

Fair Processing Notice – Guernsey Music Service

Guernsey Music Service process personal data on behalf of the Committee for Education, Sport and Culture ('ESC') in order to discharge those duties and responsibilities as per their core mandate, and more specifically under the Education (Guernsey) Law, 1970 and the Bailiwick of Guernsey Curriculum.

Guernsey Music Service ('GMS') is the registered data controller for all activities which are summarised within this notice.

Guernsey Music Centre is open to all children in the Bailiwick of Guernsey. It aims to provide:

- Inclusive and enjoyable music-making opportunities which are carefully matched to pupils' abilities in order that they can realise their potential and achieve excellence
- Opportunities for pupils to make a positive contribution and to develop confidence, self-discipline and self-criticism
- Opportunities for pupils to understand the importance of reliability and teamwork through their music-making.

Guernsey Music Centre currently comprises a range of groups including:

- Primary Groups for beginner pupils
- Orchestras
- Wind Bands
- Jazz Orchestras
- Choirs
- Various chamber groups
- Aural and theory lessons

1. The Data Protection Law

Guernsey Music Service acknowledges its obligations as per the Data Protection (Bailiwick of Guernsey) Law 2017, (the Law) which provides a number of requirements in terms of processing activities involving personal data. The controller further acknowledges the general principles of processing as well as the rights of a data subject. This notice provides information regarding how GMS complies with the principle of processing; for more information about the rights of a data subject, please visit <https://www.gov.gg/dp>.

2. The Principles of Processing

a. Lawfulness, fairness and transparency

Personal data must be processed lawfully, fairly and in a transparent manner.

In order to ensure that GMS provides its educational service provision, personal data is collected directly from the parents and/or appointed guardians of pupils. No personal data is collected from any publicly available source. There are occasions when the controller collects “Special Category Data” (the most sensitive data as defined by data protection law); these instances along with the lawful basis for the processing are highlighted within this notice.

GMS uses the information to provide tuition to children and young adults across the bailiwick. GMS collects the following personal data:

- Basic personal data relating to parents, appointed guardians and pupils such as full name, address, date of birth, email address and contact information;
- Language and nationality of pupils;
- Financial information;
- Images including photos (when consent is given); and
- General information regarding pupils’ educational activities such as behavioral records, test and examination results and academic reports.

In terms of Special Category Data, GMS may collect information revealing:

- Health and medical information of pupils including any special educational needs information;
- Racial or ethnic origin;
- Religious or philosophical belief.

The personal and special category data above is collected and processed in order to discharge the responsibilities of the GMS. The three lawful basis’ GMS uses for collecting and processing personal data and special category data are listed below.

<p><u>Lawful basis for processing Basic Personal Data</u></p>	<p>Schedule 2, Part 1, Condition 5:</p> <p>The processing is necessary for the exercise or performance by a public authority of –</p> <ul style="list-style-type: none">a) A function that is of a public nature, orb) A task carried out in the public interest.
--	--

<p><u>Lawful basis for processing Special Category Data</u></p>	<p>Schedule 2, Part 2, Condition 10 (a):</p> <p>The processing is necessary for a health or social care purpose and is undertaken by –</p> <ul style="list-style-type: none"> i. A health professional, or ii. A person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional
<p><u>Lawful basis for processing of Special Category child protection data</u></p>	<p>Schedule 2, Part 2, Condition 8:</p> <p>The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment. (i.e. – the Children (Guernsey and Alderney) Law, 2008)</p>

In some circumstances, personal data (and some special category data) held by the GMS may be transferred to another controller within the States of Guernsey, such as the Committee for Health & Social Care, for reasons relating to health requirements of pupils. The lawful basis for the transfer of personal data for these reasons is: Schedule 2, Part 2, Condition 10 (a): “The processing is necessary for a health or social care purpose and is undertaken by a health professional, or a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional”.

b. Purpose limitation

Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.

GMS acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the controller is required to do so by law.

c. Minimisation

Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

GMS maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original

reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

d. Accuracy

Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.

GMS will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay, with the provisions of the Law as applicable.

e. Storage limitation

Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.

GMS acknowledges its responsibility in relation to this principle. Personal data and Special Category Data will be retained in accordance with the States of Guernsey Records Management Policy and the Schools' Retention and Disposal Schedule. For more information in relation to either of these documents, please contact the Data Protection Officer for Education, Sport & Culture (see below for contact details).

f. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All personal data held by GMS is protected and securely stored and in order to prevent unauthorised or unlawful processing, the controller has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that is collected. Access to electronic or paper records is tightly controlled and all employees are vetted in a manner commensurate with the role that they are expected to undertake. Protocols are followed to ensure that employees only have access to areas and documents as required to undertake their role. Access to records is monitored and effectively managed.

g. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

3. Contact Details

The contact details of the controller (the Guernsey Music Service) are as follows:

**Head of Service, Guernsey Music Service, Les Ozouets Campus,
Les Ozouets, St Peter Port, Guernsey, GY1 2UB**

Tel: 01481 756097

Email: musicservice@gov.gg

The contact details for the Data Protection Officer of Education, Sport and Culture (Samantha Nichols) are as follows:

Data Protection Officer for ESC, States of Guernsey, Sir Charles Frossard House, La Charroterie, St Peter Port, Guernsey, GY1 1FH

Tel: 01481 717297

Email: data.protection@gov.gg and/or samantha.nichols@gov.gg