

Data Protection Policies and Procedures

Parent or Carer Privacy Notice

1.0 The reason for this notice

Data protection rules require all organisations to explain to individuals what personal data they collect and process during their work together.

The Benedetti Foundation ('BF') collects and processes personal data belonging to parents, carers, and the children in their care. We do this in order to organise and to provide our charitable activities. BF is committed to being transparent about how we collect and use personal data and to meeting our data protection obligations. This Privacy Notice aims to provide you with a clear explanation of the personal data that BF may hold about you and your child and the purposes for which they are held.

It is important that the personal data we hold about you and your child are accurate and up to date. Please keep us informed if your personal data change during your relationship with us.

Contact details for data protection purposes

Data Officer: Laura Gardiner, Foundation Director

The Benedetti Foundation
c/o Turcan Connell
Princes Exchange
1 Earl Grey Street
Edinburgh
EH3 9EE
Email: laura@benedettifoundation.org

Website: <http://www.benedettifoundation.org>

ICO Registration Number: ZA674093

2.0 How BF aims to protect children's data

Children have the same rights as adults with regards to the use of their personal information. However, every child is different, particularly when it comes to make informed decisions about the use of their personal data.

BF considers that it is appropriate for parents and carers to make decisions about the use of their child's personal data until they are sixteen years old. Once 16, we expect to inform a child about the use of their personal data directly and by providing a separate privacy notice to them.

The exception to this is when we ask for specific consent to use photographs or video which feature your child's image. This is explained more fully later in this privacy notice. In certain circumstances the law provides for a child to be able to give informed consent from the age of 13 years.

3.0 Types of personal information that BF may collect about you and your child

We may collect, store and use some of the following information about you and your child. Please bear in mind however that this does not mean that we actually will collect every item listed.

Parents and carers:

- personal contact details such as your name, title, address, telephone number, personal email addresses, date of birth, gender, marital status
- the name of your child and the name/ages of siblings
- emergency contact information for you and one other contact for your child
- your nationality
- equal opportunities monitoring information, with consent, including information about your ethnic origin

Children:

- personal contact details such as their name, address, telephone number, date of birth, schooling
- name of parents or carers, their contact details and emergency contact information
- GP's name
- nationality
- the BF session or activity he/she registers to attend
- instrument, standard attained and teaching arrangements [teachers should only be named if permission has been granted for this to be shared]
- information about his/her health and well-being
- equal opportunities monitoring information, with consent, including information about your ethnic origin
-

Exceptionally, BF may also collect personal information provided in connection with any safeguarding matter or concern

4.0 Where does BF collect and store personal data?

BF may collect this information in a variety of ways. For example, data might be collected when you register your child to attend a BF session or activity or through subsequent correspondence or contact with you or your child.

Data will be stored in a range of different places, including on your registration form, our closed CRM (Customer Relationship Management system), on our computer system and in our email system.

Health form information is stored separately on the BF secure Google Drive and destroyed once the activity for which your child has registered has concluded

Should you join a Facebook group, your or your child's personal information will also be stored on this platform. We strive to follow best practice for protecting personal data in BF's use of social media platforms.

5.0 Our reasons and lawful basis for processing your and your child's data

BF has a legitimate interest in processing your or your child's personal data in order to:

- to register your child for a BF session or activity
- to plan and carry out BF sessions and activities
- to request and compile feedback on BF activities
- to maintain accurate and up-to-date records and contact details (including details of who to contact in the event of an emergency)
- to maintain effective processes, such as safeguarding
- use certain photographs or videos which may feature your child – this is explained in more detail below
- to carry out analysis of the value and benefits of BF activities
- to respond to and defend against any legal claims

BF may also need to process your or your child's data to comply with legal obligations, such as health and safety.

You do not have to give your or your child's personal information to BF. However, if you decide not to, it is unlikely that we will be able to provide a place at a BF session for your child.

In some circumstances we may ask for your consent to allow us to process certain particularly sensitive data. In such cases we will provide you with sufficient information about how the data will be used for you to make a choice about whether to provide your consent. You will have full control over your decision to give or withhold consent, and there will be no consequences if you choose not to consent. Consent, once given, may be withdrawn at any time, again with no consequences.

