

Data Protection policy

Approved by:	Executive Committee	Approval date:	January 2018
Owner:	Data Protection Officer	Review date:	January 2023
Replaces:	Data Protection Policy (2005; rev.2014)		

The National Gallery Data Protection Policy

Introduction

1. The National Gallery collects and uses personal data, for example about its staff and visitors, to enable it to meet its aims and objectives. The purpose of this policy is to inform staff, contractors, suppliers and members of the public how the Gallery complies with the General Data Protection Regulation (EU) 2016/679 and the supplemental Data Protection Bill 2017. On 25 May 2018, the General Data Protection Regulation replaced the Data Protection Act (1998). The General Data Protection Regulation places obligations on data controllers (persons or organisations who process personal data) and provides data subjects (i.e. individuals about whom personal information is processed) with rights in relation to the handling of and access to personal information.
2. The General Data Protection Regulation defines **personal data** as “information relating to an identified or identifiable natural person ('data subject')”. It defines an identifiable **natural person** as a person who “can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”. It defines **controller** as “the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing personal data”. It defines **processing** as “any operation or set of operations which is performed on personal data or on sets of personal data”.

Policy statement

3. The National Gallery is committed to the **principles relating to processing of personal data** contained in the General Data Protection Regulation. These state that personal data shall be:
 - a) processed **lawfully, fairly and in a transparent manner**;
 - b) collected for **specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes;
 - c) **adequate, relevant and limited** to what is necessary in relation to the purposes for which they are processed;
 - d) **accurate** and, where necessary, **kept up to date**;
 - e) kept in a form which permits identification of data subjects for **no longer than is necessary**;
 - f) processed in a manner that ensures appropriate **security of the personal data**.
4. The National Gallery will develop procedures to comply with its legal obligations for collection, use and disclosure of personal information in particular:
 - a) specifying and documenting the purpose for which information is collected, and carrying out necessary privacy impact assessments;
 - b) processing information only in accordance with those purposes;
 - c) applying appropriate measures to control quality, retention and security of the data;
 - d) recording and, where appropriate, reporting in a timely manner any data breaches;
 - e) observing the rights of data subjects with regard to handling and access to their data.

Responsibilities

5. The Board of Trustees of the National Gallery is the **data controller** for all personal data processed in the course of Gallery business.
6. The Deputy Director is the Gallery's Data Protection Officer and the Archivist is the Gallery's Data Protection Co-ordinator.
7. The Digital Economy Act (2017) obliges the Gallery, as a data controller, to pay the Information Commissioner's Office an annual data protection fee. The Data Protection Co-ordinator will ensure that the Gallery's fee is paid in a timely manner.
8. Heads of Departments will be accountable for data protection compliance in their departments.
9. Heads of Departments will be responsible for ensuring that the Data Protection Co-ordinator is informed of any changes to data processing in their areas.
10. Heads of Departments will be responsible for ensuring that policies and procedures relating to data protection in their areas of responsibility are implemented.
11. The Head of Information Systems has responsibility for overall security and availability of information systems including those used to process personal data.
12. The Data Protection Officer, supported by the Data Protection Co-ordinator, will co-ordinate data protection compliance across the Gallery. In the event of a data breach, the Data Protection Officer will determine the Gallery's response; the Data Protection Co-ordinator will log the breach and report it as necessary. In the event of a request for access to personal data, other than a Subject Access Request by the data subject, the Data Protection Officer will be responsible for the Gallery's compliance with any relevant legislation and, where permissible, will give authorisation for the release of personal data to third parties.
13. The Data Protection Officer, supported by the Data Protection Co-ordinator, will ensure that appropriate guidance and training on compliance with the General Data Protection Regulation is made available to all staff engaged in the processing of personal data.
14. All staff involved in processing personal data will be responsible for ensuring compliance with the legislation, this policy document, and any local policies and procedures. The Gallery will provide staff with appropriate training to fulfil this responsibility.
15. All data processors processing personal data on behalf of the National Gallery (i.e. third parties) are contractually required to comply with the General Data Protection Regulation and any associated Codes of Practice.
16. A breach of the Gallery's policy on data protection will be investigated in accordance with the Gallery's Disciplinary Policy and Related Procedures, with potential sanction in the most serious cases being summary dismissal.

Rights of data subjects

17. The National Gallery is committed to maintaining the rights granted to individuals by the General Data Protection Regulation, namely:
 - a) the right to be **informed** of data processing;
 - b) the right of **access** to the information held by the Gallery;
 - c) the right to **rectification** of inaccurate personal data;
 - d) the right to **erasure** of personal data under certain circumstances;
 - e) the right to **restrict processing** of personal data under certain circumstances;

- f) the right to **data portability** of personal data;
 - g) the right to **object** to the processing of personal data;
 - h) the right not to be subject to decisions based solely on **automated processing, including profiling**.
18. Any member of the public who wishes to exercise their rights should make a request in writing to the Data Protection Co-ordinator. **If an access request is received by any other member of staff, it should be forwarded to the Data Protection Co-ordinator immediately.**
19. Any member of Gallery staff who wishes to exercise their rights under the Regulation with regard to personal data should contact Human Resources directly. Human Resources will treat the request as confidential and will only inform the Data Protection Co-ordinator that a request has been received without revealing any details of the applicant such as name or job title.
20. The National Gallery will aim to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one calendar month of receipt of a request.