for employment purposes or to meet Dance Resource Base's legal responsibilities.

Principle 2 – Obtained only for the purpose stated

Personal information will only be obtained for one or more specified and lawful purposes and should not be processed in any manner incompatible with those purposes, including by not limited to:

- Staff administration;
- Administration of membership records;
- Fundraising; and
- Realising the objectives of a charitable organisation or voluntary body.

Principle 3 – Adequate, relevant and not excessive

Dance Resource Base will only hold personal information that is adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed. This means that the minimum of personal information will be

held in order to fulfil its purpose. We accept that it is not acceptable to hold information on the basis that it might be useful in the future without a view of how it will be used. Dance Resource Base has a responsibility to continually monitor compliance with this principle and to audit what information is kept.

Principle 4 – Accurate and up-to-date

This principle places a duty on Dance Resource Base to take reasonable steps to ensure that accuracy of the information held by Dance Resource Base in and on their information systems.

In collecting information Dance Resource Base needs to take all reasonable steps to make sure the information is correct and the source of the information is reliable and to check this, if necessary.

The significance of the inaccuracy is important, obviously minor inaccuracies that have no impact are of less importance but nevertheless the validity of the system and the training and skills of staff inputting data should be checked.

Any inaccuracies should be corrected as soon as possible in order to limit the damage and distress caused.

Principle 5 - Not kept for longer than is necessary for that purpose

Dance Resource Base will retain personal information for as long and in such a way as to comply with good employment and data protection practice and legislation.

Currently, all recruitment documentation is held for three years with monitoring information relating to unsuccessful applicants being held for three years from the date of application and relating to employees being retained for three years from the date their employment ceases. The data held will be for management and administrative use only, but Dance Resource Base may from time to time need to disclose some data it holds to relevant third parties (eg where legally obliged to do so by HMR&C, for the purpose of information such as student loans or, where requested to do so by the staff member concerned, for the purpose of giving a reference).

Dance Resource Base is legally obliged to keep financial records for a period of 6 years.

Dance Resource Base will store historical emails for no more than 10 years.

Dance Resource Base will undertake assessment and deletion every year. A Retention and Disposal Schedule will be created for this purpose.

Principle 6 - Processed in line with the rights of data subjects under the Act

Individuals have a general right of access to their own personal information, which is processed by Dance Resource Base in accordance with our procedures. They have the right:

- To have a copy of the information;
- To stop processing where this is likely to cause distress or unwarranted damage to themselves or anyone else; and
- To have information rectified, blocked or erased.

Principle 7 - Secured by appropriate technical and organisational measures

Dance Resource Base has a duty to ensure that appropriate security measures are in place when handling personal information. This applies to both information technology and manual files.

Manual files are stored in locked filing cabinets with access to the cabinet overseen by the Designated Data Controller.

Where personal information is not already in the public domain including in the Dance Directory on the Dance Resource Base website, all electronically held personal information is stored on password-protected computers. Personal information relating to staff members held electronically is only accessible by the Designated Data Controller who may authorise access according to the guidelines in this policy and the Act.

4. Handling of Personal Information

Dance Resource Base will through appropriate management and application of controls:

- Fully observe conditions regarding the fair collection and use of personal information;
- Meets its legal obligations to specify the purposes for which personal information is used;
- Collect and process appropriate personal information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of personal information used;
- Apply strict checks to determine the length of time personal information is held;
- Ensure that the rights of people about whom information is held to be fully exercised under the Act;
- Take appropriate technical and organisational security measures to safeguard personal information; and
- Ensure that personal information is not transferred outside the European Economic area without adequate safeguards.

In addition, Dance Resource Base will ensure that:

- Everyone managing and handling personal information understands that they are directly and personally responsible for following good data protection practice;
- Everyone is managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information knows what to do;
- Queries about handling personal information about promptly and courteously dealt with;
- Performance with handling personal information is regularly assessed.

5. Disclosure of Personal Information

Strict conditions apply to the passing of personal information both internally and externally. In certain circumstances, personal information may be made available provided there is:

- A legal obligation to do so; or
- The data subject has consented to the disclosure; or
- The information is in a form that does not identify the individual.

Dance Resource Base will not sell, rent, distribute or otherwise make personal information commercially available to any third party without the prior permission of the data subject.

6. Policy Awareness

A copy of this policy statement will be given to all new members of staff. Dance Resource Base members will be made aware through the membership terms and conditions. All interested third parties will be advised of the policy which will be available on the Dance Resource Base website as will any subsequent revisions. All staff are to be familiar with and comply with the policy at all times.

7. Dance Resource Base's Designated Data Protection Controller

Dance Resource Base's General Manager is responsible for ensuring compliance with the Act and implementation of this policy. The General Manager is Kelly-Anne Collins, 35 Donegall Street, Belfast BT1 2FG, T 028 9023 1515 E info@danceresourcebase.org.

Any queries relating to the interpretation or operation of this policy should be taken up in the first instance with the General Manager.

