



**BENEDETTI**  
FOUNDATION

## **Data Protection Policies and Procedures**

LAST UPDATED: 13.02.22  
APPROVED BY BOARD: MARCH 2022

### **Data Protection Policy**

#### **1.0 Context**

The Benedetti Foundation is a charity (registered in Scotland SRCN SC049688) that promotes music and musical education by organising or supporting workshops for music teachers and young musicians across the United Kingdom.

It is a data controller and responsible for your personal data, and is referred to as 'BF', 'we', 'us' or 'our' in this notice and policy.

BF is committed to being transparent about how it collects and uses personal data, and to meeting its data protection obligations in accordance with the General Data Protection Regulations (GDPR) as enacted by the UK Data Protection Act 2018. This policy sets out our commitment to data protection, and individual rights and obligations in relation to personal data.

This policy applies to the personal data of trustees, employees, contractors, job applicants, volunteers and supporters, teachers, ambassadors, parents and children and others associated with BF and its activities. It also applies to former members of each of these categories. These are referred to in this policy as relevant individuals.

This policy is not contractual but indicates how BF intends to meet its legal responsibilities for data protection. We reserve the right to vary, replace or withdraw this policy at any time.

It is important that the personal data we hold about you is accurate and current. We ask all relevant individuals to keep us informed if their personal data change during their relationship with us.

#### **Contact details for data protection purposes**

Data officer: Laura Gardiner, Foundation Director

This person is responsible for data protection compliance at BF and may be contacted as follows:

The Benedetti Foundation  
Turcan Connell  
Princes Exchange

1 Earl Grey Street  
Edinburgh  
EH3 9EE  
Email: [laura@benedettifoundation.org](mailto:laura@benedettifoundation.org)  
Website: <http://www.benedettifoundation.org>

ICO Registration Number: ZA674093

All relevant individuals have the right to make a complaint at any time to:

- the Information Commissioner's Office – Scotland [scotland@ico.org.uk](mailto:scotland@ico.org.uk), or
- the Information Commissioner's Office (England and Wales) ([www.ico.org.uk](http://www.ico.org.uk))

who collectively are the UK's supervisory authority for data protection issues.

We would however appreciate the chance to deal with your concerns before you approach the ICO, so please [contact us](#) in the first instance.

## 2.0 Definitions

This is what some of the key terms used in this policy mean:

**Personal data** is any information that relates to an individual who can be directly or indirectly identified from that information.

**Processing** is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

**Special categories of personal data** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric and genetic data (where used for ID purposes).

## 3.0 Data protection principles

BF strives to ensure that its use of personal data meets the the following data protection principles:

- Personal data is processed lawfully, fairly and in a transparent manner
- Personal data is collected only for specified, explicit and legitimate purposes
- Personal data is processed only where it is adequate, relevant and limited to what is necessary for the purposes of processing
- Personal data is accurate, and all reasonable steps are taken to ensure that inaccurate personal data is rectified or deleted without delay
- Personal data is kept only for the period necessary for processing
- Appropriate measures are adopted to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

BF endeavours to explain to all relevant individuals the reasons for processing their personal data, how we use such data and the legal basis for processing in our privacy notices. Personal data of relevant individuals will not be processed for other reasons.

BF will take all reasonable steps to update personal data promptly if a relevant individual advises that their information has changed or is inaccurate.

BF will endeavour to keep a record of its processing activities in respect of personal data in accordance with the requirements of the GDPR.

#### **4.0 Types of data held**

Personal data gathered during the recruitment, working, volunteering, teaching or ambassadorial relationship with BF, or that gathered from trustees during their trusteeship, or from parents and children in the course of registering for and attending BF sessions and activities is held wherever possible in electronic format. Occasionally there are legitimate business reasons for paper records to be held in addition or instead of the electronic version, but BF strives to keep these to a minimum.

The following types of data may be held by BF as appropriate, on relevant individuals. This is not an exhaustive list, nor does it indicate that every type of data listed is held in respect of every person:

- Name, address, phone numbers, email addresses, marital status, date of birth and gender
- Name of child, relationship to child, child's name, date of birth, school attended, level of musical attainment, teacher, instrument, siblings
- Health and wellbeing data relating to a child attending a BF session or activity
- Application forms and other information gathered during recruitment and selection procedures
- Identity checks, including entitlement to work in the UK
- Disclosure and Barring Service (DBS) checks and supporting information
- References from former employers, education establishments and/or personal referees, data relating to suitability to teach or assume an ambassadorial role, data relating to suitability for trusteeship
- Data relating to donations made to BF and Gift Aid
- National Insurance numbers
- Tax codes
- Job title, job description and pay details
- Bank account information
- Terms and conditions of employment
- Conduct and/or capability issues such as letters of concern, improvement notes, disciplinary proceedings
- Holiday and sickness absence records
- Performance management information, such as supervision notes, appraisals, performance development plans and training records

#### **5.0 Individual rights**

As data subjects, relevant individuals have a number of rights in relation to their personal data.

Relevant individuals have the right to be informed about how BF processes personal data about them and the reasons for processing. BF privacy notices explain what data we collect, how we collect and process it and the lawful bases relied on for processing.

If BF intends to use data already collected for a different reason than that already communicated, we will do our best to inform relevant individuals of the new reason in advance.

## 5.1 Subject Access Requests (SAR)

Relevant individuals have the right to access the personal data held on them by BF.

To make a SAR, the relevant individual should consult <https://ico.org.uk/your-data-matters/your-right-of-access/>, complete a SAR form and send it to BF's Data Officer using the contact details at the start of this policy. Please ensure specific details of the data being requested are included to allow us to respond as efficiently as possible.

