



# Privacy Policy

## OVERVIEW

### Introduction

The Fakenham Choral Society (hereinafter FCS) needs to gather, store, and use certain information about individuals in order to operate. These individuals include Members, Friends, the Musical Director and the Accompanist, volunteers, 'Come and Sing' singers, audiences and potential audiences, business contacts, and other people FCS has a relationship with or regularly needs to contact. In this document these will be referred to as 'data subjects' (see Annex 1 for definitions of data privacy terms).

This policy explains how these data should be collected, stored and used in order to meet FCS's data privacy standards and comply with the General Data Protection Regulation (GDPR) in effect from 25<sup>th</sup> May 2018.

This policy is reviewed annually by the FCS Committee and may be updated from time to time. The Committee will continue to review the effectiveness of this policy to ensure it is achieving its objectives.

### Why is this policy important?

This policy ensures that FCS:

- protects the rights of our Members, Friends, and other data subjects
- complies with data protection law and follows good practice
- protects all data subjects from the risks of a data breach.

## ROLES AND RESPONSIBILITIES

To whom and to what does this policy apply?

It applies to *all* those using/processing data on behalf of FCS:

- the Chair, the Vice Chair the Secretary, the Treasurer(s), Committee Members
- the Data Privacy Controller
- other Committee Members and Members who have responsibility for: Membership; Friends; the Library; Sponsorship; Advertising; Group emailing; Staging; Come and sing; Health and Safety; Programmes; Tickets; Uniforms; Surveys; Staging; the Voice Sections;
- the Musical Director; the Accompanist
- Members
- Friends
- people on our concert mailing list
- people on our Come and Sing mailing list
- sponsors
- advertisers
- volunteers
- survey respondents (temporary databases only)

It applies to all data that FCS holds relating to data subjects, including:

- names and titles (for all)
- email addresses (for all)
- postal addresses (for all except mailing list)
- phone numbers (for all except mailing list)
- subscriptions paid (for members and Friends)
- Gift Aid consent and eligibility and consent (for members and Friends)
- Gift Aid donations (for members and Friends)
- other donations (from all)
- voice (members)
- height (members)
- amount paid (sponsors and advertisers and Come and Sing people)
- responses to surveys anonymous data relating to FCS performances
- consent to be on our mailing lists.

It also applies to the *Automatic disqualification declaration* forms completed by FCS Trustees (who are all FCS Committee Members). These forms are not processed (so do not appear in the Annexes) but are filed for the Charity's records by the Treasurer.

## **Roles and responsibilities**

*Everyone* who has access to data as part of FCS has a responsibility to ensure that they adhere to this policy. A table showing permitted data users and processors and the data to which they have access is shown in Annex 2.

## **Data Privacy Controller**

The Data Privacy Controller for FCS is Tracey Thompson who, together with the Committee, is responsible for deciding the reason why data should be collected and how they will be used. Any questions relating to the collection or use of data should be directed to the Data Privacy Controller. The Data Privacy Controller has a duty to make all data users and data processors aware of how this policy affects the way they use, process, and keep secure any FCS data for which they are responsible. If she deems it necessary, she will give training to those who require it, particularly new Committee members and other data users and processors.

# **DATA PRIVACY PRINCIPLES**

## **1. FCS fairly and lawfully processes personal data**

No data are processed without consent. FCS will only collect data where lawful and where it is necessary for the legitimate interests (See Annex 3: Legitimate Interests Assessment) of FCS:

- When a Member or Friend first joins FCS (or periodically, as necessary), the following data will be collected: name; title; contact details; height and voice (for Members only); Gift Aid Declaration; and their consent to these data being digitised and used for the legitimate purposes of FCS. These data will be used to:
  - > contact the Member/Friend regarding: Society administration and activities
  - > email newsletters and other relevant information (including a weekly rehearsal email)
  - > keep a record of the section of the choir in which each Member sings
  - > claim Gift Aid on donations from HMRC
  - > arrange seating for concerts (Members only)
  - > inform Members about relevant events (e.g. concerts given by other choirs).

Other data are subsequently collected in relation to their Membership, including on their payment history for subscriptions and their attendance at rehearsals.

