

<b>Policy:</b> Data Protection (GDPR)		
<b>Date Adopted:</b>	<b>Date of last review:</b>	<b>To be reviewed next before/on:</b>
2008 (DPA) Updated 2018 (GDPR)	23/5/2018	17/5/2019
<p><b>Purpose and Statement:</b></p> <p>The L.A School of Dance (LASD) is committed to ensuring the data processed by our school remains safe and secure.</p> <p>This policy has been written in line with legislative change, including both the Data Protection Act (1998) and the EU's General Data Protection Regulation (GDPR).</p> <p>LASD has determined the lawful reasons with which it processes personal data:</p> <ul style="list-style-type: none"> <li>• Legal obligation – GDPR Article 6(1)(c)</li> <li>• Legitimate interest – GDPR Article 6(1)(f)</li> <li>• Contract - GDPR Article 6(1)(b)</li> </ul> <p>There is also some limited data we process with consent from the Data Subject; Consent – GDPR Article 6(1)(a).</p> <p>While The L.A. School of Dance avoids sharing data with third parties at most times, some data is shared in accordance with our business practices. The sharing of data with third parties will always be consensual with the data subject and/or their parent/guardian, and only if The L.A. School of dance is satisfied that their Data Protection policy is GDPR compliant.</p> <p><b>Main Aims for the policy:</b></p> <ul style="list-style-type: none"> <li>- Specify the data LASD collect, how it is stored/protected and the reason for collecting it</li> <li>- State how LASD use personal data in processing</li> <li>- Disclose who has access to the data and how long we retain information for</li> <li>- Explain Data Subject's rights with LASD data including access, rectification and erasure</li> </ul>		
<p><b>Distribution:</b></p> <ul style="list-style-type: none"> <li>• To be displayed on the LASD website</li> <li>• This policy will be sent directly to members of the public on request</li> <li>• Confirmation of receipt of information - Signed statement from recipient to be held on file</li> </ul>		
<p><b>Review and monitoring of policy:</b></p> <ul style="list-style-type: none"> <li>• Reviewed annually or in instances of legislative change</li> <li>• Monitoring is part of Management and Supervision</li> </ul>		

**The following policy is based on the below principles:**

The GDPR includes the following rights for individuals:

- 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

**General Principles**

LASD is committed to providing fair and understandable privacy policies in relation to personal data.

LASD will, at all times, keep data in secure locations (including, but not limited to, encrypted and access restricted files) and not retain data unnecessarily or past the retention length as set out in this policy.

In the rare instance a data processor that is not an LASD employee is used, such as a third party, the data subject will either be asked for consent pre to supplying the data or be notified and have the right to object to processing.

**Participants and Customers**

**How LASD collect personal data:**

LASD customers and participants supply their personal data when signing up for classes through our registration form either via the website, or via paper form, or via email. This is completed by a parent/guardian responsible for the child.

**Why LASD collect personal data:**

To attend any of LASD's activities pupils/parents/guardians must agree to some processing of their personal data. This is due to Legitimate Interests – GDPR Article 6(1)(f), Legal Obligation GDPR Article 6(1)(c), Contract - Article 6(1)(b) and/or Consent - Article 6(1)(a).

Should LASD be unable to process pupil's data, we would be contravening both our Health & Safety and Child Safeguarding policies. We would also be ignoring best practice regarding working with children/vulnerable adults.

Our pupils must remain safe at all times, therefore information about pupils must be collected in order to create registers and accurate student records. This information is also used to provide students with appropriate classes, including dividing students into age groups.

Special category data is only collected with the consent of the data subject. Special category data LASD collects includes but is not limited to: Medical/Disability information, Ethnicity and Gender.

As physical activity providers it is essential that this consent is given should a pupil have any medical/disability needs. This allows us to incorporate pupils safely into classes. It is also used in assessing if we can incorporate pupils safely into classes.

Ethnicity and other sensitive data is to provide information to examining bodies for statistical purposes. This data is always provided to third-parties as quantified data (i.e. cumulative numerical data only with no identifying information relating to any data subject).

**What data we collect:**

Personal data and some special category is collected.

