

## **Introduction**

SJP Charity Trust Limited (Proms at St Jude's) ('Proms') has a continuing commitment to privacy and data protection compliance. This document, together with our Trustee and Volunteer Privacy Policy now constitute our company-wide Data Protection Rules ('the Rules').

The Rules express the commitment of our colleagues and Trustees to data privacy and to protecting all information relating to identified or identifiable natural individuals (known as 'Data Subjects'). Proms processes certain information about Data Subjects while operating its business (known as 'Personal Data'). The Rules set out Proms' overall approach to privacy and data protection and emphasise the key role our colleagues play in protecting Personal Data.

Data protection laws give Data Subjects certain rights regarding how their Personal Data is handled.

## **The Scope of the Rules**

The Rules apply to all Personal Data used and collected by Proms.

## **Categories of Data Subjects and Purposes of Processing and Transfers**

Proms processes and transfers Personal Data (which routinely does not include Sensitive Personal Data) relating to the following types of Data Subjects:

- Our customers relating to the provision of services ('Customer Information');
- Individuals making payment transactions;
- Proms colleagues, volunteers and consultants in connection with their working relationship with Proms ('Colleague Data');
- Other persons as appropriate to conduct its business such as suppliers, partners, contractors and contingent workers and prospective customers and stakeholders of Proms.

'Sensitive Personal Data' in relation to the Rules means any Personal Data about a Data Subject's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data about health or sex life, criminal record data, national insurance numbers and other national identifier numbers.

The processing and transfers undertaken by Proms relating to the types of Data Subjects discussed above include processing for the following business purposes:

- Research and development;
- Business development;
- Maintaining and building upon customer and stakeholder relationships;

- Business planning;
- Facilities management;
- Maintaining technology infrastructure and support;
- Database management;
- Training;
- Maintaining the security of data collected and processed;
- Fulfilling a transaction initiated by or involving a Data Subject;
- Fulfilling a transaction with or for our customers;
- For fraud prevention or investigation, or other risk management purposes;
- For identification and information verification purposes;
- For protecting Proms' legal rights or assets;
- Enforcing our rights or the rights of other persons in a financial transaction;
- In response to a lawful request from a court or government agency or to otherwise comply with applicable law or compulsory process;
- On the written request of the Data Subject, where appropriate;
- In emergencies where the health or safety of a person is endangered;
- Other purposes required or permitted by law or regulation.

### **Nature of Data Transferred**

Proms reserves the right to process and transfer a broad range of Personal Data between Proms entities and to third parties (such as Spektrix). The types of Personal Data include:

- *Colleague Data*: This includes data relating to health records, names, addresses, date of birth, qualifications and next of kin;
- *Other Personal Data*: Proms also processes contact information of the colleagues of its suppliers and vendors and independent contractors including name, e-mail address, work location and telephone numbers and such other personal data as may be required in order for Proms to conduct business with such suppliers, and vendors and independent contractors.

### **Applicable Law**

We will handle Personal Data (including Sensitive Personal Data) in accordance with these Rules and all applicable local data protection and privacy laws and regulations including, but not limited to, the European Union Data Protection Directive (Directive 95/46/EC) and the General Data Protection Regulations (numbered Regulation 2016/679). The Rules must be interpreted in accordance with all applicable data protection and privacy laws and regulations.

Where applicable data protection and privacy laws provide less protection than those granted by the Rules, the Rules will apply. Where applicable data protection and privacy laws provide a higher protection, they will take precedence over the Rules.

Proms does not assume any responsibility for compliance requirements that apply to its customers, suppliers, or contractors.

## Changes to these Rules and Transparency

Proms may change the Rules, or any relevant underlying documents from time to time. Current versions of the Rules will be available on request and we will clearly indicate the date of the latest revision to the Rules. Please refer to the Contact Information on page 5.

## Compliance and Dispute Resolution

If you have questions, concerns, or a complaint about Proms' compliance with the Rules, you are encouraged to contact **Richard Clegg** (contact details at the end of this document) who will work with you to attempt to resolve the issue to your satisfaction.

We will strive to resolve any issues within five business days. Where that is not possible, for example due to the nature and complexity of the issue, we will keep in regular contact until the issue is resolved.

If the issue is not resolved to your satisfaction you can:

- raise the issue before the competent Data Protection Authority; or
- bring the issue before either the courts of England and Wales.

The rights contained in the Rules are in addition to any other legal rights or remedies that you may otherwise have, including the right to compensation if appropriate.

## Proms Data Audit and grounds for holding data

Proms has carried out a detailed audit of the data which is held by Proms, including, amongst other things:

- the nature and extent of data held;
- how it is acquired;
- how it is managed and by whom.

