

# **Aberdeen Strathspey and Reel Society**

## **Data Protection and Retention Policy**

### **1. Data Protection Policy**

#### **Roles and Responsibilities**

Key details

- Policy prepared by: Alastair Bruce
- Approved by Committee on: 24 March 2021
- Next review date: 17 February 2023

In order to operate, Aberdeen Strathspey and Reel Society (“ASRS”) needs to gather, store and use certain forms of information about individuals.

These can include members, contractors, suppliers, volunteers, freelancers, audiences and potential audiences, business contacts and other people ASRS has a relationship with or regularly needs to contact.

This policy explains how this data should be collected, stored and used in order to meet ASRS data protection standards and comply with the UK General Data Protection Regulations (GDPR).

#### **Why is this policy important?**

This policy ensures that ASRS

- Protects the rights of its members, volunteers and supporters
- Complies with data protection law and follows good practice
- Protect ASRS from the risks of a data breach

## Roles and responsibilities

Who and what does this policy apply to?

This applies to *all* those handling data on behalf of ASRS e.g.

- Committee members
- Members
- Freelancers and volunteers
- Contractors/3<sup>rd</sup>-party suppliers

It applies to all data that ASRS holds relating to individuals, including:

- Names
- Email addresses
- Postal addresses
- Phone numbers
- Any other personal information held (e.g. financial, date of birth where the individual is under the age of 16)

## Roles and responsibilities

ASRS is the Data Controller and will determine what data is collected and how it is used. The Data Protection Officer for ASRS is the Secretary. They, together with the committee are responsible for the secure, fair and transparent collection and use of data by ASRS. Any questions relating to the collection or use of data should be directed to the Data Protection Officer.

*Everyone* who has access to data as part of ASRS has a responsibility to ensure that they adhere to this policy.

Where ASRS uses third party Data Processors to process data on its behalf ASRS will ensure all Data Processors are compliant with GDPR.

## **Data Protection Principles**

### **(a) ASRS fairly and lawfully processes personal data in a transparent way**

ASRS will only collect data where lawful and where it is necessary for the legitimate purposes of ASRS.

- A member's name and contact details and a record of the instrument(s) played will be collected when they first join ASRS, and will be used to contact the member regarding ASRS membership administration and activities (including details of other societies' rallies at which members are invited to play). Where the member is under the age of 16 details of the member's date of birth will also be collected. Other data may also subsequently be collected in relation to their membership, including their payment history for subscriptions. Where possible ASRS will anonymise this data
  - Lawful basis for processing this data: Contract (the collection and use of data is fair and reasonable in relation to ASRS completing tasks expected as part of the individual's membership and complying with Child Protection Policy)
- The name and contact details of volunteers, freelancers, and contractors will be collected when they take up a position, and will be used to contact them regarding group administration related to their role.

Further information, including personal financial information and criminal records information may also be collected in specific circumstances where lawful and necessary (in order to process payment to the person or in order to carry out a Disclosure Scotland check).

- Lawful basis for processing this data: Contract (the collection and use of data is fair and reasonable in relation to ASRS completing tasks expected as part of working with the individuals and complying with Child Protection Policy)
- ASRS may use the name and address details of members and individuals to claim Gift Aid on any donations, including the membership element of the annual subscription.
  - Lawful basis for processing this data; Consent (the data will only be used in this way where the member or individual has completed an appropriate Gift Aid Declaration)
- ASRS may share contact details of members with other members. For more details see 'Member to Member Contact' below.
  - Lawful basis for processing this data; Consent (see 'Member to member' contact below)
- ASRS may share contact details of members with volunteers and freelancers (e.g. their Music Director). For more details see 'Contact with volunteers and freelancers' below.
  - Lawful basis for processing this data; Consent (see 'Contact with volunteers and freelancers' below)
- ASRS may take photographs/video footage of members and individuals at performances, rehearsals or other ASRS activities for the purposes of promoting ASRS and its activities. For more details see 'Photographs and Video' below.
  - Lawful basis for processing this data: Legitimate Interest (Promoting ASRS is necessary and a legitimate interest; using photographs and video of performances, rehearsals and other ASRS activities is not an unreasonable way to do this; the rights, freedoms and interests of any member or individual in the photographs or video are not at significant risk)

