



**Crave Arts**

## **Data Protection Policy and Privacy Statement**

**January, 2021**

This Policy explains what Crave Arts does with personal data and how it complies with the General Data Protection Regulation (GDPR).

Crave Arts' Privacy Statement is incorporated within this Policy.

### **1. What is Data Protection?**

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'.

The Data Protection Act also provides people with various rights with regards their personal data, such as the right to access Personal Data that an organisation holds.

### **2. Definitions**

'Personal data' means data which relates to a living person who can be identified either from that data, or from the data and other information that is available. This means that information as simple as someone's name and address is their Personal Data. It can be held in paper format or electronically.

'Processing' means using, storing, sharing, copying, creating, holding, destroying – in fact, doing anything with personal data.

'Data Protection principles' means 6 principles encapsulated in the GDPR making sure information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

'Privacy Statement' means a public document which explains how an organisation uses personal data and abides by the Data Protection principles

### **3. Crave Arts' Privacy Statement**

#### **Data Subjects**

Crave Arts may process Personal Data about the following Data Subjects: contractors (for example, artists), suppliers, volunteers, participants, audiences, funders and donors.

#### **Purpose for processing**

The overall purpose of processing this personal data will be to deliver projects and work in line with our company's objects:

- To provide high quality participatory arts and heritage activities for communities and the wider public within the West Midlands
- To support people's health and wellbeing through engagement with the arts and heritage and
- To provide specialist support services to those working in or with the arts and heritage in the region.

Specifically within that, some examples of purposes include:

- To provide artists with contracts and pay them
- To let participants know about upcoming workshops
- To promote the work we do
- To evaluate projects and provide information to funders

#### **Fairness and Transparency**

When we collect personal data, we will explain the purpose for which the data is being collected. We will not then use the data for a different purpose, unless legally obliged (see below).

#### **Lawful basis**

We will only process personal data where we have one of 6 'lawful bases' to do so under Article 6 of the EU General Data Protection Regulations.

This will usually be:

- to fulfil a contract with the individual
- for the legitimate interests of Crave Arts (provided the individual's rights and freedoms are not overridden)
- where the individual (or their parent/carer when appropriate in the case of a child) has freely given consent (for example, to have photographs or film footage taken).

And occasionally to:

- comply with a legal obligation
- ensure the vital interests of the individual e.g. to protect someone's life
- perform a task in the public interest

## Information collected

Personal data that we may process about individuals may include, but is not restricted to:

- Full name, title, date of birth, gender
- Postal address, email address, phone number
- IP (internet protocol) address e.g. cookies
- Ethnicity
- Details of any medical conditions or dietary requirements
- Gift Aid status
- Photographs and video recording

## Special Category Data

Special Category Data is personal data which requires extra care to be taken. The Data Protection Act 2018 defines Special Category Data as personal data which includes:

- Race and ethnic origin.
- Religious or philosophical beliefs.
- Political opinions.
- Trade union memberships.
- Biometric data used to identify an individual (such as fingerprints for a criminal investigation).
- Genetic data.
- Health data.
- Data related to sexual preferences, sex life, and/or sexual orientation.

We will only process Special Category Data if we have a lawful basis **and** a separate condition is met under Article 9 of the GDPR:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

### **What we will do with your information**

When deciding what personal data to collect, use and hold, we will:

- only collect, hold and use personal data where it is necessary and fair to do so
- keep your personal data secure and safe
- securely dispose of any personal data when it is no longer needed
- be open with you about how we use your personal data and who we share it with; and
- adopt and maintain high standards in handling any personal data.

We may disclose personal data to a third party, but only where it is required by law, where that third party needs that information to provide you with a service on our behalf or where it is otherwise allowed under the GDPR. We will strive to make sure that the third party has sufficiently robust systems and procedures in place to protect your personal data.

### **How long we will hold your information**

We will not keep your personal data any longer than needed to provide the services you require unless the law states the period that such records should be kept.

### **Who we may share your information with**

Your personal data may be shared within Crave Arts or with external partners and agencies involved in delivering services on our behalf or with our funders. They will only have access to your information if it is needed to provide you with a service or to comply with a legal/financial obligation. This does not mean that we share all the personal data you give us, only what is necessary for very specific purposes.

Crave Arts will seek to ensure that the third party has sufficient systems and procedures in place to prevent the loss or misuse of personal information.

If your personal information is transferred outside the European Economic Area (EEA) for processing or storage purposes Crave Arts will ensure that safeguards are in place to protect it to at least the standard applied within the EEA.

### **Your information rights**

Under the GDPR you, as the Data Subject, have the following rights. Each request will be reviewed and actioned wherever possible. However, you should be aware that we may not be able to comply with some requests due to a legal obligation.

You have the right to:

- access the personal data we hold about you
- request that we rectify any personal data about you that is incorrect. Simple inaccuracies, such as address changes, will be made. However, depending on the purpose for processing, records (including statements and opinions) may not be changed, but there will be the option for you to provide a supplementary statement which will be added to the file
- request that records we hold about you are erased
- restrict processing of the personal data we hold about you if you have an objection to that processing, whilst your objection is investigated
- request that any personal data that you have provided to us is given back to you in a format that you can give to another service provider if required
- object to processing of your personal data including automated decision making and profiling
- make a complaint to a supervisory authority if you are not satisfied with how the personal data held about you has been handled

### **Use of personal information for marketing**

We will only send you information about our services and/or products if you have opted in to receive them. We may also share your personal data with other service providers who may contact you with details of services they provide if you give us permission to do this.

### **The prevention and detection of fraud**

Crave Arts is required by law to protect the public funds it administers. Therefore, we may use any of the personal data you provide to us for the prevention and detection of fraud or to comply with the law.

We may need to share your personal data with other public bodies. These include (but are not limited to):

- The Audit Commission
- Department for Work and Pensions
- Local Authorities
- Her Majesty's Revenue & Customs (HMRC)
- The Police

We may also share information with credit reference agencies, service providers or contractors and partner organisations, where the sharing of information is necessary, proportionate and lawful.

### **How to access the information we hold about you**

You have the right to request a copy of the personal data that we hold about you. If you would like to do so, please contact us by email or by post giving us as much detail as possible about the personal data you require.

We will need to confirm your identity before any information can be provided. You will then receive a copy of the personal data held about you along with an explanation of any codes used or other clarification that may be necessary.

### **Requesting that someone else look at your information on your behalf**

You can request that someone else looks at your records on your behalf. To do this you will need to give us consent in writing informing us of who you want to look at the information for you. If a relative or someone else wishes to look at the records of a person who is not able to give their consent, this will only be allowed where it can be shown to be in the best interest of the person concerned.

### **How to contact us**

To exercise any of your rights under the General Data Protection Regulations (GDPR) please contact us: [craveartsbusiness@gmail.com](mailto:craveartsbusiness@gmail.com)

If you are not happy with the response you receive from us, you have the right to make a complaint to a supervisory authority:

#### **Information Commissioner's Office**

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 0303 123 1113

### **Equalities information**

We may use personal data you give us such as your ethnic background, first language, gender, sexual orientation and age to gather statistics about the population of the area and the take up of our services. This is to help comply with our reporting obligations for the use of public money and to plan the provision of services in the future. Such analysis will not identify individuals or have impact on entitlement to services and facilities.