

The Georgina Weston Dance Academy, GWDA Ltd

GDPR Policy 2021

Policy:

Data Protection (GDPR)

Date Adopted: 29/3/2021

GWDA is committed to ensuring the data processed by our school remains safe and secure.

This policy has been written in line with legislative change, including both the Data Protection Act (1998) and the EU's General Data Protection Regulation (GDPR).

GWDA has determined the lawful reasons with which it processes personal data:

- Legal obligation – GDPR Article 6(1)(c)
- Legitimate interest – GDPR Article 6(1)(f)
- Contract - GDPR Article 6(1)(b)

There is also some limited data we process with consent from the Data Subject; Consent – GDPR Article 6(1)(a).

While GWDA avoids sharing data with third parties at most times, some data is shared in accordance with our business practices. The sharing of data with third parties will always be consensual with the data subject and/or their parent/guardian, and only if GWDA is satisfied that their Data Protection policy is GDPR compliant. For example, we would need to share your child's data with the Royal Academy of Dance in order to process their ballet exam entries.

Main Aims for the policy:

- Specify the data GWDA collect, how it is stored/protected and the reason for collecting it
- State how GWDA use personal data in processing
- Disclose who has access to the data and how long we retain information for
- Explain Data Subject's rights with GWDA data including access, rectification and erasure

Distribution:

- To be distributed to Board at AGM and Induction sessions for Board Members
- To be sent to all staff, freelance staff and volunteers as part of induction and training
- To be displayed on the GWDA website
- This policy will be sent directly to members of the public on request
- Confirmation of receipt of information – Acknowledgement of reading and complying with this document asked for on registration for termly classes.

Review and monitoring of policy:

- Reviewed annually or in instances of legislative change
- Monitoring is part of Management and Supervision

The following policy is based on the below principles:

The GDPR includes the following rights for individuals:

- the right to be informed
- the right of access

- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

General Principles

GWDA is committed to providing fair and understandable privacy policies in relation to personal data.

GWDA will, at all times, keep data in secure locations (including, but not limited to, encrypted and access restricted files) and not retain data unnecessarily or past the retention length as set out in this policy.

In the rare instance a data processor that is not an GWDA employee is used, such as a third party, the data subject will either be asked for consent pre to supplying the data or be notified and have the right to object to processing.

Participants and Customers

How GWDA collect personal data:

GWDA customers and participants supply their personal data when signing up for classes through our registration form via the website.

This is either completed by a parent/guardian or the child themselves if they deemed able to do so.

Personal data may also come to us unsolicited via enquiries through our website and to our generic email account.

Why GWDA collect personal data:

To attend any of **GWDA's** activities participants/parents/guardians must agree to some processing of their personal data. This is due to Legitimate Interests – GDPR Article 6(1)(f), Legal Obligation GDPR Article 6(1)(c), Contract - Article 6(1)(b) and/or Consent - Article 6(1)(a).

Should **GWDA** be unable to process participant's data, we would be contravening both our Health & Safety and Child Safeguarding policies. We would also be ignoring best practice regarding working with children.

Our participants must remain safe at all times, therefore information about participants must be collected in order to create registers and accurate student records. This information is also used to provide students with appropriate classes, including dividing students into age groups.

Special category data is only collected with the consent of the data subject. Special category data **GWDA** collects includes but is not limited to: Medical/Disability information.

As physical activity providers it is essential that this consent is given should a participant have any medical/disability needs. This allows us to incorporate participants safely into classes. It is also used in assessing if we can incorporate participants safely into classes.

What data we collect:

Personal data and some special category is collected.

It is essential to our primary function (providing classes to participants) that we are provided, and allowed to process and store the following:

Participant Personal Data:

- Full Name - GDPR Article 6(1)(f)
- Date of Birth - GDPR Article 6(1)(f)
- Home Address - GDPR Article 6(1)(f)
- Sex - GDPR Article 6(1)(f)
- Permission to go home alone - GDPR Article 6(1)(f)
- School/Educational Institution - GDPR Article 6(1)(f)
- Exam results (vocational exams taken through **GWDA** only) - GDPR Article 6(1)(f)
- Classes attended/Price paid - GDPR Article 6(1)(f)

Participant Special Category Data:

