

## Fly High Stories

### Data Protection Statement - June 2019

Fly High Stories Limited (“FHS”) is a theatre company. We collect data from our audience members, staff, collaborators, contractors and suppliers.

This Policy sets out FHS’s procedures for the collection, storage, use and sharing of personal data and data for electronic business to business communications.

The Policy will be reviewed by FHS’s Directors every 3 years, or earlier if there are changes to legislation and/or FHS’s use of data . Current relevant legislation is: the Data Protection Act (“the Act”), the General Data Protection Regulations (“the GDPR”) and the Privacy and Electronic Communications Regulations (“PECR”).

#### What data is relevant?

Data Protection legislation is concerned with the use of personal data, held on electronic systems, in paper filing and online identifiers such as location data and cookies.

**Personal data** is defined by the Information Commissioners Office (“the ICO”) as data that relates to a living individual who can be identified -

- from that data, or
- from that data and other information in the possession of (or likely to come into the possession of) the data controller e.g: expressions of opinion about an individual.
- from codified records that do not identify individuals by name but, for example, bear unique reference numbers that can be used to identify the individuals concerned.

**Special categories of personal data** means information that could be used in a discriminatory way, so needs to be treated with greater care than other personal data, i.e: information about:-

- race or ethnic origin
- political opinions,
- religious beliefs or other beliefs of a similar nature,
- trade union membership
- physical or mental health or condition,
- sexual life,
- commission or alleged commission by him of any offence, or
- any proceedings for any offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

#### Who’s who in data processing

**A data subject:** Anyone whose data is processed.

**A data controller:** The organisation/ person who decides how and personal data is/will be, processed. Data controllers will usually be organisations, but can be individuals, for example self-employed consultants.

**A data processor:** Any person (other than an employee of the data controller) who processes the data on behalf of the data controller, e.g: external payroll service providers.

## Consent

In line with the GDPR we will ensure that when we process personal data we have the data subject's consent and that the data subject has been made aware that they have the right to withdraw their consent. Consent must be:

- Specific to the purpose for which we are using the data.
- Unambiguous
- Active not implied: Silence is not consent; pre-ticked boxes, inactivity, failure to opt-out or passive acquiescence will not constitute valid consent.
- Freely given: Consent will not be valid if the data subject does not have a genuine and free choice or cannot refuse or withdraw consent without detriment.

Ways in which we may ask for consent include:-

- Written consent;
- Ticking a box on a web page;
- Choosing technical settings in an app;
- Verbal consent (which is then recorded in writing)
- Any other statement/conduct that clearly indicates (in this context) the data subject's acceptance of the proposed processing of personal data e.g: cookie acceptance.

In line with PECR we will not contact individuals for direct marketing purposes by email, the internet, phone, fax or any new electronic systems that may be introduced without prior consent. (NB: Business to business communications to generic addresses such as "admin@" "info@" do not require consent.)

We provide opt-out opportunities in every mailing to ensure compliance with the principle that data held should be accurate and up to date.

All our mailings make it clear who the sender is, so the recipient's ability to opt out is viable.

Our website makes it clear we use cookies to collect details of visitors to our website and gives them an opportunity to refuse their operation.

## Who does Fly High Stories collect/process/store data from?

- **Audience Members:** Current, past and potential - this is likely to be personal data - home addresses, email etc.
- **Collaborators & potential collaborators** - for example schools and museum's we may work with to develop a project. This is unlikely to be personal data.
- **Staff recruitment** - this will be personal data.
- **Staff records** - this will be personal and some may be special category data.

## How do we deal with data?

**Audience Members:** FHS do not share data with any third parties. Audience member data will be deleted 36 months after the show has finished touring. Audience Members shall be given the option to have their data deleted earlier or retained longer.

**Staff records:** Our staff contract reflects the fact that the law allows us to collect some data about employees and that employees have the right to access this. The relevant clause says

### Deletion of data

Data subjects have the right to request to be “forgotten”, FHS will delete records in line with GDPR as follows:

- When processing can cause substantial damage or distress.
- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- If the personal data was unlawfully processed.

If personal data being erased has been disclosed to third parties we will inform them about the erasure, unless it is impossible or involves disproportionate effort.

If personal information has been processed online, for example on social networks, forums or websites we will inform any other organisations who are involved to erase links to, copies or replication of “forgotten” personal data.

FHS will not always delete records, a request to be forgotten can be refused where data has been processed:

- To exercise the right of freedom of expression and information;
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest;
- For archiving purposes in the public interest, scientific research historical research or statistical purposes; or
- For the exercise or defence of legal claims.

### Data Protection Officer

FHS does not need a designated Data Protection Officer under the GDPR, however, the Directors of the company are responsible for ensuring Data Protection Compliance.

For further information about Fly High Stories data protection policy please email [flyhighstories@gmail.com](mailto:flyhighstories@gmail.com) and request a copy of our full policy.