

# DATA PRIVACY POLICY

October 2020

## 1. Compliance

1.1 This policy meets the requirements of the General Data Protection Regulation (“GDPR”), the Data Protection Act 2018, and is based on guidance published by the Information Commissioner’s Office.

## 2. About this policy

2.1 We process personal information relating to children and adults and are a Controller under data protection law. This means we determine the way in which personal information is obtained and handled in order for us to carry out our functions.

2.2 This policy sets out the duties of Read Now Write Now Limited (“RNWN”) under each of the legislation provisions referred to in paragraph 1 of this policy, the responsible bodies/person for compliance and the procedures that will be applied.

2.4 During the course of its activities the RNWN will process personal data (which may be held on paper, electronically, or otherwise) about people who book onto our creative writing courses and their parents/carers and other individuals (including suppliers and volunteers).

2.5 The purpose of this policy is to make individuals (referred to as ‘data subjects’ under data protection law) aware of how the RNWN will handle personal data people who book onto our creative writing courses and their parents/carers and other individuals (including suppliers and volunteers).

## 3. Who is responsible for this policy

3.1 Charles Lea has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for data protection.

## 4. Definitions

4.1 The definitions in this paragraph apply in this policy.

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identifiable
<b>Special categories of personal data (formerly sensitive)</b>	Data such as: <ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> </ul>

	<ul style="list-style-type: none"> <li>• Sexual orientation and sex life</li> <li>• Biometric or genetic data</li> </ul>
<b>Criminal conviction data</b>	Data relating to criminal convictions and offences.
<b>Processing</b>	This has a very wide definition and includes the following operations with personal data: Collection, Recording, Organisation, Structuring, Storage, Adaption, Retrieval, Consultation, Use, Disclosure by transmission, Dissemination or otherwise making available, Alignment or combination, Restriction, Erasure and/or Destruction.
<b>Data subject</b>	The living individual whose personal data is held or processed
<b>Controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Processor</b>	A person or organisation that processes personal data on behalf of a Controller.

## 5. Data protection records

### 5.1 Data protection principles

5.1.1 RNWN will comply with the six data protection principles in the GDPR, which require that personal data must be:

5.1.1.1 processed lawfully, fairly and in a transparent manner;

5.1.1.2 collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

5.1.1.3 adequate, relevant and limited to what is necessary in relation to the purpose for which it is maintained;

5.1.1.4 accurate and, where necessary, kept up to date;

5.1.1.5 not be kept in a form which permits identification for longer than is necessary for the purpose(s) for which it is processed; and

5.1.1.6 processed in a manner that ensures appropriate security of the data.

## 6. Fair, lawful and transparent processing

6.1 RNWN will only process personal data where it is based one or more of the conditions specified in the GDPR. The most common conditions we rely on to process personal data are:

Conditions for Processing which we commonly rely on	
Personal Data	Special Category Personal Data & Criminal Convictions Data
<ul style="list-style-type: none"> <li>• Processing is necessary for compliance with a legal obligation;</li> <li>• Processing is necessary to protect the vital interests of the data subject;</li> </ul>	<ul style="list-style-type: none"> <li>• The data subject has given explicit consent to the processing for one or more specific purposes;</li> <li>• Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of RNWN or</li> </ul>

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| <ul style="list-style-type: none"> <li>• Processing is necessary in order for the RNWN to perform a task in the public interest or for the controller’s official functions, and the task or function has a clear basis in law; or</li> </ul> | <ul style="list-style-type: none"> <li>• Processing is necessary in the field of employment and social security and social protection;</li> <li>• Processing is necessary to protect the vital interests of the data subject or of another individual, where the data subject is physically or legally incapable of giving consent;</li> <li>• Processing relates to personal data which are manifestly made public by the data subject;</li> <li>• Processing is necessary for reasons of substantial public interest;</li> <li>• Processing is necessary for the establishment, exercise or defence of legal claims; or</li> </ul> |
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6.2 The full list of conditions is set out in Articles 6 and 9 of the GDPR and RNWN may in some circumstances rely on other conditions set out in the GDPR or Data Protection Act 2018 to justify the processing of personal data or special category personal data. The ICO’s website also has further information about the lawful conditions for processing.

## 7. How RNWN is likely to use personal data

7.1 RNWN will process data about people who book onto our creative writing courses and their parents/carers and other individuals (including suppliers and volunteers) for the following (non-exhaustive) purposes:

- 7.1.1 for legal and administrative purposes;
- 7.1.2 to provide people with a safe and secure environment and pastoral care;
- 7.1.4 to provide activities including after-school clubs; weekend clubs, summer camp
- 7.1.5 to support learning;
- 7.1.6 to collect feedback on our courses;
- 7.1.7 to contact people about our courses and send them relevant information
- 7.1.8 to help us evaluate who is attending our courses
- 7.1.9 to share information with other agencies when required.

