



# Chloe May's Dance Academy

<b>Policy:</b> Data Protection (GDPR)		
<b>Date Adopted:</b>	<b>Date of last review:</b>	<b>To be reviewed next before/on:</b>
03/01/3018	23/07/2022	23/07/2022
<b>Purpose and Statement:</b> Chloe May's Dance Academy (CMDA) is committed to ensuring the data processed by our company 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).  CMDA has determined the lawful reasons with which it processes personal data: <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> There is also some limited data we process with consent from the Data Subject; Consent – GDPR Article 6(1)(a).  While CMDA 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 CMDA is satisfied that their Data Protection policy is GDPR compliant.  <b>Main Aims for the policy:</b> <ul style="list-style-type: none"><li>- Specify the data CMDA collect, how it is stored/protected and the reason for collecting it</li><li>- State how CMDA 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 CMDA data including access, rectification and erasure</li></ul>		
<b>Review and monitoring of policy:</b> <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**

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

CMDA 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 CMDA 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 CMDA collect personal data:**

CMDA customers and participants supply their personal data when signing up for classes through our bookings site Class4Kids.

Personal data may also come to us unsolicited via enquiries through our website, facebook, online search platforms and to our generic email account.

#### **Why CMDA collect personal data:**

To attend any of CMDA'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 CMDA 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 CMDA 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 MTA 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/Card Details – further explicate consent sought in the instance of refunds etc.

**Storage/Retention of data:**

Personal Data is received and stored on Class4Kids and access to these files is restricted through password protection and only available to authorised staff members.

Payment data is stored with our payment processors Class4Kids, Stripe and Izettle. The Academy does not have access to view parent's full card details.

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

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 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

**Third Parties/Data Processors:**

CMDA 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 CMDA teachers are freelance staff, we have confidentiality and data processor agreements in place. Teachers are only provided with data that is pertinent to their running of a class (e.g names, emergency contact numbers and medical information).

MailChimp:

CMDA uses a USA based company 'MailChimp' to provide newsletters and marketing via email. Data Subjects can opt-out and erase/rectify their record stored with MailChimp at any time.

CMDA is satisfied that their GDPR regulations are thorough, and the information stored in MailChimp (email addresses) is secure. We have a processor contract in place, and copies are available upon request.

Child Performance Licensing:

In order to process child performance licences, CMDA are legally required to provide some personal data to local councils (including but not limited to: full name, date of birth and school details).

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



#### Child Safeguarding Concerns:

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

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

#### Event Programmes:

CMDA 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). The name of a child's class may also be included.

#### Class Dojo:

Class Dojo is our online learning platform used to distribute resources and keep in touch during periods of lockdown due to Covid-19. The Academy gives Class Dojo a child's first name and the first initial of their surname and the parents email address for the purposes of setting up their account and receiving updates. CMDA is satisfied that their GDPR process are thorough and any data will be stored in a secure environment, and not unnecessarily retained.

#### Examination Entry:

In order to enter examinations, CMDA must provide some personal data to examination boards (currently CMDA work with: IDTA). Parental agreement for their child to be entered for an examination automatically denotes authorisation for this data to be given to the examination board for this purpose.

#### **Rights of the data subject and CMDA compliance with responses:**

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

- **Access**

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

- **Rectification**

You may contact CMDA at any time in order to rectify data held relating to you and/or your child(ren). You can login to your Class4Kids account at any time to change your own personal data (such as change of address, updating card details etc). CMDA 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 CMDA's legal obligations such as payment record information.

- **Erasure**

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

- **Restrict Processing**

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

- **Data Portability**

You may contact CMDA 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. CMDA 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 CMDA's legal obligations.

- **Objection**

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

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

None of CMDA'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**

CMDA often use footage/photos used from shows, performances and classes for marketing purposes both in print media, social media and the website. Our terms and conditions which parents/guardians agree to when registering with the Academy include authorisation to use photos/videos in this way. Participants/their Parent and/or Guardians may withdraw consent in writing 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). The Academy asks parents to be mindful of posting images of other children on social media and will highlight if the class contains children who are not allowed their images on social media. However the Academy cannot be held responsible for the actions of others in this respect.

**Social Media:**

CMDA 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 (e.g children's names).

**Staff (Employees/Freelance), Trustees, Volunteers and Potential Staff/Trustees and/or Volunteers**

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

**How CMDA collect personal data:**

CMDA 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 CMDA in the form of applicants emailing regarding work/volunteer opportunities.

**Why CMDA collect personal data:**

It is CMDA'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 CMDA 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 CMDA collects includes but is not limited to: Medical/Disability information, Ethnicity, Gender and Sexuality. CMDA'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).