When we receive a SAR form, we may ask for proof of identification before the request can be processed. We will always ask for this proof if the SAR relates to a child's data.

BF's Data Officer will then confirm:

- whether or not the relevant individual's data is processed and if so why; the categories of personal data concerned and the source of the data if it is not collected from the relevant individual
- to whom the relevant individual's data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers
- for how long the relevant individual's personal data is stored (or how that period is decided)
- the relevant individual's rights to rectification or erasure of data, or to restrict or object to processing
- the relevant individual's right to complain to the Information Commissioner if they think BF has failed to comply with their data protection rights; and
- whether or not BF carries out automated decision-making and the logic involved in any such decision-making

BF's Data Officer will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless agreed otherwise.

BF will endeavour to respond to a subject access request within one month of receipt unless a large amount of data is involved.

We may be unable to supply certain pieces of information, for instance where it is subject to legal privilege. Where this is the case, BF's Data Officer will write to the individual to inform them that the request cannot be compiled with, and give an explanation for the reason.

If a subject access request is manifestly unfounded, excessive, or repetitive BF is not obliged to comply with it.

Relevant individuals must inform BF's Data Officer immediately if they believe any data held on them is inaccurate, whether or not this comes to light through a SAR.

In the event that inaccurate data was disclosed to third parties, we will inform the third party of the correction where possible, and also inform the individual of the third parties to whom the data was disclosed.

## 5.2 Other rights

Relevant individuals have a number of other rights in relation to their personal data.

They can require BF to stop processing or erase data:

- that is no longer necessary for the purposes it was processed
- if the interests of the individual override BF's legitimate grounds for processing data (where BF relies on its legitimate interests as a reason for processing data)
- if the processing is unlawful
- if the data is inaccurate

To ask for any of these steps to be taken, the individual should send their request to BF's Data Officer. If the response is that BF will take no action, this will be confirmed to the individual in writing.

## **6.0 Data security**

BF takes the security of personal data seriously. We strive to follow the following practices and controls so we can protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is only accessed by BF personnel in the proper performance of their duties.

- personal data (sensitive or not) will only be recorded where it is strictly necessary for the effective running of BF and its charitable activities
- if data is not relevant or needed for the specific purpose for which it is collected, or if it is out of date, or if it is no longer needed it will not be recorded or processed
- electronic and paper files will be reviewed and purged at regular intervals in accordance with our data retention protocols
- we will use electronic files over paper files wherever possible. All files or written information of a confidential nature will be stored securely and only seen by people who have a legitimate need or right to access them
- all appropriate care will be taken to ensure that data entered onto electronic files at BF is accurate
- passwords and user IDs will be kept confidential and unshared, and changed on a regular basis
- any personal data which must of operational necessity be transported to BF sessions or events (for example on a laptop) will be password protected and secured at all times
- all BF trustees, staff, contractors, volunteers, teachers and ambassadors will read and confirm they have understood BF's Data Breach policy, and will undertake fully to comply with preventative measures in the course of their BF duties
- Where BF engages third parties to process personal data on its behalf, BF will endeavour to ensure that they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data they receive

## **7.0 Privacy Impact Assessments**

If any data processing BF intends to carry out might result in a high risk to individual's rights and freedoms, a Privacy Impact Assessment (PIA) will be made to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is

carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

## **8.0 Data breaches**

BF maintains a separate Data Breach policy, which is reviewed annually.

## **9.0 International data transfers**

In the course of its operations, BF may process and/or store personal data using third party data controller/processors which have some or all of their operations based outside of the EA. Examples include Dropbox and PayPal. BF is not accordingly, able to offer assurance that personal data processed by such authorised third parties is not transferred outside of the EA, nor that the standard of any such processing is at least equivalent to that required under GDPR. Data subjects are however reminded that it is in the commercial interest of these third parties to ensure that personal data is handled securely and appropriately, and that in each instance they assert that they comply with the EU-US Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union.

## **10.0 Automated decision making**

Individuals have the right not to have decisions made about them solely on the basis of automated decision making processes. BF does not make any decisions based on such processes.

## **11.0 Individual responsibilities**

Individuals are responsible for helping BF keep their personal data up to date. Individuals who are associated with BF operationally should let the Data Officer or other appropriate officer know if their data changes – for example if they move house or change bank details.

Trustees, employees, contractors, volunteers and supporters, teachers, and ambassadors may have access to the personal data of other individuals such as parents and children in the course of their working with BF. All are responsible for upholding the data protection principles in this policy, and for meeting our data protection obligations to those supported by the charity.

We are all responsible for making sure that:

- we only access data we have authority to access, and only do so for legitimate and authorised purposes
- we only disclose data to individuals (whether inside or outside the organisation) who have appropriate authorisation and a legitimate need to see them
- we keep data secure (for example by complying with guidance and protocols on using databases, computers, passwords, secure file storage and organising timely destruction of data)
- where it is operationally necessary to transport data to BF sessions or events, for example on a laptop, the data will be protected by appropriate security measures (password protection, encryption) and kept secure at all times

- we do not store personal data on local drives or on personal devices that are used for work purposes

Failing to observe these requirements may amount to a disciplinary offence. Significant or deliberate breaches of this policy may constitute gross misconduct and could lead to summary dismissal.

## **12.0 Training**

BF will provide training to all individuals about their data protection responsibilities.

BF will strive to ensure that data protection principles are integrated into the design of new activities and processes over time.

## **13.0 Implementation, monitoring and review of this policy**

BF's Data Officer has overall responsibility for implementing and monitoring this policy and providing updates whenever there are relevant changes in legislation or working practices at BF.

The policy will be reviewed annually by the BF Board.

Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Data Officer. Any associates of BF who considers that the policy has been breached in any way should raise the matter directly with the Data Officer or Board of Trustees.