- An individual's name and contact details will be collected when they make a booking for an event. This will be used to contact them about their booking and to allow them entry to the event.
  - Lawful basis for processing this data: Contract (the collection and use of data is fair and reasonable in relation to ASRS completing tasks expected as part of the booking)
- An individual's name, contact details and other details may be collected at any time (including when booking tickets or at an event), with their consent, in order for ASRS to communicate with them about and promote ASRS activities. See 'How we get marketing consent' below.
  - Lawful basis for processing this data: Consent (see 'How we get marketing consent')
- Pseudonymous or anonymous data (including behavioural, technological and geographical/regional) on an individual may be collected via tracking 'cookies' when they access the ASRS website or interact with ASRS emails, in order for ASRS to monitor and improve its effectiveness on these channels. See 'Cookies on the ASRS website' below.
  - Lawful basis for processing this data: Consent (see 'Cookies on the ASRS website' below)

**(b) ASRS only collects and uses personal data for specific, explicit and legitimate purposes and will only use the data for those specified purposes.**

When collecting data, ASRS will always provide a clear and specific privacy statement explaining to the subject why the data is required and what it will be used for.

**(c) ASRS ensures any data collected is relevant and not excessive**

ASRS will not collect or store more data than the minimum information required for its intended purpose e.g. ASRS needs to collect telephone numbers from members in order to be able to contact them about group administration, but data on their marital status or sexuality will not be collected, since it is unnecessary and excessive for the purposes of group administration.

**(d) ASRS ensures data is accurate and up-to-date**

ASRS will ask members, volunteers, freelancers, employees and contractors to check and update their data on an annual basis. Any individual will be able to update their data at any point by contacting the Data Protection Officer.

**(e) ASRS ensures data is not kept longer than necessary**

ASRS will keep records for no longer than is necessary in order to meet the intended use for which it was gathered (unless there is a legal requirement to keep records).

The storage and intended use of data will be reviewed in line with ASRS's data retention policy. When the intended use is no longer applicable (e.g. contact details for a member who has left the group), the data will be deleted within a reasonable period. Where data is deleted, the name of the member, the instrument played and the dates on which the member joined and left ASRS will be retained in the ASRS archive for the purposes of (i) determining the member's right to life membership in the case of the member re-joining and (ii) maintaining the Society's historical archive. No additional information will be retained in the Archive.

**(f) ASRS keeps personal data secure**

ASRS will ensure that data held by it is kept secure.

- Electronically-held data will be held within a password-protected and secure environment
- Passwords for electronic data files will be re-set each time an individual with data access leaves their role/position
- Physically-held data (e.g. membership forms or email sign-up sheets) will be stored in a locked cupboard
- Keys for locks securing physical data files should be collected by the Data Protection Officer from any individual with access if they leave their role/position. The codes on combination locks should be changed each time an individual with data access leaves their role/position
- Access to data will only be given to relevant trustees/committee members/contractors where it is clearly necessary for the running of the group. The Data Protection Officer will decide in what situations this is applicable and will keep a master list of who has access to data

#### **(g) Transfer to countries outwith the UK**

ASRS will not transfer data to countries outwith the UK except as permitted by and in accordance with the requirements of the GDPR.

## **Individual Rights**

When ASRS collects, holds and uses an individual's personal data that individual has the following the rights over that data. ASRS will ensure its data processes comply with those rights and will make all reasonable efforts to fulfil requests from an individual in relation to those rights.

#### **Individual's rights**

- *Right to be informed:* whenever ASRS collects data it will provide a clear and specific privacy statement explaining why it is being collected and how it will be used.

- *Right of access:* individuals can request to see the data ASRS holds on them and confirmation of how it is being used. Requests should be made in writing to the Data Protection Officer and will be complied with free of charge and within one month. Where requests are complex or numerous this may be extended to two months
- *Right to rectification:* individuals can request that their data be updated where it is inaccurate or incomplete. ASRS will request that members, staff and contractors check and update their data on an annual basis. Any requests for data to be updated will be processed within one month.
- *Right to object:* individuals can object to their data being used for a particular purpose. ASRS will always provide a way for an individual to withdraw consent in all marketing communications. Where we receive a request to stop using data we will comply unless we have a lawful reason to use the data for legitimate interests or contractual obligation.
- *Right to erasure:* individuals can request for all data held on them to be deleted. ASRS's data retention policy will ensure data is not held for longer than is reasonably necessary in relation to the purpose it was originally collected. If a request for deletion is made ASRS will comply with the request unless (i) There is a lawful reason to keep and use the data for legitimate interests or contractual obligation or (ii) There is a legal requirement to keep the data.
- *Right to restrict processing:* individuals can request that their personal data be 'restricted' – that is, retained and stored but not processed further (e.g. if they have contested the accuracy of any of their data, ASRS will restrict the data while it is verified).

