

## **Data Protection policy and the General Data Protection Regulation (GDPR)**

### **Purpose**

Suffolk Artlink is committed to a policy of protecting the rights and privacy of individuals, including participants, staff, volunteers, artists and suppliers, donors and others, in accordance with the General Data Protection Regulation (GDPR) May 2018.

The regulatory environment demands transparency and accountability in how organisations manage and use personal data. It also accords rights for individuals to understand and control that use. The GDPR contains provisions that Suffolk Artlink needs to be aware of as data controllers, including provisions intended to enhance the protection of customers' personal data. For example, the GDPR requires that: we must ensure that our privacy notices are written in a clear, plain way that staff and customers will understand.

Suffolk Artlink needs to process certain information about its staff, customers and other individuals with whom it has a relationship for various purposes such as, but not limited to:

1. The recruitment and payment of staff
2. The administration of programmes, services, projects and membership
3. Marketing and communication of services and fundraising
4. Recording customer progress, attendance on courses and activities
5. Collecting fees
6. Complying with legal obligations to funding bodies and government including local government

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR), Suffolk Artlink must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

### **Persons affected**

- All staff, paid and unpaid, this includes volunteers
- All customers / participants
- All visitors and contractors

### **Policy**

This policy applies to all staff and customers of Suffolk Artlink. Any breach of this policy or of the Regulation itself by staff will be considered an offence and Suffolk Artlink's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Suffolk Artlink and who have access to personal information, will be expected to read and comply with this policy and it is expected that staff who are responsible for dealing

with other agencies and individuals will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

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 to the GDPR and other relevant legislation.

### **General Data Protection Regulation (GDPR)**

This piece of legislation came in to force on the 25th May 2018. The GDPR regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person. For more detailed information on these Regulations see the Data Protection Data Sharing Code of Practice (DPCoP) from the Information Commissioner's Office (ICO). Please follow this link to the ICO's website (<https://ico.org.uk/>)

### **Responsibilities under the GDPR**

Suffolk Artlink will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data. Suffolk Artlink's General Manager and the Communications and Development Manager will act as Suffolk Artlink's Data Protection Officers. They will address any concerns regarding the data held by the organisation and how it is processed, held and used.

Suffolk Artlink may use third parties for data processing including: Google (G-Suite), MailChimp (online e-newsletter) and Microsoft. As the Data Controller it is Suffolk Artlink's responsibility to ensure that any data processors used by the charity meet GDPR. Other processors could include such on-line services as WeTransfer, Egress, Drop Box and Apple I-cloud and unauthorised use of such service would be a breach of Suffolk Artlink's GDPR policy.

Suffolk Artlink's Data Processor Agreement should be used where images or recordings are provided to a partner organisation (for example a school whose pupils participated in a project) or a project funder, where this is permitted within the recording consent. The Data Processor Agreement limits to a specific purpose the use of images and / or recordings and does not allow the data processor to retain the data for other uses in the future. Suffolk Artlink is the data controller for images and recordings taken as part of our projects and programmes.

Suffolk Artlink has a nominated Trustee who oversees this policy. The Co-Directors are responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the organisation.

Our data registration number is: Z2348150. The Co-Directors are also responsible for ensuring that the organisation's notification is kept accurate.

Compliance with the legislation is the personal responsibility of all members of the organisation who process personal information. Individuals who provide personal data to the organisation are responsible for ensuring that the information is accurate and up-to-date.

### **Data Protection Principles**

The legislation places a responsibility on every data controller to process any personal data in accordance with the GDPR principles. More detailed guidance on how to comply with these principles can be found in the DPCoP. Please follow this link to the ICO's website ([www.ico.gov.uk](http://www.ico.gov.uk)) In order to comply with its obligations Suffolk Artlink undertakes to adhere to eight principles:

#### **1) Process personal data fairly and lawfully.**

Suffolk Artlink will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

#### **2) Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.**

Suffolk Artlink will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

#### **3) Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.**

Suffolk Artlink will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

#### **4) Keep personal data accurate and, where necessary, up to date.**

Suffolk Artlink will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the organisation if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the organisation to ensure that any notification regarding the change is noted and acted on.

