

Data Protection Policy

Data Protection Policy Statement

Impact Arts recognises the Data Protection Act (2018) which incorporates the EU's General Data Protection Regulation (GDPR) is important legislation to protect the rights of individuals in respect of any personal information that we keep about them, whether electronically or in manual systems. Obligations are placed on Impact Arts regarding the processing of this data.

This policy outlines how Impact Arts will comply with the legislation.

Impact Arts is committed to protecting personal data of our staff, volunteers, contractors, participants, partners, suppliers and other stakeholders from unintended loss, destruction, damage, modification, disclosure or other security risk and also to processing such data fairly and lawfully.

We are registered with the Information Commissioner as a Data Controller and ensure that our practices in the handling of personal information are of a high standard and comply fully with the legislation. This registration will be reviewed and renewed on an annual basis.

Principles

GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- 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;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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;
- 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
- 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.

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Additionally Impact Arts recognises data subjects rights in line with GDPR, namely:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling.

In the event of Impact Arts acting as a processor for another organisation we will:

- Respond to requests in a timely fashion
- Treat their data with the same care/protections as our own
- Adopt any specific measures as agreed with the partner

All staff, or anyone who uses personal information on behalf of Impact Arts, must ensure that they follow these principles at all times. New staff, volunteers and contractors will have GDPR training incorporated into their induction and staff refresher information will be scheduled/circulated on an annual basis through team meetings and by email.

Employees

Personal data relating to employees may be collected primarily for the purposes of:

- Recruitment, promotion, training, redeployment and/or career development;
- Administration and payment of wages;
- Calculation of certain benefits including pension;
- Disciplinary or performance management purposes;
- Performance review;
- Compliance with legislation;
- Provision of references to financial institutes, to facilitate entry onto educational courses and/or to assist future potential employers; and staffing levels and career planning.

Where Impact Arts processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with a policy on special categories of data and criminal records data.

We will update HR-related personal data promptly if an individual advises that his/her information has changed or is inaccurate.

Personal data gathered during the employment, worker, contractor or volunteer relationship, or internship, is held in the individual's personnel file (in hard copy or electronic format, or both), and on HR systems. The periods for which Impact Arts holds HR-related personal data are contained in its privacy notices to individuals.

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Responsibilities for Compliance

1. The Head of Finance and Corporate Services has overall responsibility for data protection within Impact Arts, and for ensuring that our notification to the Information Commissioner, and our entry in the Data Protection register is accurate and up to date.
2. The Head of Finance and Corporate Services's responsibilities in implementing the requirements of GDPR will include:
 - Acting as the organisational Data Protection Officer (DPO)
 - Supporting and providing advice to departments regarding compliance with GDPR.
 - Disseminating information relating to the GDPR.
 - Responding to requests from individuals to access personal information we hold about them.
3. The Director has specific responsibility for personal information held on employees. Staff will be informed about data protection issues, and their rights to access their own personal data through the staff handbook and their induction.
4. Departmental managers will ensure that personal data processed by their department is included in Impact Arts' data protection register entry, is kept up to date and complies with the above principles.
5. All staff have a responsibility to fully comply with the requirements of GDPR and this policy. This includes employees, volunteers, freelancers, consultants and other individuals undertaking a contract for services on behalf of Impact Arts. When involved in requesting information, staff will explain why the information is necessary, our legal basis for processing the information, what it is to be used for, where it will be stored, who will have access to it and how long we will retain it.
6. Data Retention periods are detailed in the following document: <S:\Compliance\Data Protection\Data Protection Audit\Retention Periods Simplified - Inc Funders Sep 2018.docx>
7. On an annual basis, Impact Arts will conduct a personal data audit to
 - Check all personal information held against the GDPR principles.
 - Draw up an action plan to bring in line with legal requirements (if necessary).

Freelance Staff

It is noted that all freelance staff may not have an Impact Arts email address. In this situation it is acceptable for freelancers to communicate with other staff about the project using their personal email address. However personal details of a participant must not be communicated over personal email under any circumstances.

Sensitive Data

Sensitive data relates to information regarding:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Membership of a trade union
- Genetic data
- Biometric data
- Physical or mental health or condition
- Sexual life

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In obtaining and processing sensitive personal data Impact Arts will obtain the person's explicit consent to obtain or process that data unless:

- It is necessary in relation to employment rights and obligations
- It is already publicly available
- It is necessary for legal proceedings
- It is for equal opportunities monitoring

Consent will be achieved by obtaining the individual's signature on the form containing the details and for the form to include a statement describing the details of section 5.

Records Management

Employees are expected to maintain the highest standards of records management. This includes only creating records when necessary, transferring paper records to Salesforce as soon as possible, shredding originals in a timely fashion and taking every precaution to ensure the safety of records in their possession.

If transferring physical files from one location to another, lockable storage should be used. When storing files in an office location a locked drawer, cupboard or filing cabinet should be used. Additionally Impact Arts operate a clear desk policy wherein no paperwork should be left unattended or unsecured on an individual's desk. This includes making sure laptops or other devices are locked and password protected.

Impact Arts will track the above using an annual data audit, through the Impact Arts information asset register and individual project DPIAs (see below).

Subject Access Requests / Access Rights

Employees, former employees, participants and other individuals about whom Impact Arts holds personal information will have the right to access the information, unless it is exempt under GDPR. Impact Arts will respond to information requests promptly and no longer than 1 month from the date of the request.