- The name, title, and contact details of volunteers, Committee Members, employees (permanent and temporary), sponsors, and advertisers will be collected, when they take up a position, and will be used to contact them regarding administration related to their role.
- An individual's name and contact details will be collected when they make a telephone or electronic booking for an event. This will be used to contact them about their booking and to allow them entry to the event.

- An individual's name, contact details and other details may be collected at any time (including when booking tickets or at an event), with their consent, in order for FCS to include them in a mailing list for communicating with them about events and activities (e.g. concert information; Come and Sing).
- FCS membership is open only to people aged 16 and above. To ensure that data on underage young people are not stored inadvertently, the Society will ask for proof of age from applicants under 20 years of age.

## **2. FCS only collects and uses personal data for specified and lawful purposes**

When collecting data, FCS will always explain to the data subject why the data are required and what they will be used for, e.g.:

*"I agree to my contact details being used by the FCS for carrying out its legitimate business, e.g. informing members about subs payments, rehearsals, and events"*.

FCS will never use data for any purpose other than that stated or that can be considered reasonably to be related to it. For example, FCS will never pass on personal data to third parties without the explicit consent of the data subject.

## **3. FCS ensures any data collected are relevant and not excessive**

FCS will not collect or store more data than the minimum amount required for their intended purpose. For example, FCS needs to collect telephone numbers from Members in order to be able to contact them about administration, but data on their marital status or sexuality will *not* be collected, since it is unnecessary and excessive for the purposes of administration.

## **4. FCS ensures data are accurate and up-to-date**

FCS will ask Members, volunteers and staff to check and update their data each September. New members will complete a registration form on joining. Any individual will be able to update data held about them by FCS at any point by contacting the Data Privacy Controller.

## **5. FCS ensures data are not kept longer than necessary**

FCS will keep data on data subjects for no longer than 12 months after their involvement with the choir has ceased, unless there is a legal requirement to keep records (e.g. Gift Aid records have to be kept for six years after the end of the accounting period that includes the last donation to which they relate).

Data users and data processors deleting data must first make sure whether they need to pass them on to another data processor before deletion (e.g. the Membership Secretary and the Friends Secretary need to pass on their subscription list to the Treasurer (so that Gift Aid can be claimed) before deleting the list at the end of the year).

## **6. FCS processes data in accordance with individuals' rights**

The following requests can be made in writing to the Data Privacy Controller:

- Members, volunteers and supporters can request to see any data stored on them. Any such request will be actioned within fourteen days of the request being made
- Members and supporters can request that any inaccurate data held about them are updated. Any such request will be actioned within 14 days of the request being made
- Members and supporters can request to stop receiving any marketing communications. Any such request will be actioned within 14 days of the request being made
- Members and supporters can object to any storage or use of their data that might cause them substantial distress or damage. Any such objection will be considered by the Committee, and a decision communicated within 30 days of the request

- Emails to non-Members and non-Friends will include a privacy statement and an 'unsubscribe' option.

## **7. FCS keeps personal data secure**

FCS will ensure that data held by us are kept secure.

- Data users and data processors must ensure that any laptop or PC used is password protected and that any mobile electronic equipment such as laptops, tablets or iPads, Blackberry's, and USB sticks are not left unattended in the presence of third parties.
- Physically-held data (e.g. on Membership forms or email sign-up sheets) will be kept secure.
- Access to data will only be given to relevant Committee Members and Members holding relevant positions within FCS (e.g. Membership Secretary; the Treasurers) where it is clearly necessary for the running of the group. The Data Privacy Controller, together with the Committee, will decide in what situations this is applicable and the Data Privacy Controller will keep a definitive list of who has access to which data
- Data users and data processors will respect the privacy of the data subjects and not reveal, use, or pass on any individual's data which they hold except in carrying out the legitimate interests of the FCS
- To ensure email addresses are not passed on inadvertently, they will always be entered into the 'bcc' section - not the 'To' or 'cc' sections
- Any breaches of data security should be reported to the Data Privacy Controller who will inform the Committee and take steps to resolve the issue.

