



## **Data Protection Policy**

### **General Data Protection Regulation (GDPR)**

The Data Protection Act 2018 brought the EU's General Data Protection Regulation (GDPR) into UK law. It governs personal data rights, including the way companies handle personal data and the compensation that can be claimed for misuse of personal data. The Information Commissioner will remain the UK's independent supervisory authority on data protection.

At Kandu Arts for Sustainable Development and Kandu Arts CIC we pride ourselves in the way we manage data to respect security and privacy of all those we come in to contact with whether young people or adults (paid or volunteers) in line with the current legislation.

### **Personal data**

Personal data includes, but is not limited to:

- contact information about young people, staff, volunteers, parents and carers
- health information
- details about recipients of pupil premium
- employee references
- safeguarding information about an individual
- passport information, if planning residential trips
- pupil exam references and results
- documents for ID checks
- banking details for payments

### **Data controller**

Data controller means a person, company or other body that determines the purpose and means by which personal data is processed.

Educational establishments, such as schools, colleges and universities, are often data controllers in their own right.

### **Data processor**

Data processor means anyone who handles personal data on the instructions of a controller. Examples include, storing, collecting or analysing data as part of a service provided to the controller.

### **Data protection officer**

GDPR requires all organisations to appoint a data protection officer. Data protection officer duties include advising on data protection obligations, monitoring internal compliance and providing advice on data protection impact assessments.

**For all matters regarding Data Protection at Kandu - contact Donna Lee or Samantha Coleman.**

## **Privacy Notice (How we use personal information)**

**The categories of information that we process for young people and adults (where applicable) include:**

- Personal identifiers and contacts (such as name, age, Date of birth, unique pupil number, contact details and address)
- Characteristics (such as ethnicity, language)
- Safeguarding information (such as court orders and professional involvement)
- Recruitment
- Special educational needs (including the needs, EHCP details, PEP)
- Medical and administration (such as doctor's information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions, risk assessments and any relevant alternative provision put in place)
- Training

### **Why we collect and use information**

We collect and use information, for the following purposes:

- To support the young person's learning
- To monitor and report on the young person's attainment progress
- To provide appropriate support
- To assess the quality of our services
- To keep children safe (food allergies, or emergency contact details)
- To meet the statutory duties placed upon us for the Department for Education (DfE) data collections
- To share with other organisations for any safeguarding concerns (in line with our safeguarding policy)
- To evidence outcomes
- To process payment to facilitators/employers
- To carry out DBS checks/right to work in the UK
- Training needs

### **Collecting information**

We collect information on young people or adults via email, letter, documents, phone calls and face to face meetings. A daily register is kept and stored electronically.

Any hard copies are locked securely in a cabinet. Whilst the majority of information provided to us is mandatory, some of it requested on a voluntary basis.

For communications internally and externally, young people are referred to by their initials where possible, to protect their confidentiality.

### **Storing data**

We hold data securely for 5 years (after a young person or adult has left)

All hard copy documents are shredded.

All computerised data will be deleted when no longer needed.

Computers and laptops at Kandu are password protected.

NAS drive secure storage is in place.  
Drop-box secure access for limited information to be shared with facilitators.  
All documents are stored in a lockable cupboard or drawer in the main office.  
The office door is also kept locked when not in use.  
No young people are permitted access to the main office  
Any shared documents are password protected.  
All facilitators and office staff have access to a Kandu email address.  
Personal email accounts are not used to share confidential data.

### **Who we share information with**

We routinely share information with:

Schools that the pupils attend after leaving us  
Allocated Local Authority  
Youth Justice Service  
The Department for Education (DfE)  
Parents and carers  
CAMHS  
Virtual School  
Referring parties eg schools.  
Education Psychologists  
Police

We do not share information about our young people or adults, with anyone without consent unless the law and our policies allow us to do so.

### **Subject access requests and other rights of individuals**

Subject access requests individuals have a right to make a 'subject access request' to gain access to personal information that we hold about them.

This includes:

- Confirmation that their personal data is being processed Access to a copy of the data.
- The purposes of the data processing.
- The categories of personal data concerned.
- Who the data has been, or will be, shared with.
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period.
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing.
- The right to lodge a complaint with the ICO or another supervisory authority.
- The source of the data, if not the individual.
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual.
- The safeguards provided if the data is being transferred internationally.

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

- If staff receive a subject access request in any form they must immediately forward it to the DPO.

### **Young People subject access requests**

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of children at attending Kanduu Arts may be granted without the express permission of the pupil. This is not a rule and a child's ability to understand their rights will always be judged on a case-by-case basis.

Young people aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of young people at Kanduu Arts may not be granted without the express permission of the individual young person. This is not a rule and a young person's ability to understand their rights will always be judged on a case-by-case basis.

### **Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time.
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances).
- Prevent use of their personal data for direct marketing.
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests.
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement).
- Be notified of a data breach (in certain circumstances).
- Make a complaint to the ICO.
- Ask for their personal data to be transferred to a third party in a structured, commonly used format.

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

### **CCTV**

The door entry system is live video and is not currently used to record/play back although it will log missed calls.

Should CCTV be installed this policy will be updated accordingly.

### **Photographs and videos**

As part of Kanduu Arts activities, we may take photographs and record images of individuals within our setting, in the community or when participating in festivals/events/trips. We will

obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials.

We will clearly explain how the photograph and/or video will be used to both the parent/carer and young person.

We will obtain written consent from parents/carers, or for anyone over the age of 18, for photographs and videos to be taken of young people for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and young person.

Where we don't need parental consent, we will clearly explain to the young person how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation.

We will always ask a young person before a photo is taken. (Young people will always be appropriately dressed).

However, we will ask that photos or videos with other young people are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or young people where appropriate) have agreed to this.

**Where photographs and videos are obtained, uses may include:**

Within our premises: on notice boards, brochures etc.

Outside of the premises by external agencies such as, the media and social media photographer, newspapers, campaigns

Online on our website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

**All adults/facilitators are required to upload any images to the secure IT system and subsequently deleted from any personal equipment. No recordings or images containing children or young people who attend Kandy Arts will be shared on personal social media platforms and is for company use only in line with appropriate consents provided.**