



## PRIVACY NOTICE

### Full-Time Students

#### 1. WHO WE ARE?

Ballet West will be what's known as the 'Data Controller' of your personal data processed in order to facilitate, administer and manage your time as a student with Ballet West. This Privacy Notice will explain how Ballet West will process your personal data.

#### Changes to this notice

Ballet West may update this notice at any time and may also provide you with more detailed notices on specific occasions where we collect and process personal data about you. These additional privacy notices are supplemental to this main Privacy Notice. You should check this Notice regularly to be aware of any changes. However, where any change affects your rights and interests, we will bring this to your attention and clearly explain what this means for you.

#### 2. WHAT INFORMATION DO WE COLLECT?

As a student of Ballet West, you will have a core "student record", this will be formed by the information provided by you as part of your application, during the registration process and other information added throughout your student life. Ballet West will collect and process both personal data<sup>1</sup> and special category data<sup>2</sup> including but not limited to those listed below.

- Personal and family details (including emergency contact details)
- Social circumstances
- Financial information
- Education and student records including assessment evidence gathered via Video
- Disciplinary and attendance records
- Relevant employment details
- Images for authentication and identification purposes e.g. Passport Details/Copy
- Image Capture including video/filming for the promotion of Ballet West and its activities
- Video for commercial sale
- Goods or services provided

**Ballet West**, Ichrachan House, Taynuilt, Argyll PA35 1HP

E: [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

Ballet West is a company limited by guarantee with charitable status

Company Number: 175325 Scottish Charity no. SCO22105

Version 1.0 June 2019

## Special Category Data

“Special Categories” of particular sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. To lawfully process special category data, we must identify both a lawful basis under Article 6 and a separate condition for processing special category data under Article 9.

Such data is defined as:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Genetic data, biometric data for the purpose of uniquely identifying an individual
- Health data
- Sex life or sexual orientation

### 3. LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

We must have a legal basis for the processing of all personal and special categories data. An explanation of the legal bases, as defined in the General Data Protection Regulation (GDPR) , Article 6, ‘Lawfulness of Processing’, that may be relied upon by Ballet West are listed below:

- Article 6(1) (a) **Consent**

In certain instances, Ballet West will only process certain data if you consent e.g. on registration you may agree and provide details of additional support needs or certain “special categories” of data in order to use Counselling Services arranged by Ballet West.

- Article 6 (1) (b) **Contract**

Necessary for the performance of a contract –Ballet West will process your data to enable it to meet its commitments to you as outlined in the Student Contract e.g. those relating to teaching and assessment.

- Article 6 (1) (c) **Legal Obligation**

Necessary to comply with a legal obligation – Ballet West has legal obligations to provide your personal data to others e.g. Electoral registration officers.

- Article 6 (1) (d) **Vital Interest**

Necessary to protect the vital interests of yourself or another – in extreme circumstances Ballet West may have to release information to protect your interests or the interests of others e.g. in medical emergencies.

- Article 6 (1) (e) **Public Interest**

Necessary for the performance of a task carried in the public interest or in the exercise of official authority – Ballet West is an educational establishment and in particular its educational activity is conducted in a public interest (including your interest and the interest of others).

- Article 6(1) (f) **Legitimate Interest**

Where used, the “legitimate interest” is generally the interest of Ballet West (or third party) in providing or supporting the provision of education to its students.

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## In addition to Article 6

- **Article 22 – Automated Individual Decision-Making, including profiling**  
(2) a) Automated decision making necessary for performance of a contract – Ballet West will sometimes automate decisions relating to services it is providing to you.
- **Article 9 – Processing of Special Categories of Personal Data.**  
(2) (a) processing “special categories” of data where you have given consent – Ballet West will process certain sensitive data about you with your consent.  
(2) (g) processing “special categories” of data where necessary for reasons of substantial public interest.  
(2) (f) processing “special categories” of data in connection with legal claims.