## **8. Transfer to countries outside the EEA**

FCS does not transfer data to countries outside the European Economic Area (EEA).

## **MEMBER-TO-MEMBER CONTACT**

We only share Members' data with other Members with the subject's prior consent.

As a Membership organisation, FCS encourages communication between Members.

To facilitate this:

- A Member can request the personal contact data of another Member in writing via the Data Privacy Controller or Membership Secretary. These details will be given, as long as they are for the purposes of contacting the subject (e.g. an email address, not financial data) and the subject consents to their data being shared with the other Member in this way.

## **DATA FLOW**

No data is transferred outside of FCS.

Data flow within FCS:

- Contact data from members > Membership Secretary > Data Privacy Controller and Treasurers (responsible for Gift Aid)
- Contact data from Friends > Friends Membership Secretary
- Gift Aid data from members and Friends > Data Privacy Controller and Treasurers (responsible for Gift Aid) - Treasurers file original forms for possible HMRC inspection
- Data from people wishing to go on mailing list > Data Privacy Controller > FCS emailer
- Data from sponsors > Sponsorship Secretary > Data Privacy Controller
- Data from advertisers > Advertising Secretary > Data Privacy Controller
- Data Privacy Controller passes relevant parts of all databases to permitted data users and data processors as shown in Annex 2.

The Data Privacy Controller monitors security (as laid out in this policy) to ensure there is no risk to privacy.

## **DIRECT MARKETING**

FCS will collect data from consenting supporters for marketing purposes. This includes contacting them to promote concerts, updating them about group news, fundraising and other group activities.

Any time that data are collected for this purpose, we will provide:

- A clear and specific explanation of what the data will be used for (e.g. ‘Tick this box if you would like FCS to send you email updates with details about our forthcoming events, fundraising activities and opportunities to get involved’)
- A method for users to show their active consent to receive these communications (e.g. an opt-in ‘tick box’ and signature)

Data collected will only ever be used *in the way described and with consent* (e.g. we will not use email data in order to market third-party products unless this has been explicitly consented to).

Every marketing communication will contain a method through which a recipient can withdraw their consent (e.g. an ‘unsubscribe’ link in an email). Opt-out requests such as this will be processed within 14 days.

## **COOKIES ON THE FAKENHAM CHORAL SOCIETY WEBSITE**

*A cookie is a small text file that is downloaded onto ‘terminal equipment’ (e.g. a computer or smartphone) when the user accesses a website. It allows the website to recognise that user’s device and store some information about the user’s preferences or past actions.*

FCS reserves the right to use cookies on our website [www.fakenhamchoralsociety.co.uk](http://www.fakenhamchoralsociety.co.uk) in order to monitor and record visitors’ activity. This allows us to improve users’ experience of our website by, for example, allowing for a ‘logged in’ state, and by giving us insight into how users are engaging with the website.

When we decide to use cookies, we will implement a pop-up box on [www.fakenhamchoralsociety.co.uk](http://www.fakenhamchoralsociety.co.uk) that will activate each time a new user visits the website. This will allow them to click to consent (or not) to continuing with cookies enabled, or to ignore the message and continue browsing (i.e. give their implied consent). It will also include a link to our Privacy Policy which outlines which specific cookies are used and how cookies can be disabled in the most common browsers.

## **ACCEPTANCE OF THIS POLICY BY THE COMMITTEE**

Signed: \_\_\_\_\_ (Chair) Date: 24.05.2018

**Next review date: 24.05.2019**

(The FCS Privacy Policy was based on the *Making Music* Template and ICO information.)

## ANNEX 1

### Definition of data privacy terms

**Data** are all the information which is stored electronically, on a computer, or in certain paper-based filing systems.

**Data subjects** for the purpose of this policy include all individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal data.

**Personal data** means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address or date of birth) or they can be an opinion; FCS only store factual data.

**The Data Privacy Controller** is the person who, with the agreement of the Committee, determines the purposes for which, and the manner in which, any personal data are processed. He or she has a responsibility to establish practices and policies in line with the GDPR.

**Data users** include all Committee members, the MD, and FCS Members whose specific responsibility involves using personal data (see Annex 2). Data users have a duty to protect the information they handle by following our privacy policy at all times.