6.0 BF medical forms and information about the health and wellbeing of your child

Before your child attends a BF session or activity, we will ask you to complete a medical form and to provide details of your child's health and wellbeing.

For the purposes of GDPR, information about health is classed as a special category of personal data, and this requires us to take additional steps to explain to you why we ask for this data and the basis on which we process them.

Under Articles 6 and 9 of GDPR, we request health information about your child on the basis of our legitimate interest (in ensuring we have information that will allow us to do our best to look after your child) and in order to comply with health and safety requirements.

We do not need to ask for your consent if we use special categories of personal data in order to carry out our legal obligations.

You are not obliged to provide health and wellbeing information about your child but without this information we are unlikely to be able to allow your child to take part.

7.0 Photographs and video

In this section, we explain how we approach photographs and videos of people that BF takes for its own purposes and which may feature your child. It explains why we do this, our legitimate basis for doing this, when we may additionally ask for your and your child's consent, your rights on his/her behalf and your child's rights.

By photographs and videos we mean those already stored securely in BF systems as well as those we may capture in the future.

We use the word 'images' as shorthand for 'photographs and videos'.

❖ **Our purpose of taking images of your child**

All charities need to work to promote their cause and BF is no exception. We take images to:

- raise the profile of our work and the importance of musical experiences and education
- to encourage other children to join a BF session or activity
- to encourage teachers, ambassadors and volunteers to join and support us
- to support fundraising

❖ **How we manage risk and protect your child's privacy**

Using an image brings some risk, for example that of your child is recognised by others. We understand that in the normal course of events, this may not be a cause of concern. However in order to manage any risk appropriately BF will never:

- use an image which has identifying information, such as a name badge or the name of a school
- knowingly use an image of a child where a legal reason/requirement for their identity to be concealed exists
- take an image that is inappropriate, which contravenes our safeguarding policies and procedures, or which features a child who is not involved in a BF activity

❖ **How we take and share images**

- images are taken by designated BF personnel, or a third party photographer or videographer employed by BF for a specific event authorised via an appropriate third party data controller/processor agreement
- images will not be taken on personal devices unless express permission has been given by the Foundation Director because this is operationally the most appropriate way for images to be taken
- as the Benedetti Foundation and Nicola Benedetti are intrinsically linked, images may be shared across both sets of social media platforms and websites, including Nicola's YouTube channel
- in the usual course of events the Benedetti Foundation and Nicola Benedetti's channels are accessed and controlled by Nicola Benedetti, the Foundation Director and Creative and Digital Manager only. Exceptionally, other members of BF personnel will be so authorised

It is a strict requirement at BF that images taken on mobile devices at sessions are deleted immediately after the image is sent directly to the Creative and Digital Manager or the Foundation Director. Occasionally, the image may be uploaded directly to social media or into the Foundation's Dropbox.

BF operates appropriate security measures to prevent images featuring your child from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed to others who should not see them.

❖ **Use of photos and videos**

We may take images featuring your child for use:

- on BF's and Nicola Benedetti's Facebook, Twitter and Instagram account and Nicola Benedetti's YouTube channel

- on BF and Nicola Benedetti's website, where the images are of large groups and individual children cannot easily be identified
- in printed fundraising materials to help us raise money for this charity, where they can be seen by potential donors and grant-giving trusts and foundations
- in 'standard' BF materials, such as our annual report
- in press releases as part of the promotional activity of the Foundation
- in local and national press and in printed publications in order to promote and spotlight the work of the Foundation

We do however offer you the opportunity to 'opt out' of your child's images being taken when you sign him/her up for a BF session or activity. Where you opt out, we will do our best to ensure that your child is identified by a discrete addition to his/her name badge and no images are taken.

❖ **Our lawful basis for using images**

BF has a legitimate interest in processing images of children for the purposes in the section above.

We have considered our responsibilities for protecting the rights and interests of the children in this respect and as required by data protection law we have undertaken a Legitimate Interest Assessment (LIA).

You can ask to see a copy of this LIA by contacting BF's Data Officer. Her name and contact information is given at the start of this privacy notice.

BF retains the copyright in all images and will reserve and protect these rights in accordance with the law.

