



The Spark Arts for Children Data Protection Policy

Issue	Updates	Date	Responsibility
Policy review	<p>4.2 updated to Operations & Finance Manager</p> <p>4.3 Mike Candler named as Trustee responsible for Data Protection</p> <p>9.5 Staff data information sharing compliance for added for HR management platform, Staffology.</p> <p>Pg 10&11. Appendix 2 updated to reflect current 3rd party platforms.</p> <p>Pg 13. Appendix 2, Information Commissioner's Office information added.</p> <p>Pg 13. Appendix 2. Electronic Mailing Privacy Notice sign up for the distribution of a paper Festival brochure removed. Statement updated to digital subscription for updates.</p>	12/9/2024	TK

1. Purpose

- 1.1 The Spark Arts for Children needs to gather and use certain information about individuals. These can include members of the public, current, past and prospective employees, suppliers, business contacts, funders and other people the organisation has a relationship with or may need to contact.
- 1.2 This policy describes how this personal data must be collected, handled and stored to meet the company's data protection standards – and to comply with the law.

2. Policy Statement

- 2.1 The Spark Arts for Children is committed to a policy of protecting the rights and privacy of individuals in accordance with The Data Protection Act 1998.
- 2.2 This data management policy will ensure that the Spark Arts for Children:-
 - 2.2.1 Complies with data protection law and follows good practice
 - 2.2.2 Protects the rights of customers, staff and partners
 - 2.2.3 Is transparent about how it stores and processes individuals' data
 - 2.2.4 Protects itself from the risks of a data breach

3. Data protection Law

- 3.1 We will comply with the eight enforceable data protection principles by making sure that personal data is:
 - 3.1.1 Processed lawfully, fairly and in a transparent manner
 - 3.1.2 Processed for limited purposes
 - 3.1.3 Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
 - 3.1.4 Accurate and, where necessary, kept up to date
 - 3.1.5 Not kept longer than necessary
 - 3.1.6 Processed in accordance with the individuals' rights
 - 3.1.7 Stored securely
 - 3.1.8 Not transferred to countries outside the European Economic area unless the country to which the data is to be transferred has adequate protection for the individuals

4. Managing Data Protection

- 4.1 The Spark Arts for Children is registered as a Data Controller with the Information Commissioner – registration number: ZA168818
- 4.2 The Data Protection Lead for the organisation is the Operations & Finance Manager
- 4.3 The Trustee with responsibility for the Data Protection Policy is: Mike Candler
- 4.4 The Spark will ensure that:
 - 4.4.1 Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice
 - 4.4.2 Everyone managing and handling personal information is appropriately trained and supervised
 - 4.4.3 Anybody wanting to make enquiries about handling personal information knows what to do
 - 4.4.4 Queries about handling personal information are promptly and courteously dealt with
 - 4.4.5 Methods of handling personal information are clearly described
 - 4.4.6 A regular review and audit is made of the way personal information is held, managed and used
 - 4.4.7 Methods of handling personal information are regularly assessed and evaluated
 - 4.4.8 Performance with handling personal information is regularly assessed and evaluated.
 - 4.4.9 Third party services or partner with whom we share data are required to confirm that they will abide by the requirements of the Act with regards to information supplied by us.
 - 4.4.10 Privacy notices are developed to reflect lawful basis for fair processing, ensuring that intended uses are clearly articulated and that data subjects understand how they can give or withdraw consent, or else otherwise exercise their rights in relation to the company's use of their data.
- 4.5 Any breach of The Data Protection Act 1998 or The Spark Arts for Children Data Protection Policy is considered to be an offence and in that event disciplinary procedures apply.

