



PRIVACY POLICY

We, the David Roberts Art Foundation, respect your privacy and are committed to protecting your personal data. This policy describes how we look after your personal data, your privacy rights and how the law protects you.

Please refer to the glossary at section 11 below, which explains some of the terms used in this policy.

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1. INTRODUCTION

Purpose of this policy

This policy explains how we, the David Roberts Art Foundation (“**DRAF**”, “**we**”, “**us**” or “**our**”), collect and process your personal information, whether we have collected it online or offline.

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

It is important that you read this 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 policy supplements our other notices and is not intended to override them.

Controller

We are the controller and responsible for your personal data. If you have any questions about this policy, including any requests to exercise your legal rights, please contact our data privacy manager using the details set out below.

Contact details

- Full name of legal entity: The David Roberts Art Foundation Limited (a registered charity in England and Wales, with charity number 1119738)

- Name and title of our data privacy manager: Fatos Ustek, Director and Chief Curator
- Email address: info@davidrobertsartfoundation.com
- Postal address: Data Privacy Manager, David Roberts Art Foundation, 115 Mare Street, London E8 4RU

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 details change 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 those third-party websites, and we accept no liability for the privacy practices or content of such sites. When you leave our website, we encourage you to read the privacy policy of every website you visit.

2. THE DATA WE COLLECT ABOUT YOU

In this policy, “**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 person’s identity has been removed (i.e. 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, title, organisation and job title;
- “**contact data**” includes email address, telephone number(s) and online presence details (e.g. website or social media pages);
- “**financial data**” includes bank account and payment card details of artists, collaborators and/or suppliers we work with;
- “**transaction data**” includes details of payments we make to artists, collaborators and/or suppliers and donations received from our donors and/or supporters, as well as other details of services and/or goods provided by artists, collaborators and/or suppliers;
- “**technical data**” includes your internet protocol (IP) address, browser type and version, time-zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices that you use to access our website;
- “**usage data**” includes information about how you use our website and services; and
- “**marketing and communications data**” includes your preferences about receiving communications from us.

We also collect, use and share aggregated data such as statistical or demographic data (“**aggregated data**”) for any purpose. Aggregated data may be derived from your personal data, but are not considered personal data in law as those data neither directly nor indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific website feature. If, however, we combine or connect aggregated data with your personal data so that you can be directly or

indirectly identified, we treat the combined data as personal data, which will be used in accordance with this policy.

We do not collect any **special categories** of personal data about you (this would include 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 that 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 WE COLLECT YOUR PERSONAL DATA

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

Direct interactions. You may give us your identity, contact, financial, transaction and/or marketing and communications data by filling in forms, or by corresponding with us by post, phone, email, in person or otherwise. This includes personal data that you provide when you:

- apply for job opportunities;
- subscribe to our newsletters or other publications (via our website, in person at one of our events or otherwise);
- send an email (plus any attachments) to any of our contact email addresses, such as when you send us queries or expressions of interest by email;
- phone us, or meet us in person;
- send us any correspondence by post;
- attend one of our events (where you may speak to us directly and/or appear in any photographs or videos taken at the event); and/or
- 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 and usage data from analytics providers such as Google based inside and/or outside the EU;
- technical data from social networks such as Facebook and Instagram based inside and/or outside the EU;
- technical data from search information providers such as Google based inside and/or outside the EU;
- identity and contact data from publicly available sources;
- identity, contact, financial, transaction and/or marketing and communications data from our artists, collaborators and/or suppliers that we may work with (e.g. for the purposes of organising events or inviting you as a guest); and/or
- identity, contact and/or marketing and communications data from artists, collaborators and/or suppliers for the inclusion on any guest lists for events.

Automated technologies or interactions: As you interact with our website, we (or our analytics providers) may automatically collect technical data about your equipment, browsing actions and patterns. Such personal data may be collected by using cookies

and/or similar technologies. Please see our [cookies policy](#) in the next section for further details.

4. COOKIES POLICY

This section explains how we use web analytics to help us monitor how our website is being used so that we can improve its functionality and accessibility to users.

Please note that we do not currently use our own cookies on the site. If we use cookies in the future, we will update this policy accordingly.

About cookies

Cookies are widely used to allow websites to function efficiently. A cookie is a small file of letters and numbers that (depending on your browser settings) is deposited on your browser or the hard drive of your computer, mobile phone or other smart device (each, a “**device**”) when you visit an online or mobile site, if you agree. Cookies contain information that is transferred to your device's hard drive. The cookie may be sent back to that site when you visit again, and may then be used by the server to identify and track your use of the site.