It is essential to our primary function (providing classes to pupils) that we are provided, and allowed to process and store the following:

**Pupil Personal Data:**

- Full Name - GDPR Article 6(1)(f)
- Date of Birth - GDPR Article 6(1)(f)
- Home Address - GDPR Article 6(1)(f)
- Sex - GDPR Article 6(1)(f)
- School/Educational Institution - GDPR Article 6(1)(f)
- Exam results (vocational exams taken through LASD only) - GDPR Article 6(1)(f)
- Classes attended/Price paid - GDPR Article 6(1)(f)

**Pupil Special Category Data:**

- Medical Information/History – GDPR Article 9 (a)
- Disability Information - GDPR Article 9 (a)
- Ethnicity – GDPR Article 9 (a & j) – further explicate consent sought
- Gender/Sex – GDPR Article 9 (a & j) – further explicate consent sought

**Parent/Guardian Personal Data:**

- Name - GDPR Article 6(1)(f)
- Address - GDPR Article 6(1)(f)
- Email Address - GDPR Article 6(1)(f)
- Mobile Telephone Number - GDPR Article 6(1)(f)
- Work/Home Number - GDPR Article 6(1)(f)
- Emergency Contact Number - GDPR Article 6(1)(f)

**How data collected is sent internally:**

LASD transports data with all due diligence.

Registration and First Aid forms are sent from LASD via email from the Principal Mrs Laura Green.

**Storage/Retention of data:**

Data received through registration forms is stored on our encrypted email server and on the Principal's phone. This phone is password protected and can only be accessed via a thumb print. The registration forms are in a password protected file. Access to these files is restricted through password protection and only available to authorised staff members. It is understood that emails being sent to the icloud inbox cannot be guaranteed to be encrypted until they have reached the destination because in transit, encryption depends on the senders email provider.

Parents/guardians will be given the option to password protect any files/data they send from their

email provider.

If hard copies of registers and emergency contacts are carried by authorised staff members they are locked away while not in use. When they are no longer in use or out-dated, they are destroyed thoroughly.

Our standard retention policy (without the data subject's right to access, rectification and erasure etc.) is IMMEDIATE. Once you are no longer a member of LASD then your data will be shredded/deleted with IMMEDIATE EFFECT.

Bank details are deleted after the action concerning them is complete

**Third Parties/Data Processors:**

LASD does not actively share data with third parties, however there are certain instances where sharing information is crucial to our business processes.

**Freelance Teachers:**

Sometimes the LASD brings in guest teachers who are freelance staff, we have confidentiality and data processor agreements in place. Teachers will never be provided with personal details aside from participant's first names and any medical information that is pertinent to the running of a class (subject to consent from the data subject)

**Child Performance Licensing:**

In order to process child performance licences, LASD are legally required to provide some personal data to local councils (including but not limited to: full name, date of birth and school details). This is an optional consent, which will be sought at the time of sending participation consent forms.

LASD is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. For more information:

**Child Safeguarding Concerns:**

In the unlikely event LASD has a safeguarding concern in relation to one of our pupils, LASD are legally required to provide data to the safeguarding board at the local council.

LASD is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

**Event Programmes:**

LASD may occasionally produce programmes for events/shows These contain the first name and surname of each pupil (unless otherwise instructed ). The name of a child's class may also be included. Participants/their Parent and/or Guardians may choose if they want to be included in the programme when they agree to participate at an event.

**Examination Entry:**

In order to enter examinations, LASD must provide some personal data to examination boards (currently LASD work with: RAD and I.S.T.D.). This sharing of data is to be consented to by the data subject and/or parent/guardian upon being entered for the exam

**Rights of the data subject and LASD compliance with responses:**

Any data subject with personal data stored within LASD is entitled to the rights of:

- **Access**

You may contact LASD at any time to access all data held relating to you and/or your child(ren). LASD will ensure that we respond to a subject access request without undue delay and within one month of receipt. If the information request will also include data regarding others, LASD has the right to refuse the request or take steps in order to obtain consent from other involved parties.

The right of access does not apply to LASD's legal obligations such as Child Safeguarding records.