5. Conditions

- 5.1 At least one of the following conditions must be met for personal information to be considered fairly processed:
 - 5.1.1 The individual has consented to the processing
 - 5.1.2 Processing is necessary for the performance of a contract with the individual
 - 5.1.3 Processing is required under a legal obligation (other than one imposed by the contract)
 - 5.1.4 Processing is necessary to protect the vital interests of the individual
 - 5.1.5 Processing is necessary to carry out public functions, e.g. administration of justice
 - 5.1.6 Processing is necessary in order to pursue the legitimate interests of the data controller or third parties (unless it could unjustifiably prejudice the interests of the individual)

6. Sensitive Data Additional Conditions

- 6.1 Under the act, one set of additional conditions must be met for “sensitive personal data”. This includes information about racial or ethnic origin, political opinions, religious and other beliefs, trade union membership, physical or mental health condition, gender identity, sex life, criminal proceedings or convictions. We will ensure that one of the following additional conditions are met before we process any sensitive personal data:
 - 6.1.1 The individual has explicitly consented to the processing
 - 6.1.2 We are required by law to process the information for employment purposes
 - 6.1.3 We need to process the information in order to protect the vital interests of the individual or another person
 - 6.1.4 The processing is necessary to deal with the administration of justice or legal proceedings.

7. Purpose of data held by the Organisation

- 7.1 Data may be held by us for the following purposes:
 - 7.1.1 Staff Administration
 - 7.1.2 Delivering the Objectives of the Organisation
 - 7.1.3 Fundraising
 - 7.1.4 Accounts & Records
 - 7.1.5 Advertising, Marketing & Public Relations
 - 7.1.6 Funders reporting
 - 7.1.7 Research
 - 7.1.8 Volunteers

8. Scope of personal information to be processed

8.1 Main types of data include:

- 8.1.1 Names of individuals
- 8.1.2 Postal addresses of individuals
- 8.1.3 Email addresses
- 8.1.4 Telephone numbers
- 8.1.5 Online identifiers

8.2 Sensitive data includes:

- 8.2.1 Photographs / videos of adults and children
- 8.2.2 Children's data
- 8.2.3 Sensitive personal data about individuals, (employees, contractors, participants)

8.3 Uses and conditions for processing –

- 8.3.1 an audit has been completed detailing the data we collect, conditions for processing, retention and storage. This will be reviewed on a regular basis.
- 8.3.2 Media permissions for photos/video will be used as per Appendix 1.
- 8.3.3 A DPIA has been carried out which details procedures to be followed when dealing with children's data. This will be reviewed on a project by project basis.

9. Data Sharing

9.1 Data from audiences may be shared with partner venues. There will be an annual agreement in place between both parties outlining what data is to be shared and how consent is acquired. This data is likely to include but not be limited to, name and email of individuals who have given consent for their details to be shared with the venue, or anonymous postcode data relating to a particular event.

9.2 Data about participants in projects may be shared by schools that we work with. There will be an agreement in place between both parties prior to the project starting outlining what data is to be shared and how consent is acquired. This data is likely to include but not be limited to, name and age of children taking part and anonymous postcode data relating to the class group. The data relating to a child doing Arts Award or other certification will also be shared with certifying bodies. It will be the school's responsibility to get consent from the child's parent/guardian.

9.3 Third Party services used to store or process data must be evaluated prior to use to ensure their compliance with obligations under the act.

- 9.4 Third Party processing- contracts or agreements must be in place with third parties who may be handling or storing the company's sensitive data, including certifying bodies in 9.2
- 9.5 Staff data is stored on Staffology HR, a third-party service that processes staff information. Any data shared with Staffology HR will be evaluated prior to use to ensure compliance with obligations under The Data Protection Act 1998. Contracts or agreements will be in place with Staffology HR to ensure the safe handling and storage of staff information. It is the responsibility of the company to obtain consent from staff members before sharing their information with Staffology HR.

10. Security Measures

- 10.1 Personal data will be processed securely by means of appropriate technical and organisational measures, including protection against unauthorized or unlawful processing and against accidental loss destruction or damage. (See Information Security Policy)
- 10.2 An analysis of the risks presented by our processing will be regularly undertaken and the appropriate level of security assessed.
- 10.3 Encryption and/or pseudonymisation will be used where it is appropriate to do so.
- 10.4 Appropriate backup processes are in place to restore data in the event of any incidents.
- 10.5 Any data processor used will also implement appropriate technical and organisational measures.