- Medical Information/History – GDPR Article 9 (a)
- Disability Information - GDPR Article 9 (a)
- Gender/Sex – GDPR Article 9 (a & j) – further explicate consent sought

Parent/Guardian Personal Data:

- Name - GDPR Article 6(1)(f)
- Address - GDPR Article 6(1)(f)
- Email Address - GDPR Article 6(1)(f)
- Mobile Telephone Number - GDPR Article 6(1)(f)
- Work/Home Number - GDPR Article 6(1)(f)
- Emergency Contact Number - GDPR Article 6(1)(f)

Parent/Guardian Special Category Data:

- Bank Details – further explicate consent sought in the instance of refunds etc.

How data collected is sent internally:

[**GWDA** transports data with all due diligence.

Enrolment forms are sent to **GWDA** through an encrypted email server directly from our website which has controlled access. Received enrolment forms are stored on an encrypted email server for no more than 6 months. Received paper enrolment forms are destroyed after no more than 4 weeks.

Storage/Retention of data:

Data received through enrolment forms is uploaded manually into our database software. Our database is stored both in encrypted files on office-based hardware and backed up regularly in our encrypted cloud-based server. Access to these files is restricted through password protection and only available to authorised staff members.

Registers and emergency contact lists created from student data are stored in encrypted files on office-based hardware and backed up regularly in our encrypted cloud-based server. Access to these files is restricted through password protection and only available to authorised staff members.

Hard copies of registers and emergency contacts are carried by authorised staff members. They are locked away while not in use. When they are no longer in use or out-dated, they are destroyed thoroughly.

Waiting lists are stored on an encrypted cloud-based server.

Our standard retention policy (without the data subject's right to access, rectification and erasure etc.) is **THREE YEARS** post final attendance.

Exceptions to our retention policy:

- Financial records are kept for 6 years due to legal obligation
- First Aid records are kept for 21 years due to legal obligation
- Photo consent may be kept indefinitely
- Child Safeguarding records are kept indefinitely on a case-by-case basis, the minimum these will be stored for is 6 years due to legal obligation
- Bank details are deleted after the action concerning them is complete
- Unsolicited enquiries that do not turn into bookings with current classes are deleted after they have been dealt with

Third Parties/Data Processors:

GWDA does not actively share data with third parties, however there are certain instances where sharing information is crucial to our business processes.

Freelance Teachers:

As many of **GWDA** teachers are freelance staff, we have confidentiality and data processor agreements in place. Teachers will never be provided with personal details aside from participant's names, emergency contact numbers and any medical information that is pertinent to the running of a class (subject to consent from the data subject)

PayPal:

GWDA uses PayPal to process orders through our website.

By purchasing through PayPal you must agree to their own (GDPR Compliant) policies.

GWDA is satisfied that their GDPR regulations are thorough, and the information stored in PayPal is secure.

Child Performance Licensing:

In order to process child performance licences, **GWDA** are legally required to provide some personal data to local councils (including but not limited to: full name, date of birth and school details). This is an optional consent, which will be sought at the time of sending participation consent forms.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. For more information:

<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/access-to-information/Pages/Data-Protection-Act.aspx>

Child Safeguarding Concerns:

In the unlikely event **GWDA** has a safeguarding concern in relation to one of our participants, **GWDA** are legally required to provide data to the safeguarding board at the local council.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

Event Programmes:

GWDA may occasionally produce programmes for events. These will only ever contain the first name and first initial of a child's last name (unless otherwise consented to). The name of a child's class may also be included. Participants/their Parent and/or Guardians may choose if they want to be included in the programme when they agree to participate at an event.

Examination Entry:

In order to enter examinations, **GWDA** must provide some personal data to examination boards (currently

GWDA work with: RAD and ISTD. This sharing of data is to be consented to by the data subject and/or parent/guardian upon being entered for the exam.

Schools:

GWDA must sometimes share personal data with schools (names, DOB and payment information) when taking part in an internal class in order for them to check persons attending. This also helps the school work out **GWDA**'s payment in terms of renting space.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

Independent Examiner:

It is **GWDA**'s legal obligation to have an independent examination with regards to its financial processes at the end of every financial year. This includes access to our income relating to classes and services. Any data shared will be purged of as much identifying data as possible.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. [**GWDA** has a copy of the privacy agreement on file.

