

# Data Protection & GDPR

For Artists, Creatives and Small Businesses



# Welcome

- Introductions
- Recording & live transcript
- Presentation
- Q&A
- Download documents from our website & complete survey [pretty please!!]



# What are we going to look at?



Data Protection Act 2018 &  
GDPR 2018



Practical tools and tips



# What is data protection?



# Data Protection Act 2018

- Data protection is about ensuring people can trust you to use their data **fairly and responsibly**.



# GDPR 2018

- The General Data Protection Regulation (GDPR) aims primarily to **give control to individuals over their personal data** and to simplify the regulatory environment for international business by unifying the regulation within the EU.

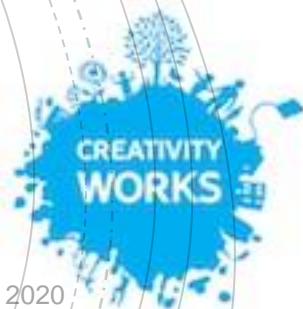


# The key principles of the Data Protection Act and GDPR are:

- Fair, lawful, and transparent processing.
- Purpose limitation.
- Data minimisation.
- Accuracy.
- Data retention periods.
- Data security.
- Accountability.



# Why do we have this legislation?





# The Data Protection Act 2018 aims to:

- This legislation doesn't just protect your data, it aims to protect the **fundamental rights and freedoms of the person** related to that data.
- By keeping a person's data safe **we keep that person safe** from theft, manipulation, abuse and other potential harm.
- This ensures fair and consumer friendly provision of services and commerce – people have **greater control over the information** they receive as well as the information they provide.



# Key Terminology



**Controller** – a person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Only controllers need to pay the data protection fee.



**Processor** – a person, public authority, agency or other body which processes personal data on behalf of the controller.



**Data protection officer** – Under the GDPR, some organisations need to appoint a data protection officer who is responsible for informing them of and advising them about their data protection obligations and monitoring their compliance with them. This is usually only large organisations and / or those which systematically process data. Not small businesses or those with very basic.



# Key Terminology



**Data subject** – the identified or identifiable living individual to whom personal data relates.



**Personal data** – personal data means information which identifies a particular living individual. This might be anyone, including a customer, client, employee, partner, member, supporter, business contact, public official or member of the public.



**Processing** – in relation to personal data, means any operation or set of operations which is performed on personal data or on sets of personal data (we will look at this in more detail shortly).



# Key Terminology



**Explicit Consent** - All consent must involve a specific, informed and unambiguous indication of the individual's wishes. The key difference is likely to be that 'explicit' consent must be affirmed in a clear statement & generally requires an action by the Data Subject (whether oral or written).



# What is personal data?

- In short, personal data means any information which identifies a particular living individual.
- This might be anyone, including a customer, client, employee, partner, member, supporter, business contact, public official or member of the public.



# Some examples of processing data!



Emailing, texting or calling potential customers using computers, tablets or a smartphone (this includes organisations and individuals).



Setting up and being involved in messaging groups with workshop participants



Issuing a newsletter



Selling products, artwork or services which includes processing orders, deliveries and payments



Collecting paper feedback questionnaires which include personal data



# Which one of these offers 'Explicit consent'

A:

Skin type and details of any skin conditions (optional):