11. Automated processing

- 11.1 The Spark does not do any automated processing of data.

12. Acting as a Data Processor

- 12.1 There are certain instances where The Spark acts as a Data Processor. In such cases, a contract will be agreed with the Data Controller.
- 12.2 As a Data Processor our responsibilities are:
 - 12.2.1 To only act on the written instructions of the controller (unless required by law to act without such instructions);
 - 12.2.2 To ensure that people processing the data are subject to a duty of confidence
 - 12.2.3 To take appropriate measures to ensure the security of processing
 - 12.2.4 To only engage a sub-processor with the prior consent of the data controller and a written contract

- 12.2.5 To assist the data controller in providing subject access and allowing data subjects to exercise their rights under the GDPR
- 12.2.6 To assist the data controller in meeting its GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments
- 12.2.7 To delete or return all personal data to the controller as requested at the end of the contract
- 12.2.8 To submit to audits and inspections, provide the controller with whatever information it needs to ensure that they are both meeting their Article 28 obligations

13. Subject Access requests

- 13.1 All individuals who are the subject of data held by the Spark are entitled to:
 - 13.1.1 Be informed upon the request of all the information held about them within 40 days.
 - 13.1.2 Prevent the processing of their data for the purpose of direct marketing.
 - 13.1.3 The removal and correction of any inaccurate data about them.
- 13.2 On receiving a Subject Access request- the following steps will be taken.
 - 13.2.1 We will check we have enough information to be sure of the person's identity, or request additional confirmation or proof of consent to act for someone else (i.e. relative).
 - 13.2.2 We will gather manually or electronically held information and identify any information provides by or which identifies a third party.
 - 13.2.3 If we identify information relating to a third party, we will contact them for consent to supply the information.
 - 13.2.4 Before sharing information relating to third parties we will where possible anonymise or edit information that might affect their privacy.
 - 13.2.5 Copies of the collated information will be sent in a permanent form except where agreed by the subject, where it is impossible or where it would involve undue effort. In these cases other arrangement will be considered.
 - 13.2.6 We will respond within one month of receiving the request. If the request is complex or numerous we will inform the subject within one month of the reason and length or extension, up to a maximum of 2 months.
 - 13.2.7 We will not charge a fee for this processing unless excessive administrative costs will be incurred.
- 13.3 The Right to be Forgotten- Data Subjects have the right to obtain erasure from the data controller, without undue delay, if one of the following applies:
 - 13.3.1 The controller doesn't need the data anymore.

- 13.3.2 The subject withdraws consent for the processing with which they previously agreed to and the controller doesn't need to legally keep it.
- 13.3.3 The subject uses their right to object (Article 21) to the data processing.
- 13.3.4 The controller and/or its processor is processing the data unlawfully.
- 13.3.5 There is a legal requirement for the data to be erased.
- 13.3.6 The data subject was a child at the time of collection .
- 13.3.7 If a controller makes the data public, then they are obligated to take reasonable steps to get other processors to erase the data, e.g. A website publishes an untrue story on an individual, and later is required to erase it, and also must request other websites erase their copy of the story.
- 13.4 Exceptions - Data might not have to be erased if any of the following apply:
 - 13.4.1 The "right of freedom and expression".
 - 13.4.2 The need to adhere to legal compliance.
 - 13.4.3 Reasons of public interest in the area of public health.
 - 13.4.4 Scientific, historical research or public interest archiving purposes.
 - 13.4.5 For supporting legal claims.
- 13.5 Subject access requests or erasure requests will be logged.

14. Privacy Notices

- 14.1 The Spark aims to ensure that individuals are aware that their data is being processed, and that they understand:
 - 14.1.1 Who is processing their data
 - 14.1.2 What data is involved
 - 14.1.3 The purpose for processing that data
 - 14.1.4 The outcomes of data processing
 - 14.1.5 How to exercise their rights.
- 14.2 To these ends the company has a privacy statement, setting out how data relating to these individuals is used by the company. This statement can be viewed on the Company website (Appendix 2).
- 14.3 Privacy Statements will be clear on all public data collection methods, e.g. mailing list sign up forms, photography permissions or online registrations.

