

**BIRMINGHAM BACH CHOIR**

**Data Protection, Data Retention and Privacy Policy**

**Agreed by Trustees: 15<sup>th</sup> March 2022**

**Due for review by: 31<sup>st</sup> July 2024**

**Introduction**

1. This policy seeks to explain Birmingham Bach Choir's approach to matters of data protection, data retention and privacy relating to its activities and all individuals involved therewith in the context of the General Data Protection Regulation, and to ensure that, with regard to data protection, Birmingham Bach Choir:
  - a. Protects the rights of its members, musical staff, supporters and associated artists
  - b. Complies with data protection law and follows good practice
  - c. Protects Birmingham Bach Choir and all whose personal data it holds from the risks of a data breach

**Background**

2. New legislation effective from 25 May 2018 (General Data Protection Regulation (EU) 2016/679 or GDPR) places increased requirements upon all organisations holding personal data regarding the nature, collection, limitation, use and retention of such data. Personal data is deemed to be information which relates to a living individual (the 'data subject') who can be identified from that data, which may include name, contact information, financial information, medical information and images such as photographs, amongst many other types of data.

**Principles of GDPR**

3. The purpose of GDPR is to protect the individual in terms of their personal data (information) with regard to both its processing (collection and use), retention and protection.

**Requirements for organisations**

4. The principles laid down by GDPR require organisations collecting and processing personal data to have a declared legitimate reason for holding and using ('processing') personal data, and clear and specific purposes which require the collection and use of that data. GDPR also requires that only essential data relevant to the purpose of the organisation is collected, and that it is only used for the purposes stated. GDPR further

requires that personal data is kept up to date, that it is not retained any longer than necessary, and that it is kept securely together with other provisions relating to the transfer of information to other countries, which are currently not applicable to the activities of Birmingham Bach Choir.

### **Rights of individuals**

5. GDPR also bestows specific rights to individuals (data subjects) regarding the collection and use of their personal data: *the right to be informed* - why the data is being collected and how it will be used; *right to access* – to see the information Birmingham Bach Choir holds about them and how it is being used; *right to rectification* – the right to have information updated, completed or corrected; *right to object* – to withdraw consent for use of personal data for a specific purpose, unless the organisation has a lawful reason to use the data for legitimate interests, or a contractual obligation; *right to erasure* – to have all that individual’s personal data deleted, unless the organisation has lawful reason to keep and use the data for legitimate interests or contractual obligation, or there is a legal requirement to keep the data. Additional rights also include the right to restriction of data processing (for example where there is a dispute over the personal data held), and rights relating to portability and automated decision making (including profiling), which are universally applicable but unlikely to be relevant to Birmingham Bach Choir’s activities in the foreseeable future.

### **GDPR and Birmingham Bach Choir**

6. This document sets out the application of GDPR to the activities of Birmingham Bach Choir (hereinafter referred to as ‘the Choir’), relating to its members, supporters, Musical Director and accompanists, artists, purchasers of tickets, and all others with whom the Choir engages, and indicates how the Choir complies with GDPR with respect to each group of individuals. For the purposes of GDPR the Trustees of the Birmingham Bach Choir are deemed to be the ‘Data Controller’ and decides what personal data is collected as part of the Choir’s activities. For administrative purposes, responsibility for data protection matters rests with the General Secretary and Choir Secretary to whom queries should be addressed via [info@birmingham.bachchoir.com](mailto:info@birmingham.bachchoir.com).
7. General provisions relating to all individuals, namely rights of individuals, security and website matters are included at the end of this document.

### **Current Members, Musical Director and Principal Accompanist of Birmingham Bach Choir**

8. GDPR distinguishes between core activities which are implied as an essential part of being a member or associate of the Choir such as attending rehearsals, paying subscriptions and receiving remuneration, and those which are not, such as information about Choir tours, participating in quiz evenings or receiving promotional ticket offers. The GDPR provisions for each are detailed below, followed by matters appertaining to both.

### **Core Choir membership matters**

9. Lawfulness

Membership of Birmingham Bach Choir bestows a legitimate right on the part of the Choir, defined by GDPR as a contract, in which the collection and use of personal data

is fair and reasonable in relation to the Choir's execution of tasks expected as part of an individual's membership or of their engagement with the Choir as Musical Director or Principal Accompanist.