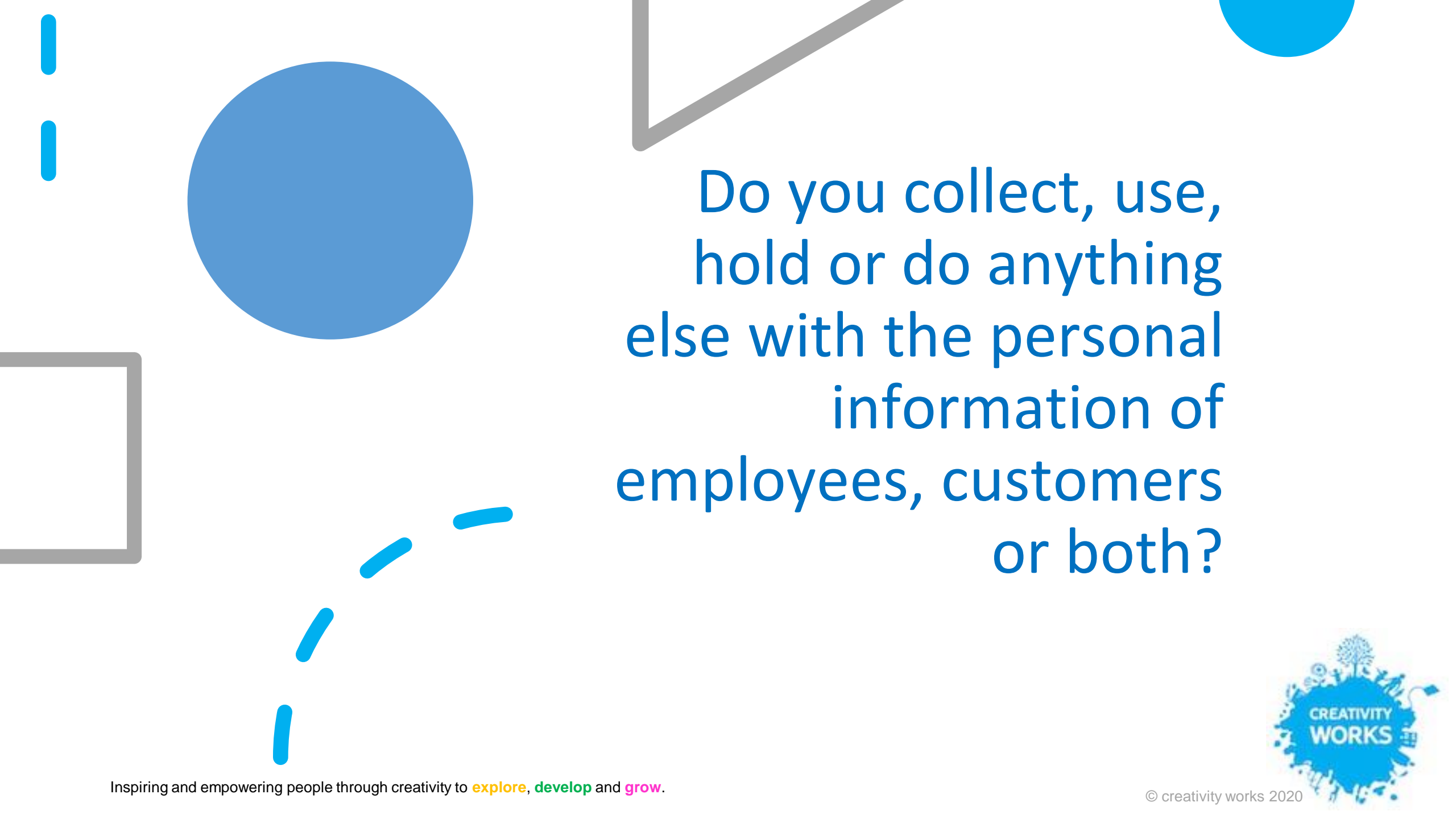
We will use this information to recommend appropriate beauty products.

B:

Skin type and details of any skin conditions (optional):

I consent to you using this information to recommend appropriate beauty products ☐





Do you collect, use,  
hold or do anything  
else with the personal  
information of  
employees, customers  
or both?





# Yes? Then you need to comply with data protection legislation!

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# How to check and register with the ICO

The Data Protection Act 2018 requires the data user or holder to register with the Information Commissioner.

- You can use this link to check if you need to register and pay: <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>
- Use this link to access the fee you would need to pay: <https://ico.org.uk/for-organisations/how-much-will-i-need-to-pay/> (most likely to be £40 p/a reduced to £35 if you pay by direct debit)

**TIP! You do not need to register if you only process information on behalf of another organisation**



# Are there exemptions?

Staff administration

Advertising, marketing and public relations

Accounts and records

Not -for -profit purposes

Personal, family or household affairs

Maintaining a public register

Judicial functions

Processing personal information without an automated system such as a computer.

Since 1 April 2019, members of the House of Lords, elected representatives and prospective representatives are also exempt.

