



Data Protection and Confidentiality Policy

Dublin Youth Theatre recognises its responsibility in managing and processing personal data, sensitive personal data as well as other sensitive information that does not fall under the category of personal data. This policy outlines the youth theatre's approach to Data Protection and Confidentiality in the management of Personal Data and other Sensitive information.

Dublin Youth Theatre recognises that a guarantee of confidentiality is an important factor in determining the level of trust its members, their parents/guardians, as well as our staff and volunteers has in us. The youth theatre is committed to handling personal data and confidential information in a manner that is respectful, purposeful, professional and meets statutory requirements.

Data Protection Controller

Dublin Youth Theatre is the Data Controller under the definition provided by the GDPR. The person responsible for ensuring that the youth theatre meets its data protection responsibilities is the General Manager, Sarah Bragg-Bolger. Any queries or requests relating to personal data should be referred to this person.

Definitions

Personal Data: any information relating to an identified or identifiable natural person. Examples include name, address, contact details, age, date of birth. Personal Data can also refer to a photographic or video image of an identifiable person.

Sensitive Personal Data: special categories of personal data, which include health data, biometric data, genetic data, sexual orientation and religious beliefs.

Other Confidential Information: Sensitive information that cannot be categorised as Personal Data but that, in the context of youth theatre, is provided in the expectation that it will be properly managed. Examples include Welfare/Child Protection reports, disciplinary reports.

A Data Subject: an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier.

Data Processing: 'any operation or set of operations which is performed on personal data or a set of personal data'. You do not need to view the actual data, but transmitting it, backing up a file or destroying data all count as a processing activity, even where the data is encrypted. Can be both automated and manual.

Data Controller: determines the purposes and means of processing of personal data.

Data Processor: processes personal data on behalf of the Data Controller.

Data Protection Policy

In order to conduct its legitimate activities Dublin Youth Theatre must collect and process categories of personal data, sensitive personal data and other confidential information. The following information is held by the youth theatre and should be treated as confidential.

This list is not exhaustive:

- Staff and volunteer records including application forms that contain personal data, details of any disciplinary action etc.
- Garda Vetting Information including garda vetting application disclosures
- Member Information/Parental Consent Forms that include details such as date of birth, information on medical conditions etc.
- Welfare/Child Protection Reports
- Contact information for stakeholders, supporters etc.
- Marketing information such as audience members, individual donors and supporters

Dublin Youth Theatre is aware of the Data Protection Acts (1998/2003 and subsequent amendments) and Regulation (EU) 2016/679, the General Data Protection Regulation (GDPR). These Acts and Regulation govern all aspects of the treatment of personal data and sensitive personal data. We are committed to the following seven principles contained in Article 5 of the GDPR which regulate the processing of personal data:

- Process personal data lawfully, fairly and transparently: We base our data processing on one or more Lawful Processing Conditions provided for by the GDPR. In the majority of instances, we will base our processing of Personal Data on the Consent of the Data Subject (Article 6, GDPR) and Sensitive Personal Data on the Explicit Consent of the Data Subject (Article 9, GDPR).
- Specified and Lawful Purpose: Keep personal data only for one or more specified and lawful purposes and process it only in ways compatible with the purposes for which it was initially given.
- Minimisation of Processing: Processing of personal data will be adequate, relevant and restricted to what is necessary in relation to the purposes for which it is processed.
- Accuracy: Keep personal data accurate and up-to-date.
- Storage Limitation: Retain it no longer than is necessary for the specified purpose or purposes.
- Security and Confidentiality: Keep personal data safe and secure.
- Liability and Accountability: Dublin Youth Theatre will ensure personal data is processed in compliance with the GDPR.

Data Subject Rights

In managing and processing personal data Dublin Youth Theatre upholds the rights of the Data Subject as provided under the GDPR including:

- The *right to be informed* about how we will use their personal data.
- The *right of access* to a copy of the personal data we hold and information on how we process it.
- The right to have incorrect or incomplete personal data corrected.
- The '*right to be forgotten*' and have personal data deleted if they so request.
- The *right to restrict* how we process their personal data.
- The *right to object* to the processing of their personal data.
- The right to data portability.

