



DATA PROTECTION POLICY

DRAF (David Roberts Art Foundation) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data, your privacy rights and how the law protects you.

Please use the Glossary to understand the meaning of some of the terms used in this privacy notice.

1. INTRODUCTION

Purpose of this privacy notice

This privacy notice aims to give you information on how DRAF collects and processes your personal data, including any data you may provide through our website when you sign up to our newsletter.

Our website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this data protection policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

Controller

DRAF (David Roberts Art Foundation) is the controller and responsible for your personal data (collectively referred to as "**DRAF**", "we", "us" or "our" in this privacy notice). If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

Contact details

Full name of legal entity: The David Roberts Art Foundation Limited (registered charity in England and Wales No. 1119738)

Name or title of data privacy manager: Fatos Ustek, Director and Chief Curator

Postal address: 115 Mare Street, E8 4RU London

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share

data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, last name, organisation, job title
- **Contact Data** includes email address and telephone numbers, where appropriate.
- **Financial Data** includes bank account and payment card details, of artists and service suppliers we work with.
- **Transaction Data** includes details about payments to and from you and other details of services provided or purchased.
- **Technical Data**
- **Profile Data**
- **Usage Data** includes information about how you use our website, and services.
- **Marketing and Communications Data** includes statistics about the number of visitors to events and exhibitions, as well as the online interactions including website visits, viewing videos and social media interactions. No identity data is included in this set, thus individuals cannot be identified

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

Direct interactions. You may give us your Identity or Contact Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- apply for job opportunities or services;
- subscribe to our newsletters;
- give us some feedback.

Third parties or publicly available sources. We may receive personal data about you from various third parties as set out below:

- Technical Data from analytics providers such as Google based outside the EU.
- Identity and Contact Data from publicly available sources.

4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we rely on consent as a legal basis for processing your personal data via direct communications to you via email. You have the right to withdraw consent to receiving newsletters at any time by contacting us. Information we collect about you will be deleted within 30 days of receiving your unsubscription notice.

5. PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal basis we are relying on to process your personal data where more than one basis has been set out in the table below.

DRAF is a public authority processing data to perform official tasks. Our principles are:

- to ensure lawful, fair and transparent operation of the Foundation
- to collect data only for specified, explicit and legitimate purposes in the public interest
- to use data in actions that are adequate, relevant and limited to what is necessary
- to store data for longer periods for archiving purposes in the public interest
- to erase and rectify records of data that do not comply with this policy without delay

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p>To manage our relationship with you which will include:</p> <p>(a) Informing you about our programme and upcoming activities</p> <p>(b) Notifying you about changes to our terms or privacy policy</p> <p>(c) Asking you to leave a review or take a survey</p>	<p>(a) Identity</p> <p>(b) Contact</p>	<p>(a) Performance of a consent by you</p> <p>(b) Identification of your legitimate interest in our activities, through professional relationship (eg you are an artist, art professional, critic)</p> <p>(c) Necessary for our legitimate interests (to keep our records updated and to study how visitors use our services)</p>
<p>To administer and protect our foundation and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content to you and measure or understand the effectiveness of the services</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Usage</p> <p>(e) Marketing & Communications</p> <p>(f) Technical</p>	<p>Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our network and to inform our communications strategy)</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical</p> <p>(b) Usage</p>	<p>Necessary for our legitimate interests (to define types of visitors for our services, to keep our website updated and relevant, to develop our foundation and to inform our communications strategy)</p>
<p>To keep records of any donations made to us</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Financial</p> <p>(d) Transaction</p> <p>(e) Communication</p>	<p>Necessary for our legitimate interests (to develop our foundation and keep proper accounts)</p>

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive further explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis that allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in [4] above.

- External Third Parties as set out below.
- Specific third parties such as our supporters Art Council England. We will only share your data with Arts Council England where you have given your consent.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

External Third Parties

- Our collaboration partners
- Service providers acting as processors based in the United Kingdom who provide database, booking, IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

7. INTERNATIONAL TRANSFERS

We do not transfer your personal data outside the European Economic Area (EEA).

8. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Our database is hosted by Artlogic, for further information about their practices and how they safeguard clients' data see <https://artlogic.net/privacy/>

9. DATA RETENTION

How long will you use my personal data for?

By law we have to keep basic information about our users (including Contact, Identity, and where appropriate Financial and Transaction Data) for six years.

In some circumstances you can ask us to delete your data: see *Request erasure* below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

You have the right to:

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded,

repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

GLOSSARY

Consent means offering individuals real choice and control. Genuine consent places individuals in charge, builds trust and engagement. Consent requires a positive opt-in. We keep a record of how we got consent from the individual.

Legitimate Interest means the interest of our foundation in conducting and managing our services to enable us to give you the best service and the best and most secure experience. Identification of your legitimate interest in our activities, is through a professional relationship (eg you are an artist, art professional, critic...). We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation to which we are subject.

Note: this Policy is pending approval by legal advisors.