15. Policy Review

- 15.1 This Policy will be reviewed by the Trustees every two years, or more frequently should changes in the law require it.
- 15.2 The Policy was last reviewed and updated 19/9/2024.

The Spark Arts for Children Data Protection Policy

Appendix 1 – Media consent forms

1. The Spark has media consent forms for use of photographs, digital images, video and sound recording of Children and Young People (CYP).
2. Where CYP are taking part in a workshop, project or other event managed by The Spark Arts for Children they, or their parents (if under 13), will be asked to sign a media consent form. This will clearly state
 - a. The period during which we may use the media
 - b. The child and carers' name and contact details
 - c. The named partners with whom we may share the media
 - d. The uses (including social media) that the media will have
3. Where CYP and their families are attending a public event at which we are taking photographs, there will be signage displayed and an option to tell staff or the photographer if children cannot be photographed.
4. Where photographs or recordings are made in a school or children's centre as part of a performance or project, the staff at the school will be asked to collect permissions from parents/carers before the event and sign a group media form.
5. If a child cannot be photographed, s/he will be identified to the photographer, but will not have their engagement in the activity altered by this.
6. General images which show young people working on projects and involved in creative activities will be kept in our image bank and may be used in general publicity as and when required.
7. Media when published will never identify a child by its full name.

Appendix 2 – Privacy Statements

Website statement

The Spark understands how important it is to protect your privacy, and takes its responsibilities regarding the security of customer information very seriously. We are committed to protecting your personal information and being transparent about what information we hold about you. We will only use any personal information you send us for the purposes for which you provide it, or where allowed by law.

We use your information in accordance of all applicable laws concerning protection of personal information, including the General Data Protection Regulation (GDPR) and Privacy & Electronic Communications Regulations (PECR).

This Privacy Policy governs the use of the Spark Arts for Children website, and related platforms such as WooCommerce, Mailchimp and Monday.com (for event bookings and email communications). Links to their respective privacy policies can be found in the links below.

MailChimp Privacy Policy: [Global Privacy Statement | Intuit](#)

WooCommerce Privacy Policy: [Privacy and the WooCommerce Marketplace – WooCommerce](#)

Monday.com Privacy Policy: [monday.com legal portal](#)

Information collection

You can visit most parts of The Spark Arts for Children website without telling us who you are and without giving us any personal information. The only information we collect from a normal website visit is the name of your internet service provider (ISP), the web site that referred you to us, the browser and type of machine you are using, the pages you request and the date and time of those requests.

This data is made available to us through Google Analytics to enable us and them to carry out analysis and research on demographics, interests and behaviour of our users and supporters to help us gain a better understanding of them to enable us to improve our services.

Information on Google Analytics Privacy Policy can be read here:
<https://policies.google.com/privacy>

Via this website, we will collect personal information from you in a number of ways:

- Information you give us: For example when you sign up for email newsletters or book tickets using this website or make an event booking via WooCommerce, we'll store personal information provided such as your name, email address and organisation. We will also keep a record of your purchases, donations and contact preferences. In order to do this, we may need to share your personal information with our secure service providers and agents. We will not collect any personal data from you that we do not need.
- Information about your interactions with us: When we send you a mailing we store a record of this, including which emails you have opened and which links you have clicked on.
- Cookies: Cookies are small text files that are automatically placed onto your device by some websites you visit. They are widely used to allow a website to function, as well as to provide website operators with information on how the site is being used. We use cookies to identify how the website is being used and what improvements we can make. All cookies are anonymous and cannot be traced back to you individually.