**Data processors** include any person who processes personal data on behalf of FCS.

**Processing** is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying them. Processing would also include transferring personal data to third parties.

**Sensitive personal data** includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. No sensitive personal data are collected or used by FCS.

## ANNEX 2a

### FCS Data Users and Data Processors and the data sets which they are permitted to handle

<i>Permitted Data Users and Processors</i>	<i>Titles</i>	<i>Names</i>	<i>Addresses</i>	<i>Phone nos.</i>	<i>Email</i>	<i>Gift Aid Status</i>	<i>Voice</i>	<i>Height</i>	<i>Subs/ payments/ Donations</i>
Chair	✓ Members Friends	✓ Members Friends	✓ Members Friends	✓ Committee	✓ Committee	X	✓ Members	X	X
Vice Chair	✓ Members Friends	✓ Members Friends	✓ Members Friends	✓ Committee	✓ Committee	X	✓ Members	X	X
Secretary	✓ Members Friends Mailing list Staff Officers	✓ Members Friends Mailing list Staff Officers	✓ Members Friends Mailing list Staff Officers	✓ Members Friends Mailing list Staff Officers	✓ Members Friends Mailing list Staff Officers	X	✓ Members	✓ Members	✓ Members Friends

Data Privacy Controller	✓ Members Friends Mailing list Staff Officers Donors Payees	✓ Members Friends Mailing list Staff Officers Donors Payees	✓ Members Friends Mailing list Staff Officers Donors Payees	✓ Members Friends Mailing list Staff Officers Donors Payees	✓ Members Friends Mailing list Staff Officers Donors Payees	✓ Members Friends Donors	✓ Members	✓ Members	✓ Members Friends
Group emailer	✓ Members	✓ Members	X	X	✓ Members	X	X	X	X
Treasurers	✓ Members Friends Donors Payees	✓ Members Friends Donors Payees	✓ Members Friends Donors Payees	✓ Members Friends Donors Payees	✓ Members Friends Donors Payees	✓ Members Friends Donors	✓ Members	X	✓ Members Friends Donors Payees
Musical Director	✓ Members	✓ Members	X	✓ Members	✓ Members	X	✓ Members	✓ Members	X
Librarians	✓ Members	✓ Members	✓ Members	✓ Members	✓ Members	X	✓ Members	X	X
Membership Secretary	✓ Members	✓ Members	✓ Members	✓ Members	✓ Members	X	✓ Members	X	✓ Members
Advertising Secretary	✓ Advertisers	✓ Advertisers	✓ Advertisers	✓ Advertisers	✓ Advertisers	X	X	X	✓ Advertisers
Sponsorship Secretary	✓ Sponsors	✓ Sponsors	✓ Sponsors	✓ Sponsors	✓ Sponsors	X	X	X	✓ Sponsors
Friends Secretary	✓ Friends	✓ Friends	✓ Friends	✓ Friends	✓ Friends	X	X	X	✓ Friends
Health and Safety Manager	✓ Committee	✓ Committee	✓ Committee	✓ Committee	✓ Committee	X	X	X	X
Come and Sing Organiser	✓ Come and Sing	✓ Come and Sing	✓ Come and Sing	✓ Come and Sing	✓ Come and Sing	X	✓ Come and Sing	X	✓ Come and Sing
Programme Editor	✓ Members	✓ Members	✓ Members	X	X	X	✓ Members	X	✓ Members
Ticketing Secretary	✓ Members	✓ Members	X	X	X	X	X	X	X
Uniform and Registration Secretary	✓ Members	✓ Members	X	X	X	X	✓ Members	X	X
Committee Members	✓ Members	✓ Members	X	✓ Members	✓ Members	X	X	X	X
Data processor (Surveys)	✓ Survey Respondents	✓ Survey Respondents	✓ Survey Respondents	✓ Survey Respondents	✓ Survey Respondents	X	X	X	X
Staging Manager	✓ Members	✓ Members	X	✓ Members	✓ Members	X	X	X	X
Accompanist	✓ Committee	✓ Committee	✓ Committee	✓ Committee	✓ Committee	X	✓ Committee	X	X
Voice Reps (for the future)	✓ Section	✓ Section	X	✓ Section	✓ Section	X	✓ Section	X	X
Members	✓ Committee	✓ Committee	✓ Committee	✓ Committee	✓ Committee	X	X	X	X