Details of the audit are set out in Schedule Three. Proms has reviewed the data audit with a view to assessing the basis upon which the data is held and processed.

Under the General Data Protection Regulations, there are six lawful bases for processing data, namely:

- (a) Consent:** the individual has given clear consent for Proms to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

- (f) **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

Proms has determined that:

- (a) **Volunteer and Trustee data** is held pursuant to paragraphs (b) and (c) above. It would not be possible to organise the annual Proms at St Jude's festival without the involvement of our many volunteers and it is essential to have appropriate contact and other details to enable us to fulfil this obligation and on the grounds of welfare, health and safety of our volunteers.
- (b) **Customer data** is held for marketing purposes pursuant to paragraph (f) above, because Proms believes that our customers have a particular interest in supporting Proms and its charitable goals combined with our unique ability to deliver best in class concerts and other cultural activities in Hampstead Garden Suburb. We encourage customers to actively opt in to our marketing activities but we are satisfied that we have a legitimate interest in keeping our customers advised of forthcoming events, for the reasons set out above.
- (c) **Supplier data** is held pursuant to paragraphs (b) and (c) above, as such activities arise in the ordinary course of our business with third party suppliers, including artistes, whose involvement in Proms is essential to its success. Such involvement usually needs to be secured by way of contract, hence the need to hold appropriate data.

### **Communication of Proms' Data Rules**

All Proms colleagues who handle Personal Data must comply with the Rules and will receive training on the Rules. Proms will also make physical copies of the Rules available at its registered office. In addition, a copy will be sent on request.

### **Proms' Privacy Principles**

All Proms colleagues will abide by the following principles when processing Personal Data.

- *We process Personal Data fairly and lawfully.*

Proms processes Personal Data fairly and lawfully, in accordance with all applicable laws and regulations.

- *We obtain Personal Data only for carrying out lawful business activities.*

Proms collects, transfers, holds and processes Personal Data only for explicit and legitimate purposes as set out in the Rules. Proms will not process Personal Data in ways incompatible with those purposes. Where we obtain Personal Data from third parties (including our customers) and publicly available sources, we always endeavour to use only reliable and reputable sources.

- *We limit our access to and use of Personal Data.*

Proms limits access to Personal Data to those colleagues, contractors, agents and suppliers who reasonably need access to this data to fulfil their responsibilities and forbids colleagues

from accessing or using this data for personal reasons or for any purposes other than fulfilling their Proms responsibilities. We require our contractors, agents and suppliers to adopt a similar approach to Personal Data they access in connection with providing services to Proms.

Proms processes Personal Data in accordance with its written agreements or with instructions from our business partners, in compliance with applicable laws and our policies. In addition, our contracts and applicable laws govern our use of Personal Data received from vendors or other third parties.

- *We transfer Personal Data only for limited purposes.*

Proms transfers Personal Data only when:

- all applicable legal requirements are met;
- the transfer is based on a clear business need;
- the receiving party has appropriate security;
- in the case of all transfers to third parties there is a written contract
  - specifying that the receiving party will follow the exporting party's instructions;
  - setting out the rights and obligations of each party including provisions relating to security and confidentiality which they must follow; and
  - when transferring to a third-party entity, ensuring that it has adequate security measures in place.

Proms does not disclose Personal Data except as set out in the Rules, its policies or as required or otherwise permitted by contract or applicable law.

- *We use appropriate security safeguards.*

Proms employs appropriate technical, organisational, administrative and physical security measures to protect Personal Data against unauthorised or unlawful processing and against accidental loss or destruction.

Proms regularly reviews and, as appropriate, enhances its security systems, policies and procedures to take into account emerging threats, as well as emerging technological safeguards and precautions. Proms will not transfer Personal Data to a country or territory which has inadequate data protection laws, unless adequate safeguards are in place.

When the processing of Personal Data is outsourced by Proms to a third party, Proms will select reliable third parties that have implemented appropriate security safeguards.

- *We provide transparency, choice and access as required by applicable data protection and privacy law.*

Proms verifies, to the extent practicable in its capacity as data controller or data processor, that Personal Data is kept up-to-date and current, accurate, adequate, relevant and limited to the purposes for which it is collected and processed. Proms retains Personal Data only for the period of time that there is a business or legal need to do so.

Proms will consider each reasonable request of a Data Subject for access to his or her own Personal Data and will, if technologically feasible, provide a copy of the Personal Data processed by Proms about that person unless there is a compelling reason not to.

