

## BCS DATA PROTECTION POLICY

This policy replaces Bristol Choral Society's policy statement of December 2013, "*The Data Protection Act 1998 and its relevance to Bristol Choral Society*" and incorporates changes required by the General Data Protection Regulation Act (GDPR), taking effect from 25.05.18.

### **A) Definition of terms**

Terms used in this policy are defined as follows:

**Personal data** – Information about or relating to, a living, identifiable, individual.

**Data subject** – The person that the information gathered and processed relates to.

**Data controller** – The organization responsible for gathering and using the information. Unless otherwise specified, this will be taken to be Bristol Choral Society, referred to in this policy as "the Society", as represented by the Society's Committee.

**Data processor** – Any individual or organization responsible for carrying out specific tasks on behalf of the data controller in accordance with clearly laid down and understood rules that ensure compliance with the law.

### **B) Principles and individual rights**

In accordance with the principles set out in current data protection legislation, personal data held by the Society shall be:

1. Processed fairly and lawfully with reference to
  - The data subject giving their explicit consent to such processing,
  - Legal obligations being met,
  - The Society carrying out legitimate activities in accordance with its' charitable status and in particular seeking to ensure that such activities provide equality of opportunity and are non-discriminatory,
  - The vital interests of the data subject being protected.
2. Obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Adequate, relevant and not excessive in relation to the purpose or purposes for which it is being processed.
4. Accurate and, where necessary, kept up to date.
5. Kept no longer than is necessary for the purpose or purposes that it relates to.
6. Processed in accordance with the rights of the data subjects concerned.
7. Protected from unauthorized or unlawful processing, accidental loss, destruction, or damage by way of appropriate technical and organizational safeguards.

8. Only transferred to a country or territory outside of the European Economic Area in the event that the country or area can ensure an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In addition, it is noted that data held by the Society on any individual belongs to that individual and not to the Society. The Society consequently recognizes the right of every individual it holds information on to:

- ❖ Have access to their personal data.
- ❖ Have inaccuracies corrected.
- ❖ Have information erased
- ❖ Prevent direct marketing
- ❖ Prevent automated decision making and profiling and
- ❖ Data portability.

*For more information on UK data protection legislation see <https://www.legislation.gov.uk>*

### **C) Personal data held by the Society**

Personal information is held by the Society in respect of the following groups of people:

1. Choir members and prospective choir members, including choral apprentices and honorary members
2. Contracted individuals, including the positions of Musical Director and Accompanist, members of the Society's choral scholarship scheme and hired singers and musicians.
3. Applicants for contracted posts within the Society who have been unsuccessful, or have not taken up an offer of employment with the Society.
4. Supporters of the choir, including patrons, benefactors and friends.
5. The choir's Presidents and Vice-Presidents.
6. Members of the public who have agreed to be on the choir's mailing list.

These groups are not mutually exclusive, some choir members also being supporters of the choir for example. However, such categories are considered separately, with reference to the type of information needing to be held and its consequent use.

### **D) The purposes for which the Society holds and processes personal data**

In seeking to ensure that personal data is gathered and used in a fair, transparent and legally justifiable way, the Society wants to:

- ❖ Maintain an accurate and up to date list of choir members and prospective choir members, choral scholars and apprentices that records their contact details and any special needs requiring action to enable their full participation in the choir's activities.

