



Data Protection Policy and Procedures

Last updated: March 2023

To be reviewed: March 2024

1. Introduction

This policy sets out how Sheba Arts processes personal data. It explains what data we keep and why and how we make sure this information is kept safe and is as accurate as possible. The policy provides guidelines on individuals' rights to see their data and the circumstances under which we may disclose data to others. It applies to all personal data that we process regardless of the way that information is stored.

2. Policy Statement

Sheba Arts is committed to protecting the rights and privacy of individuals, voluntary, community and social enterprise (VCSE) group members, trustees, staff, volunteers and others in accordance with The General Data Protection Regulation (GDPR) and Data Protection Act 2018. The policy applies to all Sheba Arts workers.

As a matter of good practice, other organisations and individuals working with Sheba Arts, and who have access to personal information, will be expected to have read and comply with this policy. It is expected that any staff who deal with external organisations will take responsibility for ensuring that such organisations and artists receive a copy of this policy and abide by it. For more formal partnerships / joint delivery, a joint data protection agreement may be needed and Sheba Arts workers should consult with the Artistic Director at an early stage of discussions.

Sheba Arts takes compliance with the Act and this policy very seriously. Any breach of The GDPR and Data Protection Act 2018 or Sheba Arts Data Protection Policy is considered as misconduct and in that event, Sheba Arts disciplinary procedures apply. A significant or deliberate breach of this policy, such as accessing a data subject's personal data without authority or unlawfully obtaining or disclosing personal data (including for a third party) without Sheba Arts's permission constitutes gross misconduct and could lead to dismissal. If you are not an employee, you may have your contract with us terminated immediately.

3. Legal Requirements

Data is protected by the GDPR and Data Protection Act 2018, which came into effect on 25 May 2018. Its purpose is to protect the rights and privacy of individuals and to ensure that personal data is not processed without their knowledge, and, wherever possible, is not processed without their consent.

The Act requires Sheba Arts to register the fact that we hold personal data and to acknowledge the

rights of 'data subjects'. Group members, trustees, staff, participants and volunteers must have the right to copies of their own personal data, and to know that we are processing this data lawfully.

4. Managing Data Protection

For the purposes of GDPR Sheba Arts is a Data Controller. Responsibility for data protection begins with the trustees and runs through all levels of the organisation. The Artistic Director, Fereshteh Mozaffari has day-to-day responsibility for leading on Data Protection and Information Governance at Sheba Arts.

Sheba Arts has been registered with the Information Commissioner since 2021.

5. Sheba Arts Procedures

5.1 Beneficiaries/Participants

Sheba Arts holds information on clients, beneficiaries and participants for the purpose of monitoring the use of its service, to provide information and reports to funders, and to inform its continuing support of individual clients and beneficiaries.

Staff are required to enter any confidential information about clients on a safe and password protected online system. Confidential information which is obtained through one-to-one sessions or in other situations can only be recorded on paper monitoring forms, which must be securely filed in a locked filing cabinet. Sheba Arts will usually securely destroy confidential records after a period of three years.

Any information which Sheba Arts uses in support of funding applications or for reports for funders must be anonymised.

Staff must at all times treat sensitive information given to them by clients as completely confidential. It can be shared, if appropriate, at team meetings or in supervision if this ensures that Sheba Arts is better able to offer a quality service to the client. Any information shared in this way must be completely confidential to Sheba Arts and not divulged to any other organisation unless this is with the consent of the client or there are circumstances which meet the exceptions under the common law duty of confidentiality.

Any communications, including telephone conversations and electronic communications, must be conducted in a confidential manner.

Confidential information must not be disclosed without the client's consent unless there is prior authorisation by the Artistic Director in consultation with a member of the Board. The circumstances

in which information may be disclosed are rare but would include the following:

- Where there is a significant risk to the client or to others as a consequence of the client's actions or potential actions, for example actual or threatened child abuse or abuse of a vulnerable adult
- Where there is a serious threat to a member of the Sheba Arts staff or volunteers
- In other exceptional circumstances, based on professional consideration and consultation

In all circumstances when considering disclosure, the following principles must be taken into account:

- The principle of proportionality
- The principle of the equal consideration of interests

Any breaches of these procedures will potentially be regarded as serious misconduct and as such may result in disciplinary action.

Sheba Arts Artistic Director is responsible for making sure that staff understand and adhere to this policy, and that information is kept securely and only used appropriately.

