

# HELENSBURGH ORCHESTRAL SOCIETY

## DATA PROTECTION POLICY

### PART I: DATA PROTECTION

#### Introduction

In order to operate, Helensburgh Orchestral Society (HOS) needs to gather, store and use certain forms of information about individuals. These can include members, contractors (e.g. Conductor), suppliers (e.g. printers), business contacts (e.g. sponsors), volunteers, supporters and other people with whom the group has a relationship or regularly needs to contact.

This Part of the Policy explains how this data should be collected, stored and used in order to meet HOS data protection standards and comply with the General Data Protection Regulation (GDPR).

**Purpose:** This policy ensures that HOS

- Protects the rights of our members, volunteers and supporters
- Complies with data protection law and follows good practice
- Protect the group from the risks of a data breach

**Application:** This applies to *all* those handling data on behalf of HOS e.g.:

- Committee members
- Employees and volunteers
- Members
- Contractors/3<sup>rd</sup> party suppliers

**Scope:** It applies to all data that HOS holds relating to individuals, including:

- Names
- Email addresses
- Postal addresses
- Phone numbers
- Any other personal information held (e.g. bank account)

#### Data Protection Principles

##### a) We fairly and lawfully process personal data in a transparent way

- HOS will only collect data where lawful and where it is necessary for the legitimate purposes of the orchestra.
- A member's personal details (name, address, e-mail, phone number) will be collected when they first join the orchestra, and will be used to contact the member regarding orchestra membership administration and activities. Other data may also subsequently be collected in relation to their membership, e.g. payment of subscriptions.
- Further information, including personal financial information and criminal records information may also be collected in specific circumstances where lawful and necessary (in order to process payment to a person or in order to carry out a DBS check).
- The name and contact details of volunteers will be collected when they take up a position, and will be used to contact them regarding group administration related to their role.
- An individual's name, contact details and other details may be collected at any time in order for HOS to communicate with them about and promote group activities.

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### **b) We only collect and use personal data for specific, explicit and legitimate purposes and will only use the data for those specified purposes.**

HOS collects data from individuals to manage memberships, to plan, organise and run the operations of the group (e.g. co-ordinating rehearsals or collecting subscription payments) and to promote and market the group's activities (e.g. photos and videos), specifically:

- 1) To contact you with information about the orchestra – rehearsals, programmes, venues, concerts, etc.
- 2) To contact someone in the event of an emergency or a short notice change of rehearsal.
- 3) For claiming Gift Aid. Gift Aid details will be held by the Treasurer.
- 4) To keep records of subscriptions and other payments.
- 5) To promote the orchestra using names and photos on the orchestra's own website and social media pages, printed material (e.g. programmes) or other formats that may be considered appropriate. Names and photos of former members are kept for historical purposes via the photo albums on the orchestra's website and social media pages and a record of past programmes.
- 6) To have contact details for venues where the orchestra rehearses or performs and for people who provide assistance in arranging concerts.

### **c) We ensure any data collected is relevant and not excessive**

HOS will not collect or store more data than the minimum information required for its intended purpose.

### **d) We ensure data is accurate and up-to-date**

HOS will remind members annually to inform of any changes to their data. Any individual can update their data at any point by contacting the Secretary at [helensburghorchestralsecretary@gmail.com](mailto:helensburghorchestralsecretary@gmail.com).

### **e) We ensure data is not kept longer than necessary**

HOS will keep records for no longer than is necessary in order to meet the intended use for which it was gathered (unless there is a legal requirement to keep records). When the storage and intended use of data is no longer applicable (e.g. contact details for a member who has left the group), the data will be deleted within a reasonable period.

### **f) We keep personal data secure**

HOS will ensure that data held is kept secure.

- Electronically-held data will be held within a password-protected and secure environment;
- Passwords for electronic data files will be re-set when an individual with key data access leaves their role/position;
- Access to data will only be given to relevant trustees/committee members where it is clearly necessary for the running of the group. The Data Protection Leads will decide in what situations this is applicable.

### **g) Transfer to countries outside the EEA**

HOS will not transfer data to countries outside the European Economic Area (EEA), unless the country has adequate protection for the individual's data privacy rights.

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## How we gain consent

### Consent: Membership

Upon joining HOS, members are consenting to adherence to HOS Policies, including the collection, retention and usage of your data for the purposes described above.

### Consent: Non-Members

HOS will seek consent to collect and retain data from consenting ex-members, occasional players, volunteers and other supporters. On each occasion, a clear and specific explanation of what the data will be used for will be provided, including contacting them to invite assistance for events and activities, promote performances, provide updates and group news, fundraising and other group activities.

### Consent: Children and Minors

- Where we knowingly collect or store data of children under 13, we will ensure the person with parental responsibility for the child has seen the relevant information relating to the child data and has given consent on behalf of the child.
- Once a child is over 13 years old, parental consent to use their data will no longer be sufficient. We will only continue to hold/use the data if the child themselves also gives their consent.

## Individual Rights

When HOS collects, holds and uses an individual's personal data, that individual has the following rights over that data. HOS will ensure its data processes comply with those rights and will make all reasonable efforts to fulfil requests from an individual in relation to those rights.