Test & Trace:

In light of the COVID-19 pandemic it is in **GWDA**'s interest to be able to share some limited personal data with NHS Test & Trace. This includes: name, email address, postal address and telephone number.

The privacy policy for NHS is available to view here: <https://contact-tracing.phe.gov.uk/help/privacy-notice>.

[**GWDA** is satisfied any data will be stored in a secure environment, and not unnecessarily retained.

Rights of the data subject and GWDA compliance with responses:

Any data subject with personal data stored within **GWDA** is entitled to the rights of:

- **Access**

You may contact **GWDA** at any time to access all data held relating to you and/or your child(ren). **GWDA** will ensure that we respond to a subject access request without undue delay and within one month of receipt. If the information request will also include data regarding others, **GWDA** has the right to refuse the request or take steps in order to obtain consent from other involved parties. The right of access does not apply to **GWDA**'s legal obligations such as Child Safeguarding records.

- **Rectification**

You may contact **GWDA** at any time in order to rectify data held relating to you and/or your child(ren). **GWDA** will ensure that we respond to a rectification request without undue delay and within one month of receipt. The right to rectification does not apply to **GWDA** legal obligations such as payment record information.

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- **Erasure**

You may contact **GWDA** at any time in order to erase data held relating to you and/or your child(ren). **GWDA** will ensure that we respond to an erasure request without undue delay and within one month of receipt. The right to erasure does not apply to **GWDA**'s legal obligations such as First Aid records.

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- **Restrict Processing**

You may contact **GWDA** at any time in order to restrict the data we process relating to you and/or your child(ren). **GWDA** will ensure that we respond to a request to restrict processing without

undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your membership with **GWDA** until the restriction is lifted. This is due to Health and Safety and Child Safeguarding.

- **Data Portability**

You may contact **GWDA** at any time in order to obtain the data we process relating to you and/or your child(ren) and reuse it across different services. **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

Please note, this does not apply to **GWDA's** legal obligations.

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- **Objection**

You may contact **GWDA** at any time in order to object to the processing of data relating to you and/or your child(ren). **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your membership with **GWDA** until the restriction is lifted. This is due to Health and Safety and Child Safeguarding.

- **Rights related to automated decision making including profiling**

You may contact **GWDA** at any time in order to object to profiling relating to you and/or your child(ren). **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your membership with **GWDA** until the profiling restriction is lifted. This is due to Health and Safety and Child Safeguarding.

GWDA has a lawful reason for profiling; Legitimate Interests and consent.

None of **GWDA's** decision making is automated. Profiling is only used in circumstances where a participant may have certain health/disability needs which may prevent them from taking part in classes (as it would be unsafe to do so).

Any and all verbal requests are noted, and then contacted again either via phone or email to verify the request. Verbal requests will be responded to in the time frames mentioned above.

Photos/Videos of Participants

GWDA often use footage/photos used from shows, performances and classes for marketing purposes both in print media and the website. Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

Some attendees at events may film/take photos for their own personal use (e.g. parents of other participants). Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

Social Media:

GWDA regularly share photos/videos of students in workshops, events and performances through social

media platforms including; Instagram, Facebook, our website and Email. These will never be shared with any identifying information (age, location etc.). There may be times where we will share first names, but only with the explicit consent of the parents.

Staff (Employees/Freelance), Trustees, Volunteers and Potential Staff/Trustees and/or Volunteers

For the purposes of this policy, the aforementioned persons above will be referred to as 'staff'.

How GWDA collect personal data:

GWDA staff supply their personal data when applying for roles within the company.

This is either completed through an application form or submission of a CV.

Further information is collected when applicants are considered successful. Unsolicited data may come to **GWDA** in the form of applicants emailing regarding work/volunteer opportunities.

Why GWDA collect personal data:

It is **GWDA's** legal obligation to collect staff's personal data in relation to their employment. This is due to Legal Obligation GDPR Article 6(1)(c) and/or Contract - Article 6(1)(b)

Should **GWDA** be unable to process staff's data, we would be contravening UK Employment law, our own employment contracts (both PAYE and Freelance) and our own Health & Safety and Child Safeguarding policies.

