



General Data Protection Regulation Policy

Statement

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Act. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. El Dance Studios is committed to protecting the rights and freedoms of individuals with respect to the processing of children, parents, visitors, staff and contractors.

GDPR principles

GDPR condenses the Data Protection Principles into six areas, which are referred to as the Privacy Principles. They are:

- 1. There must be a lawful reason for collecting personal data and it must be done in a fair and transparent way.*
- 2. The data must only be used for the reason it is initially obtained.*
- 3. There must not be any more data collected than is necessary.*
- 4. The data has to be accurate and there must be mechanisms in place to keep it up to date.*
- 5. Data must not be kept any longer than needed.*
- 6. The personal data must be protected.*

These privacy principles are supported by a further principle – accountability.

This means that El Dance Studios must not only do the right thing with data but must also show that all the correct measures are in place to demonstrate how compliance is achieved. Staff will be trained on data protection. Documentation on policies, procedures and training is a key part of our effective compliance programme.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

GDPR includes 7 rights for individuals

1) The right to be informed

El Dance Studios is a member of the Imperial Society of Teachers of Dance (ISTD) and as such, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, and email addresses. We need to know children's full names, addresses, date of birth, and Educational school, along with any SEN requirements. We are requested to provide this data to Wakefield Council and other performing council areas when producing shows; this information is sent to the Local Authority via a secure electronic file transfer system. In the interests of best practice and to comply with our Health and Safety Policy we ask for relevant medical details, including allergies. With regards to ISTD dance examination entry, we are required to store ISTD Personal Identification Numbers (PIN), ethnic groupings and Unique Learner Numbers (when provided) and transfer this securely to the organisation.

For examination candidates and students age 16 and over, (including visiting candidates from external schools), we are also required to hold copies of photographic ID such as passport or driver's licence for proof of identity and to safeguard against fraud. Copies of student registration forms will be kept in a locked filing cabinet, along with documents pertaining to the qualification including certified photocopies and original dance examination report sheets and certificates, other relevant Prior Learning documents, Individually Requested Exemption Forms, and Applications for Special Arrangements (ASA). Secure transfer of this information to the ISTD will be made in accordance with new GDPR policies of both El Dance Studios and the ISTD.

When entering pupils for regional competitions, names and dates of birth are transferred securely to competition organisers with parental consent. National competitions organised by the ISTD often require names, PINs, dates of birth, and recent exam results. Exam result details are held securely in a locked filing cabinet in my home office for quality control and proof of qualification purposes.

As an employer, El Dance Studios is required to hold data on its Teachers, contractors and other staff members; names, addresses, email addresses, telephone numbers, dates of birth, bank details, qualifications, first aid certification details and National Insurance numbers and photographic ID such as passport / driver's license where necessary. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. DBS Numbers and date of issue are also held on a central staffing record.

Details of Licensed Volunteer parent chaperones; names, addresses, Licence expiration dates are submitted to the Local Authority as part of BOPA applications. Copies of Licences and DBS certificates are held securely in a locked filing cabinet in my home office.

El Dance Studios uses Cookies on its website to collect data for Google Analytics; this data is anonymous.

2) The right of access

At any point an individual can make a request relating to their data and El Dance Studios will need to provide a response (within 1 month). El Dance Studios can refuse a request,

if we have a lawful obligation to retain data but we will inform the individual of the reasons for the rejection.

3) The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However El Dance Studios has a legal duty to keep children's and parents details for a reasonable time*. El Dance Studios retains these records for 3 years after leaving, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Employee records must be kept for 6 years after the member of staff leaves employment, before they can be erased. This data is archived securely onsite and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to El Dance Studios processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

5) The right to data portability

El Dance Studios requires data to be transferred from one IT system to another; such as from El Dance Studios to the Local Authority, for performance BOPA licences, and to dance examination boards. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

6) The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

7) The right not to be subject to automated decision-making including profiling.

Automated decisions and profiling are used for marketing based organisations. El Dance Studios does not use personal data for such purposes.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked filing cabinet in my home office. Members of staff have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain in this locked filing cabinet at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, medication forms, BOPA applications, examination and competition entry forms. These documents include data such as children's names, date of birth and sometimes address and ethnic group. These records are shredded after the relevant retention period.

El Dance Studios collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.

El Dance Studios stores personal data held visually in photographs or video clips or as sound recordings. Unless written consent has been obtained via the Model Release form/fit to Perform agreement form, no names are stored with images in photo albums, displays, on the website or on El Dance Studios' social media sites.

Access to all electronic devices is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

GDPR means that El Dance Studios must:

- * Manage and process personal data properly
- * Protect the individual's rights to privacy
- * Provide an individual with access to all personal information held on them

Additional considerations:

- 1) *Appointing a data protection officer — The business owner is responsible for all data, the "Controller". (A Data Protection Officer may be required for larger businesses / in case of expansion).*
- 2) *Privacy notices — When data is collected El Dance Studios will explain to people exactly how it is going to be used, who it might be shared with, how long it will be kept as well as information on consent and complaint.*
- 3) *Individual rights — People will have new and enhanced rights on the collection, access and deletion of their data so El Dance Studios will ensure there are mechanisms to allow individuals to exercise these rights.*
- 4) *Consent — GDPR will require that there is a legitimate reason for processing any personal data. Where we rely on consent for processing data we must be able to demonstrate that the consent was freely given. Pre-ticked boxes or inactivity will no longer suffice. People will have to actively opt-in.*
- 5) *Data agreements — We will now be obliged to have written arrangements with anybody processing data for us. Providers must make sure that anyone processing data will meet GDPR requirements.*
- 6) *New projects — Data protection must be incorporated into new projects and services at the development stage — not simply as an after-thought.*
- 7) *Breach notification — We will be obligated to notify the Information Commissioner's Office (ICO) of a data breach within 72 hours of becoming aware of the breach.*

This Policy was adapted at a meeting in May 2018. Signed on behalf of El Dance Studios



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Policy review date: November 2018

* Please see Appendix A for Retention periods for records.

Retention periods for records

Children's records	Retention period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Personnel records	Retention period	Status	Authority

Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
DBS check	6 months	Recommend	DBS Code of

		ation	Practice The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken
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<i>Pay</i>			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982

Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development

<i>Health and safety</i>			
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)

Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives	Permanently	Recommendation	Chartered Institute of Personnel and Development
Financial records	Retention period	Status	Authority
Accounting records	3 years from the end of the financial year for private companies, 6 years for PLC	Requirement	Companies Act 2006
	6 years for charities	Requirement	Charities Act 2011
Administration records	Retention period	Status	Authority
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive

Minutes/minute books	10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
		Recommendation	Chartered Institute of Personnel and Development
	Permanently		