



SCOTTISH YOUTH THEATRE: POLICY DOCUMENT

Name of policy	Data Protection
Date of last review	New policy -September 2016
Date of Board approval	October 2016
Effective from	November 2016
Date of next review	October 2017

DATA PROTECTION POLICY

1. Policy Statement

The purpose of this policy is to:

- Comply with relevant legislation, particularly The Data Protection Act 1998 (hereafter 'The Act')
- Follow good practice, protecting participants, staff, other individuals and Scottish Youth Theatre
- To be respectful of individual rights, undertaking to be open and honest by informing all staff and, wherever possible, participants and other individuals of their rights under The Act
- To provide support and guidance for staff who process personal data, within the meaning of The Act, to ensure that all are aware of their responsibilities under The Act
- To ensure SYT notifies the Information Commissioner of any issues or breaches of The Act

Scottish Youth Theatre works to comply with both the spirit and the letter of the law contained within The Act and reflected in this policy. The general principles outlined in this policy apply to everyone associated with Scottish Youth Theatre including freelance workers and Board Members.

2. The Data Protection Act 1998

The Data Protection Act 1998, which replaces previous versions of The Act, provides for a much broader definition of 'data' to include manual records. The Act covers the processing of personal data and stipulates that all processing of personal data must comply with eight principles of good practice. The 1998 Act gives employees rights of access to personal data employers may hold on them.

3. The Principles of Good Practice

The Data Protection Act 1998 says that "personal data" must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate

- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to countries outwith the UK without adequate protection.

Failure to comply with the eight principles of The Act may result in enforcement notices being served on Scottish Youth Theatre by the Data Protection Commission. This could lead to penalties and fines, in addition to reputational damage.

4. Personal Data

As defined by The Act, personal data is information, either factual or opinion, which relates to a living individual who can be identified from the data held.

5. Sensitive Personal Data

The Act defines Sensitive Personal Data as data relating to an individual's:

- racial or ethnic origins
- political opinions
- religious beliefs
- Trade Union membership
- physical or mental health or condition
- sex life or sexual orientation
- criminal or alleged criminal activities
- criminal proceedings or convictions.

Sensitive Personal Data may not be held about an individual (including employees) without their express permission, unless it is in compliance with legislation.

6. Processing

The Act defines 'Processing' as obtaining, recording or holding personal information or data and carrying out operations such as storing, organising, adapting, altering, retrieving etc.

7. Responsibilities

Ultimately the Scottish Youth Theatre Board of Directors has responsibility to comply with all of the Company's legal obligations including the company's responsibilities under The Act.

The **Finance and Administration Director** has been appointed by the Scottish Youth Theatre Board as the Data Protection Manager (DPM) and their responsibilities include:

- Briefing the Board on SYT's Data Protection responsibilities
- Reviewing Data Protection and related policies
- Providing ad-hoc advice on Data Protection issues
- Ensuring that Data Protection procedures are in place and that induction and training take place
- Notification to the Information Commissioner, if required
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data

- Providing Data Protection input into contracts with Data Processors

Other senior staff may have specific responsibilities with respect to ensuring compliance with The Act. Affected staff may include:

- Chief Executive
- Marketing and Communications Manager
- Finance and Payroll Officer

In addition all staff will be expected to comply with this Data Protection Policy.

8. Access to Personal Data

Staff and other associated individuals should have access to personal data only when necessary in order to fulfil the remit of their employment.

9. Data Protection Subjects

Participants, venue clients and all other individuals associated with Scottish Youth Theatre are entitled to expect that the data Scottish Youth Theatre holds about them will be treated with respect and in accordance with the Data Protection Principles above.

As such, care must be taken when personal data is being shared with other companies or individuals. The DPM will be responsible for ensuring that appropriate operational guidelines are supplied for each project or activity.

If an individual (including an employee) has concerns about the nature, content, accuracy or relevance of personal data held about them they may write to Scottish Youth Theatre, asking us to provide details of the personal information held. Such requests should be dealt with by the DPM and be responded to within 40 days. If the personal information is inaccurate it should be corrected or removed as soon as possible.

Employees can request that information be deleted from their personal files, unless the information is necessary for contractual reasons.

10. Breach of Data Protection Practice

Any breach of Data Protection Practice is considered serious and may be viewed as gross misconduct which may lead to disciplinary proceedings and dismissal. In circumstances where disciplinary proceedings cannot be applied (e.g. freelance contractors or individuals leaving the organisation to take up a new role elsewhere), the use or copying of data for use in another context is a serious offence and will lead to legal action.