It is recognised that some of the above grounds may overlap and that Ballet West may rely on multiple grounds when justifying its lawful basis for processing.

## 4. WHO WE SHARE IT WITH AND WHY

There may be instances that require Ballet West to share your personal data with third parties, including:

- Partner institutions, student exchanges, joint/collaborative agreements
- Student sponsors e.g. the Student Loan Company, funding organisations such as the Scottish Funding Council (SFC) and SAAS, the Office for Students (OfS), the Department for Education (DfE) scholarship/bursary providers and embassies. Also, for elected student representatives in the performance of their duties, as representatives of the Ballet West student community
- Professional and accreditation bodies
- External examiners for academic administration and progression purposes
- Relevant Government Departments to whom Ballet West has a statutory obligation to release information, for example UK Visas and immigration
- Local authorities, for council tax purposes,
- Provision of systems and services facilitated by third party IT providers

### Why we process your personal data

Generally, we process your personal data in order to facilitate, administer, support and manage your time as a student with Ballet West, this includes but is not limited to

- Administrative purposes, including the administration of fees, management of funding, facilities administration, timetabling purposes, provision of services
- Provision of pastoral care/duty of care responsibilities including health and safety and safeguarding requirements and related legal obligations
- Academic purposes, providing you with learning and teaching and support services, both academic and supervisory’ and other optional services e.g. careers support, in order to carry out required examination and assessment of knowledge, record academic progression and confer awards

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- Security, safety and prevention and detection of crime
- Legal and statutory reporting
- Archiving and research purposes
- Promotion of Ballet West (only with your consent)
- Law enforcement agencies or other bodies with regulatory powers
- Relevant regulatory and investigatory bodies such as the Scottish Public Services Ombudsman, Office of the Scottish Information Commissioner and Information Commissioner's Office, Office of the Independent Adjudicator for Higher Education
- Work placement sites, for example, those students involved in student exchange provision or with other educational partners
- Potential employers or providers of education who have been approached by students, for reference provision purposes
- In emergency situations, Ballet West may provide emergency contact details and other appropriate information to those relevant employees or authorities dealing with the emergency
- Home institutions will receive an academic transcript for each international student attending Ballet West where students have agreed to this
- Electoral registration officers
- Student and Leavers surveys

### **Image Capture including video/filming**

#### **For purposes of Promotion/Marketing and Sales**

Images and video recordings constitute personal data. Ballet West will process the data under the legal basis of Consent. REF: GDPR Regulations, Article 6(1)

Ballet West may collect images and video of students during:

- Public performances including national Tour and Showcase
- Formal photo or video shoots including Graduation Ceremonies and formal Events
- External events where you represent Ballet West
- Informal Photography whilst in class or within the school

They might be used in the following circumstances

- Display around Ballet West premises
- Commercial DVD sales
- Promotion of performances through Ballet West website, prospectus, adverts, posters, social media, video clips, press releases
- Promotion of Ballet West through Ballet West website, prospectus, adverts, posters, social media, video clips, press releases.

Consent will be sought during the application process and at the start of each subsequent academic year. You have the right to object to the processing your image i.e. being taken or used for the reasons listed above. If you would like to exercise this right, please contact the Data Controller, at [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

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## **For Purposes of the Performance of your contract with Ballet West (For use as Assessment Evidence)**

Ballet West will process the following personal data under the legal basis of Contract which you enter into on commencement of your course. REF: GDPR Regulations, Article 6(1)

Ballet West may collect images and video of students during:

- Classwork
- Rehearsals
- Private assessment performances
- Submitted by students as part of assessment (e.g. portfolios, websites)

### **5. DIRECT MARKETING – INCLUDING PROMOTION OF OTHER SERVICES OFFERED BY BALLET WEST**

Ballet West may use your personal data<sup>1</sup> which you have previously provided on an initial course application form and subsequent correspondence to update said data, for contact via email for the purposes of the promotion of other services, courses and merchandise offered by Ballet West. We will only contact you if we have received your prior written permission and you have the option to opt-out at any time by contacting the Data Controller at [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

