



creativealliance

Customer Privacy Policy

Effective Date: 12/03/2019

Revision History:

01/08/2022

01/08/2023

Review Date: 15/08/2024

Reviewed by: John Parker

OVERVIEW

All individuals have rights over their Personal Data and the Creative Alliance recognises the importance of having an effective Policy in place to allow individuals to exercise those rights in a way that is clear and easy for them. Creative Alliance has therefore implemented this Rights of Individuals Policy to ensure all Creative Alliance staff are aware of what rights individuals have over their Personal Data and how Creative Alliance makes sure those rights can be exercised.

CA staff will receive a copy of this Policy when they start and may receive periodic revisions of this Policy. This Policy does not form part of any Creative Alliance staff contract of employment and Creative Alliance reserves the right to change this Policy at any time. All CA staff are obliged to comply with this Policy at all times.

ABOUT THIS POLICY

Creative Alliance Data Protection Policy is the CA's fundamental policy which sets out the types of Personal Data that CA may be required to handle, as well as Creative Alliance's legal purposes for doing so, and it sets out how CA complies with its obligations under Data Protection Laws.

This Policy explains how Creative Alliance complies with its legal obligations to allow individuals to exercise their rights over their Personal Data. Creative Alliance has a corresponding Rights of Individuals Procedure that sets out the process Creative Alliance follows to deal with individuals exercising the rights set out in this Policy.

SCOPE

This Policy applies to all Creative Alliance who collect and/or use Personal Data relating to individuals. It applies to all Personal Data stored electronically, in paper form, or otherwise.

DEFINITIONS

Training Provider – Creative Alliance (CA)

Creative Alliance Staff – Any CA employee or contractor who has been authorised to access any of Our Personal Data and will include employees, consultants, contractors, and temporary staff hired to work on behalf of the CA.

Data Protection Laws – The General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018.

Data Protection Officer – The Data Protection Officer is John Parker and can be contacted at: 0121 753 0049, john@creativealliance.org.uk

ICO – the Information Commissioner’s Office, the UK’s data protection regulator.

Personal Data – Any information about an individual which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined very broadly and covers both ordinary personal data from personal contact details and business contact details to special categories of personal data such as trade union membership, It also covers information that allows an individual to be identified indirectly for example an identification number, location data or an online identifier.

Processing – Any collection, use of storage of Personal Data whether on CA’s information security systems or in paper form.

Special Categories of Personal Data - Personal Data that reveals a person’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life or sexual orientation and criminal record.

CREATIVE ALLIANCE STAFF OBLIGATIONS

This Policy sets out the rights that individuals have over their Personal Data under Data Protection Laws. If a member of the CA staff receives a request from an individual to exercise any of the rights set out in this Policy, that member of the CA staff must:

- inform the Data Protection Officer as soon as possible and, in any event, within 24 hours of receiving the request;
- tell the Data Protection Officer what the request consists of, who has sent the request and provide the Data Protection Officer with a copy of the request;
- not make any attempt to deal with, or respond to, the request without authorisation from the Data Protection Officer.

WHAT RIGHTS DO INDIVIDUALS HAVE OVER THEIR PERSONAL DATA?

Right of access (subject access requests)

Individuals have the right to ask CA to confirm the Personal Data about them that CA is holding, and to have copies of that Personal Data (commonly known as a Subject Access Request or SAR) along with the following information:

- the purposes that the CA has their Personal Data for;
- the categories of Personal Data about them that CA has;
- the recipients or categories of recipients that their Personal Data has been or will be disclosed to;
- how long CA will keep their Personal Data;
- that they have the right to request that CA corrects any inaccuracies in their Personal Data or deletes their Personal Data (in certain circumstances, please see below for further information); or restrict the uses CA is making of their Personal Data (in certain circumstances, please see below for further information); or to object to the uses CA is making of their Personal Data (in certain circumstances, please see below for further information);
- that they have the right to complain to the ICO if they are unhappy about how CA has dealt with this request or in general about the way CA is handling their Personal Data;
- CA is not entitled to charge individuals for complying with this request. However, if the individual would like a further copy of the information requested, CA can charge a reasonable fee based on its administrative costs of making the further copy.
- There are no formality requirements to making a SAR and it does not have to refer to data protection law or use the words Subject Access Request or SAR. CA will monitor its incoming communications, including post, email, its website and social media pages to ensure that CA can recognise a SAR when it receives it.
- CA is required to respond to a SAR within one month from the date CA receives it. If the SAR is complex or there are multiple requests at once, CA may extend this period by two further months provided that CA tells the individual who has made the SAR about the delay and CA's reasons for the delay within the first month.
- The Data Protection Officer will reach a decision as to the complexity of the SAR and whether CA is entitled to extend the deadline for responding.