- **Rectification**

You may contact LASD at any time in order to rectify data held relating to you and/or your child(ren). LASD will ensure that we respond to a rectification request without undue delay and within one month of receipt.

The right to rectification does not apply to LASD's legal obligations such as payment record information.

- **Erasure**

You may contact LASD at any time in order to erase data held relating to you and/or your child(ren). LASD will ensure that we respond to an erasure request without undue delay and within one month of receipt.

- **Restrict Processing**

You may contact LASD at any time in order to restrict the data we process relating to you and/or your child(ren). LASD will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your registration with LASD until the restriction is lifted. This is due to Health and Safety and Child Safeguarding.

**Objection**

You may contact LASD at any time in order to object to the processing of data relating to you and/or your child(ren). LASD will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your registration with LASD until the restriction is lifted. This is due to Health and Safety and Child Safeguarding.

- **Rights related to automated decision making including profiling**

You may contact LASD at any time in order to object to profiling relating to you and/or your child(ren). LASD will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest in most of the data collected- we may have to revoke your registration with LASD until the profiling restriction is lifted. This is due to Health and Safety and Child Safeguarding.

LASD has a lawful reason for profiling; Legitimate Interests and consent.

None of LASD's decision making is automated. Profiling is only used in circumstances where a pupil may have certain health/disability needs which may prevent them from taking part in classes (as it would be unsafe to do so).

Any and all verbal requests are noted, and then contacted again either via phone or email to verify the request. Verbal requests will be responded to in the time frames mentioned above.

**Photos/Videos of Participants**

LASD often use footage/photos used from shows, performances and classes for marketing purposes both in print media and the website. Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

LASD will use a professional, DBS checked photographer to take photos during our shows/performances. Please inform the Principal if you wish for your child not to be depicted.

Some attendees at events may film/take photos for their own personal use (e.g. parents of other participants). Participants/their Parent and/or Guardians may choose if they do not wish themselves/their child to be depicted.

**Social Media:**

LASD on occasion share photos/videos of students in workshops, events and performances through social media platforms including; Instagram, Facebook and Email. These will never be shared with any identifying information (age, location etc.). There may be times where we will share first names, but only with the explicit consent of the parents.

**Staff (Employees/Freelance), Volunteers**

For the purposes of this policy, the aforementioned persons above will be referred to as 'staff'.

**How LASD collect personal data:**

LASD staff supply their personal data when applying for roles within the company.

This is either completed through an application form or submission of a CV.

Further information is collected when applicants are considered successful. Unsolicited data may come to LASD in the form of applicants emailing regarding work/volunteer opportunities.

**Why LASD collect personal data:**

It is LASD's legal obligation to collect staff's personal data in relation to their employment. This is due to Legal Obligation GDPR Article 6(1)(c) and/or Contract - Article 6(1)(b)

Should LASD be unable to process staff's data, we would be contravening UK Employment law, our own employment contracts (both PAYE and Freelance) and our own Health & Safety and Child Safeguarding policies.

Special category data is only collected with the consent of the data subject. Special category data LASD collects includes but is not limited to: Medical/Disability information, Ethnicity and Gender LASD's lawful purpose for collecting this data is both Article 6(1)(b) – contract and Article 9(2)(b) – employment. This also ensures we are conforming to our Equal Opportunities policy. Any data is always recorded as quantified data (i.e. cumulative numerical data only with no identifying information relating to any data subject).

LASD is also entitled to obtain and process data in relation to criminal convictions and DBS checks. Most posts within LASD are exempt from the Rehabilitation of offenders act (1974) by the 1975 and 2001 Exceptions Amendment, as they involve working with vulnerable and/or young people. This is further supported by article 10 of GDPR.

**What data we collect:**

Personal data and some special category is collected.