Ballet West may also use your personal school email address<sup>2</sup> for the purposes of the promotion of the other services, courses and merchandise offered by Ballet West. The processing of said personal data for the purposes stated will be on the basis of legitimate interest but you can opt-out at any time by contacting the Data Controller at [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

### **6. AUTOMATED INDIVIDUAL DECISION MAKING, INCLUDING PROFILING**

This is where we may make decisions automatically about you without human intervention. Ballet West will rarely do this, but where it does it will be detailed in supplementary privacy notices.

### **7. INFORMATION SOURCES**

Ballet West will obtain your personal data directly from you through your application and the registration process, during your time with Ballet West and from third parties such as funding bodies (e.g. the Student Awards Agency for Scotland (SAAS) or similar), sponsors, partner institutions and Government departments.

### **8. TRANSFERRING PERSONAL DATA OUTSIDE THE EUROPEAN ECONOMIC AREA (EEA)**

There may be instances where to achieve the purposes for which we are processing your personal data we may need to share your personal data with other organisations based outside the EEA, for instance if you are part of a joint / collaborative programme with an international partner or if you apply via an international agent. When it is necessary to share your data with organisations outside of the EEA, we will ensure that there are appropriate safeguards in place.

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<sup>1</sup> This includes Parents/Guardians contact details including email addresses

<sup>2</sup> All students are issued with individual school email accounts during their time at Ballet West (FIRSTNAME.SURNAME@balletwest.ac.uk)

## 9. KEEPING YOUR PERSONAL DATA SAFE

Ballet West has a series of technical and organisational measures in place to ensure that your personal data is protected and safeguarded. Please see the Ballet West General Data Protection Regulations (GDPR) Policy which can be found at [General Data Protection Regulations](https://balletwest.ac.uk/General-Data-Protection-Regulations) at <https://balletwest.ac.uk/>

## 10. GRADUATION CEREMONIES OR EVENTS

Ballet West may publish audio and visual images of ceremonies or events, including names of participants and qualifications gained. This can include the names of those graduating in absentia. Information may also be provided to newspapers for promotion purposes. You can opt out of this at any point.

## 11. ALUMNI

Ballet West processes and stores personal information relating to alumni and students. Alumni include graduates, former students receiving non-graduating qualifications and former exchange students. You can amend your details, update your communication preferences or opt out at any point. If you are an alumnus and exercise your right to be removed from our database, we will maintain some core data (name, qualification information, date of birth) for archive purposes and to ensure we do not contact you inadvertently in future. If you are a donor, we may also need to retain some financial records for the period of time required for statutory purposes (for example Gift Aid, anti-fraud and accounting matters).

## 12. RETENTION

Your personal data will only be held by Ballet West for as long as is necessary for the purposes described in this notice. After completion of studies (or cessation of studies), please note that Ballet West will be required to retain some data to meet requirements to keep records for particular periods in accordance with applicable law. Minimal data will also be retained permanently in order to ensure a record of your educational achievements and qualifications is retained.

## 13. YOUR RIGHTS\*

Under data protection legislation and as a student of Ballet West, you have a number of rights including the right to:

- Withdraw consent, at any time, where that is the legal basis of our processing
- Access your personal data and obtain a copy, free of charge
- Rectify inaccuracies in personal data that we hold about you
- Erasure, that is, have your details removed from systems that we use to process your personal data
- Restrict the processing in certain ways
- Obtain a portable copy of data you have given to us in a commonly used electronic form and
- Object to certain processing of your personal data by us.

\* Please note that the ability to exercise these rights will vary and depend on the legal basis on which the processing is being carried out.

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## 14. YOUR RIGHTS UNDER GDPR

### I. Right of access

Individuals have a right to request a copy of any personal data that Ballet West holds on them, and to request details regarding that data's use, retention and any relevant sharing of the data.