## ANNEX 2b

<i>Permitted Data Users and Processors</i>	<i>The use that is made of data by permitted data users and processors</i>
Chair	Contacting FCS Committee, members, and Friends as necessary*
Vice Chair	Contacting FCS Committee, Members, and Friends as necessary
Secretary	Contacting FCS Committee, Members, and Friends as necessary
Data Privacy Controller	Contacting FCS Committee, Members, and Friends as necessary Processing data so that only relevant data is passed on to FCS data users and data processors
Group emailer	Sending out weekly rehearsal newsletters and occasional information emails to Members
Treasurers	Contacting FCS Committee Members, Members, and Friends as necessary Processing data from membership forms to claim Gift Aid
Musical Director	Contacting FCS Committee Members, and Members as necessary Seating Members according to their height
Librarians	Contacting Members about issues relating to the loan of music scores
Membership Secretary	Contacting Members about their subscriptions and processing data to make records of subscriptions paid
Advertising Secretary	Contacting advertisers about their ads. and processing data to make records of payments made
Sponsorship Secretary	Contacting sponsors about their sponsorship and processing data to make records of payments made
Friends Secretary	Contacting Friends about their subscriptions and processing data to make records of subscriptions paid
Health and Safety Manager	Contacting Committee and Members about health and safety issues
Come and Sing Organiser	Contacting people on the 'Come and Sing' mailing list concerning 'Come and Sing events' and processing data to make records of subscriptions paid
Programme Editor	Contacting individual Committee and Members about issues relating to the programme
Ticketing Secretary	Contacting Members, Committee and Friends about buying tickets for forthcoming events and processing data to keep a record of tickets sold
Uniform and Registration Secretary	Contacting Members about issues relating to uniforms for concerts Keeping lists of Members registering for each rehearsal
Committee Members	Contacting other Committee Members and Members as necessary
Data processor (Surveys)	Informing Members about surveys. Processing and analysing non-personal data.
Staging Manager	Contacting Members to arrange erection and dismantling of staging
Accompanist	Contacting Committee Members about any relevant issues
Voice Reps (for the future)	Contacting Members in their section concerning Committee meetings
Members	Contacting Committee Members concerning any matters relating to the FCS

\* As necessary for carrying out the legitimate interests of FCS



## **ANNEX 3**

# **Legitimate Interests Assessment**

### **1. THE PURPOSE TEST**

In this test, FCS identifies its purpose and decides whether it counts as a legitimate interest. The main purpose of FCS is for its members to rehearse choral works and put on three concerts a year. And to enjoy doing so.

FCS processes data so that it can:

- contact Members to inform them about rehearsals, subscriptions, concerts and other events and other relevant information
- contact Friends inform them about subscriptions, concerts and other events and other relevant information
- produce weekly registers of Members according to voice
- process Gift Aid claims for Members and Friends
- contact other people on the FCS mailing list about our concerts
- carry out occasional surveys

There are about 100 people in the choir and nearly 50 Friends and the mailing list is expanding all the time. Electronic databases and the processing that goes with them enables FCS Committee Members to keep in regular contact with all Members and Friends, and to put on three concerts a year, and to inform the people on the mailing list about our concerts, and to keep records of subscriptions made, and to produce registers, and to complete online HMRC Gift Aid forms. No third parties benefit from the processing. However, the public benefit because they can attend three first-class concerts each year.

The efficient running of the choir is important to all Members because they enjoy singing together and are proud of their performances. There are also important social benefits to Members. Good communications help the choir to raise money through selling concert tickets; this is essential for paying for top-rate instrumentalists and soloists. Claiming Gift Aid is necessary for FCS's finances. If the choir could not use data processing, such a large choir would not be feasible; it could no longer exist.

The intended outcome for individuals is that Members should enjoy the process of rehearsing and performing at three concerts a year and that the audiences enjoy the performances.