5.2 Staff, volunteers and trustees

Sheba Arts keeps personnel files for each member of staff, volunteer and Board member. All records are filed in a secured Dropbox or Google Drive folder.

The following information is kept:

- Details relating to staff member's recruitment and employment
- A central record of CRB checks of staff, volunteers and Board members
- Basic personal information of all Board members for the purposes of Company House records
- Bank details

6. Individual Rights

The GDPR provides the following rights for individuals:

6.1 The right to be informed. Sheba Arts processes personal information with care and with transparency. It will not share any information with a third party without the permission from the individual.

6.2 The right of access. Individuals have the right to access their data. This request can be made verbally or in writing (via any format including social media) and can be made to any member of Sheba Arts staff or trustees. Sheba Arts will respond to the request within one month. The individual requesting access does not have to use any special forms or the words subject access for the request to be valid. Information will be provided free of charge. The only exception to this is if requests are received which are 'manifestly unfounded or excessive, in particular because they are repetitive. In this case an administration fee may be charged.

6.3 The right to rectification. Personal data can be corrected if it is inaccurate or incomplete.

6.4 Right to erasure. Artists, staff members and service users can request the deletion or removal of personal information where there is no compelling reason for its continued processing. E.g. it is no longer necessary for the purpose it was originally collected.

6.5 Right to restrict processing. Individuals have a right to block or suppress the processing of personal data. The data can still be stored, but must not be further used. The circumstances in which processing may be restricted could be where an individual contests the accuracy of personal data, and wants it to be verified, or where Sheba Arts no longer needs the data, but the individual does (for a legal claim for example).

6.6 Right to data portability. Individuals have the right to obtain and reuse their personal data for their own purposes across different services. This right only applies to data provided by the individual, based on consent or for performance of a contract and where processing is carried out by automated means.

6.7 Right to object. Individuals have the right to object to direct marketing and processing based on legitimate interests. Sheba Arts gives all its service users choices about their marketing preferences when they first contact us and these preferences can be changed at any time.

6.8 Rights related to automated decision-making including profiling. We have a lawful basis to carry out profiling and/or automated decision-making and document this in our data protection policy.

- We ask individuals to provide us with their information and photos (for publicity) and we obtain their permission to use their data for different purposes.
- We explain how people can access details of the information we used to create their profile and how to object
- We have additional checks in place for our profiling/automated decision-making systems to protect any vulnerable groups (including children).

- We only collect the minimum amount of data needed and have a clear retention policy for the profiles we create.

7. Personal Data Breach

A personal data breach happens where personal data is lost, destroyed, altered, corrupted or disclosed, accessed or passed on without proper authorisation. Or if the data is made unavailable and this causes significant negative effects to individuals. This includes breaches that are the result of both accidental and deliberate causes.

Personal data breaches can include:

- Access by an unauthorised third party
- Sending personal data to an incorrect recipient
- Computing devices (tablets, mobiles etc.) containing personal information being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

If a personal data breach occurs steps should be taken promptly to address it:

- All Sheba Arts workers should **immediately** inform their line manager/supervisor of any data security incident, and in their absence any other member of the management team
- The Artistic Director will then immediately alert the chair of the board, who will form a response team
- The response team will establish the likelihood and severity of any resulting risk to people's rights and freedoms because of the breach
- If it is likely there will be a risk then the ICO must be notified within 72 hours of Sheba Arts becoming aware of the breach
- If the breach involves a high risk to the rights and freedoms of individuals then the individual must also be informed without undue delay
- Sheba Arts have a detailed Personal Data Breach Response Plan to guide trustees and staff members in addressing any breaches that do occur

8. Definitions

8.1 Consent means any freely given, specific, informed and unambiguous indication of the data

subject's wishes by which they, by a statement or by clear affirmative action, signify their agreement to the processing of personal data relating to them.

8.2 Data subject means a living identified or identifiable individual about whom the company holds personal data.

8.3 Sheba Arts worker means any trustee, director, apprentice, intern, volunteer, contractor or consultant employed or engaged by Sheba Arts.

8.4 Personal Data is any information relating to a data subject who can be identified (directly or indirectly) either from those data alone or by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, mental, economic, cultural, social, genetic identity of that data subject. It excludes anonymised data where all identifying particulars have been removed.

8.5 Processing is any operation or set of operations which is performed on personal data or sets of personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disclosing, disseminating, restricting, erasing or destroying. It also includes transmitting or transferring personal data to third parties