CMDA is also entitled to obtain and process data in relation to criminal convictions and DBS checks. Most posts within CMDA 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
- Pension Information - GDPR Article 6(1)(c) Legal Obligation
- NI number - GDPR Article 6(1)(c) Legal Obligation
- UTR number - GDPR Article 6(1)(c) Legal Obligation
- Right to work in the UK - GDPR Article 6(1)(c) Legal Obligation
- References - GDPR Article 6(1)(c) Legal Obligation
- Bank Details - Article 6(1)(b) Contract
- Tax details - GDPR Article 6(1)(c) Legal Obligation
- Qualifications - Article 6(1)(b) Contract
- Pay Details - GDPR Article 6(1)(c) Legal Obligation
- Performance Details - Article 6(1)(b) Contract
- Annual Leave Details - Article 6(1)(b) Contract
- Sick/Compassionate/Maternity/Paternity Leave Details - Article 6(1)(b) Contract
- Safeguarding Concerns - GDPR Article 6(1)(c) Legal Obligation
- Emergency Contact - GDPR Article 6(1)(b) Contract

**Staff Special Category Data:**

- Criminal Record/DBS Checks - GDPR Article 6(1)(c) Legal Obligation & GDPR Article 10
- Medical/Disability - Article 6(2)(b) Contract & Article 9(2)(b)
- Ethnicity – Further explicit consent sought- Article 9(2)(a & b)
- Sexuality – Further explicit consent sought - Article 9(2)(a & b)

**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.

Any unsolicited information is received to an encrypted email server.

**Storage/Retention of data:**

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

Most staff data is retained for 6 YEARS (post-employment).

Exceptions to our retention policy:

- Pension details are stored for 75 years (post-employment) due to legal obligation
- Child Safeguarding records are kept indefinitely on a case-by-case basis, the minimum these will be stored for is 6 years due to legal obligation
- First Aid records are kept for a minimum of 21 years due to legal obligation

Unsuccessful applicant data is stored 6-months post campaign, this includes unsolicited data from potential applicants.



**Third Parties/Data Processors:**

CMDA 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, CMDA must supply PAYE staff's personal data each month and at the end of every financial year. CMDA 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 CMDA may not be fully aware of the recipients GDPR policies.

**Child Performance Licensing:**

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

CMDA 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:

<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/access-to-information/Pages/Data-Protection-Act.aspx>

**Child Safeguarding Concerns:**

In the unlikely event CMDA has a safeguarding concern in relation to one of participants and/or staff members, CMDA are legally required to provide data to the safeguarding board at the local council and the Disclosure and Barring service.

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

**Website Biography:**

CMDA'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 CMDA compliance with responses:**

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

**- Access**

You may contact CMDA at any time to access all data held relating to you. CMDA 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, CMDA 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 CMDA's legal obligations such as confidential Child Safeguarding records.

**- Rectification**

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

- **Erasure**

You may contact CMDA at any time in order to erase data held relating to you. CMDA 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 CMDA's legal obligations such as First Aid records.

- **Restrict Processing**

You may contact CMDA at any time in order to restrict the data we process relating to you. CMDA 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.

- **Data Portability**

You may contact CMDA at any time in order to obtain the data we process relating to you and reuse it across different services. CMDA 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 CMDA's legal obligations.

- **Objection**

You may contact CMDA at any time in order to object to the processing of data relating to you. CMDA 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.

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

You may contact CMDA at any time in order to object to profiling relating to you). CMDA 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 CMDA's legal obligations.

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

None of CMDA's decision making is automated. Profiling is only used in circumstances where a staff member has a criminal conviction.

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.

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

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

- **Access**

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

- **Rectification**

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

- **Erasure**

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

- **Restrict Processing**

You may contact CMDA at any time in order to restrict the data we process relating to you. MTA 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 CMDA's legal obligations.

- **Data Portability**

You may contact CMDA at any time in order to obtain the data we process relating to you and reuse it across different services. CMDA 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 CMDA's legal obligations.

- **Objection**

You may contact CMDA at any time in order to object to the processing of data relating to you. CMDA 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 CMDA's legal obligations.

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

You may contact CMDA at any time in order to object to profiling relating to you). CMDA 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 CMDA'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.

### **Complaints and Data Breaches**

**Complaints:**

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

Chloe May Evans

[info@chloemaysdanceacademy.co.uk](mailto:info@chloemaysdanceacademy.co.uk)

**Data Breaches:**

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

CMDA 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.

CMDA will store and record all data breaches.