

Data Protection Policy

Introduction

Stockton Heath Festival Trust needs to collect and use certain types of information about the Data Subjects who come into contact with it in order to carry on our work. This personal information must be collected and dealt with appropriately. *This applies to paper and digital collection, storage and processing in line with the General Data Protection Regulations (GDPR) and Privacy and Electronic Communications Regulations (PECR).*

The following list below of definitions of the technical terms we have used and is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal information Stockton Heath Festival Trust will hold and how it will be held or used.

Data Processor – A person, organisation or agency or other body which processes personal data for the Data Controller.

Data Protection Officer – The person(s) responsible for ensuring that the Stockton Heath Trust follows its data protection policy and complies with the GDPR and PECR.

Data Subject/Service User – The individual whose personal information is being held or processed by Stockton Heath Festival Trust (for example: a client, an employee, a supporter).

‘Explicit’ consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data.

* See definition

GDPR and PECR relates to personal data and marketing including cookies for which consent must be clear from the outset, explicit, active, not dependent on any other service or activity and must offer the option for the Data Subject to be able to change their preferences at any time.

Notification – Notifying the Information Commissioner’s Office (ICO) about a data breach and the data processing activities of Stockton Heath Festival Trust as applicable.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the GDPR and PECR.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Data / Information – any information which relates to an identified or identifiable natural person and can be directly attributed to that person which exists in paper and digital form. For example, name and address.

It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Stockton Heath Festival Trust.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject's offences
- Health related information and records

Data Controller

The Stockton Heath Festival Trust is the Data Controller under the GDPR, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the ICO of a data breach which is likely to infringe the privacy of an individual, compromising their rights. Children under 16 merit specific protection under the GDPR and the Stockton Heath Festival Trust will adhere to the guidelines when identifying children and processing their data.

Disclosure

Stockton Heath Festival Trust may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware of what data, how and with whom their information will be used and shared. There are circumstances where the law allows Stockton Heath Festival Trust to disclose data (including sensitive data) without the data subject's consent.

According to the ICO Article 5(2) requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

These principles of best practice data management will be adhered to and cover:

1. Carrying out a legal duty or as authorised by the Secretary of State.
2. Protecting vital interests of a Data Subject or other person.
3. The Data Subject has already made the information public.
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights.
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion.

6. Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Stockton Heath Festival Trust regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Stockton Heath Festival Trust intends to ensure that personal information is treated lawfully and correctly.

To this end, Stockton Heath Festival Trust will adhere to the Principles of the GDPR. Article 5 of the GDPR according to the ICO requires that personal data shall be:

1. "processed lawfully, fairly and in a transparent manner in relation to individuals
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

Stockton Heath Festival Trust will, through appropriate management, strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information.
- Meet its legal obligations to specify the purposes for which information is used.
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Ensure that the rights of people about whom information is held, can be fully

exercised under the GDPR. These include the following rights:

- To be informed of the type of data being collected and for what reason.
 - To be informed that processing is being undertaken.
 - To free access to one's personal information on request.
 - To prevent processing in certain circumstances.
 - To be forgotten (data securely erased).
 - To easily change marketing preferences.
 - To correct, rectify, block or erase information which is regarded as wrong information).
- Take appropriate technical and organisational security measures to safeguard personal information,
 - Ensure that personal information is not transferred abroad without suitable safeguards.
 - Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.
 - Set out clear procedures for responding to requests for information.

Data collection

Informed consent

Informed consent is when

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data.
- and then gives their consent.

Stockton Heath Festival Trust will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Stockton Heath Festival Trust will ensure that the Data Subject:

- Clearly understands why the information is needed.
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing.
- Grants explicit consent, which is recorded for data to be processed.
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress.
- Has received sufficient information on why their data is needed, how it will be used and how they can change their consent to 'opt-out' (withdraw consent) at any time to data storage or being contacted.

Data Storage

Information and records relating to service users will be stored securely and centrally where possible and will only be accessible to authorised staff and volunteers. Particular information will only be accessible to those who need to access such information.

Data Subjects will be made aware at the outset of the kind of information being stored and for how long, before being securely destroyed (unless there is a legal requirement not to

destroy the data for a specific time).

It is Stockton Heath Festival Trust responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data access and accuracy

All Data Subjects have the right to access the information Stockton Heath Festival Trust holds about them by making a Subject Access Request (SAR) within 30 days of making the request. Stockton Heath Festival Trust will also take reasonable steps to ensure that this information is kept up to date by periodically asking data subjects whether there has been any changes.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR and PECR.

Reporting a data breach to the ICO

The Trust will follow the process as advised by the ICO.

“Notify the ICO within 24 hours of becoming aware of the essential facts of the breach including the following:

1. The Trust’s name and contact details.
 2. Date and time of the breach (or an estimate).
 3. Date and time it was detected.
 4. Basic information about the type of breach and basic information about the personal data concerned.
- Consider whether to notify your customers; and
 - Record details in the Trust’s breach log.”

Policy updated 25 May 2018