Consent and Transparency

In the majority of cases, consent is the lawful grounds on which we process personal data. We will only process data where consent is affirmative, freely given, specific, informed and unambiguous. Consent will be sought from all data subjects using manual and digital forms as appropriate.

At the point of collecting data, data subjects will also be provided with a Privacy Statement detailing how and for what purpose the data will be processed. This will include the following:

- the identity of the Data Controller (and contact name for data requests),
- the purpose of collection,
- whether any sharing with third parties will take place,
- how long the data will be held,
- the details of the individual's rights regarding the data notice of any automated decision-making ('profiling') that may take place using the data.

Processing Children's Data

In the context of youth theatre, it is necessary to process the personal data of children.

- For all children aged under 18 who are engaged in the activities of the youth theatre Dublin Youth Theatre will seek consent from the child's parent/ guardian.
- In line with the requirements of the GDPR we will verify the child's age through confirmation by the parent.
- Also in line with the GDPR we will verify parent/guardian consent calling them on the phone number supplied on the parental consent form.

Third Party Data Processors

From time to time Dublin Youth Theatre will need to engage third parties to process personal data on our behalf as necessitated by the nature of the processing. This will be notified to the Data Subject at the point of seeking consent for use of personal data. Some of these third parties may process data outside of the European Union. Dublin Youth Theatre exercises reasonable care to ensure that the Data Processor carries out the processing in strict compliance with the GDPR, including ensuring that GDPR

compliant Agreements exist between Dublin Youth Theatre and the data processor in respect of the processing.

Third parties that currently process data on our behalf include:

ExSite Communications

Google suite - Gmail, Google Drive/Docs/Sheets/Forms, YouTube

Instagram

Facebook

Dropbox

Vimeo

MailChimp

Twitter

Quickbooks online

Sage

Ring Inc

Data Security Policy

Who has access to personal data and confidential information?

The following have access to personal data and confidential information through their involvement with the youth theatre:

- Designated Liaison Person.
- Chairperson.
- Staff members and volunteers who work directly with young people.
- Sub-committee members (personal data only for communications).

Managing Personal Data and Confidential Information

Personal data and confidential information as defined above is stored at 18 Montague Lane, Dublin 2. This information is stored securely in a locked filing cabinet or password protected computer.

Dublin Youth Theatre requires that all those who have access to personal data/ confidential information as a result of their involvement, adhere to the following:

- Be aware of the sensitive nature of the information to which you are privy and recognise the responsibility you have as a result of having access to this information.
- Familiarise yourself with the youth theatre's data protection and confidentiality policy and act accordingly.
- Be aware that information including written reports is the property of Dublin Youth Theatre.

- Use personal data and confidential information only for the purpose(s) for which it was provided and the purpose(s) for which you are authorised to use it.
- Do not pass personal data on to third parties without the consent of the person in question.
- Do not share confidential information or pass it on to a third party unless it is absolutely necessary as in the case of a child protection concern. Making a child protection report is not a breach of confidentiality.
- All computers containing youth theatre information should have a log-on password.
- Robust security passwords should be used for all confidential files
- Hard copy files/computer files should be retained and destroyed/deleted in line with the youth theatre's retention policy. (See Below)
- Be aware that personal data and confidential information may also be contained on other media such as audio or video files.
- A staff member or volunteer may receive information that is confidential in error as in the case of an overheard conversation. Any information gained in this fashion is subject to the same conditions as information gained in an authorised manner and should not be shared.
- Staff Members and volunteers should be particularly careful when they are in possession of sensitive personal data/ confidential sensitive information in the workshop space or in a public space.
- The requirement of confidentiality continues to apply after an individual's involvement with the youth theatre ceases.
- Dublin Youth Theatre is aware of the particularly sensitive nature of garda vetting disclosures and records of child protection concerns. Should the Designated Liaison Person cease engagement with the youth theatre or no longer carry out this role, any garda vetting disclosures/child protection reports should be passed on to the Chairperson in a sealed file. They will then be given to the new Designated Liaison Person.
- As already stated under no circumstances will garda vetting disclosures be shared with third parties.
- Where a disclosure has been returned outlining convictions or specified information, the identity of the applicant will be shared on a need to know basis. The DLP and the Chairperson will be aware of the identity of the applicant. The other member of the decision-making committee will be given any relevant information in relation to the disclosure but will only be informed of the identity if this is necessary or unavoidable. For example, it might be decided in some cases that the full decision-making committee will meet with the applicant.

