



Data Protection and GDPR for Artists

Why do we have data protection legislation?

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

This legislation doesn't just protect 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.

The regulatory body for Data Protection in the UK is the Information Commissioners Office (ICO).

What are the key principles of the Data Protection Act and GDPR?

- *Fair, lawful, and transparent processing*: [People need to know what, how and why you process your data.]
- *Purpose limitation*: [Only use data for the purpose agreed to by the persons whose data it is.]
- *Data minimisation*: [Keep only the data we need to fulfil the tasks required/agreed to.]
- *Accuracy*: [Using the data provided and checking it is accurate through regular reviews.]
- *Data retention periods*: [Guidance on data types and retention periods are available from the ICO.]
- *Data security*: [All data collected and processed must be kept safe and secure.]
- *Accountability*: [You must be able to demonstrate how you keep collect and retain data and be able to tell / show people what data you have of theirs.]



Data Security – A guide to the basics

1. 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. Things like laptops, tablets, paperwork and USB sticks. This will reduce the risk of things being lost or stolen.
2. Keep software up to date. Don't be an easy target for hackers. Keep your security software up to date to make it more difficult for them to get in.
3. Communicate securely. If you need to share data with others then choose a secure messaging app or online document sharing system. If you have to use email, which isn't always secure, consider password protecting documents and sharing the passwords via a different channel, like text.
4. Be extra vigilant about opening web links and attachments in emails or other messages. Don't click on unfamiliar web links or attachments claiming to give you important COVID-19 updates. There has been a rise in scams so follow the National Cyber Security Centre's (NCSC) guidance on spotting suspicious emails.
5. Back up your information. Keep a separate copy of any important information to avoid losing access to it. Online storage is an easy way to keep a remote copy of your data should you need it. Or keep a copy on a separate hard drive or USB stick. Just remember to set a strong password to protect your information and lock it away when you're not using it.
6. Use strong passwords. Whether using online storage, a laptop or some other technology it's important to make your passwords hard to guess. 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.



Useful Links

The best place to find up to date information about Data Protection legislation is the ICO. Here is a link to their small business page [which includes sole traders and self-employed people]: <https://ico.org.uk/for-organisations/business/>

Here is a link to a checklist to help improve your understanding of data protection and find out what you need to do to make sure you are keeping people's personal data secure. Once you have completed the checklist a short report will be created suggesting some practical actions you can take and providing links to additional guidance you could read that will help you improve your data protection knowledge and compliance.: <https://ico.org.uk/for-organisations/business/assessment-for-small-business-owners-and-sole-traders/>

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/>

A few helpful templates for you

Overleaf you will find a few templates to get you started with complying with data protection legislation:

We have included a Consent form [for contact], a Photo / Artwork consent form and a Privacy Policy [including useful pointers] for you to edit to suit your business needs.

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.

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.

'XYZ' Organisation Privacy Notice

Guide to complete

Our contact details

Name:

Address:

Phone Number:

E-mail:

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](#)'

What type of information we have

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](#).

We currently collect and process the following information:

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

How we get the information and why we have it

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.

Most of the personal information we process is provided to us directly by you for one of the following reasons:

- [Add the reasons you collected personal information]

[If applicable] We also receive personal information indirectly, from the following sources in the following scenarios:

- [Add the source of any data collected indirectly and why you collected the information]

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are: **[delete as appropriate]**

(a) Your consent. You are able to remove your consent at any time. You can do this by contacting [contact details]

(b) We have a contractual obligation.

(c) We have a legal obligation.

(d) We have a vital interest.

(e) We need it to perform a public task.

(f) We have a legitimate interest.

What we do with the information we have

Tell people what you do with the information.

Include if you share information with anyone, or any other business. Make sure you include how you do this and any sharing you do outside the EU.

If applicable, include any automated decision making that is made using the information, or any profiling you undertake.

We use the information that you have given us in order to [list how you use the personal information].

We may share this information with [enter organisations or individuals]

How we store your information

Tell people how or where you keep their information, how long you intend to keep their information for and then how you intend to securely destroy or dispose of it. You need to do this for every type of information you hold.

Your information is securely stored [enter location].

We keep [type of personal information] for [time period]. We will then dispose your information by [explain how you will delete their data]

Your data protection rights

Tell people about their data protection rights. Their rights will differ depending on your lawful basis for processing, so once you know this then you can select the relevant sections from the text in the template below to include in your Privacy Notice. The [lawful basis](#) page of our Guide to the GDPR has a useful table that shows the varying rights that apply (and don't apply) depending on the lawful basis.

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information.

Your right to rectification - You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your information in certain circumstances.

Your right to object to processing - You have the the right to object to the processing of your personal data in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [insert email address, phone number and or postal address] if you wish to make a request.

How to complain

Tell people how to make a complaint to you here. Include the ICO's address.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Helpline number: 0303 123 1113

Include the date you completed the privacy notice.