- **Right to be informed:** whenever HOS collects data, it will provide a clear and specific policy statement explaining why it is being collected and how it will be used.
- **Right of access:** individuals can request to see the data HOS holds on them and confirmation of how it is being used. Requests should be made in writing to the Data Protection Leads and will be complied with free of charge and within one month. Where requests are complex or numerous this may be extended.
- **Right to rectification:** individuals can request that their data be updated where it is inaccurate or incomplete. HOS will request that members, staff and contractors check and update their data on an annual basis. Any requests for data to be updated will be processed within one month.
- **Right to object:** individuals can object to their data being used for a particular purpose. Where we receive a request to stop using data we will comply unless we have a lawful reason to use the data for legitimate interests or contractual obligation.
- **Right to erasure:** individuals can request for all data held on them to be deleted. The HOS data retention policy will ensure data is not held for longer than is reasonably necessary in relation to the purpose it was originally collected. If a request for deletion is made we will comply with the request unless:
  - There is a lawful reason to keep and use the data for legitimate interests or contractual obligation.
  - There is a legal requirement to keep the data.
- **Right to restrict processing:** individuals can request that their personal data be 'restricted' – that is, retained and stored but not processed further.

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Though unlikely to apply to the data processed by HOS, we will also ensure that rights related to portability and automated decision making (including profiling) are complied with where appropriate.

**Storage:** All personal details stored electronically are password protected/encrypted.

**Sharing:** We may occasionally share member data in order to facilitate HOS activities and where required by law. If we cannot rely on a contractual basis or legitimate interests, we will invite your consent before doing so.

### Member-to-Member Contact

As a membership organisation, HOS encourages communication between members. To facilitate this, members' contact data may be shared with other members. These details will be given, as long as they are for the purposes of contacting the subject for HOS related business only.

### Roles and responsibilities

HOS is the Data Controller and will determine what data is collected and how it is used. The Data Protection Leads for HOS are the President and Secretary. They, together with the committee, are responsible for the secure, fair and transparent collection and use of data by HOS. Any questions relating to the collection or use of data should be directed to the Data Protection Leads. *Everyone* who has access to data as part of HOS has a responsibility to ensure that they adhere to this policy.

Should HOS require to use third party Data Processors process data on its behalf, HOS will ensure all Data Processors are compliant with GDPR.

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## **PART II: DATA RETENTION**

### Introduction

This policy sets out how HOS will approach data retention and establishes processes to ensure data is not held for longer than is necessary. It forms part of the Data Protection Policy.

### Roles and responsibilities

HOS is the Data Controller and will determine what data is collected, retained and how it is used. The Data Protection Leads for HOS are the President and Secretary. They, together with the committee are responsible for the secure and fair retention and use of data by HOS. Any questions relating to data retention or use of data should be directed to the Data Protection Leads.

### Regular Data Review

A regular review of all data will take place to establish if HOS still has good reason to keep and use the data held at the time of the review.

As a general rule a data review will be held every 3 years and no more than 39 calendar months after the last review.

### Data to be reviewed

- HOS data on digital documents (e.g. spreadsheets) stored on personal devices held by committee members.
- Any physical data stored.

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## Who the review will be conducted by

The review will be conducted by the Data Protection Leads with other committee members to be decided on at the time of the review.

## How data will be deleted

- Physical data will be destroyed safely and securely, including shredding.
- All reasonable and practical efforts will be made to remove data stored digitally.
  - o Priority will be given to any instances where data is stored in active lists (e.g. where it could be used) and to sensitive data.
  - o Where deleting the data would mean deleting other data for which there is a valid lawful reason to keep (e.g. on old emails) then the data may be retained safely and securely but not used.

## Criteria

The following criteria will be used to make a decision about what data to keep and what to delete.

Question	Action	
	Yes	No
Is the data stored securely?	No action necessary	Update storage protocol in line with Data Protection policy
Does the original reason for having the data still apply?	Continue to use	Delete or remove data
Is the data being used for its original intention?	Continue to use	Either delete/remove or record lawful basis for use and get consent if necessary
Is there a statutory requirement to keep the data?	Keep the data at least until the statutory minimum no longer applies	Delete or remove the data unless we have reason to keep the data under other criteria.
Is the data accurate?	Continue to use	Ask the subject to confirm/update details
Where appropriate do we have consent to use the data. This consent could be implied by previous use and engagement by the individual	Continue to use	Get consent
Can the data be anonymised	Anonymise data	Continue to use

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## Statutory Requirements

Data stored by HOS may be retained based on statutory requirements for storing data other than data protection regulations. This might include but is not limited to:

- Gift Aid declarations records
- Details of payments made and received (e.g. in bank statements and accounting records)
- Trustee meeting minutes
- Contracts and agreements with suppliers/customers
- Insurance details
- Tax and employment records

## Other Data Retention procedures

### Member data on leaving

- When a member leaves HOS and all administrative tasks relating to their membership have been completed, all potentially sensitive and other personal data held on them will be deleted within a maximum of 36 months, unless consent has specifically been given to retain for e.g. email mailing lists.

### Mailing list data

- If an individual opts out of a mailing list their data will be removed as soon as is practically possible.
- All other data will be stored safely and securely and reviewed as part of the next three- year review.

### Volunteer and freelancer data

- When a volunteer or freelancer stops working with HOS and all administrative tasks relating to their association with HOS have been completed, any potentially sensitive data held on them will be deleted – e.g. bank details.
- Unless consent has been given data will be removed from all email mailing lists.
- All other data will be stored safely and securely and reviewed as part of the next three-year review.

### Other data

- All other data will be included in a regular three-year review.

Endorsed and adopted by the Committee on 02/12/2024

Due for Review: Three yearly, in December 2027