

SEFTON MUSIC SERVICE

PRIVACY POLICY

Who we are

Sefton Music Service (“SMS”) is a Service provided by Sefton Council which provides musical tuition for children and young people in Sefton, both in and out of school.

SMS is part of the Sefton and Knowsley Youth Music Hub (“SKY”). SKY works to develop the range and quality of music education opportunities for children and young people in Sefton and Knowsley.

Purpose

SMS is committed to protecting your personal information and being transparent about what information we hold about you and your child/children in your care, what we do with that information and why we need it.

This privacy policy (“Policy”) is intended for all individuals whose personal information we process, such as applicants, participants, students and their parents or guardians, schools in which students learn, donors and supporters (together ‘you’ or ‘music service users’).

The purpose of this Policy is to give you a clear explanation about how SMS uses the personal information we collect from you directly and from third parties.

This Policy contains important information about your personal rights to privacy. Please read it carefully to understand how we use your personal information.

The provision of your personal information to us is voluntary. However, without providing us with your personal information, your use of our services or your interaction with us may be impaired. For example, we may be unable to provide your child with lessons, or to make reasonable adjustments which are required.

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1. How do we collect your personal information?

We collect your personal information in the following ways:

(1) When you give it to us *directly*

For example, personal information that you give to us when you communicate with us by phone, email, post or by using the contact form on the SKY website (www.skymusichub.com; the “Website”); or when you book music lessons for your child.

(2) When we obtain it *indirectly*

For example, your personal information may be shared with us by third parties with whom we work, such as, funding bodies like Arts Council England, service providers (such as those providing us with IT assistance, like website hosts or cloud storage providers), analytics providers and search information providers. To the extent we have not done so already, we will notify you when we receive your personal information from them and tell you how and why we intend to use that personal information.

(3) When it is *available publicly*

Your personal information may be available to us from external publicly available sources. For example, depending on your privacy settings for social media services, we may access information from these accounts or services (for example when you choose to interact with us via our Twitter account).

(4) When you visit the *Website*

When you visit the Website, the following types of personal information are automatically collected:

- (1) Technical information, including the internet protocol (IP) address used to connect your device to the internet, browser type and version, time zone setting, browser plug-in types and versions and operating systems and platforms.
- (2) Information about your visit to our website, including the uniform resource locator (URL) clickstream to, through and from the website (including date and time), services you viewed or searched for, page response times, download errors, length of visits to certain pages, referral sources, page interaction

information (such as scrolling and clicks) and methods used to browse away from the page.

2. What personal information do we use?

Personal information that we may collect and use about individuals and music service users includes, but is not restricted to:

- your full name, title, date of birth and gender
- postal address, email address and phone number
- emergency contact details and contact preferences
- information about your computer / mobile device and your visits to and use of this website, including, for example, your IP address and geographical location
- name of school attended
- student records, including performance records
- results of auditions, internal assessments and externally set exams
- attendance information
- safeguarding information
- details of any support received
- descriptions and photographs (see section 7 below)
- your financial information, such as bank details and/or credit/debit card details
- details of your possession of a SMS instrument on loan

Do we process special categories of your personal information?

Applicable data protection law recognises certain categories of personal information as sensitive and therefore requiring more protection, for example information about your health, ethnicity and religious beliefs.

In certain situations, SMS may need to collect and/or use such categories of personal information (for example, information about children's health conditions in order to make reasonable adjustments for lessons, or dietary requirements for concerts and other events). We will only process these categories of personal information if there is a valid reason for us doing so and where applicable law allows us to do so.

3. How and why will we use your personal information?

Your personal information, however provided to us, will be used for the purposes specified in this Policy. In particular, we may use your personal information to:

- manage the application and audition processes
- manage students' registration, participation in, and progression through SMS programmes including school based music activities
- provide music and performing arts tuition
- support student learning

- monitor and report on student progress
- provide appropriate pastoral care and ensure welfare of children while involved in music service activities
- protect student welfare and meet our legal obligations relating to child protection and safeguarding
- answer your questions/requests and communicate with you in general
- analyse and improve our work, services, activities and events (including the Website)
- manage applications for financial support
- carry out research for our own purposes
- comply with legal / regulatory obligations e.g. reporting to the Arts Council or requirements relating to the payment of tax or anti-money laundering initiatives
- share with partners for joint activities e.g. Music for Youth (see section 9 below)
- maintain our internal records
- keep our premises and facilities safe and secure
- run / administer the Website and ensure that content is presented in the most effective manner for you and for your device
- administer payments and donations
- keep you updated with SMS activities that are relevant to you
- offer you opportunities to engage further with our activities
- keep in touch with our alumni
- generate publicity and advertise SMS activities
- promote events / concerts
- celebrate the success of our students and raise awareness of their great achievements
- manage relationships with our partners, funders and service providers
- audit and/or administer our accounts
- prevent fraud / misuse of services
- establish, defend and/or enforce legal claims

4. The lawful bases for collecting and using your personal information

Applicable data protection law requires SMS to rely on one or more lawful bases to use your personal information. We consider the grounds listed below to be relevant:

- (1) Where you have provided **consent** for us to use your or your child's personal information in a certain way (for example, because your child is young, or where we ask for your consent to use your personal information to send you updates about our work, services and activities).
- (2) Where **necessary for the performance of a contract** to which you are a party or to take steps at your request prior to entering into a contract (for example, to provide you or your child with music tuition services which you have requested).
- (3) Where necessary so that we can **comply with a legal obligation** to which we are subject (for example, where we are obliged to share your personal information with regulatory bodies which govern our work and services).