Though unlikely to apply to the data processed by ASRS, ASRS will also ensure that rights related to portability and automated decision making (including profiling) are complied with where appropriate.

## Photographs and Video

ASRS may take photographs and video footage at performances, rehearsals and other group activities for the purposes of publicity and promoting the group and its activities (e.g. in publicity material or on the ASRS website or Facebook page). In this event ASRS will;

- Make members and individuals present aware that photographs or video footage is to be taken.
- Minimise the risk of identification if the image is used publicly (e.g. individuals will not be named in any captions without consent).
- When storing a photograph or video, avoid linking it to any other information held in relation to any member or individual appearing in it.
- Do their best to respect the wishes of anyone who does not wish their image to be used in any publicity or promotional material while noting that ASRS does not control all such materials relating to group events.
- Obtain the consent of a parent or guardian of any member under the age of 16 to the use of photographs and video footage in which they appear for publicity or promotional material.

## **Contact with Volunteers and Freelancers**

ASRS only shares members' data with volunteers and freelancers with the subject's prior consent. Where such consent is given the information shared will be limited to the personal contact data of the member for the purposes of contacting the member in connection with a group activity with which the volunteer or freelancer is involved (e.g. the group's Music Director providing copies of music or venue, date and time information for a performance or rehearsal).

To facilitate this

- Members' prior consent to the sharing of their personal contact data with volunteers or freelancers may be obtained at the time they first join the group or at any time during the period of their membership. Any member giving prior consent in this way may withdraw it at any time by written request to the Data Protection officer. ASRS will advise members of their right to subsequently withdraw their prior consent at the time such consent is obtained.

## **Member-to-member contact**

ASRS only shares members' data with other members with the subject's prior consent.

As a membership organisation ASRS encourages communication between members.

To facilitate this:

- Members can request the personal contact data of other members in writing via the Data Protection Officer. These details will be given, as long as they are for the purposes of contacting the subject (e.g. an email address, not financial or health data) and the subject has consented to their data being shared with other members in this way
- Members' prior consent to the sharing of their personal contact data with other members may be obtained at the time they first join the group or at any time during the period of their membership. Any member giving prior consent in this way may withdraw it at any time by written request to the Data Protection officer. ASRS will advise members of their right to subsequently withdraw their prior consent at the time such consent is obtained.

## **How ASRS gets marketing consent**

ASRS will regularly collect data from consenting supporters for marketing purposes. This includes contacting them to promote performances, updating them about group news, fundraising and other group activities.

Any time data is collected for this purpose, ASRS will provide:

- A method for users to show their positive and active consent to receive these communications (e.g. a 'tick box')
- A clear and specific explanation of what the data will be used for (e.g. 'Tick this box if you would like ASRS to send you email updates with details about our forthcoming events, fundraising activities and opportunities to get involved')

Data collected will only ever be used in the way described and consented to (e.g. ASRS will not use email data in order to market 3rd-party products unless this has been explicitly consented to).

Every marketing communication will contain a method through which a recipient can withdraw their consent (e.g. an 'unsubscribe' link in an email). Opt-out requests such as this will be processed within 14 days.

## **Cookies on the ASRS website**

A cookie is a small text file that is downloaded onto 'terminal equipment' (e.g. a computer or smartphone) when the user accesses a website. It allows the website to recognise that user's device and store some information about the user's preferences or past actions.

ASRS uses cookies on the ASRS website [aberdeenstrathspey.org.uk](http://aberdeenstrathspey.org.uk) in order to monitor and record users' activity. This allows ASRS to improve users' experience of the website by, for example, allowing for a 'logged in' state, and by providing useful insight into how users as a whole are engaging with the website.

