

Fair Processing Notice – Guernsey Music Service

Guernsey Music Service ('GMS') operates within the Committee *for* Education, Sport and Culture and is open to all children in the Bailiwick of Guernsey. The Committee *for* Education, Sport & Culture is registered as the data controller for all activities summarised within this notice. The service 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 critical thinking
- Opportunities for pupils to understand the importance of reliability and teamwork through their music-making.

Guernsey Music Service 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. About this notice

This Fair Processing Notice explains how Guernsey Music Service ('GMS') uses the personal data of parents and pupils. Please read it carefully and if you have any questions regarding your personal data, or its use, please contact the school directly or speak to our Data Protection Officer.

What do we mean by personal data?

'Personal data' has a very broad legal definition, it is: '*any information relating to an identified or identifiable [living] individual*'.

The scope of what 'personal data' is expands even further when you consider that it includes both factual information about people as well as opinions expressed about people.

It also includes anonymised data that could identify people if it was combined with other information.

What is processing?

Throughout this notice, we refer to the term 'processing'. In terms of personal data, this means any action that is performed on the data; examples of processing include:

- Collection
- Recording
- Organisation
- Structuring
- Storage
- Alteration
- Retrieval
- Consultation
- Use
- Disclosure
- Dissemination
- Restriction
- Erasure
- Destruction

2. The Data Protection Law

GMS, acting on behalf of The Committee *for* Education, Sport & Culture ('the controller') processes personal data in line with its core mandate. GMS 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.

GMS acknowledges the general principles of processing, which require that personal data shall:

1. Be processed fairly, lawfully and transparently
2. Be processed for a specified and lawful purpose(s) and must not be further processed in any incompatible manner (Purpose Limitation)
3. Be adequate, relevant and not excessive for those purposes (Minimisation).
4. Be accurate and, where necessary, kept up to date (Accurate)
5. Not be retained for longer than is necessary for the purpose for which it is processed (Storage Limitation)
6. Be processed in a manner that ensures its security appropriately, including protecting against unauthorised or unlawful processing, loss, destruction or damage (Integrity and Confidentiality)

In addition to this, GMS is responsible for ensuring that data is processed in accordance with the rights of individuals and must be able to demonstrate compliance with the data protection principles (Accountability).

As well as the general principles of processing, GMS acknowledges the rights of the data subject and more information in relation to these can be found by visiting www.gov.gg/DP

3. Contact details

The contact details of the data controller are as follows:

The Committee *for* Education, Sport & Culture

Tel: 01481 227000

Email: educationsportandculture@gov.gg

Guernsey Music Service – acting on behalf of ESC:

Head of Service, Guernsey Music Service, Les Ozouets Campus,

Les Ozouets, St Peter Port, Guernsey, GY1 2UB

Tel: 01481 226097

Email: musicservice@gov.gg

The contact details for the Data Protection Officer for Education, Sport and Culture are as follows:

The Data Protection for Education, Sport & Culture

Tel: 01481 220012

Email: data.protection@gov.gg

4. The types of personal data we collect and use

GMS collects and processes personal data about prospective, current and past pupils and their parents/guardians 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.

The personal data GMS collects takes different forms; it may be factual information, expressions of opinion, images or other recorded information which relates to a living individual.

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;

5. Why we collect and use personal data

The personal and special category data above is collected and processed in order to discharge the responsibilities of the GMS.

GMS maintains that it will only process the personal data which is detailed in section 4, and will not process any further personal data that is not necessary in relation to the original reason for processing personal unless the controller is required to do so by law.

6. Our Lawful Basis for Processing

The lawful basis for collecting and processing each category of personal data and special category data is dependent upon the specific processing activity in question.

However, under the Law, the lawful bases we rely on for the majority of processing (including pupil learning and pastoral care) are:

- The processing is necessary for the exercise or performance of a public function or task carried out in the public interest by a public authority;
- The processing is necessary for a health or social care purpose;
- The processing is necessary for the exercise of a right, power or duty imposed by law; and
- Consent (e.g. use of images on social media, use of specific applications).

For a full list of GMS's data processing activities, please contact the GMS office, who will be happy to provide you with a list of all data processing undertaken and the lawful basis used for each specific processing activity.

7. How we collect pupil and parent data

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.

8. Sharing of personal data

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 or another associated third party, such as the Committee *for* Health & Social Care, for reasons relating to health requirements of pupils.

GMS will only share data when there is a lawful basis to do so. We do not transfer data outside of the European Economic Area unless we are satisfied that personal data will be afforded an equivalent level of protection.

Examples of regular data sharing activities are detailed below:

Sharing within the States of Guernsey

- The Committee *for* Health & Social Care;
- The Mutli-Agency Safeguarding Hub;
- Scrutiny Management Committee.

Sharing with external third parties

- Third party system providers and applications: some of our systems are provided by third parties e.g. hosted databases, cloud storage providers and IT support service.

For a full list of GMS's data sharing activities, please contact the GMS office, who will be happy to provide you with a list of all data sharing taking place and the lawful basis used for each.

9. Storage and retention of personal data

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.

For more information in relation to the retention of your personal data, please contact the Data Protection Officer for Education, Sport & Culture.

10. How we keep your data safe

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, digital 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.

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.

11. Requesting access to your personal data

Under the Law, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact us directly or speak to our Data Protection Officer, whose contact details are at the top of this notice.

For more information about your rights under the Law, please visit www.gov.gg/DP

12. Withdrawal of consent and the right to lodge a complaint

For any instances where we are processing your personal data with your consent, you have the right to withdraw that consent. If you wish to withdraw your consent, or you are unhappy with our use of your personal data, please let us know by contacting the school or our Data Protection Officer.

You also have the right to lodge a complaint about the processing of your data with the Office of The Data Protection Authority, whose contact details are below:

Office of the Data Protection Authority, St Martin's House, Le Bordage, St. Peter Port, Guernsey GY1 1BR

enquiries@odpa.gg

01481 742074

13. Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 1st July 2021.