7.2 The School may process special category personal data or criminal conviction data relating to pupils and parents/guardians including, as appropriate:

- 7.2.1 information about physical or mental health or condition (including but not limited to allergies and regular medications) in order to discharge the RNWN’s duty of care, provide non-emergency and emergency medical assistance and for special educational needs provision;
- 7.2.2 to assess and make reasonable adjustments as necessary for access to sessions;
- 7.2.3 the pupil’s racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation or to ensure that religious or similar beliefs are respected; and/or,
- 7.2.4 in order to comply with other legal requirements and obligations to third parties.

7.3 Parents, guardians, carers and other individuals (including suppliers)

7.3.1 The School may process data about parents, guardians, carers and other individuals (including suppliers and governors) for the purpose of:

- 7.3.1.1 providing education to children;
- 7.3.1.2 reporting on progress;
- 7.3.1.3 maintaining emergency contact details in order to discharge the RNWN’s duty of care;
- 7.3.1.4 organise courses;
- 7.3.1.5 obtain and retain details about personal / home life where this is relevant to provision of education to children; and

- 7.3.1.6 discharge obligations under safeguarding and other relevant legislation.
- 7.3.1.7 In limited circumstances the School will process special categories of personal data and/or criminal conviction data relating to parents, guardians, carers and other individuals (including suppliers and contractors). However, where this may be necessary, it may include, as appropriate:
  - 7.3.1.7.1 the parent, guardian, carer or other individual's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - 7.3.1.7.2 the contractor presents relevant checks undertaken to confirm suitability;
  - 7.3.1.7.3 when there is relevant medical information needed for health and safety purposes including allergy information; and/or,
  - 7.3.1.7.4 in order to comply with other legal requirements and obligations to third parties.

## **8. Processing for specified, explicit and legitimate purposes**

- 8.1 RNWN will only process personal data for the specific, explicit and legitimate purpose or purposes notified to individuals and will not be further processed in any manner incompatible with that purpose or purposes.

## **9. Adequate, relevant and limited to what is necessary**

- 9.1 Personal data will only be processed to the extent that it is relevant and necessary for the specific purposes notified to the individual.

## **10. Accurate and when necessary, kept up to date**

- 10.1 RNWN will keep the personal data it stores about an individual accurate and when necessary, kept up to date. Data that is inaccurate or out of date will be corrected or deleted without delay. People should notify RNWN if any personal details change or if they become aware of any inaccuracies in the personal data that the RNWN holds about them.

## **11. Data retention**

- 11.1 RNWN will not keep personal data for longer than is necessary for the purpose for which it is processed. Sometimes we are required by law to retain information for a specified period. After the retention period has lapsed, and there is no other legitimate reason to retain the information, the School will take steps to destroy it so that it is no longer processing it.

## **12. Data security**

RNWN will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Appropriate measures include:

- 12.1 Appropriate levels of authority being given to staff members where access to personal data is required;
- 12.2 Computers and laptops are not left unattended without locking their screens via password controls to prevent unauthorised access;
- 12.3 Personal Data is not carried off-site, save on permitted storage devices which are encrypted and password protected or when it is legally necessary to do so.
- 12.5 Ensuring our security procedures are followed, for example:
  - 12.5.1 Lockable cabinets, drawers and cupboards which contain personal data;
  - 12.5.2 Laptop and other mobile device / document password protection;
  - 12.5.3 Regular back-ups;
  - 12.5.4 Secure disposal of paper documents
  - 12.5.5 Regular training for staff

### 13. Sharing information with third parties

- 13.1 RNWN has in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. RNWN will only transfer personal data to a third party if the third party agrees to comply with those procedures and policies, or if they put in place adequate measures.
- 13.2 Where RNWN uses a third party processor to process personal data on its behalf, it will have in place a written agreement with each processor which ensures the information provided is safe and individuals accessing it understand the importance of data protection and applicable law.
- 13.3 RNWN shares information with:
  - 13.3.1 Arts Council England and Arts Council Wales
  - 13.3.2 Partnership Library Services or other partner organisations it works with
- 13.4 RNWN does not share information with anyone without consent unless the law and our policies allow us to do so.
- 13.5 RNWN will share information with multiple agencies which are formed as a team around a child or young person. These agencies will be controllers and be subject to the same obligations under data protection law as RNWN. RNWN will be under a legal obligation to share most of the information that is relevant to the multi-agency team or will be required to do so in the performance of RNWN's public task and there will be a substantial public interest in us doing so.