10. Processing – data and purpose

The Choir retains only essential items of personal data specifically name, voice part, email address, telephone number(s) and postal addresses, and uses these for the operation of day to day Choir activities such as routine issues regarding rehearsals, concerts, details of music hire or purchase, AGM notices, attendance records and voice parts, discussion of Choir management and direction, and on occasion urgent notification of changes, travel difficulties, emergencies or other problems, all relating to normal Choir activities concerning rehearsals, concerts and singing membership. The Choir also retains information relating to subscriptions and gift aid for the purposes of ensuring regular collection of subscriptions from members, together with details of payments made such as fees and expenses, for the submission of gift aid applications and the preparation of the Choir's accounts.

**Non-core Choir membership matters**

11. Lawfulness

Members, together with the Musical Director and Principal Accompanist, of Birmingham Bach Choir wishing to be informed regarding activities and information which are not central to Choir membership are asked to provide positive and active consent to the use of their data for this purpose. This is by means of a tick box, or similar, consent form with a clear and specific explanation of how their data will be used, as outlined below.

12. Processing – data and purpose

Personal data belonging to those who give consent, in addition to core Choir activities, is used for the dissemination of information regarding other activities and opportunities connected with the Choir, such as the Choir dinner, fund raising events such as quiz nights, Choir tours and other items which may be of interest, such as ticket offers or publicity from appropriate sources, including reciprocal publicity for other choirs who publicise concerts by Birmingham Bach Choir. Consent may be withdrawn at any time by notifying the General Secretary or Choir Secretary in writing.

**All Choir membership matters**

13. Sharing members' personal data

Personal data is treated as strictly confidential and is shared only with the Trustees of the Birmingham Bach Choir as elected at the most recent Annual General Meeting, or nominated assistants designated and agreed by the Trustees. Names, voice parts and contact information are also shared with the Musical Director for the purpose of advising re-audition outcomes. Personal data is not shared with any other person or organisation, including other members of Birmingham Bach Choir, without specific agreement of the data subject. Birmingham Bach Choir also does not receive personal data from any other organisation.

14. Photography and visual media

Birmingham Bach Choir requires photographic and other visual materials to be obtained at regular intervals for the purposes of the Choir's website and ongoing publicity, and as such requires consent from members of the Choir to appear in such materials. Specific consent relating to the use of photographic and other visual materials is sought as noted below.

15. When will consents be sought, data updated and how long is personal data retained?

Consent is sought from all Choir members regarding photography/visual media and non-core Choir matters at the time of joining the Choir and is re-sought from all members following each cycle of re-auditions (approximately every three years).

16. All members are requested to notify the Choir Secretary of changes in their personal data as promptly as possible. The Choir also asks all members to confirm that their details have otherwise remained unchanged on a yearly basis, with a full check of personal data every three years.

17. Birmingham Bach Choir only retains personal data during the time in which singers are a member of the Choir, or the Musical Director and Principal Accompanist are associated with the Choir. Personal data is destroyed at the time of leaving, unless specific consent is given for it to be retained as a supporter (see below) or in the case of photography/visual media for its retention and ongoing use for Choir publicity purposes particularly the Choir website. After appropriate handover, Trustees are requested to delete all choir members' personal data held on their personal computers when they leave office.

**Choir supporters – mailing lists for former members, Patrons, President, benefactors and other supporters**

18. Lawfulness

The Choir holds personal data belonging to a range of individuals (hereafter referred to as 'Supporters') who are interested in the activities of the Choir and wish to receive information about Choir concerts and other occasional Choir activities such as the Choir Dinner and fund-raising events. In accordance with the requirements of GDPR the Choir obtains active and positive consent from such supporters by means of a tick box, or similar, form with a clear and specific explanation of how their data will be used, as outlined below.

19. Collection and distribution of information

Personal data for mailing lists may be collected by a third-party automated mailing system, MailChimp, and mailings from the choir of information of general interest to all on the choir's mailing lists may similarly be distributed by MailChimp. In these circumstances, the General Data Protection Policy operated by MailChimp to safeguard personal data applies to all choir mail transactions. The same applies to other third-party systems that may be used by the Choir.

20. Processing – data and purpose

The Choir retains only essential items of personal data specifically name, email address, and, where offered, telephone number(s) and postal addresses. Personal data is used solely for the dissemination of information regarding opportunities or matters of interest appertaining to

the Choir and its activities, such as notice of Choir concerts and other Choir-organised events such as Come and Sing and fund-raising events, and in addition for Patrons, President and Life Members of the Choir notice of the AGM and invitations to the Choir Dinner.