Right to rectification

Individuals have the right to ask CA to correct any Personal Data about them that the CA is holding that is incorrect. CA is then obliged to correct that Personal Data within one month (or two months if the request is complex).

Where the individual tells CA their Personal Data is incomplete, CA is obliged to complete it if the individual asks CA to do so. This may mean adding a supplementary statement to their personal file for example.

If CA has disclosed the individual's inaccurate Personal Data to any third parties, the CA is required to tell the individual who those third parties are and to inform the third parties of the correction where the CA can.

When an individual asks CA to correct their Personal Data, CA is required to do so and to confirm this in writing to the individual within one month of them making the request.

Right to erasure (right to be forgotten)

Individuals have the right to ask CA to delete the Personal Data CA has about them in certain circumstances but this right is limited in scope and does not apply to every individual. The right to be forgotten applies when:

- the Personal Data is no longer necessary for the CA collected it for;
- the individual withdraws consent and CA has no other legal basis to use their Personal Data;
- the individual objects to CA's processing and there is no overriding legitimate interest for continuing the processing;
- the Personal Data was unlawfully processed; and/or
- the Personal Data has to be erased to comply with a legal obligation.
- If CA has disclosed the individual's deleted Personal Data to any third parties, CA is required to tell the individual who those third parties are and to inform the third parties to delete the Personal Data where CA can.
- When an individual asks CA to delete their Personal Data, CA is required to do so and to inform the individual in writing within one month of them making the request that this has been done.
- Right to restrict processing
- Individuals have the right to "block" or "suppress" CA's processing of their Personal Data when:
 - they contest the accuracy of the Personal Data, for a period enabling the CA to verify the accuracy of the Personal Data;
 - the processing is unlawful, and the individual opposes the deletion of the Personal Data and requests restriction instead;
 - CA no longer needs the Personal Data for the purposes CA collected it for, but the CA is required by the individual to keep the Personal Data for the establishment, exercise or defence of legal claims;
 - the individual has objected to the CA's legitimate interests, for a period enabling the CA to verify whether its legitimate interests override their interests.
- If CA has disclosed the individual's restricted Personal Data to any third parties, the CA is required to tell the individual who those third parties are and to inform the third parties about the restriction where the CA can.

- When an individual asks the CA to restrict its processing of their Personal Data, the CA is required to do so and to confirm to the individual in writing within one month of them making the request that this has been done.

Right to data portability

Individuals have the right to obtain from the CA a copy of their own Personal Data in a structured, commonly-used and machine-readable format (such as CSV files). The aim of this right is to facilitate the ability of individuals to move, copy or transmit their Personal Data easily from one IT environment to another.

- The right to data portability only applies when:
- the individual provided CA with the Personal Data;
- the processing CA is carrying out is based on the individual's consent or is necessary for the performance of a contract; and
- the processing is carried out by automated means.
- This means that the right to data portability does not apply to personal data CA is processing on another legal basis, such as its legitimate interests.
- CA is obliged to provide this information free of charge within one month of the individual making the request (or two months where the request is complex provided that the CA explains to the individual why it needs more time).
- The individual also has the right to ask CA to transmit the Personal data directly to another organisation if this is technically possible.

Right to object

Individuals have the right to object to the CA's processing of their Personal Data where:

- the CA's processing is based on its legitimate interests or the performance of a task in the public interest and the individual has grounds relating to his or her particular situation on which to object;
- CA is carrying out direct marketing to the individual; and/or
- CA's processing is for the purpose of scientific/historical research and statistics and the individual has grounds relating to his or her particular situation on which to object.
- If an individual has grounds to object to the CA's legitimate interests, CA must stop processing their Personal Data unless CA has compelling legitimate grounds for the processing which override the interests of the individual, or where the processing is for the establishment, exercise or defence of legal claims.

- If an individual objects to direct marketing, CA must stop processing their Personal Data for these purposes as soon as the CA receives the request. The CA cannot refuse their request for any reason and cannot charge them for complying with it.
- Before the end of one month from the date the CA gets the request, the CA must notify the individual in writing that the CA has complied or intends to comply with their objections or that the CA is not complying and the reasons why.

A handwritten signature in black ink, appearing to read 'John Parker', with a stylized flourish at the end.

John Parker
Associate Director
For and on behalf of
The West Midlands Creative Alliance Limited