Special category data is only collected with the consent of the data subject. Special category data **GWDA** collects includes but is not limited to: Medical/Disability information, Ethnicity, Gender and Sexuality.

GWDA's lawful purpose for collecting this data is both Article 6(1)(b) – contract and

Article 9(2)(b) – employment. This also ensures we are confirming to our Equal Opportunities policy. Any data is always recorded as quantified data (i.e. cumulative numerical data only with no identifying information relating to any data subject).

GWDA is also entitled to obtain and process data in relation to criminal convictions and DBS checks. Most posts within **GWDA** are exempt from the Rehabilitation of offenders act (1974) by the 1975 and 2001 Exceptions Amendment, as they involve working with vulnerable and/or young people. This is further supported by article 10 of GDPR.

What data we collect:

Personal data and some special category is collected.

It is essential to our business that we are provided, and allowed to process and store the following:

Staff Personal Data:

- Full Name Legal obligation – GDPR Article 6(1)(c) Legal Obligation
- Date of Birth - GDPR Article 6(1)(c) Legal Obligation
- Contact Details - GDPR Article 6(1)(c) Legal Obligation
- Pension Information - GDPR Article 6(1)(c) Legal Obligation
- NI number - GDPR Article 6(1)(c) Legal Obligation
- UTR number - GDPR Article 6(1)(c) Legal Obligation
- Right to work in the UK - GDPR Article 6(1)(c) Legal Obligation
- References - GDPR Article 6(1)(c) Legal Obligation
- Bank Details - Article 6(1)(b) Contract

- Tax details - GDPR Article 6(1)(c) Legal Obligation
- Qualifications - Article 6(1)(b) Contract
- Pay Details - GDPR Article 6(1)(c) Legal Obligation
- Performance Details - Article 6(1)(b) Contract
- Annual Leave Details - Article 6(1)(b) Contract
- Sick/Compassionate/Maternity/Paternity Leave Details - Article 6(1)(b) Contract
- Safeguarding Concerns - GDPR Article 6(1)(c) Legal Obligation
- Emergency Contact - GDPR Article 6(1)(b) Contract
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Staff Special Category Data:

- Criminal Record/DBS Checks - GDPR Article 6(1)(c) Legal Obligation & GDPR Article 10
- Medical/Disability - Article 6(2)(b) Contract & Article 9(2)(b)
- Ethnicity – Further explicit consent sought- Article 9(2)(a & b)
- Sexuality – Further explicit consent sought - Article 9(2)(a & b)

How data is sent internally:

Any transfer of data regarding staff is conducted through encrypted emails and/or stored in our encrypted cloud-based server.

Any unsolicited information is received to an encrypted email server.

Storage/Retention of data:

All Staff personal data is stored on encrypted files in our cloud-based server. It is also stored on encrypted hardware within the office. Any hard copies are stored in a locked cabinet. All of these files have restricted access to authorised staff only.

Most staff data is retained for 6 YEARS (post-employment).

Exceptions to our retention policy:

- Pension details are stored for 75 years (post-employment) due to legal obligation
- Child Safeguarding records are kept indefinitely on a case-by-case basis, the minimum these will stored for is 6 years due to legal obligation
- First Aid records are kept for a minimum of 21 years due to legal obligation

Unsuccessful applicant data is stored 6-months post campaign, this includes unsolicited data from potential applicants.

Third Parties/Data Processors:

[SCHOOL NAME] does not actively share data with third parties, however there are certain instances where sharing information is crucial to our business processes.

Co-Operative Bank:

In order to process payments by BACs, staff's bank details and names must be added to our online banking system. **GWDA** is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

HMRC:

In order to fulfil our legal obligations to HMRC, **GWDA** must supply PAYE staff's personal data each month and at the end of every financial year. **GWDA** is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

XERO:

XERO is **GWDA's** finance software. In order to process PAYE staff members monthly pay, **GWDA** processes some of their personal data monthly and stores it there. **GWDA** is satisfied that their GDPR processes are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

References:

In order to supply references for staff members, some personal data must be divulged. This will only be done with the data subject's consent, as **GWDA** may not be fully aware of the recipients GDPR policies.