21. Sharing Supporters' personal data

Supporters' personal data is treated as strictly confidential and is shared only as necessary with the Trustees of the Birmingham Bach Choir as elected at the most recent Annual General Meeting, or nominated assistants designated and agreed by the Trustees. Supporters' personal data is not shared with any other person or organisation, including other members of Birmingham Bach Choir, without specific prior agreement. Birmingham Bach Choir also does not receive personal data from any other organisation.

22. When will consents be sought, data updated and how long is personal data retained?

Consent is re-sought periodically. With the exception of information regarding the AGM and Choir Dinner, all communications offer the opportunity for Supporters to unsubscribe from the Choir's mailing list and, if they choose to do so, all their personal data will be deleted. Supporters may unsubscribe at any time by contacting [mailinglist@birmingham.bachchoir.com](mailto:mailinglist@birmingham.bachchoir.com).

23. All Supporters are requested to notify the Choir at [mailinglist@birmingham.bachchoir.com](mailto:mailinglist@birmingham.bachchoir.com) of changes in their personal data as promptly as possible; the Choir also asks all Supporters to confirm that their details have otherwise remained unchanged at the time of re-seeking consent.

24. Birmingham Bach Choir only retains personal data relating to Supporters as long as they have given consent for it to be so retained. Personal data is destroyed immediately consent is withdrawn or not renewed at subsequent times of re-seeking consent. After appropriate handover, Trustees are requested to delete all Supporters' personal data held on their personal computers when they leave office.

**Artists, orchestras and other collaborators**

25. Lawfulness

The engagement of artists, orchestras, and other collaborators including deputy accompanists, coaches, marketing advisors and website or graphic designers by Birmingham Bach Choir bestows a legitimate right on the part of the Choir, defined by GDPR as a contract, in which the collection and use of personal data is fair and reasonable in relation to the Choir's execution of tasks expected as part of the artist, orchestra or collaborator's engagement.

26. Processing – data and purpose

The Choir retains only essential items of personal data specifically name, email address, telephone number(s) and postal addresses and uses these solely for communication regarding the details and execution of contracts, rehearsals and performances and similar for which the artist, orchestra or collaborator is contracted, together with any urgent notification of changes, travel difficulties, emergencies or other problems affecting rehearsals, performances or other activities with the Choir for which the artist, orchestra or collaborator is engaged. The Choir also retains information relating to payments and expenses and if appropriate bank information for the purposes of ensuring correct payments and the preparation of the Choir's accounts.

27. Sharing personal data

The personal data of artists, orchestras and other collaborators is treated as strictly confidential and is shared only as necessary with Trustees of the Birmingham Bach Choir as elected at the most recent Annual General Meeting, or nominated assistants designated and agreed by the Trustees. Personal data is not shared with any other person or organisation, including other members of Birmingham Bach Choir, without specific prior agreement. Birmingham Bach Choir also does not receive personal data from any other organisation.

28. Photography and visual media

Birmingham Bach Choir requires photographic and other visual materials to be obtained at regular intervals for the purposes of the Choir's website and ongoing publicity, and as such requires consent from artists, orchestras and collaborators to appear in such materials. Specific consent relating to the use of photographic and other visual materials is sought as noted below.

29. When will consents be sought, data updated and how long is personal data retained?

Consent is sought from artists, orchestras and collaborators at the time of engagement regarding photography/visual media.

30. Artists, orchestras and collaborators are asked to notify the Concert Secretary of changes in their personal data as promptly as possible.

31. Birmingham Bach Choir only retains personal data relating to the artist, orchestra or collaborators while they remain in active engagement with the Choir. Personal data is deleted when active engagement is terminated. However, if the artist, orchestra or collaborator wishes their personal data to be retained by the Choir in the event that future opportunities for engagement may arise, the artist, orchestra or collaborator is invited to give their consent for personal data to be retained by the Choir indefinitely. After appropriate handover, Trustees are requested to delete all personal data relating to artists, orchestras and other collaborators held on their personal computers when they leave office.

**Purchasers of tickets through Birmingham Bach Choir**

32. Note: this section includes only tickets purchased through Birmingham Bach Choir by means of the website and does not include tickets purchased through third party booking agencies or purchased by members of the Choir on behalf of others.

33. Lawfulness

The purchase of concert or event tickets by members of the public from Birmingham Bach Choir bestows a legitimate right on the part of the Choir, defined by GDPR as a contract, in which the collection and use of personal data is fair and reasonable in relation to the Choir's execution of tasks necessary to the provision of tickets and communication of information regarding the concert or event.