#### **5) Only keep personal data for as long as is necessary.**

Suffolk Artlink undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Suffolk Artlink will undertake a regular review of the information held and implement a weeding process. Suffolk Artlink will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste).

#### **6) Process personal data in accordance with the rights of the data subject under the legislation.**

Individuals have various rights under the legislation including a right to:

- be told the nature of the information the organisation holds and any parties to whom this may be disclosed.

- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision making process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- sue for compensation if they suffer damage by any contravention of the legislation.
- take action to rectify, block, erase or destroy inaccurate data.
- request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

Suffolk Artlink will only process personal data in accordance with individuals' rights.

Suffolk Artlink will not use AI platforms for processing data where this may losing control of people's personal data.

**7) Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.**

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Suffolk Artlink will ensure that all personal data is accessible only to those who have a valid reason for using it.

Suffolk Artlink will have in place appropriate security measures:

- all hard copy personal data in a lockable cabinet with key-controlled access
- password protecting personal data held electronically
- archiving personal data which are then kept securely (lockable cabinet)
- placing any PCs or laptops, that show personal data so that they are not visible except to authorised staff
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, Suffolk Artlink will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible, destroyed physically. This policy also applies to staff and volunteers who process personal data 'off-site', e.g. when working at home, and in circumstances additional care must be taken regarding the security of the data.

**8) Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

Suffolk Artlink will not transfer data to such territories without the explicit consent of the individual. This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so Suffolk Artlink will always seek the consent of individuals before placing any personal data (including photographs) on its website. If Suffolk Artlink collects personal data in any form via its website, it will provide a clear and detailed

privacy statement prominently on the website, and wherever else personal data is collected.

### **Consent as a basis for processing**

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when Suffolk Artlink is processing any sensitive data, as defined by the legislation.

Suffolk Artlink understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

### **“Personal Details**

- For the purposes of the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679 you consent to the organisation holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in the organisation’s data protection policy.

- This will include marketing images.”

Suffolk Artlink will ensure that any forms used to gather data on an individual will contain a statement (fair collection statement) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

Suffolk Artlink will ensure that if the individual does not give his/her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

### **Subject Access Rights (SARs)**

Individuals have a right to access any personal data relating to them which are held by the organisation. Any individual wishing to exercise this right should apply in writing to the Co-Directors of Suffolk Artlink. Any member of staff receiving a SAR should forward this to the Co-Directors. The organisation reserves the right to charge a fee for data subject access requests (currently £20) and to require proof of identity. Under the terms of the legislation, any such requests must be complied with within 40 days.

### **Disclosure of Data**

Only disclosures which have been notified under the organisations DP notification must be made and therefore staff should exercise caution when asked to disclose personal data held on another individual or third party.

Suffolk Artlink undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police. Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure.

- the disclosure is in the legitimate interests of the organisation.
- the disclosure is required for the performance of a contract.

There are other instances when the legislation permits disclosure without the consent of the individual.

In no circumstances will Suffolk Artlink sell any data to a third party.

### **Publication of Suffolk Artlink's Information**

Suffolk Artlink publishes various items which will include some personal data, e.g.

- internal telephone directory.
- event information.
- photos and information in marketing materials.

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to organisation access only. Therefore, it is Suffolk Artlink's policy to offer an opportunity to opt-out of the publication of data e.g. photographs, when collecting the information.

### **Email**

It is the policy of Suffolk Artlink to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the Suffolk Artlink's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the organisation may be accessed by someone other than the recipient for system management and security purposes.

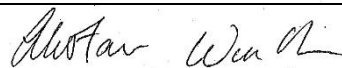
### **CCTV**

There are no CCTV systems operating within Suffolk Artlink for the purpose of protecting organisation's members and property.

### **Procedure for review**

This policy will be updated as necessary to reflect best practice or future amendments made to the General Data Protection Regulation (GDPR) May 2018 and Data Protection Act 1998. Please follow this link to the ICO's website (<https://ico.org.uk/>) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact: The Data Protection Officers (DPO) The General Manager and the Communications and Development Manager.

<b>Date approved or amended</b>	<b>Amendments</b>	<b>Signed</b>
24/07/2018		

27/07/2021	RE use of the Data Processor Agreement	AW
08/04/2025		