Child Performance Licensing:

In order to process child performance licences, **GWDA** are legally required to provide some staff's personal data to local councils (including but not limited to: full name and DBS details).

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. For more information:

<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/access-to-information/Pages/Data-Protection-Act.aspx>

Child Safeguarding Concerns:

In the unlikely event **GWDA** has a safeguarding concern in relation to one of participants and/or staff members, **GWDA** are legally required to provide data to the safeguarding board at the local council and the Disclosure and Barring service.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

Website Biography:

GWDA 's website includes staff biographies, these are available for public viewing. Consent is sought before any/all staff profiles are added to the website.

Independent Examiner:

It is **GWDA's** Legal Obligation to have an independent examination with regards to its financial processes at the end of every financial year. This includes access to our Payroll records.

GWDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. [**GWDA** has a copy of the privacy agreement on file.

Test & Trace:

In light of the COVID-19 pandemic it is in **GWDA's** interest to be able to share some limited personal data with NHS Test & Trace. This includes: name, email address, postal address and telephone number.

The privacy policy for NHS is available to view here: <https://contact-tracing.phe.gov.uk/help/privacy-notice>.

GWDA is satisfied any data will be stored in a secure environment, and not unnecessarily retained.

Rights of the data subject and GWDA compliance with responses:

Any data subject with personal data stored within [**GWDA** is entitled to the rights of:

You may contact **GWDA** at any time to access all data held relating to you. **GWDA** will ensure that we respond to a subject access request without undue delay and within one month of receipt. If the information request will also include data regarding others, **GWDA** has the right to refuse the request or take steps in order to obtain consent from other involved parties.

The right of access does not apply to **GWDA**'s legal obligations such as confidential Child Safeguarding records.

- **Rectification**

You may contact **GWDA** at any time in order to rectify data held relating to you. **GWDA** will ensure that we respond to a rectification request without undue delay and within one month of receipt. The right to rectification does not apply to **GWDA**'s legal obligations such as payment record information.

- **Erasure**

You may contact **GWDA** at any time in order to erase data held relating to you. **GWDA** will ensure that we respond to an erasure request without undue delay and within one month of receipt. The right to erasure does not apply to **GWDA**'s legal obligations such as First Aid records.

- **Restrict Processing**

You may contact **GWDA** at any time in order to restrict the data we process relating to you. **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest and legal obligations in most of the data collected- we may not be able to restrict processing.

- **Data Portability**

You may contact **GWDA** at any time in order to obtain the data we process relating to you and reuse it across different services. **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt. Please note, this does not apply to **GWDA**'s legal obligations.

- **Objection**

You may contact **GWDA** at any time in order to object to the processing of data relating to you. **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest and legal obligations in most of the data collected- we may not be able to accept your objection.

- **Rights related to automated decision making including profiling**

You may contact **GWDA** at any time in order to object to profiling relating to you). **GWDA** will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

Please note, this does not apply to **GWDA**'s legal obligations.

GWDA has a lawful reason for profiling; Legitimate Interests and consent.

None of **GWDA**'s decision making is automated. Profiling is only used in circumstances where a staff member has a criminal conviction.

Any and all verbal requests are noted, and then contacted again either via phone or email to verify the request. Verbal requests will be responded to in the time frames mentioned above.

Training and Data Protection in Practise

All members of staff (PAYE, Freelance and Voluntary) must agree to this Data Protection policy prior to accepting a contract of employment.

Training is supplied as part of management and supervision. It is also included in all induction and training periods.

GWDA is registered as a Data Controller with the Independent Commissioners Office (ICO). The registered Data Protection Officer (DPO) is Academy Principal, Georgina Bartle (previously Weston).

Complaints and Data Breaches

Complaints:

Complaints in regard to the handling of any personal data can be made directly to **GWDA's principal Georgina**

Email: georgina@gwdanceacademy.co.uk

Telephone: 07718002822

Data Breaches:

If **GWDA** experiences a data breach of any kind, we have a legal obligation to report this to ICO within 72 hours. The data breach will be reported by the DPO. In the instance they are unavailable to report the breach, the next most senior staff member shall do so.

GWDA will also inform all the victims of the data breach as soon as possible if there is a high risk of adversely affecting individuals' rights and freedoms.

GWDA will store and record all data breaches.