ASRS will implement a pop-up box on [aberdeenstrathspey.org.uk](http://aberdeenstrathspey.org.uk) that will activate each time a new user visits the website. This will allow them to click to consent (or not) to continuing with cookies enabled, or to ignore the message and continue browsing (i.e. give their implied consent).

It will also include a link to the Privacy Policy which outlines which specific cookies are used and how cookies can be disabled in the most common browsers.

## **2. Data retention policy**

# Overview

## Introduction

This policy sets out how ASRS will approach data retention and establishes processes to ensure data is not held for longer than is necessary.

It forms part of ASRS' Data Protection Policy.

## Roles and responsibilities

ASRS is the Data Controller and will determine what data is collected, retained and how it is used. The Data Protection Officer for ASRS is the secretary. They, together with the committee are responsible for the secure and fair retention and use of data by ASRS. Any questions relating to data retention or use of data should be directed to the Data Protection Officer.

## Regular Data Review

A regular review of all data will take place to establish if ASRS still has good reason to keep and use the data held at the time of the review.

As a general rule a data review will be held every 2 years and no more than 27 calendar months after the last review. The first review took place on 27 June 2018.

## Data to be reviewed

- ASRS stores data on digital documents (e.g. spreadsheets) stored on personal devices held by committee members.
- Data stored on third party online services (e.g. Google Drive, Mail Chimp).
- Physical data stored at the homes of committee members.

## Who the review will be conducted by

The review will be conducted by the Data Protection Officer with other committee members to be decided on at the time of the review.

## How data will be deleted

- Physical data will be destroyed safely and securely, including shredding.
- All reasonable and practical efforts will be made to remove data stored digitally.
  - Priority will be given to any instances where data is stored in active lists (e.g. where it could be used) and to sensitive data.
  - Where deleting the data would mean deleting other data that we have a valid lawful reason to keep (e.g. on old emails) then the data may be retained safely and securely but not used.

## Criteria

The following criteria will be used to make a decision about what data to keep and what to delete.

Question	Action	
	Yes	No
Is the data stored securely?	No action necessary	Update storage protocol in line with Data Protection policy
Does the original reason for having the data still apply?	Continue to use	Delete or remove data
Is the data being used for its original intention?	Continue to use	Either delete/remove or record lawful basis for use and get consent if necessary

Is there a statutory requirement to keep the data?	Keep the data at least until the statutory minimum no longer applies	Delete or remove the data unless we have reason to keep the data under other criteria
Is the data accurate?	Continue to use	Ask the subject to confirm/update details
Where appropriate do we have consent to use the data. This consent could be implied by previous use and engagement by the individual	Continue to use	Get consent
Can the data be anonymised?	Anonymise data	Continue to use

## Statutory Requirements

Data stored by ASRS may be retained based on statutory requirements for storing data other than data protection regulations. This might include but is not limited to:

- Gift Aid declarations records
- Details of payments made and received (e.g. in bank statements and accounting records)
- Committee and other group meeting minutes
- Contracts and agreements with suppliers/customers/freelancers
- Insurance details
- Tax records
- Details of payments to suppliers/customers/freelancers

## Other data retention procedures

## **Member data**

- When a member leaves ASRS and all administrative tasks relating to their membership have been completed any potentially sensitive data held on them will be deleted – this might include bank details or medical data. Where data is deleted, the name of the member, the instrument played and the dates on which the member joined and left ASRS will be retained in the ASRS archive for the purposes of (i) determining the member's right to life membership in the case of the member re-joining and (ii) maintaining the Society's historical archive. No additional information will be retained in the Archive. Unless consent has been given data will be removed from all email mailing lists
- All other data will be stored safely and securely and reviewed as part of the next two year review

## **Mailing list data**

- If an individual opts out of a mailing list their data will be removed as soon as is practically possible.
- All other data will be stored safely and securely and reviewed as part of the next two year review

## **Volunteer and freelancer data**

- When a volunteer or freelancer stops working with ASRS and all administrative tasks relating to their work have been completed any potentially sensitive data held on them will be deleted – this might include bank details or medical data
- Unless consent has been given data will be removed from all email mailing lists
- All other data will be stored safely and securely and reviewed as part of the next two year review

## **Other data**

- All other data will be included in a regular two year review.

**Aberdeen Strathspey and Reel Society**

**Registered Charity SC011924**