- (4) Where it is in your / someone else's **vital interests** (for example, in case of a medical emergency suffered during a lesson).
- (5) Where there is a **legitimate interest** in us doing so.

Applicable data protection law allows us to collect and use your personal information if it is reasonably necessary to achieve our or others' legitimate interests (as long as that processing is fair, balanced and does not unduly impact your rights as an individual).

In broad terms, our "legitimate interests" means the interests of running SMS as an organisation which provides young people in Sefton with musical education opportunities.

When we process your personal information to achieve such legitimate interests, we consider and balance any potential impact on you (both positive and negative), and on your rights under applicable data protection law. We will not use your personal information for activities where our interests are overridden by the impact on you, for example where use would be excessively intrusive (unless, for instance, we are otherwise required or permitted to by law).

When we process special categories of your, or your child's, personal information, we will usually do so on the basis of substantial public interest (ensuring equality of opportunity) or ask for your explicit consent. Occasionally we may do so on the basis of vital interests, for example in case of medical emergency.

5. Communications for marketing / promotional purposes

We may use your contact details to provide you with information about our work, events, services and/or activities which we consider may be of interest to you (for example, about services you previously used, or events involving our facilities).

Where we do this via email, text or telephone (where you are registered with the Telephone Preference Service), we will not do so without your prior consent (unless allowed to do so via applicable law).

Where you have provided us with your consent previously but no longer wish to be contacted by us about our work, events, services and/or activities, please let us know by email at music.service@sefton.gov.uk

6. Children's personal information

When we process children's personal information, where required we will not do so without their consent or, where required, the consent of a parent / guardian. We will always have in place appropriate safeguards to ensure that children's personal information is handled with due care.

7. Photographs

As part of SMS activities, we may take photographs of music service users, such as individuals participating in Sefton music ensembles, centre groups and centre activities, as well as individual performers and students. Such material will be used solely by SMS and SKY, for example for publicity purposes, such as prospectuses and other similar information; for display in our buildings, on banners at concerts, on the Website and for social media purposes; for assessment and educational purposes; and for fundraising or other purposes to help achieve our aims.

For music groups entering the National Festival, run by our partners Music for Youth, and for other national festivals and competitions, photographs may be collected and used in the same way.

When using photographs for publicity, display or website purposes, we will not accompany them with any other personal information about.

We will only use photographic images where we are entitled to do so under applicable law. In general, we rely on the lawful basis of legitimate interests (see section 4 of this Policy) to use photographic images, although there may be occasions where we consider it appropriate to ask for your consent. Even where we are lawfully entitled to use photographs, we understand there may be occasions where music service users provide good reason why we should withdraw certain images or not take photographs in the first place. Please let us know if you have any concerns by contacting us at music.service@sefton.gov.uk.

If you ask us to withdraw an image of you or your child, we will delete the photograph and not distribute it further.

8. How long will we keep your personal information?

In general, unless still required in connection with the purpose(s) for which it was collected and/or processed, we remove your personal information from our records six years after the date it was collected. However, if before that date (i) your personal information is no longer required in connection with such purpose(s), (ii) we are no longer lawfully entitled to process it or (iii) you validly exercise your right of erasure (please see section 10 of this Policy), we will remove it from our records at the relevant time.

If you request to receive no further contact from us, we may keep some basic information about you on our suppression list in order to comply with our request and avoid sending you unwanted materials in the future.

9. Will we share your personal information?

We do not share, sell or rent your personal information to third parties for marketing purposes. However, in general we may disclose your personal information to selected third parties in order to achieve the purposes set out in this Policy.

Those parties may include (but are not limited to):

- Local Authority Services – to comply with Child Licensing regulations under the Body of Persons' Approval (BOPA) requirements
- Local authority (Sefton Council) – to meet our legal/regulatory obligations to share certain information with it, such as safeguarding concerns
- our partners with whom we work to provide our services, such as Charanga
- other members of the SKY Music Education Hub
- a student's parents or guardians
- schools – where we provide tuition for your child in partnership with their school
- teachers who we engage on a freelance or independent contractor basis
- educators and examining bodies
- awarding bodies
- suppliers and service providers – to enable them to provide the service we have contracted from them, for example examining bodies
- our auditors
- health and social welfare organisations (for example, where required to report concerns about a child's welfare)
- professional advisers and consultants such as solicitors or accountants
- charities and voluntary organisations (for example, where we run an event in conjunction with them)
- police forces, courts, tribunals where necessary for the prevention / detection of crime or for purposes of legal proceedings
- other regulatory authorities, such as tax authorities
- parties assisting us with research to monitor the impact/effectiveness of our work, services, events and activities

In particular, we reserve the right to disclose your personal information to third parties:

- in the event that we sell or buy any business or assets, in which case we will disclose your personal information to the (prospective) seller or buyer of such business or assets;
- if substantially all of our assets are acquired by a third party, personal information held by us may be one of the transferred assets;
- if we are under any legal or regulatory duty to do so; and/or
- to protect the rights, property or safety of SMS, its personnel, users, visitors or others.