34. Processing – data and purpose

The Choir retains only essential items of personal data specifically name, email address, telephone number(s) and postal addresses and uses these solely for the purpose of providing tickets to the purchaser and where necessary conveying information regarding the event booked, together with details of purchase limited to number and price of tickets and means of payment which are used in the production of Choir accounts and consideration of future ticket pricing. Purchasers of tickets are invited to join the Choir's mailing lists to receive information regarding future concerts and events, and if such invitation is accepted to give their consent in accordance with previous provisions for Choir supporters.

35. Sharing personal data

Personal data received from members of the public purchasing tickets is received only by the specified officer of Birmingham Bach Choir namely the Ticket Secretary as elected at the most recent Annual General Meeting of Birmingham Bach Choir, or nominated assistants designated and agreed by the Committee of Birmingham Bach Choir. Anonymised information regarding numbers, types and prices of tickets sold is shared with the Treasurer and summary totals of ticket sales from all sources are used to inform the Choir's accounts and general financial decision making. Personal data is not shared with any other person or organisation, including other members of Birmingham Bach Choir, without specific prior agreement. Birmingham Bach Choir also does not receive personal data from any other organisation.

36. Retention of personal data

Personal data provided by members of the public purchasing tickets from Birmingham Bach Choir is deleted after the relevant concert or final concert booked has been performed and ticket payments have been received.

**GENERAL MATTERS RELATING TO GDPR**

**Rights of individuals regarding personal data held by Birmingham Bach Choir**

37. All individuals have the following rights with respect to their personal data:

- a. The right to be informed regarding the reason for the collection of personal data by Birmingham Bach Choir and how that information will be used;
- b. The right to request a copy of the personal data which Birmingham Bach Choir holds about them;
- c. The right to request that Birmingham Bach Choir corrects any personal data if it is found to be inaccurate or out of date;
- d. The right to request that their personal data is erased where it is no longer necessary for Birmingham Bach Choir to retain such data unless there is a lawful reason for Birmingham Bach Choir to keep and use the data for legitimate interests or contractual obligation, or there is a legal requirement to keep the data;
- e. The right to withdraw their consent to the processing at any time unless Birmingham Bach Choir has a lawful reason to use their personal data for legitimate interests or a contractual obligation;
- f. The right to request that the Birmingham Bach Choir provides them with their personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), where applicable;

- g. The right, where there is a dispute in relation to the accuracy or processing of their personal data, to request a restriction is placed on further processing;
  - h. The right to lodge a complaint with the Information Commissioners Office.
38. Birmingham Bach Choir always endeavours to comply with both the detail and intent of the General Data Protection Regulations; in the first instance enquiries regarding data protection issues should be sent via the Choir Secretary at [info@birmingham.bachchoir.com](mailto:info@birmingham.bachchoir.com) .

#### **Further processing (new data uses)**

39. If Birmingham Bach Choir wishes to use personal data for a new purpose, not covered by this notice, then Birmingham Bach Choir will provide affected individuals with a new notice explaining this new use and setting out the relevant purposes and processing conditions, and where necessary seeking new consent, prior to commencing the processing.

#### **Data security**

40. All personal data held by Birmingham Bach Choir is maintained either as electronic files held on personal computers or as paper records and files, both held in domestic situations and subject to the best practice security standards in domestic environments. All electronically held data is held within a password protected environment accessible only to the nominated Officer or Officers as defined elsewhere in this document.

#### **Website**

41. Birmingham Bach Choir's website, [www.birmingham.bachchoir.com](http://www.birmingham.bachchoir.com) , uses traffic log cookies (Google Analytics) to identify which pages are being used. This helps the Choir analyse data about web page traffic and improve the website in order to tailor it to customer needs. The Choir only uses this information for statistical analysis purposes and the data is then removed from the system.
42. Overall, cookies help the Choir provide users with a better website, by enabling the Choir to monitor which pages users find useful and which they do not. A cookie does not give the Choir access to users' computer or any information about them, other than the data users choose to share with the Choir.
43. All users can choose to accept or decline cookies. Most web browsers automatically accept cookies, but users can usually modify their browser setting to decline cookies if they prefer. This may prevent users from taking full advantage of the website.
44. If users wish to change their cookie settings they can do this from the 'Tools' menu in their browser (usually under security settings). By doing so they may impede their usage of this, and other websites.