

# **Irish Modern Dance Theatre**

## **Data Protection Policy**

### Introduction

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of *Irish Modern Dance Theatre*. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003).

### Rationale

Irish Modern Dance Theatre must comply with the Data Protection principles set out in the relevant legislation. This Policy applies to all Personal Data collected, processed and stored by Irish Modern Dance Theatre in relation to its staff, service providers and clients in the course of its activities. Irish Modern Dance Theatre makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.

### Scope

The policy covers both personal and sensitive personal data held in relation to data subjects by Irish Modern Dance Theatre. The policy applies equally to personal data held in manual and automated form. All Personal and Sensitive Personal Data will be treated with equal care by Irish Modern Dance Theatre. Both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Loss Notification procedure.

### Irish Modern Dance Theatre as a Data Controller

In the course of its daily organisational activities Irish Modern Dance Theatre acquires, processes and stores personal data in relation to:

- Employees of Irish Modern Dance Theatre
- Customers of Irish Modern Dance Theatre
- Third party service providers engaged by Irish Modern Dance Theatre

Irish Modern Dance Theatre stores and processes personal data in Ireland only. In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. Not all staff members

will be expected to be experts in Data Protection legislation. However, Irish Modern Dance Theatre is committed to ensuring that its staff has sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer is informed, and in order that appropriate corrective action is taken.

Due to the nature of the services provided by Irish Modern Dance Theatre, there is regular and active exchange of personal data between Irish Modern Dance Theatre and its Data Subjects. In addition, Irish Modern Dance Theatre exchanges personal data with Data Processors on the Data Subjects' behalf.

This is consistent with Irish Modern Dance Theatre's obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Dance Theatre of Ireland staff member is unsure whether such data can be disclosed. In general terms, the staff member should consult with the Data Protection Officer to seek clarification.

#### Subject Access Requests

Any formal, written request by a Data Subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer, and will be processed as soon as possible.

It is intended that by complying with these guidelines, Irish Modern Dance Theatre will adhere to best practice regarding the applicable Data Protection legislation.

#### Third-Party processors

In the course of its role as Data Controller, Irish Modern Dance Theatre engages Mailchimp as a third-party Data Processor, to store and manage data. Data is not shared with any other third-party Data Processor.

#### The Data Protection Principles

The following key principles are enshrined in the Irish legislation and are fundamental to the Irish Modern Dance Theatre's Data Protection policy.

In its capacity as Data Controller, Irish Modern Dance Theatre of Ireland ensures that all data shall:

## 1. Be obtained and processed fairly and lawfully

For data to be obtained fairly, the data subject will, at the time the data are being collected, be made aware of:

- The identity of the Data Controller (Irish Modern Dance Theatre)
- The purpose(s) for which the data is being collected
- The person(s) to whom the data may be disclosed by the Data Controller
- Any other information that is necessary so that the processing may be fair.
- Dance Theatre of Ireland will meet this obligation in the following way.
- Where possible, the informed consent of the Data Subject will be sought before their data is processed;
- Where it is not possible to seek consent, Irish Modern Dance Theatre will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- Where Irish Modern Dance Theatre intends to record activity on CCTV or video, a Fair Processing Notice will be posted in full view;
- Processing of the personal data will be carried out only as part of Irish Modern Dance Theatre lawful activities, and Irish Modern Dance Theatre will safeguard the rights and freedoms of the Data Subject;
- The Data Subject's data will not be disclosed to a third party other than to a party contracted to Irish Modern Dance Theatre and operating on its behalf.

## 2. Be obtained only for one or more specified, legitimate purposes.

Irish Modern Dance Theatre will obtain data for purposes, which are specific, lawful and clearly stated. A Data Subject will have the right to question the purpose(s) for which Irish Modern Dance Theatre holds their data, and Irish Modern Dance Theatre will be able to clearly state that purpose or purposes.

Irish Modern Dance Theatre processes personal data for the following purpose(s)\*: \*(this is a non-exhaustive list)

- Client administration
- Direct Marketing
- Photography and video documentation (for promotion & marketing online and in print)
- Provision of goods or services
- Legal obligations
- Employee administration

Your data is processed only in cases where one or more of the following legal bases applies:

- Consent
  - Legitimate interests (class participants, partners, audience, artists, suppliers)
  - Performance of a contract including possible consequences of failing to provide the personal data
  - Legal obligation, including possible consequences of failing to provide the personal data
  - To protect the vital interests of the data subject
  - Performance of a task carried out in the public interest
3. Not be further processed in a manner incompatible with the specified purpose(s).

Any use of the data by Irish Modern Dance Theatre will be compatible with the purposes for which the data was acquired. Irish Modern Dance Theatre does not use any automated decision making or profiling.

4. Be kept safe and secure.

Irish Modern Dance Theatre will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Irish Modern Dance Theatre in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

5. Be kept accurate, complete and up-to-date where necessary.

Irish Modern Dance Theatre will:

- Ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- Review and ensure the accuracy of data every time a data subject enrolls in a new term of classes at Irish Modern Dance Theatre.
- Conduct regular assessments in order to establish the need to keep certain Personal Data.
- Be adequate, relevant and not excessive in relation to the purpose(s) for which the data were collected and processed.

- Irish Modern Dance Theatre will ensure that the data it processes in relation to Data Subjects are relevant to the purposes for which those data are collected. Data, which are not relevant to such processing, will not be acquired or maintained.
6. Not be kept for longer than is necessary to satisfy the specified purpose(s).

Irish Modern Dance Theatre has identified an appropriate data retention period for personal data, based on the period required for retention of financial records, due to the use of registration information in our annual voluntary audit process. This retention period applies to data in both a manual and automated format.

Once the respective retention period has elapsed, Irish Modern Dance Theatre undertakes to destroy, erase or otherwise put this data beyond use.

7. Be managed and stored in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.

Irish Modern Dance Theatre has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

#### Data Subject Access Requests

As part of the day-to-day operation of the organisation, Irish Modern Dance Theatre's staff engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted by a Data Subject in relation to the data held by Irish Modern Dance Theatre, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which Irish Modern Dance Theatre must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the attached Subject Access Request process document.

Irish Modern Dance Theatre's staff will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner, and they are processed as quickly and efficiently as possible, but within not more than 40 days from receipt of the request.

### Implementation

As a Data Controller, Irish Modern Dance Theatre ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of a Data Processor to manage Irish Modern Dance Theatre's data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts.

Failure of Irish Modern Dance Theatre's staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

### Definitions

For the avoidance of doubt, and for consistency in terminology, the following definitions will apply within this Policy.

#### *Data*

This includes both automated and manual data.

Automated data means data held on computer, or stored with the intention that it is processed on computer.

Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.

#### *Personal Data*

Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Irish Modern Dance Theatre refers to the definition issued by the Article 29 Working Party, and updated from time to time.)

#### *Sensitive Personal Data*

A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.

#### *Data Controller*

A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.

### *Data Subject*

A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.

### *Data Processor*

A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.

### *Data Protection Officer*

A person appointed by Irish Modern Dance Theatre to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients Relevant Filing System

Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

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