

Circus Central GDPR policy (Individuals)

Policy: Data Protection (GDPR)		
Date Adopted: 01/11/2020	Date of last review: 01/11/2020	To be reviewed next before/on: 01/11/2023
2008 (DPA) Updated 2018 (GDPR)		
Purpose and Statement: Circus Central is committed to ensuring the data processed by our school remains safe and secure. 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). Circus Central has determined the lawful reasons with which it processes personal data: <ul style="list-style-type: none"> ● Legal obligation – GDPR Article 6(1)(c) ● Legitimate interest – GDPR Article 6(1)(f) ● Contract - GDPR Article 6(1)(b) There is also some limited data we process with consent from the Data Subject; Consent – GDPR Article 6(1)(a). While Circus Central 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 Circus Central is satisfied that their Data Protection policy is GDPR compliant.		
Main Aims for the policy: <ul style="list-style-type: none"> - Specify the data Circus Central collects, how it is stored/protected and the reason for collecting it - State how Circus Central use personal data in processing - Disclose who has access to the data and how long we retain information for - Explain Data Subject's rights with Circus Central data including access, rectification and erasure 		
Distribution: <ul style="list-style-type: none"> ● To be distributed to Board at AGM and Induction sessions for Board Members [IF APPROPRIATE] ● To be sent to all staff, freelance staff and volunteers as part of induction and training ● To be displayed on the Circus Central website ● This policy will be sent directly to members of the public on request ● Confirmation of receipt of information - Signed statement from recipient to be held on file 		
Review and monitoring of policy: <ul style="list-style-type: none"> ● Reviewed annually or in instances of legislative change ● Monitoring is part of Management and Supervision 		

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

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

Circus Central 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 a Circus Central 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 Circus Central collect personal data:

Circus Central customers and participants supply their personal data when signing up for classes through our registration form either via the website, or via paper form.

This is either completed by a parent/guardian or the child themselves if they deemed able to do so.

Personal data may also come to us unsolicited via enquiries through our website and to our generic email account.

Why Circus Central collect personal data:

To attend any of Circus Central's activities participants/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 Circus Central be unable to process participant'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 participants must remain safe at all times, therefore information about participants 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 Circus Central collects includes but is not limited to: Medical/Disability information, Income information, Ethnicity, Gender and Sexuality.

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

Income information is only collected in instances where a participant applies to attend our classes at a concessionary price, or on a bursary. This financial support is means tested, and therefore is subject to documented proof. Proofs of entitlement to concession are shredded after the entitlement has been noted.

Ethnicity and other sensitive data is to provide information to funding 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 participants) that we are provided, and allowed to process and store the following:

Participant 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)
- Permission to go home alone - GDPR Article 6(1)(f)
- School/Educational Institution - GDPR Article 6(1)(f)
- Exam results (vocational exams taken through [SCHOOL NAME] only) - GDPR Article 6(1)(f)
- Classes attended/Price paid - GDPR Article 6(1)(f)

Participant 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
- Sexuality – 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)

Parent/Guardian Special Category Data:

- Concession Type – further explicate consent sought
- Documented proof of financial need – further explicate consent sought
- Bank Details – further explicate consent sought in the instance of refunds etc.

How data collected is sent internally:

Circus Central transports data with all due diligence.

Booking forms are sent to Circus Central through an encrypted email server directly from our website which has controlled access. Received booking forms are stored on an encrypted email server for no more than 6 months.

Storage/Retention of data:

Data received through enrolment forms is uploaded manually into our database software. Our database is stored both in encrypted files on office-based hardware and backed up regularly in our encrypted cloud-based server. Access to these files is restricted through password protection and only available to authorised staff members.

Registers and emergency contact lists created from student data are stored in encrypted files on office-based hardware and backed up regularly in our encrypted cloud-based server. Access to these files is restricted through password protection and only available to authorised staff members. 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.

Waiting lists are stored on an encrypted cloud-based server.

Our standard retention policy (without the data subject's right to access, rectification and erasure etc.) is THREE YEARS post final attendance.

Exceptions to our retention policy:

- Financial records are kept for 6 years due to legal obligation
- First Aid records are kept for 21 years due to legal obligation
- Photo consent may be kept indefinitely
- Child Safeguarding records are kept indefinitely on a case-by-case basis, the minimum these will stored for is 6 years due to legal obligation
- Bank details are deleted after the action concerning them is complete
- Unsolicited enquiries that do not turn into bookings with current classes are deleted after they have been dealt with

Third Parties/Data Processors:

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

Freelance Teachers:

As many of Circus Central teachers 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 Safeguarding Concerns:

In the event Circus Central has a safeguarding concern in relation to one of our participants Circus Central are legally required to provide data to the safeguarding board at the local council.

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

Event Programmes:

Circus Central may occasionally produce programmes for events. These will only ever contain the first name and first initial of a child's last name (unless otherwise consented to). 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, Circus Central must provide some personal data to examination boards (currently Circus Central work with: Trinity and Pearson). This sharing of data is to be consented to by the data subject and/or parent/guardian upon being entered for the exam.