Data Access Requests

Any Data Subject can make a Data Access Request and should direct the request via the individual responsible for overseeing Data Protection as detailed above. Dublin Youth Theatre will observe the following when handling such requests:

- We will request valid proof of identification from the individual before proceeding with the request.
- If requested, access to a copy of their data will be provided in electronic form with details of how it is processed, within one month.
- Any corrections requested will be made within one month.
- If requested we will delete a data subject's data within one month unless there is a valid reason not to (e.g. Garda Vetting Disclosures).
- We will halt processing on disputed data immediately until the issue is resolved.
- We will provide data in a digital format to a third party on the request of the data subject, we will do this within one month.

Breaches of Data Protection and Confidentiality

- A breach of confidentiality may lead to a disciplinary procedure.
- In cases of a data breach, Dublin Youth Theatre will make a report to the Office of the Data Protection Commissioner no later than 72 hours from becoming aware of the breach.

Data Retention Policy

Dublin Youth Theatre has developed the following retention policy stating the retention periods for the various types of information it holds. After the stated period has elapsed the information will be deleted from computers and any hard copy files will be shredded.

All financial documentation including end of year accounts, other financial statements, invoices, receipts etc. - 7 Years

Records of youth theatre activities including production images, programmes etc. - Permanent

Strategic plans, programme plans etc. - Permanent

Email communications - 7 years

Recruitment Records: Unsuccessful applications for vacant posts/ Written record of interview panel's recommendation - 1 Year

Personnel Records: Applications and Curriculum Vitae of candidates who accept and take up a post. References, Contracts of Employment, Training Records, Resignation/Retirement Letter, Annual leave records, sick leave records, compassionate leave records, study leave records, jury service records – Permanent

Disciplinary Records - 1 Year

Details of Grievance Procedures - Six months

(Please note: In cases of more serious disciplinary/grievance procedures or where an allegation of abuse is made against an employee, the records can be kept permanently).

Members' Personal Details: These will be kept for the duration of a young person's participation in the youth theatre and for 5 years after they leave.

Records of Complaints Procedures: 5 years

Garda Vetting Information including disclosures: Proof of Identity and garda vetting disclosures for staff members and volunteers will be retained until the staff member/volunteer is re-vetted when the existing records will be replaced with the new information/disclosure. When staff member's/volunteer's involvement finishes, we will retain their garda vetting records for 1 year from the finish date.

Welfare Reports/Child Protection Reports - Permanent

Please note: If there are any outstanding issues relating to any area of the youth theatre's work, the period of retention for any documentation related to this issue, will only commence once the issue is satisfactorily resolved.

DYT requires that all those who have access to confidential information as a result of their involvement, adhere to the following:

- Be aware of the sensitive nature of the information to which you are privy and recognise the responsibility you have as a result of having access to this information.
- Be aware that information, including written reports, are the property of DYT.
- Use confidential information only for the purpose(s) for which it was provided and the purpose(s) for which you are authorized to use it.
- Do not pass personal contact information on to third parties without the express permission of the person in question. Do not share confidential information or pass it on to a third party unless it is necessary as in the case of a child protection concern (See below for more details).
- Be aware that confidential information may also be contained on other media such as audio or video files, in hard and soft copy form.