The right of access is generally applicable, with exemptions in specific, limited circumstances.

### II. Right to rectification

If personal data is inaccurate, out of date, or incomplete, individuals have the right to correction, update or completion of that data.

This right does not apply if the use or storage of the data is necessary for:

- Compliance with a legal obligation, or for performance of a task carried out in the public interest or in the exercise of official authority.
- Public health reasons
- For archiving in the public interest, scientific or historical research purposes or statistical purposes and erasure would seriously impair these objectives.
- For the establishment, exercise or defence of legal claims or exercising the right of freedom of expression and information.

### III. Right to erasure

Individuals can request that their personal data is erased or destroyed. Also known as the "right to be forgotten".

This right is applicable if:

- The data are no longer needed for the purposes for which they were collected.
- Consent was given to obtain the data and consent has been withdrawn.
- The data subject objects to the processing and Ballet West has no overriding legitimate grounds to keep the data
- The data has been unlawfully processed, e.g. Ballet West cannot meet an appropriate processing condition for using/holding it.
- The data must be erased to ensure compliance with a legal obligation.

This right does not apply if the use or storage of the data is necessary for:

- Compliance with a legal obligation, or for performance of a task carried out in the public interest or in the exercise of official authority.
- Public health reasons.
- For archiving in the public interest, scientific or historical research purposes or statistical purposes and erasure would seriously impair these objectives.
- For the establishment, exercise or defence of legal claims.
- Exercising the right of freedom of expression and information

#### **IV. Right to restriction**

Individuals can request that the use or storage of their data is restricted in a manner of the individuals' choosing.

This right is applicable if:

- The accuracy of personal data is contested by the data subject.
- The use or storage of the data is unlawful, and the data subject opposes erasure.
- Ballet West no longer needs the data, but the individual needs the data for the establishment, exercise or defence of legal claims.
- The individual has objected to the processing and verification of the legitimate grounds of Ballet West to override the objection is pending.

#### **V. Right to data portability**

Individuals have the right to both receive their personal data in a structured, commonly used and machine-readable format and to transmit those data to another organisation.

This right is applicable if:

- The data subject has provided the personal data to the controller.
- The use or storage of the data is based on consent or on a contract.
- The use of the data is carried out by automated means.

#### **VI. Right to object**

Individuals have the right to object at any time to the use or storage of their personal data.

This right is applicable if:

- The use or storage of the data is based on public interest tasks or legitimate interests.
- The data are being used or stored for direct marketing purposes

This right does not apply if Ballet West has compelling legitimate grounds for the use or storage of the data which either override the interests, rights and freedoms of the individual, or are necessary for the establishment, exercise or defence of legal claims.

#### **VII. Automated individual decision-making, including profiling**

Individuals have the right not to be subject to automated processing, including profiling.

This right is applicable if:

The automated processing results in a decision with a legal or similarly significant effect on the individual

This right does not apply if the decisions resulting from the automated processing:

- Are necessary for entering into or the performance of a contract between the individual and Ballet West.
- Are authorised by UK or EU law.
- Are based on the individual's explicit consent.



If you wish to exercise any of these rights, please contact the Data Controller at [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

## 15. COMPLAINTS

If you wish to raise a complaint on how we have handled your personal data, you can contact the Ballet West Data Controller who will investigate the matter and is contactable by email [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO) <https://ico.org.uk/>

### For further information

If you are unsure about anything within the Privacy Notice, then please contact the Data Controller at [dataprotection@balletwest.ac.uk](mailto:dataprotection@balletwest.ac.uk)

For further information on data protection, please see the [Information Commissioner's Office website](#)

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<sup>1</sup> *Personal data is defined as any information relating to an identified or identifiable individual, who can identify, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.*

<sup>2</sup> *Processing of special category data is defined as the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data for the purpose of uniquely identifying an individual, data relating to an individual's sex life or sexual orientation.*