

TATE DATA PROTECTION POLICY

Approved by the Board of Trustees: 20 November 2013

Date of Next Review: November 2016

1. Introduction

Tate is dependent on the generosity and support of its many donors, employees, supporters and the general public. Paramount to maintaining and building on this is that Tate should conduct its business, at all times, in a manner which is fair and legal, and which preserves the public trust enjoyed by the organisation.

Tate is committed to ensuring that personal data obtained by the organisation in the course of conducting its normal business is obtained fairly, lawfully and used for the purposes specified.

2. Scope

For the purposes of this Data Protection Policy, the following terms shall have the following definitions:

“Data” means information stored or processed by a computer and information recorded as part of a relevant filing system (which includes paper-based filing systems, card indexes and other non-electronic collections of data which are structured either by reference to individuals or so that information about an individual is easily accessible).

“Personal data” means data about a living person who can be identified by that data.

“Data subject” means a person who is the subject of personal data.

“Processing” means obtaining, recording, holding, organising, adapting, altering, retrieving, consulting, disclosing, aligning, combining, blocking, erasing or destroying data.

3. Data Protection Principles

Tate is committed to the eight Data Protection Principles contained in the Data Protection Act 1998, being:

Principle One – Personal data shall be processed fairly and lawfully.

Personal data shall not be processed unless at least one of the following conditions is met:

- The data subject has given consent;
- Processing is necessary for the performance of a contract or with a view to entering into a contract;
- Processing is necessary for complying with a legal obligation;
- Processing is necessary to protect the interests of the data subject;
- Processing is necessary for the administration of justice or the administration of public functions;
- Processing is necessary for the purposes of legitimate interests pursued by the data controller, except in cases that prejudice the rights and freedom of the data subject.

Sensitive personal data shall not be processed unless at least one of the following conditions is also met:

- The data subject has given explicit consent;
- Processing is necessary to perform legal obligations imposed by law in connection with employment;
- Processing is necessary to protect the vital interests of a person in the situation where consent cannot be reasonably obtained;
- Processing is carried out for the legitimate purposes of a non-profit making body established for political, philosophical, religious or trade union activities;
- The information has already been made public by the data subject;
- Processing is necessary in connection with legal proceedings;
- Processing is necessary for the administration of justice or the administration of public functions;
- Processing is of information as to racial or ethnic origin and is necessary for equal opportunity monitoring.

Principle Two – Personal data shall be obtained only for the purposes specified and shall only be processed for those purposes.

Principle Three – Personal data shall be adequate, relevant and not excessive for the purpose for which they are processed.

Principle Four – Personal data shall be accurate and kept up to date.

Principle Five – Personal data shall not be kept for longer than is necessary.

Principle Six – Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act.

In particular, a data subject will have the right:

- To be informed whether personal data about him or her is being processed;
- To be given a description of that data, the reason why it is being processed and the names of anyone to whom it will be disclosed;
- To be told the contents of the data and where it came from;
- Where data is to be used for the purposes of automatic evaluation, to be told the logic involved in that automated process.

Tate will have the right to ask for proof of identification and charge a reasonable fee.

Principle Seven – Appropriate measures shall be taken against unauthorised processing of personal data and against accidental loss or destruction to personal data.

Principle Eight – Personal data shall not be transferred outside the European Economic Area without adequate protection.

4. Responsibility for Compliance with the Data Protection Act 1998

Heads of Departments and / or Information Asset Owners will be accountable for data protection compliance within their Department / area of responsibility, and for notifying the appropriate person responsible for registrations with the Information Commissioner for their division (outlined below) of any changes to their Department's data processing activities so that the Register can be kept up to date.

All staff involved in processing data at Tate will be responsible for ensuring compliance with data protection legislation, with this Data Protection Policy and Tate will ensure that appropriate training and guidance is provided.

Breach of data protection legislation is a criminal offence and Tate will regard wilful or reckless breach of Tate's Data Protection Policy and published procedures as a disciplinary offence and such breaches will be subject to Tate's disciplinary procedures as set out in the Staff Handbook.

The IS Director will ensure that Tate's entries on the Data Protection Register are accurate and up-to-date at all times; the Head of Legal will ensure that The Tate Foundation and the Tate Gallery Projects Limited entries on the Data Protection Register are accurate and up-to-date at all times; and the Membership Manager will ensure that the Tate Members entries on the Data Protection Register are accurate and up-to-date at all times.

Data subject access requests from current Tate employees will be managed by the Human Resources department. All other data subject access requests will be managed by the Tate Legal department. Tate's Legal department will also ensure that Tate is kept up to date on data protection legislation and best practice.

5. Social networking and online forums

All Tate staff, consultants and contractors required to post personal data on a social networking site, message board or blog, will ensure that they have complied with the DPA. The same applies if they download personal data from a social networking site for Tate activities.

All Tate staff, consultants and contractors required to run an online forum may also have responsibilities under the DPA. This would include a duty to take reasonable steps to check the accuracy of any personal data that is posted on their site by third parties.

What are considered to be reasonable steps will depend on the nature of the site and the extent to which the person or organisation running the site takes a role in moderating content. The Information Commissioner's Office offers this guidance "We would not consider it reasonable to expect a large social networking site to check all posts for accuracy, but we would expect it to have measures in place to deal with complaints about factually inaccurate postings."

6. Information Security

Tate's Information Security Policy shall be consistent with this Data Protection Policy.

The Information Services Management Board (ISMB) will own Tate's Information Security Policy, its associated procedures and risk registers and will manage all known IS Security risks to Tate relevant to this policy and ensure that the security policy remains relevant and up to date.

7. Review of Policy

Tate will review its Data Protection Policy and the purposes for which it holds personal data every three years or as needed.

8. Development and Modification of Information Systems

All Tate staff, consultants and contractors responsible for procuring and / or creating any new information systems, or modifying existing systems, will be responsible for consulting with the IS Director to ensure that those systems will comply with data protection legislation and Tate's Data Protection Policy and procedures.

9. Queries

If your query is of a legal or regulatory nature, please contact Head of Legal, Richard Aydon. If your query is of a technical nature, please contact the IS Director, Gerry Dawson

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