- ❖ Maintain a comprehensive record of subscription and other payments made by choir members, the circumstances in which such payments might have been reduced or waived and instances of their having been defaulted upon.
- ❖ Hold an accurate record of choir members' audition results and any accompanying information noted by the Musical Director for their own future use.
- ❖ Record suggestions made by individual choir members, via their voice representatives, for consideration by the Committee, so that action can be taken accordingly.
- ❖ Hold a complete record of any:
  - i) Disciplinary action taken by the Society with regard to a choir member or employee,
  - ii) Capability process conducted by the Society with regard to an employee and
  - iii) Individual complaint brought to the attention of the Society
- ❖ Hold contractual information relating to the Society's employees for reference when re-negotiating such contracts or otherwise managing any dispute that might arise.
- ❖ Hold contact details and other relevant information concerning people who have applied for paid positions within the Society and have either been unsuccessful or not taken up an offer of employment. This is to enable them to be contacted, if appropriate and within an agreed time scale, should a similar job vacancy occur.
- ❖ Ensure that contact details for the Society's Presidents and Vice-Presidents are accurately recorded in order to inform them of the choir's activities and invite them to specific events.
- ❖ Maintain a list of people who have donated to the choir that includes their contact details and information concerning any particular aspect of the choir's activities they wish their donation to be used for. This is so that we can:
  - i) Receive ongoing donations from them for as long as they are willing to provide such financial support and obtain gift aid for these donations with their consent.
  - ii) Inform them of the ways in which their donations are being used and
  - iii) Provide them with certain benefits they are entitled to as choir supporters.
- ❖ Maintain a mailing list of people who have attended choir events or had some other form of contact with the choir and have expressed an interest in receiving information concerning future such events. Similarly keep a list of concert reviewers.
- ❖ Maintain an additional list of people who have explicitly told us they do not wish to receive further communication from us.
- ❖ Keep information obtained from any surveys carried out that might involve named individuals expressing their views regarding ways in which the running of the choir and attendance of choir events might be improved upon.

#### **E) Procedures to be followed**

**Choir Members and prospective Choir Members** (not including Choir Apprentices and Choral Scholars)

### Contact information

1. Contact information (postal address, e-mail address and phone numbers) for each choir member and prospective choir member will be gathered, held and updated as appropriate by the Data Processor (currently the Choir Manager).
2. Unless otherwise specified by the Data Controller, such information can only be accessed by the following people in addition to the Data Processor:
  - Committee Chair
  - Committee Chair Elect (if actively in role)
  - Secretary to the Committee
  - Concert seating and auditions manager
  - Treasurer
3. E-mail communication between committee members or other appointed individuals and choir members, will be conducted through dedicated choir e-mail accounts made available on the Society's website, with committee members' or other appointed individuals' own personal e-mail accounts no longer used for this purpose. Any such e-mail exchanges held on these personal accounts will consequently be erased upon the introduction of this policy, following transfer of any e-mails needing to be saved to the relevant dedicated choir account.
4. The Website Manager and the Marketing Manager will have access to choir members' e-mail addresses for inclusion on the choir's internal mailing system and the marketing campaign software, this being for the purpose of sending important updates and information regarding opportunities for choir members to attend or participate in relevant musical events.
5. Committee members and other choir members involved in the running of the choir will have access to one another's contact details, although the dedicated role-based choir accounts should be used in the main for e-mail purposes.
6. Any choir member seeking contact information in respect of another individual outside of the above arrangements would need to have regard to the principles and rights set out in Section C above and request access to such information from the Data Controller via the Choir Secretary.
7. Upon joining the choir, each member will receive an information pack from the Choir Manager along with information and advice from their Voice Representative that will refer to their rights with regard to Data Protection legislation and their specific right to withhold all or part of their contact details for general circulation. A copy of this policy will also be available on the Society's website for their immediate reference.

### Audition results

8. With access to the contact details of all prospective and established choir members for the purpose of arranging auditions and relaying the results, the Concert Seating and Auditions Manager will keep a record of each individual result in an electronic file that only they and the Musical Director are able to have direct access to.
9. Choir members will have been given information about their audition shortly after taking it. They can ask for such information to be re-sent to them by the Concert

Seating and Auditions Manger at a later date, but will not be allowed access to any information kept in respect of other choir members.

10. Information stored in respect of an individual choir member's audition will be removed from the auditions file once their membership of the choir ends or, in the case of life members, once they cease to actively sing in choir concerts.

