HIVE STUDIOS

**Data Protection Policy**

**Last updated: 16 April 2018**

**1. Introduction**
Hive Studios needs to collect and use certain types of information about the Individuals or Service Users who come into contact with Hive Studios in order to carry on our work. This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the Data Protection Act 1998, and the EU General Data Protection Regulations 2016.

**2. Data Controller**
Hive Studios is the Data Controller under the Act, which means that it determines what purposes personal information held, will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

**3. Disclosure**
Hive Studios may share data with other agencies such as the local authority, funding bodies, Inland Revenue, Payroll and Pension agencies.

The Individual/Service User will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Hive Studios to disclose data (including sensitive data) without the data subject’s consent.

**These are:**a) Carrying out a legal duty or as authorised by the Secretary of State
b) Protecting vital interests of a Individual/Service User or other person
c) The Individual/Service User has already made the information public
d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
f) Providing a confidential service where the Individual/Service User’s consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Service Users to provide consent signatures.

Hive Studios regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Hive Studios intends to ensure that personal information is treated lawfully and correctly.

To this end, Hive Studios will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998 and GDPR 2016.

**Specifically, the Principles require that personal information:**a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
d) Shall be accurate and, where necessary, kept up to date,
e) Shall not be kept for longer than is necessary
f) Shall be processed in accordance with the rights of data subjects under the Act,
g) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
h) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Individuals/Service Users in relation to the processing of personal information.

**Hive Studios will, through appropriate management and strict application of criteria and controls:**• Observe fully, conditions regarding the fair collection and use of information
• Meet its legal obligations to specify the purposes for which information is used
• Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
• Ensure the quality of information used
• Ensure that the rights of people about whom information is held, can be fully exercised under the Act & Regulations. These include:

• The right to be informed that processing is being undertaken,
• The right of access to one’s personal information
• The right to prevent processing in certain circumstances and
• The right to correct, rectify, block or erase information which is regarded as wrong information)
• Take appropriate technical and organisational security measures to safeguard personal information
• Ensure that personal information is not transferred abroad without suitable safeguards
• Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
• Set out clear procedures for responding to requests for information

**4. Data collection**Informed and explicit consent is when:

• An Individual/Service User clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
• And then gives their consent.

Hive Studios will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

**When collecting data, Hive Studios will ensure that the Individual/Service User:**a) Clearly understands why the information is needed
b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
e) Has received sufficient information on why their data is needed and how it will be used

**5. What personal data does Hive Studios hold?**
Personal data is held for purposes of administration, supervision, management, the payment of employees and to develop and maintain the employment relationship between Hive Studios and its employees. Personal information will also be used for monitoring purposes and for any residual employment related activities, such as recruitment and selection, the provision of job references, processing applications for employment and any matters relating to the provision of pension scheme payments. Additionally we hold some personal data on our customers (tenants) in the form of personal contact details and addresses, and in some cases this information is reflected in our invoicing system as well. Project / programming initiatives also involve the collection, processing and retention of client/customer data for the purposes of service provision and monitoring. Individual privacy notices (for customers, participants and employees) detail the specific information held in each category and the specific uses of that information.

**6. Verification and updating of personal data**
There is a requirement to maintain up to date records and employees are required to confirm the accuracy of the personal information held about them and to add any further details that may have been omitted from the records. To ensure this, staff must notify the Manager in writing of any changes in relation to:

Next of kin
Name
Address and/or telephone number
Qualifications where appropriate

The employee's personal file will be maintained securely by Management, who are responsible for notifying the individual concerned and his/her line manager in writing of any changes affecting an individual's remuneration or status, and for placing a record of this on the individual's file.

**7. Retention of personal information**
Personal information will be retained for the duration of the employment, and it will be updated, revised or deleted as appropriate. Thereafter personal information about a past employee will be kept for three years and during this time the employee has the right to know all the personal data held about them. (In accordance with Fair Employment Legislation the statutory requirement for retaining this information is for a minimum of three years from the date the employee left.)

Information will also be retained in respect of staff recruitment such as application forms, references and interview notes, for both successful and unsuccessful applicants.

Monitoring information for all applicants and appointees must be kept for a minimum of three years from the date of receipt of application forms, whilst recruitment files must be kept for a minimum of 12 months after the recruitment file has closed.

CCTV data is regularly overwritten and persists for approx. 6 months – unless a specific incident prompts the longer term storage of data.

Participant data for funded projects are retained for the appropriate duration as directed by funder.

**8. Subject access requests by employees or participants**Hive Studios staff, customers and project participants have the right to know what information is kept about them. This right applies to: participant records, customer records, sickness records, disciplinary or training records, appraisal or performance review notes, information held in general personnel files and interview notes. This information can be accessed by making what is known as a Subject Access Request. Requests for information held in personnel files should be made in writing and be addressed to the Manager. Hive Studios will respond to Subject Access Requests promptly and within 40 days.

In accordance with the GDPR, information supplied in response to a Subject Access Request will be based on the data held at the date of receipt of the request. The information supplied may therefore be subject to any routine or regular amendments or deletions that have been made since that date.

**9. Data Storage**Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is Hive Studios responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data is stored in offline backups, standalone and cloud-based systems with sufficient security provisions in place.

**10. Data access and accuracy**All Individuals/Service Users have the right to access the information Hive Studios holds about them. Hive studios will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

**In addition, Hive Studios will ensure that:**• Everyone processing personal information understands that they are contractually responsible for following good data protection practice• Everyone processing personal information is appropriately trained to do so• Everyone processing personal information is appropriately supervised• Anybody wanting to make enquiries about handling personal information knows what to do• It deals promptly and courteously with any enquiries about handling personal information• It describes clearly how it handles personal information• It will regularly review and audit the ways it hold, manage and use personal information• It regularly assesses and evaluates its methods and performance in relation to handling personal information• All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998 or the GDPR 2016.

In case of any queries or questions in relation to this policy please contact:

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Signed: Kevin Hippsley

Position: Grp Manager

Date: 16/04/18

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**Glossary of Terms**

**Data Controller** – The person or entity who (either alone or with others) decides what personal information to hold and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**GDPR (General Data Protection Regulations)** 2016 – The updated EU & UK legislation governing the responsible use and security of data within organisations.

**Data Protection Officer** – The person(s) responsible for ensuring that Hive Studios follows its data protection policy and complies with the Data Protection Act 1998 and GDPR 2016.

**Individual/Service User** – The person whose personal information is being held or processed by Hive Studios for example: a client, an employee, or supporter.

**Explicit consent** – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

**Notification** – Notifying the Information Commissioner about the data processing activities of Hive Studios, as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 and GDPR 2016.

**Processing** – means collecting, amending, handling, storing or disclosing personal information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Creggan Enterprises.

**Sensitive data** – refers to data about:

• Racial or ethnic origin
• Political affiliations
• Religion or similar beliefs
• Trade union membership
• Physical or mental health
• Sexuality
• Criminal record or proceedings