

GARY CLARKE COMPANY

— Data Protection Policy

Policy Statement

Gary Clarke Company is committed to processing data in accordance with the Data Protection Act (1998) and UK GDPR, which came into force on 31st January 2020.

We take seriously the privacy of the public, staff, participants, partners, trustees, volunteers and anyone else who engages with us, and will only use personal information to administer transactions (online and offline) and to provide information about the events, resources, opportunities and services that have been requested.

This Policy is to be read alongside our Privacy Policy, which is available on request.

Definition of terms

GDPR — Means the General Data Protection Regulation

Register of Systems — Means a register of all systems or contexts in which personal data is processed by the Charity

Data — information held in digital form on a computer or other electronic device or manually, as hard copy, including but not limited to, photographs, video material, and hand-written notes.

Data Controller — the organisation, i.e. Gary Clarke Company, responsible for how and why data are used or processed

Data Processor — any person (other than an employee of the Data Controller) who processes the data on their behalf

Data Protection — legal control over access to and use of data stored in computers to protect people from the consequences of their data being misused

Data Subject — an individual about whom personal data is held

Personal Data — information about a living person who is identifiable from the data held on them by the Data Controller

Subject Access — the right of an individual to have a copy of the information a Data Controller holds about them

Processing — any use of personal data, including obtaining, storing, using, disclosing or destroying it.

This includes:

- *organisation, adaptation or alteration of the information or data*
- *retrieval, consultation or use of the information or data*
- *disclosure of the information or data by transmission, dissemination or otherwise making available*
- *alignment, combination, blocking, erasure or destruction of the information or data*

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Data protection principles

Article 5 of UK GDPR requires that personal data shall be:

- a) *processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b) *collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- c) *adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- d) *accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;*
- e) *kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- f) *processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

Areas of work

This data protection policy covers all Gary Clarke Company's activities, including recruitment, employment, marketing, participation, fundraising, networking activities, contact-tracing (for example for health and safety reasons where we might have to notify other participants in an activity of cases of Covid-19 that have been notified to us), and any other areas of work where we collect, manage, store and destroy data.

General provisions

- a) *This policy applies to all personal data processed by Gary Clarke Company.*
- b) *All board members shall take responsibility for the Gary Clarke Company's ongoing compliance with this policy.*
- c) *This policy shall be reviewed annually.*

Lawful, fair and transparent processing

- a) *To ensure its processing of data is lawful, fair and transparent, Gary Clarke Company maintains a Register of Systems.*
- b) *The Register of Systems shall be reviewed at least annually.*
- c) *Individuals have the right to access their personal data and any such requests made to Gary Clarke Company shall be dealt with in a timely manner.*

Lawful purposes

- a) *All data processed by Gary Clarke Company must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests*
- b) *Gary Clarke Company shall note the appropriate lawful basis in the Register of Systems.*

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- c) *Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.*
- d) *Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in Gary Clarke Company's systems.*

Data minimisation

Gary Clarke Company shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Accuracy

- a) *Gary Clarke Company shall take reasonable steps to ensure personal data is accurate*
- b) *Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date*

Archiving / removal

To ensure that personal data is kept for no longer than necessary, Gary Clarke Company shall make a note on its Register of Systems how long each type of data shall be kept and when deleted.

Security

- a) *Gary Clarke Company shall ensure that personal data is stored securely using modern software that is kept-up-to-date*
- b) *Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information*
- c) *When personal data is deleted this should be done safely such that the data is irrecoverable*
- d) *In the event of a data breach or loss of device holding data, Gary Clarke Company will change passwords on all Gary Clarke Company-linked devices and relevant software applications such as Dropbox and Google Drive (NB this list is not exhaustive)*

Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Gary Clarke Company shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO (more information on the ICO website) within 72 hours where feasible. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, we will also inform those individuals without undue delay. We keep a record of any personal data breaches.

Third Parties

We regularly collaborate with other artists, organisations and partners and we will only share an individual's data where consent has been sought and given. Gary Clarke Company may include information about events and projects by third parties who we have worked with, or who we believe have similar values and artistic aims, through our social media channels or email communications.

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Subject Access Requests

Subject access requests refer to the right that individuals have to see a copy of the information an organisation holds about them.

There is more about Subject Access on the Information Commissioner's Office website (<https://ico.org.uk/>). The website also tells you how you can find out what information Gary Clarke Company holds about you.

If we receive a Subject Access Request:

- *we will respond within 40 days of the date on which the request is received*
- *we can refuse or charge for requests that are manifestly unfounded or excessive*
- *if we refuse a request, we'll explain to the individual why within 40 days*
- *individuals have a right to complain to the ICO*
- *we will charge £10 to administer Subject Access Requests to contribute to staff time and overheads*
- *we will need to verify your identity before the request will be considered and acted on*
- *we keep a record of all subject access requests*

Your data protection rights

Under data protection law, you have rights including:

Right of access — You have the right to ask us for copies of your personal information.

Right to rectification — You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Right to erasure — You have the right to ask us to erase your personal information in certain circumstances.

Right to restriction of processing — You have the right to ask us to restrict the processing of your information in certain circumstances.

Right to object to processing — You have the right to object to the processing of your personal data in certain circumstances.

Right to data portability — You have the right to ask that we transfer the information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.