*For information concerning all other aspects of the audition process see the Society's auditions policy.*

#### Subscriptions and other payments made to the choir

11. Personal data obtained in respect of subscriptions and other payments to the choir will be kept securely by the Treasurer in an electronic file that will include a record of any agreed reduction or waiving of payments, or default of the same.
12. Information concerning an individual having defaulted on a payment or payments owing to the Society will be passed by the Treasurer to the Choir Manager who will assist in trying to recoup the loss. Beyond this, such information can be shared with the Committee, for consideration of further action.

#### Other personal information recorded in respect of choir members

13. Other recorded information concerning communication that a choir member might have with committee members (usually via their Voice Representative) for discussion at committee meetings, or formal complaint and disciplinary processes, for example, will be stored securely in an electronic file by the Committee Secretary.
14. In bringing information to the attention of the committee, a choir member can chose not to be named in the minutes of subsequent committee meeting(s) when their concerns are discussed, unless such a process of anonymization would infringe the rights of others, or run counter to the Society's constitution and rules.
15. The Committee can also decide not to name an individual or directly minute any discussion concerning them that place takes during a committee meeting, in order to protect the privacy of that individual and prevent inappropriate disclosure of any sensitive information concerning them to the wider public.

#### **Choir Apprentices**

16. Contact information for each Choir Apprentice will be gathered and held securely in an electronic file by the Data Processor (currently the Apprentice Manager). To this will be added the contact details of a responsible adult for those apprentices who are of an age where consent needs to be given in order for them to take part in certain choir activities. Details of the apprentice's Mentor will also be included, along with confirmation that a disclosure barring service (DBS) check has been successfully completed in respect of them.
17. Unless otherwise specified by the Data Controller, the following people will have access to the information that is kept in respect of Choir Apprentices in addition to the Data Processor:
  - Committee Chair
  - Committee Chair Elect (if in post)

- Concert Seating and Auditions Manager
  - Secretary
18. A Mentor will only be able to access information concerning the apprentice or apprentices who they have direct responsibility for, unless they occupy a committee role that allows them such access.
19. The Website Manager and the Marketing Manager will have access to apprentices' e-mail addresses for inclusion on choir's internal mailing system, as for other choir members above.
20. Upon joining the choir, each apprentice will receive an information pack from the Apprentice Manager along with information and advice from their Mentor and/or Voice Representative that will refer to their rights with regard to Data Protection legislation and their specific right to withhold all or part of their contact details for general circulation. A copy of this policy will also be available on the Society's website for their immediate reference.

#### **Individuals under contract and unsuccessful applicants for paid posts within the Society**

21. All personal information provided by an individual upon applying for a paid position with the Society will be kept in an electronic file by the Data Processor (currently the Committee Secretary). Information subsequently added to the file in the case of those individuals taking up paid positions with the Society will be relevant to the contract agreed with the person concerned, with no other information gathered without that person's consent.
22. At present the Data Processors acting on behalf of the Society are as follows:
- Committee Secretary - for the Musical Director, Accompanist and Choral Scholars.
  - Concert Manager – for hired singers and musicians.
23. In the case of those individuals who do not take up a paid position and those whose contracts have ended for any reason, their personal information shall be removed from the file, apart from any information that the data subject agrees should be retained for the purposes of future contact. An annual audit of such information will be carried out by the Data Processor to confirm whether such information should still be kept or removed from the file.
24. Unless otherwise specified by the Data Controller, the following people will have access to the information that is kept in respect of individuals under contract to the Society in addition to the Data Processor:
- Committee Chair
  - Committee Chair Elect (if in post)
  - Treasurer
25. Upon applying for any paid position with the Society, each applicant will receive information regarding their rights in accordance with Data Protection legislation and their specific right to withhold all or part of their contact details for general circulation. The relevant part of this policy will be included in the information provided to them prior to application being made.