Schools:

Circus Central must sometimes share personal data with schools (names, DOB and payment information) when taking part in an internal class in order for them to check persons attending. This also helps the school work out Circus Central's payment in terms of renting space.

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

Independent Examiner:

It is Circus Central's legal obligation to have an independent examination with regards to its financial processes at the end of every financial year. This includes access to our income relating to classes and services. Any data shared will be purged of as much identifying data as possible.

Circus Central is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained. Circus Central has a copy of the privacy agreement on file.

Rights of the data subject and Circus Central compliance with responses:

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

- **Access**

You may contact Circus Central at any time to access all data held relating to you and/or your child(ren). Circus Central 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, Circus Central 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 Circus Central's legal obligations such as Child Safeguarding records.

- **Rectification**

You may contact Circus Central at any time in order to rectify data held relating to you and/or your child(ren). Circus Central 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 Circus Central's legal obligations such as payment record information.

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- **Erasure**

You may contact Circus Central at any time in order to erase data held relating to you and/or your child(ren). Circus Central 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 Circus Central's legal obligations such as First Aid records.

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- **Restrict Processing**

You may contact Circus Central at any time in order to restrict the data we process relating to you and/or your child(ren). Circus Central 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 membership with Circus Central until the restriction is lifted. This is due to Health and Safety and Child Safeguarding.

- **Data Portability**

You may contact Circus Central at any time in order to obtain the data we process relating to you and/or your child(ren) and reuse it across different services. Circus Central will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt. Please note, this does not apply to Circus Central's legal obligations.

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- **Objection**

You may contact Circus Central at any time in order to object to the processing of data relating to you and/or your child(ren). Circus Central 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 membership with Circus Central 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 Circus Central at any time in order to object to profiling relating to you and/or your child(ren). Circus Central 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 membership with Circus Central until the profiling restriction is lifted. This is due to Health and Safety and Child Safeguarding.

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

None of Circus Central's decision making is automated. Profiling is only used in circumstances where a participant 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

Circus Central 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.

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:

Circus Central regularly share photos/videos of students in workshops, events and performances through social media platforms including; Instagram, Facebook, Twitter, 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.

Funders

How Circus Central collect personal data:

Circus Central funders supply their personal data when donating to the charity both online and in person.

Why Circus Central collect personal data:

Circus Central collect data regarding funders through GDPR Article 6(a) consent.

In some instances funders data is processed in order to process donations, including Gift Aid. Some funders information is processed to provide marketing when further fundraising drives are collected.

What data we collect:

Personal data is collected. No special category data is obtained.

Funders Personal Data:

- Name
- Address/Contact Details
- UK Tax Payer status
- Email Address

How data is sent internally:

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

Any unsolicited information is received to an encrypted email server.

Storage/Retention of data:

Funders personal details are stored in encrypted files both in office hardware and backed up to our encrypted cloud-based server.

Most funders' data is retained for 2 YEARS (post-donation).

Exceptions to our retention policy:

- Financial Information, including Gift Aid receipts, are retained for 6 years due to our legal obligations

Third Parties/Data Processors:

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

HMRC/Police:

In the instance we believe a donation to be part of a money laundering operation, Circus Central has a legal obligation to provide data to the aforementioned parties.

Rights of the data subject and Circus Central compliance with responses:

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

- **Access**

You may contact Circus Central at any time to access all data held relating to you. Circus Central 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, Circus Central 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 Circus Central's legal obligations such as financial records.

- **Rectification**

You may contact Circus Central at any time in order to rectify data held relating to you. Circus Central 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 [Circus Central's legal obligations such as payment record information.

- **Erasure**

You may contact Circus Central at any time in order to erase data held relating to you Circus Central 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 Circus Central's legal obligations.

- **Restrict Processing**

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

The right to restrict processing does not apply to Circus Central's legal obligations.

- **Data Portability**

You may contact Circus Central at any time in order to obtain the data we process relating to you and reuse it across different services. Circus Central will ensure that we respond to a request to restrict processing without undue delay and within one month of receipt.

Please note, this does not apply to Circus Central's legal obligations.

- **Objection**

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

Please note, this does not apply to Circus Central's legal obligations.

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

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

Please note, this does not apply to Circus Central's legal obligations.

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.

Circus Central is not required to be registered as a Data Controller with the Independent Commissioners Office (ICO).

Complaints and Data Breaches

Complaints:

Complaints in regard to the handling of any personal data can be made directly to Circus Central's CEO: Sarah Carrie.

Email: sarah@circuscentral.co.uk

Telephone: 07738 089921

Address: Mill Lane Youth Centre, Sceptre St, Newcastle upon Tyne, NE4 6PR

If you feel that your complaint was not handled in the correct manner, or still have concerns, you may escalate the complaint by either contacting Circus Central's Chair of Trustees (details upon application) or by contacting the Independent Commissioner's Office (ICO).

ICO Telephone Number: 0303 123 1113

Data Breaches:

If Circus Central 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 CEO. In the instance they are unavailable to report the breach, the next most senior staff member shall do so.

Circus Central 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.

Circus Central will store and record all data breaches.