We do not currently use first-party cookies on the site.

Third-party cookies and web analytics

Our own policy does not cover any third-party online or mobile sites that are linked to the site. If you click through to those sites, they may set cookies on your device. To understand which cookies are used by those third parties and how they use your data, please read their privacy and cookies policies. We accept no responsibility or liability for those third-party sites.

The site uses Google Analytics, a web analytics service provided by Google, Inc. (“**Google**”). Google Analytics measures how users interact with our site content through the use of tracking cookies. As a user navigates between web pages, Google Analytics provides our site with tags to record information about the page a user has seen, such as the page URL, time and date of visit, length of visit, country of residence and language settings.

The information generated by Google's cookies about your use of the site (including your IP address) is anonymous and will be sent to Google and held on Google's servers in the USA in accordance with Google's privacy policy (available at <http://www.google.co.uk/intl/en/privacy/>). Please note that Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google.

You can find out more information on how Google uses cookies at: <http://www.google.com/intl/en/policies/technologies/cookies/>.

5. HOW WE USE YOUR PERSONAL DATA

Generally

We will only use your personal data when the law allows us to do so. 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.

We do not generally rely on consent as a legal basis for processing your personal information other than, if you agree to receive such communications, in relation to the sending of direct marketing communications to you via email, text message or post. You have the right to withdraw consent to such marketing at any time by contacting us.

Purposes of processing

We have set out below, in a table format, a description of all the ways we may 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.

Please 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 would like 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.

Purpose	Lawful basis for processing (including basis of legitimate interest)
<p>To manage our relationship with you, including:</p> <p>(a) informing you about our programme, upcoming events (including invitations to those), other activities and job opportunities;</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; and/or</p> <p>(d) delivering relevant website content (including by publishing names and other details for our artists, collaborators and/or suppliers as relevant to the foundation or our activities, publishing event and programme reviews and photo/video galleries from our events and other activities on the website), newsletters and event invitations and to measure or understand the effectiveness of any such communications we serve</p>	<p>(a) Performance of a contract with you (where relevant)</p> <p>(b) Consent (where given, e.g. to receive an invitation to one of our events or to receive other communications, such as our newsletter)</p> <p>(c) Necessary for our legitimate interests (to keep our records updated, to promote our events, to study how visitors attend our events, to expand our network and to inform our communications strategy)</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) Necessary for our legitimate interests (for running our foundation, 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 use data analytics to improve our website, services, events and other activities, marketing, customer relationships and experiences</p>	<p>Necessary for our legitimate interests (to keep our website updated and relevant, to refine our services, events and other activities, to develop our foundation and to inform our communications strategy)</p>

<p>To process and keep records of:</p> <p>(a) any donations made to us; and/or</p> <p>(b) any payments made to or from artists, collaborators and/or suppliers</p>	<p>Necessary for our legitimate interests (to develop our foundation and to keep proper accounts)</p>
<p>To keep records of any job applications we receive</p>	<p>Necessary for our legitimate interests (to undertake the recruitment process)</p>

Marketing

We strive to provide you with choices regarding certain uses of personal information, particularly around communications, where relevant. Please contact us if you would like to update your marketing preferences.

Information from us about our events

We may use your identity, contact, technical, usage, and marketing and communications data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which events or other activities it may be relevant for us to contact you about (which we refer to as “**marketing**”).

You may receive marketing communications from us if you have (directly or indirectly) provided us with your details and asked us (or asked any of our artists, collaborators and/or suppliers) to receive such communications from us and, in each case, you have not opted out of receiving those communications.

Third-party marketing

We will not share your personal information with any third party for marketing purposes, unless you have given us or such third party your prior consent for us to do so.

Opting out

If, at any time, you would like us to stop using your personal information or to correct any factual inaccuracies, you can contact us by email or post. Please state "Opt out" in the subject line, and include your full name and email address in the message.

To opt out of email marketing communications, please use the unsubscribe link within the relevant email and follow the unsubscribe instructions.

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 would like to receive a further explanation about 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 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 share your personal data with the external parties set out below (“**external third parties**”) for the purposes set out in the table in section 5 above:

- Our collaboration partners that we may work with for the purposes of putting on events or running our other activities.
- Our funders, including, where relevant, the Arts Council England.
- Service providers acting as processors based in the UK who provide database, booking, IT and system administration services.
- Professional advisers acting as processors or controllers, including lawyers, bankers, auditors and insurers based in the UK who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or controllers based in the UK who require reporting of processing activities in certain circumstances.

All such third parties have their own legal obligations 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.

Please also be aware that our website is available to users across the world, and that any user of website can access personal information about you to the extent made available on our website.