### 14. Processing in line with subject access rights

- 14.1 Individuals have the following rights over the data that RNWN processes:

Right	What it is for?
<b>To be informed</b>	This policy and any accompanying privacy notice sets out the information about how RNWN processes personal data. It will be reviewed annually to ensure we are as transparent as possible about the personal data that we process.
<b>Rectification</b>	If RNWN is processing an inaccurate record about an individual they have the right to request that we review it and rectify it so as to make it accurate. This only extends to factual information being processed about an individual.
<b>Erasure</b>	If RNWN has no compelling reason to process data about an individual, there is a right for the data to be erased and processed no further.
<b>Restrict processing</b>	This right complements the right to rectification and objection. Processing of personal data can be restricted whilst RNWN considers if any records are inaccurate or an objection has been raised about the personal data that it is processing.
<b>Data portability</b>	This enables individuals to seek (in certain circumstances) for information which they have provided to RNWN and which is being processed through automated means based on their consent or for the performance of a contract. It can then be requested to be transmitted in machine readable form to the individual or a third party.

<b>To object</b>	<p>When RNWN is processing personal data about people for the performance of a task in the public interest those individuals have the right to object to processing.</p> <p>RNWN will consider any objection but may be able to demonstrate a legitimate ground to continue to process the personal data concerned.</p>
<b>To know about any automated decision making and profiling</b>	<p>RNWN will inform individuals when it uses any automated decision making processes. Individuals are entitled to request that automated decisions involving them are reviewed by human intervention.</p>

## 15. Subject access requests

- 15.1 Under data protection law, people have a right to request access to information RNWN holds about them. This is known as a subject access request. For a parent to make a subject access request on behalf of a child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.
- 15.2 Subject access requests can be in writing or made verbally. Requests should be made to the School's Data Protection Officer ("DPO"). The e-mail address of the DPO is [charles@readnowwritenow.org.uk](mailto:charles@readnowwritenow.org.uk). Requests should include:
- The name of the person concerned
  - A correspondence address to provide the information requested (this can be an e-mail address)
  - A contact number
  - Details about the information requested to assist RNWN to confirm if the personal data is being processed and to provide a copy within the time period afforded
- 15.3 RNWN will not reveal the following information in response to subject access requests:
- Information that might cause serious harm to the physical or mental health of someone or another individual
  - Information that would reveal that a child is at risk of abuse, where disclosure of that information would not be in the child's best interests
  - Information contained in adoption and parental order records
  - Certain information given to a court in proceedings concerning the child
  - Third party personal data where there is no consent to disclose this in response to a subject access request and it would not be reasonable in the circumstances to do so.
- 15.4 If requests are complex or numerous RNWN has the right to determine that up to a further 2 months is required to respond to a subject access request. The DPO will write to the requester within a month of their written request to set out the reasons why the time is being extended.
- 15.5 If the request is determined to be manifestly unfounded or excessive, RNWN has the right to either charge a fee to reflect the administrative costs of providing the response or to refuse to provide a response. In the event that such a determination is made, the DPO will write to set out RNWN's reasons within a month of the written request being made.

## **16. Data Protection Officer (“DPO”)**

16.1 RNWN has appointed a Data Protection Officer who has overall responsibility for RNWN’s compliance with data protection laws. The Data Protection Officer should be the first point of contact for individuals in the following situations:

16.1.1 Where individuals have any concerns, or require clarification, about RNWN’s obligations regarding data privacy and how we hand data;

16.1.2 To report a data breach or potential data breach;

16.1.3 Where (an) individual(s) has any feedback or suggestions about how RNWN can improve its data privacy and/or security procedures;

16.1.4 Where an individual wishes to make a subject access request or exercise one of their other data privacy rights.

16.2 The Data Protection Officer is: Mr C Lea.

16.3. The Data Protection Officer’s contact details are:

Read Now Write Now Limited

14 Birkett Road

CH48 5HS

[charles@readnowwritenow.org.uk](mailto:charles@readnowwritenow.org.uk)

## **17. Breaches of data protection and complaints**

17.1 If an individual considers that this policy has not been followed in respect of personal data about a data subject he/she should raise the matter with the Data Protection Officer in the first instance.

17.2 Compliance with data protection law is regulated by the Information Commissioner. In the event that you are not satisfied with the way in which RNWN is processing your personal data and you are not content with the response from our DPO, you have the right to refer your concerns to the Information Commissioner’s Office (“ICO”). You can contact the ICO at <https://ico.org.uk/concerns/> or via its helpline number which is available on its website.