❖ **Where we will ask for your specific consent to use images of your child**

BF recognises that in some circumstances it is appropriate to ask for your and your child's specific consent for his/her image to be used. These circumstances include where your child's image may feature prominently in an image to be used:

- on the landing page of the BF website
- in connection with any public advocacy/campaign undertaken by BF
- in a specific printed or online media article
- on a poster publicising a session or activity

In these circumstances we will contact you and your child to explain how we would like to use the image. We will also explain your and your child's rights and make it clear that if you do decide to give consent, that you can withdraw this at any time.

Please note however that where an image is used on a widely distributed physical document, such as a paper annual report, or as part of a promotional film or film 'montage' of BF activities it may be practically impossible to recall all copies featuring an image for which consent to use has been withdrawn. For this reason BF urges you to consider extremely carefully before deciding whether or not to provide consent in these circumstances.

If the image is of a group and your child is not easily identifiable we will not ask for your consent to use the image.

❖ **Asking for your child's consent as well as yours**

At BF we believe it is important for children and young adults to be included in the decision-making process about the use of their images and that their consent (or non-consent) is also respected.

In the circumstances described above where we do not rely on legitimate use as the basis for using an image featuring your child, and where we will instead ask for specific consent, if your child is over the age of 13 we will also ask for his/her permission to use the image.

If a situation arises where you are happy to give your permission to use your child's image, but he/she does not, we will always go with his/her wishes.

8.0 How does BF protect your or your child's data?

BF takes the security of your data seriously. We are working towards establishing effective internal policies and controls to ensure that your data are not lost, accidentally destroyed, misused or disclosed, and are not accessed except by authorised members of the BF team.

Your and your child's data will be shared with members of the BF staff team, teachers and ambassadors only where it is necessary for them to undertake their duties. An example of this would be administering your application form and communicating details of a BF session to you and your child.

BF may also share your data with third parties that process data on our behalf, for example where we need to do so in order to plan a BF session or activity, or where we have another legitimate reason for doing so. These arrangements would also be governed by a duty of confidentiality.

Save as explained above, BF will not share your data with third parties for any other purpose without your express consent.

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. 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.

9.0 For how long will BF keep your data?

In line with data protection principles, we endeavour only to keep personal data for as long as we legitimately need them, which will be for at least the duration of your child's participation in BF activities.

Retention periods can vary depending on why we need your data. This may be determined by law or by appropriate business practice.

- Health information about your child on BF medical forms is destroyed after the session or activity
- Photographs or images which we have a legitimate interest in using are generally kept for a period of 3 years.
- Images which we hold on the basis of consent are kept for three years, after which we will either ask you to renew your consent or we will destroy the images
- Your contact information is kept for a period of 3 years from the date of the session your child attended. We retain this personal information in order to be able to write to you with information about future BF events and activities, and updates about the Foundation, which we believe you may find of interest. After 3 years, we will contact you to ask you whether you wish us to continue to retain this personal information for these purposes. Should your child turn 18 before the end of this 3 year period, we will contact you at that time to ascertain your wishes.

You and your child do however have rights under data protection legislation (explained more fully below) which include the right to request us at any time to delete such personal information as we have retained.

10.0 Automated decision-making

BF does not use automated decision-making.

11.0 You and your child's rights

The law gives you and your child important rights over how BF uses your personal information. These are:

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the data that we hold and to receive a copy of your data and information about where it was sourced. To do so, you should make what is known as a subject access request. You can contact BF's Data Officer at the address above if you wish to do this. The Information Commissioner's Office (ICO) publishes information on Subject Access Requests which may be of help to you – see <https://ico.org.uk/your-data-matters/your-right-of-access/>
- the right for any inaccuracies in the data BF holds about you to be corrected
- the right to ask BF for your data to be erased, for example if you believe there is no longer any need for your data to be held for its original purpose, or if you decide to withdraw any consent that you have given for your data to be processed
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to portability. You may transfer the data that we hold on you to another organisation for your own purposes
- you may have the right to object to the way we use your data if you do not agree that we are using it for our legitimate interests
- the right to regulate any automated decision-making and profiling of personal data

Where you have provided consent to BF using any of your or your child's data, you also have the unrestricted right to withdraw that consent at any time.

If you believe that BF has not complied with your data protection rights, you can complain to the Information Commissioner. Their contact details can be found on their website (www.ico.org.uk). We would however appreciate the opportunity to understand and correct any concerns you have before you approach the ICO.

CS/March2020