If a Data Subject submits a valid claim that the Personal Data Proms maintains about him or her is incorrect, we will work to rectify the inaccuracy.

When a Data Subject believes that Proms' processing of his or her Personal Data is likely to cause unwarranted substantial damage or distress, then the Data Subject may request in writing that Proms stops or does not begin processing that Personal Data. Proms will endeavour to respond to such requests within five working days of receipt of the request.

- *We recognise a Data Subject's right to object to direct marketing by Proms.*

Proms engages in direct marketing in accordance with applicable laws. Proms provides Data Subjects with the opportunity to opt out of marketing and honours any such requests.

- *We recognise the importance of data privacy and hold ourselves accountable to our Rules.*

Proms and its Trustees are committed to compliance with the Rules. All Proms colleagues who handle Personal Data must understand and comply with the Rules.

Any Proms employee who materially violates any applicable data privacy or data protection laws or the Rules may face disciplinary action up to and including dismissal.

- *We keep our data privacy policies under review*

Proms is committed to maintaining its compliance with all relevant data protection regulation and will conduct formal reviews at least every two years and at any time where circumstances require.

## **Contact Information**

All data enquiries should be sent by post to:

Richard Clegg  
Proms at St Jude's, c/o 1 Temple Fortune Lane, London NW11 7UB.

Or by email to [data@promsatstjudes.org.uk](mailto:data@promsatstjudes.org.uk)

Proms will ensure that data enquiries sent to the following email address will auto-forward to no fewer than three current Proms colleagues, to minimise the risk that proper data enquiries are overlooked.

*Policy and Schedules approved by Board 10 November 2023*

## SCHEDULE ONE

### Proms at St Jude's Privacy Notice

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#### Introduction

Proms at St Jude's is committed to protecting your personal information. It's your information, it's personal, and we respect that. We also want to maintain the trust and confidence of every one of our audience members and supporters, as well as each visitor who uses the Proms at St Jude's website.

Our Privacy Policy gives you detailed information on when and why we collect your personal information and how we use it.

#### What information do we collect about you?

Generally, we collect your information when you decide to interact with us. We only collect the information that's necessary to carry out our business, provide the particular service you've requested and to keep you informed. This could include purchasing tickets online, over the phone or in person, or it could be where you sign up to receive emails from us. We also look at how our audience uses our website, so that we can offer the best possible experience whether you're booking tickets or just trying to find out more about our events.

When you create an account with us, register on our website or purchase tickets or other items from us online, by post or phone we need to collect information from you in order to provide the service you are requesting.

We may collect:

- Title, name, address, and phone number(s);
- Gender;
- Email address;
- Date of Birth;
- Payment card details;
- Delivery and billing address(es).

#### Cookies

Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. When you visit our website, we use cookies to help make the experience of using our website better and to personalise the service you receive from us – this means we will remember your previous visits and track the pages on our website that you visit.

You can set your browser not to accept cookies, but you may find that some of our website features may not function as a result.

When you visit our website, our web server automatically records your public internet protocol ('IP') address and also generates a log file.

## **How will we use the information about you?**

We collect information about you to process your order, manage your account and, if you agree, to email you with our newsletter and to inform you about events, special offers and other products and services we think may be of interest to you. We will not share your information with third parties outside our group.

In processing your data, we may send your details to, and also use information from, credit reference agencies and fraud prevention agencies.

## **Marketing**

We would like to send you information about our venues, our special offers, events, details of other products and services of ours which may be of interest to you. Whilst we have determined that we have a legitimate interest in holding and processing personal data for marketing purposes, we also encourage our customers to actively inform us if they wish to receive marketing material from us. If you have consented to receive marketing, you may, of course, opt out at a later date.

You have a right at any time to stop us from contacting you for marketing purposes.

If you no longer wish to be contacted for marketing purposes, please click here [data@promsatstjudes.org.uk](mailto:data@promsatstjudes.org.uk).

## **Access to your information and correction**

You have the right to request a copy of the information that we hold about you.

If you would like a copy of some or all of your personal information, please email [data@promsatstjudes.org.uk](mailto:data@promsatstjudes.org.uk) or write to us as at the following address: Data Protection, Proms at St Jude's, 1 Temple Fortune Lane, London NW11 7UB.

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.

## **Other websites**

Our website contains links to other websites. This privacy policy only applies to this website so when you link to other websites you should read their own privacy policies.

## **Changes to our privacy policy**

We keep our privacy policy under regular review and we will place any updates on this web page. This privacy policy was last updated in March 2018.