- Familiarise yourself with the youth theatre's confidentiality policy and act accordingly.
- Staff should not share information that is potentially commercially sensitive.
- If unsure about any specific instance, staff should seek clarification from the Chairperson of DYT.
- All computers containing youth theatre information should have a log-on password. Robust security passwords should be used for all confidential files. Hard copy files/computer files should be retained and destroyed/deleted in line with the youth theatre's retention policy. **(See Below)**.
- A staff member may receive information that is confidential in error as in the case of an overheard conversation. Any information gained in this fashion is subject to the same conditions as information gained in an authorised manner and should not be shared.
- There are circumstances where confidential information is taken outside the DYT main office, for example in the case of an event involving the participation of young people where welfare leaders have copies of Participant Information/Parental Consent Forms. Personal information should be managed with care and should not be left where those without authorisation can access it. This information should be returned to the DYT Office or directly to the General Manager or the Designated Person. Welfare/CP reports should be given to the Designated Welfare Person or General Manager Only.
- The requirement of confidentiality continues to apply after an individual's involvement with DYT ceases.
- DYT is aware of the particularly sensitive nature of garda vetting disclosures and records of child protection concerns. Should the Designated Person cease engagement with the youth theatre or no longer carry out this role, any garda vetting disclosures/child protection reports should be passed on to the Chairperson in a sealed file. They will then be given to the new Designated Person.
- As already stated under no circumstances will garda vetting disclosures be shared with third parties.
- Where a disclosure has been returned outlining convictions or specified information, the identity of the applicant will be shared on a need to know basis. The D.P. and the Chairperson will be aware of the identity of the applicant. The other member of the decision-making committee will be given any relevant information in relation to the disclosure but will only be informed of the identity if this is necessary or unavoidable. For example, it might be decided in some cases that the full decision-making committee will meet with the applicant.

Confidentiality and Child Welfare/Protection

It is essential that staff are familiar with the situation with regard to confidentiality and child protection.

The following section is taken from *Children First 2017* and has not been altered in any way.

- *The effective protection of a child often depends on the willingness of the staff in statutory and voluntary organizations involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities about confidentiality and the exchange of information.*
- *All information regarding concern or assessment of child abuse or neglect should be shared on 'a need to know' basis in the interests of the child with the relevant statutory authorities.*
- *No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.*
- *Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different*

professional Staff with responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

- *It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.*
- *The issue of confidentiality should be part of the training necessary for staff who work in the area of child protection and welfare and the general training of staff in organizations that work with children. Each organization should have a written policy in this regard.*

Reports and Recording Information

As emphasized throughout these guidelines it is critical to keep records and reports, not only about child protection but on all aspects of the youth theatres work. Here is some advice for creating effective reports:

- Reports should be written as soon as possible after an event/incident occurs
- They should be written in legible handwriting or typed. They should be signed by the person who is making the report. Any changes made at a future date should also be signed.
- Stick to the facts as much as possible. Try to be as accurate and comprehensive as possible.
- Stay away from supposition and speculation.
- Try and keep your own opinion out of the report.
- If you are using the words of other people, ensure you are using actual quotes or signed statements rather than your interpretation of what was said.
- Use full names, addresses, etc.
- Include witness statements if an incident/accident occurs
- If an accident has occurred, it is a good idea to take a photograph of the location where it took place.
- Details of any decisions made should be included
- Reports are the property of the organization, not the individual who creates them.
- Reports, especially those relating to sensitive matters, should be securely stored with access restricted to those who have a direct need to access the information.
- Details should be kept of who has accessed confidential information. For example, a folder could have a note attached for anyone who opens it to sign.

Breaches of Confidentiality

A breach of confidentiality may lead to a disciplinary procedure. **(See Disciplinary Procedures Section).**

At the point of collecting data, data subjects will also be provided with a Privacy Statement detailing how and for what purpose the data will be processed. This will include the following:

- the identity of the Data Controller (and contact name for data requests),
- the purpose of collection,
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- the details of the individual's rights regarding the data notice of any automated decision-making ('profiling') that may take place using the data.

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- Be aware that confidential information may also be contained on other media such as audio or video files, in hard and soft copy form.
- Familiarise yourself with the youth theatre's confidentiality policy and act accordingly.
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- *No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.*
- *Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional Staff with responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.*
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