

## **PRIVACY NOTICE**

We are Acorn Music Theatre Trust, a registered charity in England and Wales. Our registered charity number is 1078023.

### **WHAT THIS PRIVACY NOTICE IS FOR?**

This is intended to provide information about how Acorn will use (or "process") personal data about individuals including: its staff; its current, past and prospective Acorns; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law which gives individuals rights to understand how their data is used. Staff, parents and Acorns are all encouraged to read this Privacy Notice and understand the Trust's obligations to its entire community.

This Privacy Notice applies alongside any other information we may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to any other relevant terms and conditions and policies such as:

- the policy on taking, storing and using images of young people;
- the safeguarding policy
- the health and safety policy

Anyone who works for, or acts on behalf of, Acorn (including staff, trustees and service providers) should also be aware of and comply with this Privacy Notice.

### **WHY ACORN NEEDS TO PROCESS PERSONAL DATA**

In order to carry out its ordinary duties to staff, young people and parents, Acorn needs to process a wide range of personal data about individuals (including current, past and prospective staff, young people or parents) as part of its daily operation.

Some of this activity Acorn will need to carry out in order to fulfil its legal rights, duties or obligations.

Other uses of personal data will be made in accordance with Acorn Music Theatre Trust's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

Acorn expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- To provide youth musical theatre workshops
- Maintaining relationships with Acorns and Friends of Acorn, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;

- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis where relevant);
- To enable relevant authorities to monitor Acorn's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective Acorns, and to provide references to potential employers of past Acorns;
- To safeguard young people's welfare and provide appropriate pastoral care;
- To make use of photographic images of young people on the Acorn website and (where appropriate) on the social media channels in accordance with the policy on taking, storing and using images of young people;
- To carry out or cooperate with any complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the Trust's purposes, including to obtain appropriate professional advice and insurance.

In addition, Acorn Music Theatre Trust will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:

- To safeguard young peoples' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, or for insurance purposes
- To provide services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks;
- As part of any internal or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## **TYPES OF PERSONAL DATA PROCESSED BY ACORN**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details of current, past and prospective Acorns;
- personnel files, including in connection with employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received about young people;

- ☐ correspondence with and concerning staff, Acorns and parents past and present; and
- ☐ images of Acorns (and occasionally other individuals) engaging in Trust activities;

## **HOW THE TRUST COLLECTS DATA**

Generally, Acorn receives personal data from the individual directly (including, in the case of young people, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email).

However in some cases personal data may be supplied by third parties (for example other professionals or authorities working with that individual); or collected from publicly available resources.

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO THE TRUST SHARES IT WITH**

Occasionally, Acorn will need to share personal information relating to its community with third parties, such as:

- ☐ professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- ☐ relevant government authorities (e.g. police or the local authority);

For the most part, personal data collected by the Trust will remain within the Trust, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- ☐ medical records held, and
- ☐ pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and support that the young person requires.

Staff, Acorns and parents are reminded that the Trust is under duties imposed by law and statutory guidance (including Keeping Young people Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity.

This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Safeguarding Policy.

Finally, in accordance with Data Protection Law, on occasion some of the processing activity is carried out on behalf of Acorn Music Theatre Trust by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Trust's specific directions

## **HOW LONG WE KEEP PERSONAL DATA**

Acorn will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.

In the case of applicants for a vacant position of employment, copies of all candidates' documents will be taken in accordance with the guidance given. Copies of the successful candidate's documents will be held on the candidate's personnel file. Those for unsuccessful candidates will be held for 3 months after the date of conditional appointment of the successful candidate after which they (together with references, application forms, interview notes etc.) will be destroyed as confidential waste.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Lucie.

However, please bear in mind that the Trust will sometimes have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## **KEEPING IN TOUCH AND SUPPORTING ACORN**

The Trust will use the contact details of parents, alumni, Friends of Acorn and current Acorns to keep them updated about the activities, or events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, Acorn may also:

- Contact parents and/or Acorn alumni by post and email in order to promote and raise funds and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact Lucie directly. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, Acorn is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **YOUR RIGHTS**

- Rights of access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data held about them, and in some cases ask for it to be erased or amended or have it transferred to others, or for the Trust to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to Lucie.

Acorn Music Theatre Trust will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information.

The Trust will be better able to respond quickly to smaller, targeted requests for information.

If the request for information is manifestly excessive or similar to previous requests, Acorn may ask you to reconsider, or charge a proportionate fee (but only where Data Protection Law allows it).

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own young people, in certain limited situations – please see further below), or information which is subject to legal professional privilege (for example legal advice given to or sought by the Trust, or documents prepared in connection with a legal action).

Similarly you may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, or delete or stop processing your (or your child's) personal data: for example, because a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- Young People's requests

Acorns can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Trust, they have sufficient maturity to understand the request they are making (see section Whose Rights? below). A young person of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's.

A young person of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover for older Acorns of sufficient age, the parent making the request may need to provide evidence of their child's authority for the specific request by the parent.

Acorns aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the individual and the personal data requested, including any relevant circumstances at home.

- Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about the young person without their consent. The Trust may consider there are lawful grounds for sharing with or without reference to that individual.

- Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates.

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the young person's age and understanding – to seek their consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the Trust will assume that Acorns' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the activities and behaviour, and in the interests of their welfare.

Acorns are required to respect the personal data and privacy of others, and to comply with the policies. Staff are under professional duties to do the same.

## **DATA ACCURACY AND SECURITY**

The Trust will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the relevant person of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the Trust may need to process your data, and of who you may contact if you disagree.

Acorn Music Theatre Trust will take appropriate technical and organisational steps to ensure the security of personal data about individuals. All staff and trustees will be made aware of this policy and their duties under Data Protection Law.

## **THIS POLICY**

The Trust will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

## **QUERIES AND COMPLAINTS**

If an individual believes that the Trust has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should notify the relevant person and should also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the Company before involving the regulator.

**Updated October 2022**