8. Policy Responsibility

The General Manager has specific responsibility for the effective implementation of this policy and each member of staff (including any freelance staff) also has responsibilities to abide by and ensure adherence to the policy.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their Line Manager in the first instance.

9. Subject Access

All individuals who are the subject of personal data held by Dance Resource Base are entitled to:

- Ask what information Dance Resource Base holds about them and why;
- Ask how to gain access to it;
- Be informed how to keep it up to date;
- Be informed what Dance Resource Base is doing to comply with its obligations under the Act.

10. Employee Responsibilities

It is the responsibility of all employees to:

- Check that any personal data that they provide to Dance Resource Base is accurate and up-to-date;
- Inform Dance Resource Base of any changes to information which have provided e.g. change of address etc; and
- Check any information that Dance Resource Base may send out from time to time, giving details of information that is being kept and processed.

Where employees are required to collect information about other people, they must comply with this Policy and Procedures.

11. Data Security

In order to ensure that data is securely stored at all times, precautions must be taken against physical loss or damage and both access and disclosure must be restricted. It is the responsibility of each member of staff to ensure that:

- Any personal data that they hold is securely stored; and
- Personal information is not disclosed either verbally or in writing or otherwise to any unauthorised third party.

12. Consequences of Breaching the Act and this Policy

Staff will be informed that they can be criminally liable if they knowingly or recklessly disclose personal data in breach of the Act.

A serious breach of this policy will be a disciplinary offence. Such a breach will be dealt with under the Dance Resource Base's disciplinary procedures as set out in our Staff Handbook. A serious breach would include a situation where a member of staff accesses another employee's personnel records without authority.

13. Rights of Access to Information

Dance Resource Base employees and any other subjects of personal information held by Dance Resource Base have the right to access any personal data about them that is kept on paper file, on computer hard drive or by any other means of storage.

This right of access is subject to certain exemptions as set out in the Data Protection Act. Any person wishing to exercise their right of access should make a written request (including via e-mail) in the first instance to Dance Resource Base's Data Protection Controller.

Dance Resource Base reserves the right to charge the maximum fee payable for each subject access request (£10). Where personal details are inaccurate, they can be amended on request.

Dance Resource Base aims to comply with requests for access to personal information as quickly as possible, but in any case will ensure that the information is provided within 40 days of receipt of the request. In the event of a delay, the reason for this delay will be explained in writing to the individual making the request.

Dance Resource Base will undertake appropriate steps to ensure that an applicant has provided sufficient proof of identity.

14. Publication of Personal Information

Information that is already in the public domain is exempt from the Act. Where an individual has good reason for wishing that these details remain confidential, they should contact the Data Protection Controller to advise them of these circumstances.

15. Subject Consent

The need to process information for normal purposes has been communicated to all data subjects. In the case of sensitive data, such as health, religion or gender, express consent to process the data must be obtained. Processing may be

necessary to operate Dance Resource Base policies, such as Health and Safety and Equal Opportunities.

16. Definitions

'Data' is information in a form in which it can be processed (automatically)

'Data controller' is the individual or organisation who determines the purposes for which, and the manner in which, personal information is to be processed.

'Data processor' is a person, or organisation, who processes personal information on a data controller's behalf.

'Data subject' is the individual who is the subject of the personal data.

'Data subject's consent' is any freely given specific and informed indication of their wishes by which the data subject signifies his agreement to personal data to their being processed. Consent may need further clarification ie. In what form should it take?

'Personal information' is any information that can be used to identify a living individual including but not limited to names, addresses, contact details, employment history, medical conditions, convictions, credit history and any information that expresses opinions about individuals.

'Relevant filing system' is a filing system that is set up in such a way as someone going through the system could readily find personal information about someone.

'Sensitive data' is information racial and ethnic, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life or criminal convictions/alleged offences.

'Third Party' – someone other than the data subject, controller, processor and persons with authority of the controller or processor to process the data

SCHEDULE 1 – RETENTION AND DISPOSAL SCHEDULE

ITEM	RECORD	RETENTION	NOTES
1	Membership Records	6 years following non-renewal of membership	
2	Personnel Records (including contracts, payroll/pensions)	Until 76 or 6 years after leaving whichever is earlier	
3	Personnel Records (including performance assessments)	6 year after end of monitoring period	
4	Personnel Records (including training)	1 year	
5	Personnel Records (including medical certificates)	4 years	
6	Personnel Records (including grievances and discipline)	6 years / Until 76 or 6 years after leaving whichever is earlier	
7	Recruitment Records	1 year	
8	Equal Opportunity Monitoring Records	2 years	
9	Events and Activities Participation Records	6 years	
10	Health & Safety / Building and Equipment Management	6 years	
11	Service / Supply Contracts	Up to 6 years following the end of the contract	
12	Project Management	10 years following end of project	
13	Financial Documents / Asset Management	7 years	
14	General Emails / Correspondence	4 years	
15	Mailing Lists (excluding membership records)	4 years	