An individual can make a subject access request verbally or in writing. It can also be made to any part of the organisation (including by social media) and does not have to be to a specific person or contact point. Any requests received by Impact Arts staff should be sent to the Facilities and Infrastructure Manager – blair.sutherland@impactarts.co.uk or the Head of Finance & Infrastructure - mairi@impactarts.co.uk.

Please note that once electronic data has been deleted, Impact Arts has no intention of trying to retrieve it and considers this to be permanently deleted.

Request To Suppress

In the circumstance that Impact Arts is acting as the processor of data for some third party (one example could be a funder) and they wish for us to 'suppress' or stop processing this data Impact Arts will aim to acknowledge the request immediately and cease processing as soon as is practically possible, and always within 72 hours of the request.

Any requests received by Impact Arts staff should be sent to the Facilities and Infrastructure Manager – blair.sutherland@impactarts.co.uk or the Head of Finance & Infrastructure - mairi@impactarts.co.uk.

Data Breaches

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In the event of a data breach Impact Arts will notify the ICO within 72 hours and will contact any individuals affected as soon as is practically possible and no later than 7 days from the date of discovery. As soon as any breach is discovered Impact Arts will conduct a full review of the conditions that led to the data breach and if necessary make changes to policies & procedures to minimise the risk of further breaches.

Impact Arts will also notify the specific funder for the project/participant the breach relates to. Please note for Skills Development Scotland (SDS) this should be done within 24 hours of discovery. This will also be highlighted in the Governance report to the Board at the next meeting following the data breach

Charges for Providing Information

We will not charge a fee for processing unless the request is unfounded, excessive or for providing further copies of the same information. The fee will be reasonable and based on the costs of obtaining the information.

Data Privacy Impact Assessments (DPIA)

Impact Arts has an organisational data privacy impact assessment (DPIA) as well as individual DPIAs for HR, Finance and Operations departments. Furthermore DPIAs will be completed for any new projects or other instances that involve processing personal data. This document will detail our lawful basis for processing the data, by whom, how and where it will be stored and how long we will retain the data. Retention periods will be determined by reasonable funder requirements, and our financial or other statutory responsibilities. In the case that the funder is unable to provide us with a retention period we will retain non financial information for 3 years by default. All organisational DPIAs will be refreshed annually in May, tracked by the Facilities and Infrastructure Manager.

Privacy Notices

All Impact Arts paperwork, where sensitive data is being collected, has a privacy notice detailing why the data is being collected, how Impact Arts will process the data, where it will be stored and how long it will be retained for.

Image Retention

Image retention will be performed in line with Impact Arts Image Retention policy.
<S:\HR\Policies and Procedures\Image Retention Policy.doc>

Privacy and Electronic Communications Regulations (PECR)

Privacy and Electronic Communications Regulations (PECR) are applied predominantly to call centre and marketing type organisations, however there are some elements that apply to Impact Arts. PECR states that people visiting websites must be informed of the use of cookies, which happens via a pop-up box the first time a user visits Impact Arts website. Within this pop-up there is a link to information about what cookies are and why we are using them.

PECR also states that for use of electronic marketing techniques (i.e. email) there are principles of GDPR that must be adhered to. In practice this means Impact Arts will ask for permission before sending anyone marketing or invites to events. When permission cannot be gained, marketing materials or communications will not be sent. In the first instance this will be managed by the Communications & Marketing Co-ordinator with support from the Facilities and Infrastructure Manager.

Shredding

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All day to day shredding will be performed in house by suitably trained staff using machines that are acceptable for Impact Arts level of confidentiality. For larger shredding jobs Impact Arts will employ a suitable contractor and obtain a certificate of destruction.

Confidentiality

This policy complements Impact Arts' confidentiality policy, which can be found here: <S:\HR\Policies and Procedures\Confidentiality policy.doc>

Only information that can or must be legally disclosed under the Data Protection Act will be shared with a third party without the individuals consent. With regard to Information Communications Technology, all staff will have a password to ensure information is only accessible to those who need to know the information in order to carry out their requirements of their post.

External Sharing Log

Whenever Impact Arts is required to share information with external agencies including the authorities then the external sharing log must be completed. All such instances are to be discussed with the relevant Programme Manager and the Facilities and Infrastructure Manager who have access to this confidential document: <S:\Compliance\Data Protection\External Sharing Log\External Sharing Log.xlsx>

Staff Details

When staff or board member details are relevant to, or included in a funding bid, this information will be shared with the funder. This would only be done when relevant and would be treated with the same retention period arrangements as detailed above.

Data Security Policy

Impact Arts have put in place procedures and technologies to maintain the security of all our personal data, including the data of staff, volunteers, contractors, participants and our clients, or other personal data that is processed for business purposes. Data may only be transferred to a third-party data processor if they agree to comply with those procedures and policies, or if they put in place adequate measures themselves.

This policy does not form part of any employee's contract of employment and may be amended at any time.

If you consider that this policy has not been followed you should raise the matter with your Line Manager.

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including summary dismissal.

Data Security

Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:

Confidentiality means that only people who are authorised to use the data can access it.

Integrity means that personal data should be accurate and suitable for the purpose for which it is processed and that and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

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Availability means that authorised users should be able to access the data if they need it for authorised purposes. Personal data should therefore be stored on our central computer system instead of individual PCs.

Security procedures include:

Secure lockable desks and cupboards

Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential).

Methods of disposal

Paper documents should be shredded. Electronic files should be deleted when they are no longer required and if any files are on CD-ROM they should be physically destroyed when no longer required.

Equipment

Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended. All employees have their own log in to the computer system and to Impact Arts' Salesforce database.

Review Period

This policy will be reviewed annually.

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