10. Security / storage of and access to your personal information

Security of your personal data

SMS is committed to keeping your personal information safe and secure and has appropriate and proportionate safeguards (both in terms of our procedures and the technology we use) to keep your personal information secure. Your personal information will only be accessible to authorised and appropriately trained staff and will be stored on secure servers with features enacted to prevent unauthorised access. We will ensure, as far as possible, that any third parties which process your personal information on our behalf are also committed to keeping your personal information safe and secure.

11. Your rights and how to exercise them

Where we rely on your consent to use your personal information, you have the right to withdraw that consent at any time. This includes the right to ask us to stop using your personal information for marketing or promotional purposes or to unsubscribe from our email list at any time. You also have the following rights:

- (1) **Right of access** – you can write to us to ask for confirmation of what personal information we hold on you and to request a copy of that personal information. Provided we are satisfied that you are entitled to see the personal information requested and we have successfully confirmed your identity, we will provide you with your personal information subject to any exemptions that apply.
- (2) **Right of erasure** – at your request we will delete your personal information from our records as far as we are required to do so.
- (3) **Right of rectification** – if you believe our records of your personal information are inaccurate, you have the right to ask for those records to be updated. You can also ask us to check the personal information we hold about you if you are unsure whether it is accurate or up to date.
- (4) **Right to restrict processing** – you have the right to ask for processing of your personal information to be restricted if there is disagreement about its accuracy or legitimate usage.
- (5) **Right to object** – you have the right to object to our processing of your personal information where we are (i) processing your personal information on the basis of the legitimate interests basis (see section 4 of this Policy), (ii) using your personal information for direct marketing or (iii) using your personal information for statistical purposes.
- (6) **Right to data portability** – to the extent required by applicable data protection law, where we are processing your personal information (that you have directly provided to us) either (i) by relying on your consent or (ii) because such processing is necessary for the performance of a contract to which you are a party or to take steps at your request prior to entering into a contract; and in either case we are processing using automated means, you

may ask us to provide the personal information to you – or another service provider – in a commonly used, machine-readable format.

- (7) **Rights related to automated decision-making** – you have the right not to be subject to a decision based solely on automated processing of your personal information which produces legal effects concerning you or similarly significantly affects you, unless such a decision (i) is necessary to enter into/perform a contract between you and us / another organisation; (ii) is authorised by EU or Member State law to which SMS is subject (as long as that law offers you sufficient protection); or (iii) is based on your explicit consent.

Please note that some of these rights only apply in limited circumstances. For more information, we suggest that you contact us using the details in section 14 of this Policy.

We encourage you to raise any concerns or complaints you may have about the way we use your personal information by contacting us using the details in section 14 of this Policy. You are further entitled to make a complaint to the Information Commissioner's Office (the data protection authority for the UK) - for more information on how to exercise this right, please visit www.ico.org.uk or contact us using the details in section 14 of this Policy.

12. International transfers of your personal information

Given that we are a UK-based organisation, we will normally only transfer your personal information within the UK or the European Economic Area ("EEA"), where all countries have the same level of data protection law as under the GDPR.

However, because we may sometimes use agencies and/or suppliers to process personal information on our behalf, it is possible that personal information we collect from you will be transferred to and stored in a location outside the EEA, for example the United States. For example, we use Microsoft as our email service provider, so emails which you send to us may be stored on their servers,

Please note that some countries outside of the EEA have a lower standard of protection for personal information, including lower security requirements and fewer rights for individuals. Where your personal information is transferred, stored and/or otherwise processed outside the EEA in a country that does not offer an equivalent standard of protection to the EEA, we will take all reasonable steps necessary to ensure that the recipient implements appropriate safeguards (such as by entering into standard contractual clauses which have been approved by the European Commission) designed to protect your personal information and ensure that your personal information is treated securely and in accordance with this Policy. If you have any questions about transfers of your personal information, please contact us using the details in section 14 below.

13. Links and third parties

We link our website directly to other sites. This Policy **does not** cover external websites and **we are not responsible** for the privacy practices or content of those sites. We encourage you to read the privacy policies of any external websites you visit via links on our website.

14. Contact us

Contact details and further information

Please get in touch with us if you have any questions about any aspect of this Policy.
Email: music.service@sefton.gov.uk

15. Living document

Important note. This is a living document and we may make updates and amendments from time to time. We will notify you of significant changes by contacting you directly where reasonably possible for us to do so and by placing an update notice on the Website. This Policy was last updated on 29th April, 2019.

Dated: 29th April, 2019.

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