FCS complies with all other relevant laws, for example, Health and Safety, and Child protection, and so on. The choir is a member of Making Music which advises us about relevant codes of practice, to which we adhere. Ethical issues (such as confidentiality) are dealt with in our Privacy policy. Our choir is open to anyone in the community provided that they can sing in tune.

### **2. THE NECESSITY TEST**

Processing helps us achieve our purpose because with such a large choir, we could not possibly email our Members every week to inform them about forthcoming rehearsals - what to prepare, what to listen to, and information about pronunciation. Also, claiming Gift Aid would be a tedious and overcomplex business if a database could not be used. And there is no way that we could keep in touch with people on our database without processing - no one would have the time.

FCS processing is proportionate to that purpose. The choir uses basic processing methods which are easy for the people using them, in fact, far less time-consuming than working from handwritten lists.

The choir has considered very carefully the amount of data that it processes. All the data collected are necessary. The choir could not function without processing these data.

Data are not processed in an intrusive way. The membership form given to all new Members and Friends is only one page long and asks for a minimum amount of personal data needed by the choir. The page asks for contact details, Gift Aid eligibility and consent, voice, height, and consent to this information being processed.

### 3. THE BALANCING TEST

#### **Nature of the data**

FCS does not ask for or process: special category data, criminal offence data; or data relating to children or other vulnerable individuals (though elderly Members and those with certain medical conditions will be considered in the FCS Safeguarding Policy). The only 'private' data asked for is whether a member is eligible for Gift Aid. We ensure that this information is only seen by the joint Treasurers (who claim Gift Aid). The data are available to the Data Privacy Controller should any problem arise. We do not process data about people in their personal or professional capacity.

#### **Reasonable expectations**

The FCS Committee Members who process data are fellow Members of the rest of the choir and elected by them. Some Members have been in the choir for years, some are related to each other by marriage, and many are friends. A new member may be totally unknown to begin with but usually integrate quickly into the choir. So that although people processing data have a relationship with the rest of the choir, they share common interests in keeping the choir running smoothly so that all can sing.

The choir has processed its Members' data for many years without problem. Data have always been collected directly from individuals. The current membership form explains that the data are used only for carrying out the legitimate business/interests of the choir and that it will not be passed on to a third party. The choir does not obtain any data from a third party.

All our current data have been collected since January 2018. There have been no changes since that time that would affect current expectations. FCS's intended purpose and method has been explained to all choir Members in writing and verbally. All Members expect their data to be processed and have been offered the opportunity to speak to one of the Treasurers concerning the 2018 membership form and its implications. A few have done so and, following that conversation, all were satisfied.

#### **Impact and safeguards**

FCS has considered any potential impact on individuals and damage that its processing may cause and has put in place safeguards to prevent this happening. These safeguards are included in the FCS Privacy policy.

FCS processing is not of a type that could result in any risk to individuals' rights and freedoms. It is not possible that our processing might contribute to any of the following:

- a barrier to individuals exercising their rights (including but not limited to privacy rights);
- a barrier to individuals accessing services or opportunities;
- any loss of control over the further use of personal data;
- physical harm;
- financial loss, identity theft or fraud; or
- any other significant economic or social disadvantage (such as discrimination, loss of confidentiality or reputational damage).

#### **CONCLUSION**

In the purpose test, FCS have demonstrated a clear and specific legitimate interest; and have a good foundation for demonstrating necessity and objectively considering the balance of interests.

In the necessity test, FCS has shown that processing is necessary to the functioning of the choir and that it is not intrusive to its Members.

In the balancing test, FCS have shown that the nature of the data it processes is appropriate for a choral society and considering the safeguards in place, offers a negligible risk to data subjects. In addition, the Society has ensured that all its Members, Friends and people on its mailing list understand that their data will be processed and the reasons for this. Moreover, FCS has considered any possible impact that our processing could cause and have found it very small and have put policies in place to prevent any negative impact on data subjects.

The outcomes of these three tests demonstrate that the Society's purposes count as legitimate interests and that processing is lawful on the basis of these legitimate interests.