Legal basis

There are three legal bases under which we may process your data:

- **Contract purposes:** When you make a purchase from us, sign up to one of our programmes or make a donation, you are entering into a contract with us. In order to perform this contract we need to process and store your data. For example, we may need to contact you by email or telephone in the case of cancellation of an event, or any problems with your payment.
- **Legitimate business interests:** In certain situations we collect and process your personal data for purposes that are in our legitimate operating interests. However we only do this if there is no overriding prejudice to you by using your personal information this way. We describe below all situations where we may use this basis for processing.
- **With your explicit consent:** For any situations where the two bases above are not appropriate, we will instead ask for your explicit consent before using your personal information in that specific situation.

Marketing communications

We aim to communicate with you about the work that we do in ways that you find relevant, timely and respectful. To do this we use data that we have stored about you, such as your organisation or what events you have booked for in the past, as well as any contact preferences you may have told us about.

Email marketing is sent via the Mailchimp platform and we use the platform to store your contact details, email preferences and a record of which emails you have opened and which links you have clicked on.

We use our legitimate business interest as the legal basis for communications by post or email with relevant business contacts, including those working in the arts, cultural and education sectors. In the case of postal mailings, you may object to receiving these at any time using the contact details at the end of this policy. In the case of email, we will give you an opportunity to opt out in every email that we send you, or you can do so by emailing admin@thesparkarts.co.uk

Online Bookings

We use our website (hosted by Ionos) and the WooCommerce platform to process all ticket bookings. All payments are processed through Stripe, and The Spark do not have access to your payment details.

By making an online booking, you consent to your data being shared with relevant members of the The Spark team and course leaders. Please see individual programmes for full booking terms & conditions.

Third Parties

Beyond those already identified in this policy, we will never share your data with third parties

without requesting explicit permission before doing so. We will never sell your data to other organisations.

Security of your personal information

We will put in place appropriate safeguards (both in terms of our procedures and the technology we use) to keep your personal information as secure as possible. We will ensure that any third parties we use for processing your personal information do the same.

Maintaining your personal information

We will only store your personal information for as long as necessary for each process, and you can ask for your information to be deleted at any point by emailing admin@thesparkarts.co.uk.

For specific processes named in this policy:

- Marketing communications: We will keep your contact details on relevant mailing lists until you request to unsubscribe.
- Event bookings and donations: We will keep a record of event bookings and donations for 7 years after the end of the financial year of the transaction date for tax and financial reporting records. After this period your information will be deleted, unless you make any further bookings/donations during that time.

If there are aspects of your record that are inaccurate or that you would like to remove, please use the contact details at the end of this policy.

Any objection you make to processing of your data, such as unsubscribing from email marketing, will be stored against your record on our system so that we can comply with your requests.

Your rights to your personal information

You have a right to request a copy of the personal information that we hold about you and to have any inaccuracies in this data corrected. Please use the contact details at the end of this policy if you would like to exercise this right. We do not charge for this but reserve the right to charge a fee if additional information is requested that will incur excessive administration costs.

Contact details and further information

If you would like further details on how your information is used and stored, or would like to access, update or remove your data, please contact the Data Protection Officer at admin@thesparkarts.co.uk telephone 0116 261 6893 or write to:-

The Spark Arts for Children
LCB Depot
31 Rutland Street
Leicester
LE1 1RE

Information Commissioner's Office (ICO)

For practical information about your data protection and right and complaints, please visit ico.org.uk.

Electronic Mailing Privacy Notice

Sign up to get regular news updates by email from The Spark Arts for Children.

Newsletters may include events and activities run by us or part of The Spark Festival, children's events at our partner venues and ways you can help with our fundraising activities. You can also subscribe to our newsletters to hear about specific school offers and other events throughout the year, as well as ways to support the charity as a volunteer or a donor.

Our marketing is predominantly informative and not excessive. However, should you wish to stop receiving them, you can do so at any time either via the link in the email or by contacting us on admin@thesparkarts.co.uk or calling 0116 261 6893.

The data you provide will be retained by The Spark Arts for Children in accordance with our Data Protection Policy, which can be viewed on the website. Your data will not be sold and will not be given to anyone not connected to The Spark Arts for Children.