7. INTERNATIONAL TRANSFERS

Data transfers

We do not typically transfer the types of personal information that we obtain to locations outside the European Economic Area (“**EEA**”). To the extent that we do so (e.g. where we engage a data processor that is based outside the EEA), we will strive to ensure that a similar degree of protection is afforded to such information by ensuring that at least one of the following safeguards is implemented:

- transferring your personal information to a country, organisation or sector that has, at the time of transfer, been deemed to provide an adequate level of protection for personal information by the European Commission;
- using specific forms of contract approved by the European Commission that give personal information the same protection it has within Europe; and/or
- transferring information to a provider based in the US if such provider is part of the Privacy Shield, which requires it to provide similar protection to personal information shared between Europe and the US.

For further details of such safeguards, please see the European Commission’s website.

Please **contact us** if you would like further information on any specific mechanism used by us when transferring your personal information outside the EEA.

Accessibility of our website and communications

Please note that our website is available to users across the world, and so personal information about you to the extent made available on our website may be accessible outside the EEA when our website is used by persons outside the EEA.

When you provide your personal information to us to be used on our website and/or in our communications (for example, if you are an artist, collaborator or supplier and your work and/or role features at one of our upcoming events), then you do so on the understanding that territories outside the EEA in which recipients reside may provide a lower standard of protection for your personal information and so there may not be adequate safeguards in place to protect your information.

To the extent that, in those circumstances, your personal information on our website and/or in our communications is accessed outside the EEA, that is done with your explicit

permission, which you give to us by providing that information for use on our website and/or in our communications. You may withdraw that permission at any time by [contacting us](#).

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 currently hosted by Artlogic. For further information on their privacy practices and how they safeguard clients' data, please see <https://artlogic.net/privacy/>.

9. DATA RETENTION

We will only otherwise retain your personal information for as long as necessary to fulfil the purposes for which we collected such information (or for any compatible purpose), including for the purposes of satisfying any legal, accounting or reporting requirements.

In some circumstances you can ask us to delete your data: please see *Request erasure* in [section 10](#) 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 the following rights under data protection laws in relation to your personal information:

Under certain circumstances, you have the following rights under data protection laws in relation to your personal information:

- right of access to your personal information;
- right to rectification of your personal information;
- right to erasure of your personal information;
- right to restriction of processing of your personal information;
- right to portability of your personal information;
- right to object to processing of your personal information;
- right not to be subject to automated decision-making (including profiling); and
- right to withdraw consent to processing of your personal information.

To find out more about these rights, please visit the ICO's website (www.ico.org.uk).

If you wish to exercise any of those rights, 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). We may, however, charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in those circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and to ensure your right to access your personal data (or to exercise any of your other rights). That is a security measure to ensure that personal data are not disclosed to any person that has no right to receive such data. 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 that case, we will notify you and keep you updated.

11. GLOSSARY

Lawful basis

- Our **“legitimate interest”** means the interest of our foundation in conducting and managing our events and other activities to enable us to give you the best service/content and the best and most secure experience. We make sure that 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 do so 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 with you”** 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.
- **“Necessary to comply with a legal obligation”** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation to which we are subject.

Legal rights

In certain circumstances, you have the following legal rights in relation to your personal data:

- **“Right of access”** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data that we hold about you and to check that we are lawfully processing such data.
- **“Right to rectification”** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, although we may need to verify the accuracy of the new data that you provide to us.
- **“Right to erasure”** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for our continuing to process such data. 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. Please 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.
- **Right to restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you would like us to establish the accuracy of such data; (b) where our use of the data is unlawful, but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or

defend legal claims; or (d) you have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.

- **“Right to portability”** of your personal data to you or to a third party. If you so request, we shall provide you, or a third party that you have chosen, with a copy of your personal data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information that you initially provided consent for us to use or where we used the information to perform a contract with you.
- **“Right to object”** to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground as you believe that it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information that override your rights and freedoms.
- **“Right not to be subject to automated decision-making”** (including profiling) where that would have a significant effect on you. We do not in fact engage in such activities, so this right will not, in practice, be relevant in the context of your use of our website.
- **“Right to withdraw consent”** at any time where we are relying on consent to process your personal data. This will not, however, 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 products, content or services to you. We shall inform you if that is the case at the time when you withdraw your consent.

12. CHANGES TO THIS POLICY

We may update or otherwise modify this policy at any time. We will notify you of any changes to our policy by posting the modified policy on our website.

This version was last modified on the date noted below, and historic versions can be obtained by [contacting us](#).

Last updated: August 2018