## **Presidents, Vice Presidents and Choir Supporters**

26. Contact information (postal address, e-mail address and phone numbers) for the Society's Presidents, Vice Presidents and Supporters will be gathered and held in an electronic file by the Data Processor (currently the Friends and Supporters Manager).
27. Unless otherwise specified by the Data Controller, the following people will have access to the information that is kept in respect of Presidents, Vice Presidents and Supporters in addition to the Data Processor:
  - Committee Chair
  - Committee Chair Elect (if in post)
  - Committee Secretary
  - Treasurer (for the purpose of receiving donations from Choir Supporters only)
28. Upon being invited to become a President or Vice President of the choir, or welcomed as a Supporter, permission to hold each person's contact data will be sought, with their right to withhold such information for general circulation made clear. Information will be provided to them regarding the use to which their personal data is put, the safeguards in place to protect it and all other aspects of this policy relevant to them.
29. Upon ceasing to hold office as a President or Vice President, or ceasing to be a Supporter of the choir, personal data relating to the individual concerned will be removed from the file, unless it is agreed that it should be retained for some other purpose.

## **Members of the public who have agreed to be on the choir's mailing list**

30. Personal data gathered on members of the public by the Society, for the purpose of providing them with information about the choir's activities or to seek their views regarding ways in which the running of the choir and attendance of choir events might be improved upon, will be held in an electronic file by the Data Processor (currently the Marketing Manager).
31. Unless otherwise specified by the Data Controller, the following people will have access to the information that is kept in respect of members of the public on the choir's mailing list in addition to the Data Processor:
  - Committee Chair
  - Committee Chair Elect (if in post)
  - Committee Secretary
32. Any person invited to be on the choir's mailing list will be fully informed about the way in which their personal data might be used and the reasons for this. Such use will not include the sharing of their personal data with any other organization.
33. Anyone on the choir's mailing list will also be able to edit their account details at any time by contacting the Publicity Officer, as well as have all or part of their personal data erased from the file.

## **F) Ensuring compliance with data protection legislation**

1. The Society has a designated Data Protection Officer (currently the Committee Secretary) to take responsibility for data protection compliance and the management of any requests or enquiries that might arise in respect of all personal data that the Society holds.

### **Protecting individual rights**

2. Before providing their personal data to the Society, every individual will be fully informed about the use(s) to which it is being put, the reasons for such use and their rights as set out in Section C of this policy. This will be in the form of a privacy notice containing information relevant to the individual concerned and an opt-in box for them to tick to agree how they can be contacted.
3. For those individuals whose data is already being held and processed by the Society, information will be similarly provided to them in advance of the General Data Protection Regulation Act being implemented. This will contain advice to data subjects about the pending changes and their consequent rights, with a clear process set out for them to edit their personal data and agree to the use(s) currently being made of it.
4. When communicating with any individual whose personal information is being sought, held or processed, the Society will take account of any special needs or communication difficulties that the individual might have and ensure that the chosen method of communication is an appropriate one.
5. With regard to any child who is a data subject, the Society will ensure that a responsible adult receives all relevant information with regard to data protection legislation and permission is recorded for their own as well as the child's personal data to be used for the purposes agreed.

### **Data security**

6. Personal information held by the Society will be kept securely by the Data Processor concerned in an electronic file that will be regularly backed up, with the back-up file also stored securely. All such files will be updated as the need arises, with any changes in the consents given by individual data subjects being duly noted. Information no longer required by the Society for any of the purposes set out in Section E of this policy will be deleted from the relevant file(s) as soon as practically possible.
7. Any breaches of data security must be reported without delay to the Data Protection Officer who will, in addition to taking any immediate action that may be required, consult with the Data Controller in deciding whether the breach needs to be reported to the Information Commissioner's Office (ICO).
8. All those data subjects who might be compromised in any way as a result of a security breach will be directly notified of the breach and given advice regarding the steps they should take, as well as the action being taken by the Society, to manage any threat to their privacy.

### **Policy review**



9. The Society will review the security measures that are in place to protect the personal information that it holds in response to any official advice that it might receive. Data security will in any event be considered annually, as part of a more general policy review.
10. Any major new projects or policies that the Society plans to introduce will also be examined to ensure that they comply with the Society's data protection obligations, with a privacy impact assessment carried out in line with the ICO code of practice.

Tim Barrett

BCS Secretary

03.05.18