

Data Protection and Confidentiality Policy

Crooked House (incorporating Kildare Youth Theatre) recognises its responsibility in managing and processing personal data, sensitive personal data as well as other sensitive information that does not fall under the category of personal data. This policy outlines the youth theatres approach to Data Protection and Confidentiality in the management of Personal Data and other Sensitive information.

Crooked House Theatre Company recognises that a guarantee of confidentiality is an important factor in determining the level of trust its members, their parents/guardians, as well as our staff and volunteers has in us. The youth theatre is committed to handling personal data and confidential information in a manner that is respectful, purposeful, professional and meets statutory requirements.

Data Protection Controller

Crooked House Theatre Company is the Data Controller under the definition provided by the GDPR. The person responsible for ensuring that the youth theatre meets its data protection responsibilities is Peter Hussey. Any queries or requests relating to personal data should be referred to this person.

Definitions

Personal Data: any information relating to an identified or identifiable natural person. Examples include name, address, contact details, age, date of birth. Personal Data can also refer to a photographic or video image of an identifiable person.

Sensitive Personal Data: special categories of personal data, which include health data, biometric data, genetic data, sexual orientation and religious beliefs.

Other Confidential Information: Sensitive information that cannot be categorised as Personal Data but that, in the context of youth theatre, is provided in the expectation that it will be properly managed. Examples include Welfare/Child Protection reports, disciplinary reports.

A Data Subject: an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier.

Data Processing: 'any operation or set of operations which is performed on personal data or a set of personal data'. You do not need to view the actual data, but transmitting it, backing up a file or destroying data all count as a processing activity, even where the data is encrypted. Can be both automated and manual.

Data Controller: determines the purposes and means of processing of personal data.

Data Processor: processes personal data on behalf of the Data Controller.

Data Protection Policy

In order to conduct its legitimate activities Crooked House Theatre Company must collect and process categories of personal data, sensitive personal data and other confidential information. The following information is held by the youth theatre and should be treated as confidential.

This list is not exhaustive:

- Staff and Volunteer records including application forms that contain personal data, details of any disciplinary action etc.
- Garda Vetting Information including garda vetting application disclosures
- Member Information/Parental Consent Forms that include details such as date of birth, information on medical conditions etc.
- Welfare/Child Protection Reports
- Contact information for stakeholders, supporters etc.
- Marketing information such as audience members, individual donors and supporters

Crooked House Theatre Company is aware of the Data Protection Acts (1998/2003 and subsequent amendments) and Regulation (EU) 2016/679, the General Data Protection Regulation (GDPR). These Acts and Regulation govern all aspects of the treatment of personal data and sensitive personal data. We are committed to the following seven principles contained in Article 5 of the GDPR which regulate the processing of personal data:

- Process personal data lawfully, fairly and transparently: We base our data processing on one or more Lawful Processing Conditions provided for by the GDPR. In the majority of instances, we will base our processing of Personal Data on the Consent of the Data Subject (Article 6, GDPR) and Sensitive Personal Data on the Explicit Consent of the Data Subject (Article 9, GDPR).
- Specified and Lawful Purpose: Keep personal data only for one or more specified and lawful purposes and process it only in ways compatible with the purposes for which it was initially given.
- Minimisation of Processing: Processing of personal data will be adequate, relevant and restricted to what is necessary in relation to the purposes for which it is processed.
- Accuracy: Keep personal data accurate and up-to-date.
- Storage Limitation: Retain it no longer than is necessary for the specified purpose or purposes.
- Security and Confidentiality: Keep personal data safe and secure.
- Liability and Accountability: Crooked House Theatre Company will ensure personal data is processed in compliance with the GDPR.

Data Subject Rights:

In managing and processing personal data Crooked House Theatre Company upholds the rights of the Data Subject as provided under the GDPR including:

- The *right to be informed* about how we will use their personal data.
- The *right of access* to a copy of the personal data we hold and information on how we process it.
- The right to have incorrect or incomplete personal data corrected.
- The '*right to be forgotten*' and have personal data deleted if they so request.
- The *right to restrict* how we process their personal data.
- The *right to object* to the processing of their personal data.
- The right to data portability.

Consent and Transparency:

In the majority of cases, consent is the lawful grounds on which we process personal data. We will only process data where consent is affirmative, freely given, specific, informed and unambiguous. Consent will be sought from all data subjects using manual and digital forms as appropriate.

At the point of collecting data, data subjects will also be provided with a Privacy Statement detailing how and for what purpose the data will be processed. This will include the following:

- the identity of the Data Controller (and contact name for data requests),
- the purpose of collection,
- whether any sharing with third parties will take place,
- how long the data will be held,
- the details of the individual's rights regarding the data
- notice of any automated decision-making ('profiling') that may take place using the data.

Processing Children's Data:

In the context of youth theatre, it is necessary to process the personal data of children.

- For all children aged under 18 who are engaged in the activities of the youth theatre Crooked House Theatre Company will seek consent from the child's parent/ guardian.
- In line with the requirements of the GDPR we will verify the child's age through confirmation by the parent.
- Also in line with the GDPR we will verify parent/guardian consent by Crooked House Theatre's process for verifying parental consent. This could be as simple as calling

them on the phone number supplied on the parental consent form – remember to make it clear on the form that you will use the phone number for verification purposes]

Third Party Data Processors:

From time to time Crooked House Theatre Company will need to engage third parties to process personal data on our behalf as necessitated by the nature of the processing. This will be notified to the Data Subject at the point of seeking consent for use of personal data. Crooked House Theatre Company exercises reasonable care to ensure that the Data Processor carries out the processing in strict compliance with the GDPR, including ensuring that GDPR compliant Agreements exist between Crooked House Theatre Company and the data processor in respect of the processing.