## **How to contact us**

Please contact us if you have any questions about our privacy policy or information we hold about you:

- by email: [data@promsatstjudes.org.uk](mailto:data@promsatstjudes.org.uk)
- or write to us: Data Protection, Proms at St Jude's, 1 Temple Fortune Lane, London NW11 7UB



## SCHEDULE TWO

### Volunteer and Trustee Data Protection

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## SJP CHARITY TRUST LIMITED

### VOLUNTEER AND TRUSTEE DATA PROTECTION

#### Volunteer and Trustee Privacy

SJP Charity Trust Limited ('the Company') takes protection of the privacy of our volunteers, former volunteers, contractors and trustees ('Data Subjects') very seriously.

The Company collects and processes information relating to Data Subjects relating to their working relationship with the Company ('Personal Data').

The Company collects and processes Personal Data in compliance with applicable data protection laws, including the General Data Protection Regulations.

#### 1. Notice and Choice

The Company provides Data Subjects with notice disclosing why Personal Data is collected and how it will be used. Personal Data is collected and used fairly and lawfully and in accordance with this Policy and the notices provided.

The Company collects and processes Personal Data only for purposes of administering the working relationship with Data Subjects, for carrying out of its lawful and charitable activities or when required by law.

The Company may disclose Personal Data to third parties only for purposes stated above. Examples of the types of third parties to whom the Company may disclose Personal Data include governmental entities, where required. The Company may also disclose Personal Data for the administration of any volunteer benefits, training, marketing, performance management, security, data collection and similar matters.

The Company will seek consent from Data Subjects before using the Personal Data for any other purpose, apart from purposes for which the Company is required to process data by any legislative or regulatory requirement.

The Company will obtain the Data Subject's prior written consent before processing Sensitive Personal Data, except where consent is not required under applicable law.

#### 2. Onward Transfer

In the event that the processing of Personal Data is outsourced by the Company to a third party, the Company will select reliable third parties and processing will be subject to written agreements between the Company and the third parties processing the data. These written

agreements specify the rights and obligations of each party and will provide that the third party has adequate security measures in place and will process Personal Data only on the specific written instructions of the Company. The Company may also transfer Personal Data to third parties as required by law or legal instrument, to protect the Company's legal rights or assets, to facilitate acquisition or disposition of Company businesses, and in emergencies where the health or safety of a person is endangered.

The Company does not sell, rent, share, trade or disclose any Personal Data it keeps relating to a Data Subject to any other parties without the prior written consent of the Data Subject, except for entities within the Company and any suppliers or vendors which the Company has engaged to provide services and are involved in the processing of Personal Data on the Company's behalf.

Personal data will not be transferred to a country or territory when collected in a country or territory that considers the receiving country or territory to having inadequate data protection law(s), unless adequate measures are in place to protect the rights and freedoms of data subjects in relation to the processing of personal data.

### **3. Access and Data Integrity**

Data Subjects have the right to request access to Personal Data relating to them held by the Company. Upon request, and after providing proof of identity, individuals will be given access to their Personal Data as required by applicable law.

The Company shall process access requests in the ordinary course of business and pursuant to applicable law, and will ensure that any reasonable requests for information will be handled promptly and fairly.

The Company will exercise reasonable efforts to ensure that Personal Data is accurate, adequate, relevant and not excessive for the purposes for which it is processed.

The Company will exercise reasonable efforts to ensure that Personal Data is retained for no longer than is necessary for the purpose for which it is being processed.

### **4. Security**

The Company implements technical, physical, and organisational measures to protect Personal Data against accidental or unlawful destruction, or accidental loss or alteration, or unauthorised disclosure or access (in particular where the process involves transmission of Personal Data over a network).

### **5. Treatment of Sensitive Personal Data**

'Sensitive Personal Data' for the purposes of this Policy means any Personal Data relating to a Data Subject's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life, criminal record data, National Insurance and/or PAYE numbers and other national identifier numbers.

Access to Sensitive Personal Data will be limited to Company volunteers and third-party processors that:

- the Company authorises to have access to Sensitive Personal Data;
- need access to such data to perform normal job responsibilities or to provide services to the Company; and
- are bound by company policy, contract or other legal obligation to use and disclose the data only as authorised by the Company.

Sensitive Personal Data must only be used as needed to satisfy the required responsibilities of the personnel authorised to access it.

The Company takes compliance with its data protection obligations very seriously. Volunteers will receive training regarding data privacy rights and obligations, as appropriate.

If anyone has any questions or concerns regarding this Policy or the Company's privacy policies and practices, please email: [data@promsatstjudes.org.uk](mailto:data@promsatstjudes.org.uk).

## **SCHEDULE THREE**

### **Data Audit**