



Chapter 9: Data Protection (GDPR)

1 Introduction

GDPR came in to force on 25th May 2018. It is an EU law that sets out guidelines for the collection and processing of personal information and aims to give individuals more rights over how their data is used. It is also complemented by the UK's Data Protection Act 2018. GDPR was incorporated into the withdrawal agreement between the UK and the EU and continues to apply even after Brexit. Swineshead Silver Band aims to ensure that all personal data collected about players and other individuals is collected, stored and processed in accordance with these General Data Protection Regulations

Swineshead Silver Band recognises that GDPR applies to all personal data, regardless of whether it is in paper or electronic format

Swineshead Silver Band has appointed a member of the Band Committee to be responsible for GDPR. This role will be the Data Protection Officer, as required by the legislation, and will be responsible for the review, retention and administration of all personal data held by Swineshead Silver Band.

This policy, and explains what personal data Garforth Brass stores, how it uses that information and what rights members have.

The Swineshead Silver Band GDPR Policy will be published on its website as part of the Swineshead Silver Band Bandbook.

2 Personal data

The GDPR extended the rights individuals have over their data. Individuals have the right to access, amend and object to the use of their personal data. 'Personal data' is defined as anything that can be used to identify an individual; their name, postal address, bank details, ID/membership number, personal contact details or image (if you can identify someone on a photo/video this is defined as their personal data).

GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;



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- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Where Swineshead Silver Band Organisation members are aged under 18 years old, Personal Data will be held (with consent) both for the member and, for safeguarding reasons, those of their parent or legal guardian.

3 Reason, consent and legitimate interests

When dealing with people's personal data, Swineshead Silver Band will consider the following three things:

1. **Reason:** Under GDPR Swineshead Silver Band should not be collecting data if there isn't good reason to do so. Unless there are legitimate reason for having and using data Swineshead Silver Band will not ask for it.
2. **Consent:** Swineshead Silver Band will seek consent pro-actively, i.e. an individual will have to take definitive action to indicate 'you can have and use my data'. Swineshead Silver Band will also be clear and specific about what the data they are providing will be used for.
3. **Legitimate interests:** Some situations do not require positive consent as the use of data is implied. For example, emailing a member about a rehearsal change or a reminder about subs being due. Members should still have access to clear and straightforward information about how their data will be kept and used.
 - When someone provides data that will be used in this way, make sure privacy statements are readily available for them to read when they sign their data over.
 - Regularly review (every year or every two years) the data you hold to decide if it is still relevant to your band.

4 Retention Under GDPR

Swineshead Silver Band stores and uses personal data (see section 2) solely for the purpose of legitimate use and administration of:

Management of the band (contacts, subscriptions, newsletters, fundraising and the delivery of information from the committee)

Organising events (contests, concerts, engagements, meetings and social gatherings)

Personal data will not be shared with any other third parties.



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The following actions are in place:

- Regularly review (every year) the data Swineshead Silver Band holds to decide if it is still relevant.
- Ensure the secure storage of data with all electronically held data in a password-protected, secure environment, and passwords changed regularly, and with each personnel change (e.g. on the committee).
- In addition to digital/electronic data physically held data will be kept secure too. Keys will be tracked and any combination codes changed regularly and with each personnel change (e.g. on the committee).
- Ensure that data stored by third parties is GDPR compliant.
- Review Swineshead Silver Band storage policies
- Have policies, processes and privacy statements in place to show that Swineshead Silver Band is treating data responsibly.

5 Children's Data

Swineshead Silver Band recognises that children have the same rights as adults over their personal data. These include the right to:

- be provided with a transparent and clear privacy notice which explains how their data will be processed;
- be given a copy of their personal data;
- have inaccurate personal data rectified and incomplete data completed;
- exercise the right to have personal data erased if they wish.

A child may exercise these rights on their own behalf as long as they are competent to do so. In England and Wales and Northern Ireland, competence is assessed depending upon the level of understanding of the child. Even if a child is too young to understand the implications of their rights, they are still their rights, rather than anyone else's such as a parent or guardian.

6 Children's data online

Swineshead Silver Band recognises that the provisions of GDPR help children to keep themselves safe online by giving them more control over the information they share.

GDPR gives children the 'Right to Erasure'. This means they can request online platforms to remove their personal data, including pictures, text or status updates. If a child has shared any material online that they no longer wish anyone to see, they have a legal right to get this material removed, even if the content was posted by someone else. GDPR and child protection GDPR emphasises the importance of asking children for consent before sharing personal information.



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If a child is mature enough Swineshead Silver Band will give them the opportunity to decide whether they agree to their confidential information being shared. If a child doesn't have the capacity to make their own decisions, Swineshead Silver Band will ask their parent or carer (unless this would put the child at risk). If Swineshead Silver Band a child protection concern, this will be shared with the relevant agencies, even if Swineshead Silver Band has not been given consent. GDPR does not affect this principle.

7 Data Held by Swineshead Silver Band

Swineshead Silver Band stores personal data in an electronic database which is password protected.

The committee has appointed XXXX as its Data Protection Officer (DPO).

The Membership Database is only available to the Chairman, Treasurer, Secretary, Safeguarding Officer, Data Protection Officer and Musical Director.

The data held by Swineshead Silver Band is listed in Document 9: Data held by SSB.

This document is reviewed on an annual basis by the Swineshead Silver Band Data Protection Officer to ensure that the requirement to hold this data is still valid.

All Band Members have the right to review and, where appropriate, update data held by Swineshead Silver Band. A request should be made in writing to the Chairman. A member has the right to complain to the Information Commissioner's Office (ICO) if they believe there is a problem with Swineshead Silver Band handling of their data which cannot be resolved directly.



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Other chapters of the Swineshead Silver Band Bandbook:

Chapter 1: Welcome

Chapter 2: Membership

Chapter 3: Code of Conduct

Chapter 4: Recruitment

Chapter 5: Safeguarding

Chapter 6: Risk Assessment

Chapter 7: Health and Safety

Chapter 8: Supporting Members

Chapter 9: Data Protection

Chapter 10: Whistleblowing

Documents

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