Third parties that currently process data on our behalf include:

We upload films and photographs (untagged where possible) to our Facebook, YouTube and social media sites, and to our websites.

Data Security Policy

Who has access to personal data and confidential information?

The following have access to personal data and confidential information through their involvement with the youth theatre:

- Designated Liaison Person
- Chairperson
- Staff members and volunteers who work directly with young people.
- Board members
- Accountant and Auditor if necessary
- Accredited, ethically approved, and vetted researchers for the purposes of completing research on Crooked House (it will not be possible for them to publish details in a way that identifies subjects).

Managing Personal Data and Confidential Information

Personal data and confidential information as defined above is stored in filing cabinets in our office at 1, Main Street, Newbridge, County Kildare; and on digital forms in our Dropbox account.

Crooked House Theatre Company requires that all those who have access to personal data/confidential information as a result of their involvement, adhere to the following:

- Be aware of the sensitive nature of the information to which you are privy and recognise the responsibility you have as a result of having access to this information.

- Familiarise yourself with the youth theatre's data protection and confidentiality policy and act accordingly
- Be aware that information including written reports is the property of Crooked House Theatre Company.
- Use personal data and confidential information only for the purpose(s) for which it was provided and the purpose(s) for which you are authorised to use it.
- Do not pass personal data on to third parties without the consent of the person in question.
- Do not share confidential information or pass it on to a third party unless it is absolutely necessary as in the case of a child protection concern. Making a child protection report is not a breach of confidentiality.
- All computers containing youth theatre information should have a log-on password.
- Robust security passwords should be used for all confidential files
- Hard copy files/computer files should be retained and destroyed/deleted in line with the youth theatre's retention policy. (See Below)
- Be aware that personal data and confidential information may also be contained on other media such as audio or video files.
- A staff/volunteer may receive information that is confidential in error as in the case of an overheard conversation. Any information gained in this fashion is subject to the same conditions as information gained in an authorised manner and should not be shared.
- Staff Members/Volunteers should be particularly careful when they are in possession of sensitive personal data/ confidential sensitive information in the workshop space or in a public space.
- The requirement of confidentiality continues to apply after an individual's involvement with the youth theatre ceases.
- Crooked House Theatre Company is aware of the particularly sensitive nature of garda vetting disclosures and records of child protection concerns. Should the Designated Liaison Person cease engagement with the youth theatre or no longer carry out this role, any garda vetting disclosures/child protection reports should be passed on to the Chairperson in a sealed file. They will then be given to the new Designated Liaison Person.
- As already stated under no circumstances will garda vetting disclosures be shared with third parties.
- Where a disclosure has been returned outlining convictions or specified information, the identity of the applicant will be shared on a need to know basis. The DLP and the Chairperson will be aware of the identity of the applicant. The other member of the

decision-making committee will be given any relevant information in relation to the disclosure but will only be informed of the identity if this is necessary or unavoidable. For example, it might be decided in some cases that the full decision-making committee will meet with the applicant.

Data Access Requests:

Any Data Subject can make a Data Access Request and should direct the request via the individual responsible for overseeing Data Protection as detailed above. Crooked House Theatre Company will observe the following when handling such requests:

- We will request valid proof of identification from the individual before proceeding with the request.
- If requested, access to a copy of their data will be provided in electronic form with details of how it is processed, within one month.
- Any corrections requested will be made within one month.
- If requested we will delete a data subject's data within one month unless there is a valid reason not to (e.g. Garda Vetting Disclosures)
- We will halt processing on disputed data immediately until the issue is resolved.
- We will provide data in a digital format to a third party on the request of the data subject, we will do this within one month.

Breaches of Data Protection and Confidentiality

- A breach of confidentiality may lead to a disciplinary procedure.
- In cases of a data breach, Crooked House Theatre Company will make a report to the Office of the Data Protection Commissioner no later than 72 hours from becoming aware of the breach.

Data Retention Policy

Crooked House Theatre Company has developed the following retention policy stating the retention periods for the various types of information it holds. After the stated period has elapsed the information will be deleted from computers and any hard copy files will be shredded.

All financial documentation including end of year accounts, other financial statements, invoices, receipts etc. - 6 Years

Records of youth theatre activities including production images, programmes etc. - Permanent

Strategic plans, programme plans etc. - Permanent

Recruitment Records: Unsuccessful applications for vacant posts/ Written record of interview panel's recommendation - 1 Year

Personnel Records: Applications and Curriculum Vitae of candidates who accept and take up a post. References, Contracts of Employment, Training Records, Resignation/Retirement Letter, Annual leave records, sick leave records, compassionate leave records, study leave records, jury service records – 6 years from the end of contract.

Disciplinary Records - 1 Year

Details of Grievance Procedures - Six months

(Please note: In cases of more serious disciplinary/grievance procedures or where an allegation of abuse is made against an employee, the records can be kept permanently).

Members' Personal Details: These will be kept for the duration of a young person's participation in the youth theatre and transferred into archive, secure storage unless the subject wishes them deleted.

Records of Complaints Procedures: 5 years

Garda Vetting Information including disclosures: Proof of Identity and garda vetting disclosures for staff members/volunteers will be retained until the staff member/volunteer is re-vetted when the existing records will be replaced with the new information/disclosure. Where staff member's/volunteer's involvement finishes, we will retain their garda vetting records for 1 year from the finish date.

Welfare Reports/Child Protection Reports - Permanent

Please note: If there are any outstanding issues relating to any area of the youth theatre's work, the period of retention for any documentation related to this issue, will only commence once the issue is satisfactorily resolved.