You don't need to pay a fee if you are processing personal data **only** for one (or more) of the following purposes.....

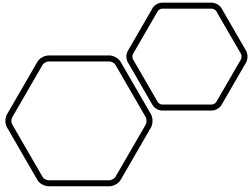
Complete the self assessment at the following link to see if you need to pay a fee:

<https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>



# Key questions to ask yourself





Would the person expect me to use their information in this way? (Legitimate interest) – Purpose Limitation / Explicit Consent.



Have they given me their clear and unambiguous consent to use their personal information (Consent?) – Fair, lawful and transparent processing.



Is the person's health or safety at risk if they don't use their personal data (Vital Interests)? – Safeguarding.



# Practical Tools and Tips

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# What should I do now?

1. Check how secure your IT equipment / devices are (including USB sticks).
2. Check how securely your paper documentation is kept (notebooks etc).
3. Back-up your data (if you don't have his done already).
4. Ensure you have consent to store and use data.
5. Ensure you have a Privacy Policy



# Data / Cyber Security

- Lock it away when not in use. Keep anything with personal data on it locked away in a cabinet or drawer when you're not using it.
- Keep software up to date. Don't be an easy target for hackers.
- Communicate securely. If you need to share data with others then choose a secure messaging app or online document sharing system.





# Data / Cyber Security

- Be extra vigilant about opening web links and attachments in emails or other messages.
- Back-up your information. Online storage is an easy way to keep a remote copy of your data should you need it.
- Use strong passwords. The NCSC recommends using three random words together as a password (eg. 'coffeetrainfish' or 'walltinshirt'). Make sure you use different passwords for different services too.



# Back-up options

- Cloud Storage e.g. Dropbox
- USB Stick (Encrypted)
- External Hardrive (Password protected and securely stored)



# Obtaining consent

## Consent Form [to contact Adults]

We would like to keep in touch with you about **upcoming courses and other projects**. If you would like to hear from **me/us** please complete some or **all** of your details below:

Your name: \_\_\_\_\_

Your email address: \_\_\_\_\_

Your phone number(s): \_\_\_\_\_

Your address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- I would like to receive a regular **Newsletter** from [insert name]. ☐
- I am happy to receive **promotional material** from [insert name] ☐
- I am happy for my **attendance at workshops / events to be recorded** ☐
- I am happy to be **contacted by [insert name] about future [courses / products / opportunities]** ☐

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please refer to our Privacy Policy for more information about how we store and use your data.



# Obtaining consent

## Photo / Artwork Consent form

[Insert business /artists name] would be grateful if you would fill in this form to give us permission to take photos of you and/or your work and use these in my/our printed and online publicity.

I [participants name] give permission to take photographs and / or video of me / my artwork.

I grant full rights to use the images resulting from the photography/video filming, and any reproductions or adaptations of the images for:

Fundraising: ☐

Publicity: ☐

Via the following means:

Social media: ☐

Website: ☐

Posters / brochures: ☐

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please refer to our Privacy Policy for more information about how we store and use your data.



# Obtaining consent

## 'XYZ' Organisation Privacy Notice

### Guide to complete

#### Our contact details

Name:

Address:

Phone Number:

Insert the contact details for your business. Include postal address, any main email addresses, phone numbers or web addresses.

Also include the name and contact details for your main point of contact for data protection matters. This does not have to be a designated '[Data Protection Officer](#)'

E-mail:

Tell people what type of personal information you collect and hold. Personal Information is any information that can be used to identify a living person. For example members' email addresses, customer financial information, employee data or website user stats. There are more examples of personal information on our [website](#).

#### What type of information we have

We currently collect and process the following information:

- Personal identifiers, contacts and characteristics (for example, name and contact details)
- [\[Add to this list as appropriate\]](#)

Tell people how you collect the information and where you collect the information from.

Tell people the reasons why you need to collect or hold their information. Include your lawful basis for doing this in this section (visit our [Lawful Basis Tool](#) to help you work this out).

You may collect personal information because you have a legal or contractual obligation. You should inform people here if this is the case.

If you are relying on consent to process individual's information, then you should also tell people about their right to withdraw consent and how they can do this in this section.



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# Thank you!

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