

## Privacy Notice - Artsmark photography

### 1. Introduction

Arts Council England want to take photographs and gather information about participation in the Artsmark programme so others can find out about the activities which go on and the benefits they bring.

To do that, Arts Council England may organise visits by a photographer to schools and settings ("Organisations") participating in the Artsmark Award to take photographs of pupils taking part in creative activities.

This privacy notice aims to give you information on how and why Arts Council of England will collect and process personal data collected in connection with these photography sessions. It is important that you read this privacy notice, so that you are fully aware of how and why we are using your and/ or your child's personal data.

### 2. Important information and who we are

Arts Council England (referred to as "we", "us" or "our" in this privacy notice) is the data controller responsible for you/ your child's personal data.

We collect and process your personal data in accordance with applicable law. This includes, without limitation, the EU General Data Protection Regulation (2016/679) and the UK Data Protection Act 2018 together with other applicable UK and EU laws that regulate the collection, processing and privacy of your personal data.

We have appointed a data protection officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

DPO Contact details:

**Address:** Information Team, Arts Council England, The Hive, 49 Lever St, Manchester M1 1FN

**Phone:** 0161 934 4317

**Email address:** [Information@artscouncil.org.uk](mailto:Information@artscouncil.org.uk)

We hope that our DPO can resolve any query or concern you may raise about our use of your data or your child's data, so please contact us in the first instance.

You also 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](http://www.ico.org.uk)).

### 3. Personal data we collect

We may collect and use the following personal data in connection with photography sessions in Artsmark Organisations: first and last name, signature, photographs, information on a child's participation in creative activities and information on the Organisation a child attends.

This information will be collected from you directly or may be provided by the Organisation.

### 4. How and why we will use personal data

Under data protection law, we can only use personal data if we have a proper reason for doing so. We will use personal data about you and/or your child:

- On the basis of your consent; or
- Where we need to comply with a legal or regulatory obligation.

We may use personal data to:

- Create materials, for example, reports, leaflets, advertisement and website content to publicise the Artsmark programme;
- Share the photographs with our delivery partner, Goldsmiths, University of London for them to publicise their role in delivering Artsmark training (see section 5 below);
- We may also share the photographs with cultural or educational organisations involved in the photo shoot, namely **Arts Council England Funded Organisations** (see section 5 below);
- Copy and store photographs for future use and to keep a record of our activities;
- Record and store copies of consent forms as required by data protection law.

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 we need to use you/ your child's personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

#### 5. Who we share personal data with

We may share your personal data with Goldsmiths, University of London, where they advocate and deliver Artsmark training. For more information on Goldsmiths, [click here](#).

We may also share your personal data with Arts Council England funded organisations [such as [insert name of relevant organisation]], who are involved in the photography or filming project, and also offer arts and cultural opportunities for schools and organisations participating in the Artsmark Award.

Goldsmiths and relevant Arts Council England funded organisations will act as data controllers external to us and will handle personal data in accordance with their own chosen procedures. We will however aim to ensure personal data is only used by them for lawful purposes and in compliance with data protection law.

Other than as described above, we will treat personal data as private and will not disclose your personal data to third parties without you knowing about it. The exceptions are:

- in relation to legal proceedings or where we are legally required to do so and cannot tell you;
- where we use third parties data processors who are engaged under contract to handle data on our behalf (for example, a database hosting provider). In relation to these data processors, we will make sure that they act only in accordance with our instructions and that adequate safeguards are put in place by them to protect the personal data.

#### 6. International transfers

We may transfer personal data to hosting providers in the United States of America which is a territory outside the European Union whose laws are currently not considered to meet the same legal standards of protection for personal data as set out under data protection law.

However, in order to safeguard your personal data, we only conduct such a transfer under a contract or another appropriate mechanism which is authorised under Data Protection Law. This is to make sure that your Personal Data is safeguarded in accordance with the same legal standards that apply to us in the United Kingdom.

## 7. Data security

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

## 8. Data retention

We will only retain personal data collected for the purposes set out in this privacy notice for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## 9. Your legal rights

You have, in connection with your personal data, under certain circumstances, the right to:

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

- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.
- Withdraw consent at any time in relation to our use of personal data as set out in this privacy notice, in relation to which 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 wish to exercise any of the rights set out above, please contact our DPO, using the contact details set out above.

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.

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.