

Data Protection Policy

1. Introduction

Purple Patch Arts needs to collect and use certain types of data about individuals in order to carry out its work.

Purple Patch Arts is committed to ensuring that all information processed as part of carrying out business activities is looked after to a high professional standard that includes meeting all UK legal requirements.

Any personal data must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the General Data Protection Regulation (GDPR).

This policy does not form part of your contract of employment (or contract for services if relevant) and can be amended by the Company at any time. It is intended that this policy is fully compliant with the 2018 Data Protection Act and the GDPR. If any conflict arises between those laws and this policy, the Company intends to comply with the 2018 Data Protection Act and the GDPR.

2. Aim and Scope of this policy

The aims of this policy are to set out the rules governing the secure management of any personal data collected and used as part of Purple Patch Arts' business activities:

- ensuring that all members of staff are aware of and fully comply with the relevant legislation as described in this and other policies, including consent, security and retention of personal data
- ensuring an approach to personal data handling in which all members of staff fully understand their own responsibilities

This policy applies to all personal data collected and processed as part of Purple Patch Arts' business activities at all locations and by all staff of Purple Patch Arts or supplied under contract to it.

3. Responsibilities

- Ultimate responsibility for Data Protection rests with the *Chief Executive Officer, Fran Rodgers*, including managing and implementing the policy and related procedures.
- Responsibility for maintaining this Policy is held by the *Chief Executive Officer, Fran Rodgers*. The Policy shall be reviewed at least annually.
- Any Line Managers are responsible for ensuring that their permanent staff, temporary staff and any contractors are aware of:

- The data protection policies applicable in their work areas
 - Their personal responsibilities for data protection
 - How to access advice on data protection matters
- Line managers shall be individually responsible for data protection within their business area.
 - Each member of staff or contractor shall be responsible for the operational data protection of the personal data they use.

All staff, contractors and third parties shall comply with the data protection policy and must understand their responsibilities to protect the company's data. Failure to do so may result in disciplinary action, termination of contracts and legal prosecution where necessary.

4. Data Controller

Purple Patch Arts is a Data Controller under the Act, which means that it determines what purposes any personal data held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Purple Patch Arts is formally registered with the Information Commissioner as a Data Controller, registration number **ZA060766**.

5. Disclosure

Any personal data that Purple Patch Arts does process can only be shared with other agencies if suitable data sharing and confidentiality agreements are in place and the data subject has been made aware and given consent how and with whom their data will be shared.

There are circumstances where the law allows Purple Patch Arts to disclose personal data (including sensitive personal data) without a data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an individual or other person
- c) The data subject has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion

- f) Providing a confidential service where consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where there is a wish to avoid forcing stressed or ill individuals to provide consent signatures.

Purple Patch Arts regards the lawful and correct treatment of personal data (as well as confidential business information) as very important to successful working, and to maintaining the confidence of those with whom we deal.

Purple Patch Arts intends to ensure that personal data is treated lawfully and correctly.

To this end, Purple Patch Arts will adhere to the Principles of Data Protection, as detailed in the General Data Protection Regulation.

Specifically, the Principles require that personal data:

- a) Shall only be collected where there is a lawful basis for collection,
- b) Shall be processed fairly and lawfully and transparently and, in particular, shall not be processed unless specific conditions are met,
- c) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- d) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- e) Shall be accurate and, where necessary, kept up to date,
- f) Shall not be kept for longer than is necessary
- g) Shall be processed in accordance with the rights of data subjects under the Act,
- h) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal data,
- i) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Data Subjects in relation to the processing of personal data.

Purple Patch Arts will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal data
- Meet its legal obligations to specify the purposes for which personal data is used

- Collect and process appropriate personal data and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of personal data used
- Ensure that the rights of people about whom personal data is held, can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken,
 - The right of access to one's personal data
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase data which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal data
- Ensure that personal data is not transferred to a country or territory outside the European Economic Area 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

6. Data collection

Informed consent is when

1. An individual clearly understands why their personal data is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data.
2. And then gives their consent.

Purple Patch Arts will ensure that any personal 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 any personal data, Purple Patch Arts will ensure that the Data Subject:

- a) Clearly understands why the personal data is needed
- b) Understands what it will be used for and what the consequences are should the individual decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed

- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

7. Data Storage

Any personal data and records relating to individuals will be stored securely and will only be accessible to appropriately authorised employees, contractors and third parties.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

It is Purple Patch Arts' 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.

8. Data transfer and sharing

The nature of Purple Patch Arts' business means that at times it is necessary to transfer data of a sensitive and personal nature to other organisations e.g. funders. In such cases Purple Patch Arts will ensure that:

- A suitable data protection agreement is in place and signed by partner organisations.
- All data transfer takes place through secure means. For electronic data this means a secure channel that encrypts the data. For data stored on paper this means using Registered Delivery or delivery by hand.

9. Data access and accuracy

All individuals have the right to access the personal data Purple Patch Arts holds about them. Purple Patch Arts will also take reasonable steps to ensure that any personal data is kept up to date.

In addition, Purple Patch Arts will ensure that:

- It has a Data Protection Lead with specific responsibility for ensuring compliance with Data Protection (currently CEO – Fran Rodgers). Purple Patch Arts is not required to have a Data Protection Officer.
- It maintains a Data Register detailing all personal data that is collected including details of where and how this information is stored
- Everyone processing personal data understands that they are contractually responsible for following good data protection practice
- Everyone processing personal data is appropriately trained to do so and supervised
- Anybody wanting to make enquiries about handling personal data knows what to do

- It deals promptly and courteously with any enquiries about handling personal data
- It describes clearly how it handles any personal data
- It will regularly review and audit the ways it holds, manages and uses any personal data
- It regularly assesses and evaluates its methods and performance in relation to handling any data
- All staff, contractors and third parties are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them
- It has a defined process to deal with breaches of policy

10. Data retention

Personal data will not be kept for longer than is necessary, in line with legal requirements and professional guidelines. Information about the length of time that personal data will be held by Purple Patch Arts is set out in our Data Register.

11. Reporting Mechanisms

All staff are responsible for reporting any breaches or potential breaches of this policy to their Line Manager who will record the facts relating to the breach, its effects, and any remedial action taken. This information will be shared by Line Manager with the Chief Executive Officer, Fran Rodgers for further action, which includes - where appropriate - further investigation, and reporting of Personal Data breaches to the ICO no later than 72 hours after becoming aware of the breach. In the event of a Serious Incident, a Serious Incident Report will be created by the Chief Executive Officer and shared with the Board of Trustees in accordance with the Serious Incident Policy.

12. Glossary of Terms

Data Controller – The person who (either alone or with others) decides what personal information Purple Patch Arts will hold and how it will be held or used.

Data Protection Officer – The person(s) responsible for ensuring that Purple Patch Arts follows its data protection policy and complies with the General Data Protection Regulation.

Data Subject – The person whose personal information is being held or processed by Purple Patch Arts for example: a programme participant, an employee, or third party individual.

Explicit consent – is a freely given, specific and informed agreement by a Data Subject in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the personal data processing activities of an organisation, as certain activities may be exempt from notification. (see <https://ico.org.uk/for-organisations/guide-to-data-protection/exemptions/>).

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the General Data Protection Regulation.

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

Personal Data – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual programme participants or employees of Purple Patch Arts.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political opinions and affiliations
- Religion or philosophical beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

and includes genetic and biometric data.

13. Review

This policy will be reviewed annually.