It is essential to our business that we are provided, and allowed to process and store the following:

**Staff Personal Data:**

- Full Name Legal obligation – GDPR Article 6(1)(c) Legal Obligation
- Date of Birth - GDPR Article 6(1)(c) Legal Obligation
- Contact Details - GDPR Article 6(1)(c) Legal Obligation
- NI number - GDPR Article 6(1)(c) Legal Obligation
- Bank Details - Article 6(1)(b) Contract
- Qualifications - Article 6(1)(b) Contract
- Pay Details - GDPR Article 6(1)(c) Legal Obligation
- Safeguarding Concerns - GDPR Article 6(1)(c) Legal Obligation
- Emergency Contact - GDPR Article 6(1)(b) Contract

**How data is sent internally:**

Any transfer of data regarding staff is conducted through encrypted emails and/or stored in our encrypted cloud-based server.

**Storage/Retention of data:**

All Staff personal data is stored on encrypted files in our cloud-based server. Any hard copies are stored in a locked cabinet. All of these files have restricted access to authorised staff only.

**Third Parties/Data Processors:**

LASD does not actively share data with third parties, however there are certain instances where sharing information is crucial to our business processes.

**HMRC:**

In order to fulfil our legal obligations to HMRC, LASD must supply PAYE staff's personal data each month and at the end of every financial year. LASD is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

**References:**

In order to supply references for staff members, some personal data must be divulged. This will only be done with the data subject's consent, as LASD may not be fully aware of the recipients GDPR policies.

**Child Performance Licensing:**

In order to process child performance licences, LASD are legally required to provide some staff's personal data to local councils (including but not limited to: full name and DBS details).

LASD is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. For more information:

**Child Safeguarding Concerns:**

In the unlikely event LASD has a safeguarding concern in relation to one of our pupils and/or staff members, LASD are legally required to provide data to the safeguarding board at the local council

and the Disclosure and Barring service.

LASD is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

Website Biography:

LASD's website includes staff biographies, these are available for public viewing. Consent is sought before any/all staff profiles are added to the website.

**Rights of the data subject and LASD compliance with responses:**

Any data subject with personal data stored within LASD is entitled to the rights of:

- **Access**

You may contact LASD at any time to access all data held relating to you. LASD will ensure that we respond to a subject access request without undue delay and within one month of receipt. If the information request will also include data regarding others, LASD has the right to refuse the request or take steps in order to obtain consent from other involved parties.

The right of access does not apply to LASD's legal obligations such as confidential Child Safeguarding records.

- **Rectification**

You may contact LASD at any time in order to rectify data held relating to you. LASD will ensure that we respond to a rectification request without undue delay and within one month of receipt.

The right to rectification does not apply to LASD's legal obligations such as payment record information.

- **Erasure**

You may contact LASD at any time in order to erase data held relating to you. LASD will ensure that we respond to an erasure request without undue delay and within one month of receipt.

The right to erasure does not apply to LASD's legal obligations such as First Aid records.

- **Restrict Processing**

You may contact LASD at any time in order to restrict the data we process relating to you. LASD will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest and legal obligations in most of the data collected- we may not be able to restrict processing..

- **Objection**

You may contact LASD at any time in order to object to the processing of data relating to you. LASD will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

However, due to our legitimate interest and legal obligations in most of the data collected- we may not be able to accept your objection.

Any and all verbal requests are noted, and then contacted again either via phone or email to verify the request. Verbal requests will be responded to in the time frames mentioned above.

**Training and Data Protection in Practise**

All members of staff (PAYE, Freelance and Voluntary) must agree to this Data Protection policy prior to accepting a contract of employment.

Training is supplied as part of management and supervision. It is also included in all induction and training periods.

LASD is registered as a Data Controller with the Independent Commissioners Office (ICO). The registered Data Protection Officer (DPO) is Principal Mrs Laura Green (laschoolofdance@icloud.com)

### **Complaints and Data Breaches**

#### **Complaints:**

Complaints in regard to the handling of any personal data can be made directly to LASD's DPO:

Laura Green

Email: laschoolofdance@icloud.com

Telephone: 07986143270

#### **Data Breaches:**

If LASD experiences a data breach of any kind, we have a legal obligation to report this to ICO within 72 hours. The data breach will be reported by the DPO.

LASD will also inform all the victims of the data breach as soon as possible if there is a high risk of adversely affecting individuals' rights and freedoms.

LASD will store and record all data breaches.