**Data Protection Note:**

Aspire in Arts is exempt from the notification provisions of the Data Protection Act 1998, as it is a small not for profit organisation. Nevertheless the Act, and the companion Freedom of Information Act 2005 do provide guidance about how personal data should be treated with which compliance is expected. Aspire in Arts does have such data – see list below – and needs to treat this securely. The key advisory and regulatory body is the Information Commissioner’s Office.

The Information Manager is our designated adviser on best practice under the legislation, and in ensuring our compliance with its requirements. The exemption is as set out in the ICO’s guidance note1 . However it is important to note that this exemption only applies whilst using the information to support or maintain membership, and to provide services to those members. The Guidance also makes it clear that even if unregistered, a charity must comply with the eight data protection principles of good practice.

**Data Protection Act Principles:**

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

• Fairly and lawfully processed

• Processed for limited purposes

• Adequate, relevant and not excessive

• Accurate and up to date

• Not kept for longer than is necessary

• Processed in line with your rights

• Secure

• Not transferred to other countries without adequate protection.

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

**Definition of personal information:**

The Act and associated Guidance2 provides the definition in terms of whether the personal data enables the identification of an individual through a relevant filing system. In practical terms the relevant filing system may be either electronic or paper.

1 DP Act Guidance Note: The exemption from notification of not for profit organisations , ICO 2 DP Act Technical Guidance: “Distinguishing what is personal information”.

ICO 2 The ICO has suggested that organisations apply the following test questions to themselves, on the basis that: “ Being able to answer ‘yes’ to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction”:

• Do I really need this information about an individual? Do I know what I’m going to use it for?

• Do the people whose information I hold know that I’ve got it, and are they likely to understand what it will be used for?

• If I’m asked to pass on personal information, would the people about whom I hold information expect me to do this?

• Am I satisfied the information is being held securely, whether it’s on paper or on computer? And what about my website? Is it secure?

• Is access to personal information limited to those with a strict need to know? • Am I sure the personal information is accurate and up to date?

• Do I delete or destroy personal information as soon as I have no more need for it?

• Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting them into practice?

• Do I need to notify the Information Commissioner and if so is my notification up to date?

**Personal Information – Staff:**

The underlying principle is that personal information about staff and financial matters should be kept securely and safely and confined solely to those who need to use it, using the password control. Paper Personnel records are held by the Aspire in Arts Directors, and kept in a locked filing cabinet. Paper records about staff will be kept for a period of 7 years, consistent with the retention of financial information. The staff team has chosen to share information about addresses, mobile phones, home email addresses and dates of birth and this is welcomed for operational reasons, and is agreed by all staff.

Personal contact details should not be given out to unknown external bodies, or individuals, without the agreement of those concerned.

Personal Information – Members and others. Occasionally there are requests from external bodies that we should enable them to use this data store. However, such requests need to be addressed with great care. Some may be legitimate requests, but others may be by marketing organisations.

In no circumstances should any of the databases listed above be transferred directly to another organisation. There may be circumstances where it is legitimate to refer on contact details of an external organisation to our members, but in this event it should always be done by us, and NOT by external parties.

The personal information in these databases will not be transferred or sold to any external organisation without the knowledge and permission of those listed in the database

**Personal Information – Young People:**

On occasions Aspire in Arts may have personal data enabling the identification of a young person through a relevant filing system. This information will only be held if the young people whose information Aspire in Arts hold know that Aspire in Arts have it and understand what it will be used for. Paper records of this information will be kept in a locked filling cabinet within a locked office. The key will be held by Aspire in Arts Directors and information will be destroyed as soon as Aspire in Arts have no more need for it (for example consent forms).

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