

Arts Council of Northern Ireland

# Data Protection Policy

March 2025



# Data Protection Policy

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This policy is a controlled document and is held centrally by the Director of Finance and Corporate Services

## Document Amendment History

<b>Version</b>	<b>Date Created / Reviewed</b>	<b>Reason for change</b>	<b>Status</b>
1.0	November 2020	Consulted with NIPSA	
1.0	December 2020		Approved by Board
2.0	November 2022	Reviewed by CEO & Directors	No change required
3.0	November 2024	DPO Review – updates to legislation	Draft
3.0	December 2024 & March 2025	Reviewed by CEO & Directors	Approved by CEO & Directors

**Implementation Date: December 2020**

**Next Review Date: December 2026**

## Introduction

1. As a data controller, the Arts Council of Northern Ireland (ACNI), is fully committed to protecting the rights and privacy of individuals in accordance with the current Data Protection Legislation.
2. Within our departments, we collect and use personal data in order to carry out our business functions and provide our services. Our data subjects consist of members of the public (including funded clients and applicants), current, past and prospective employees, and suppliers. All personal information will be processed in line with our obligations, however it is collected, recorded and used, and regardless of format.
3. Our departments are as follows:
  - Operations Department
  - Arts Development Department
  - Strategic Development
  - Finance and Corporate Services Department
4. ACNI has governance and accountability measures in place to ensure that all employees, contractors, agents, consultants and other parties who have access to personal information (including special categories of personal data) held by or on behalf of us are fully aware of and abide by their duties and responsibilities under the legislation.

## Data Protection Principles

5. ACNI fully supports and complies with the six principles of the GDPR. In summary, this means personal information will be:
  - i. processed lawfully, fairly and in a transparent manner;
  - ii. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
  - iii. adequate, relevant and limited to what is necessary;
  - iv. accurate and, where necessary, kept up to date;
  - v. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed; and
  - vi. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## Lawful Basis for Processing Personal Data by ACNI

6. The first Data Protection Principle stipulates that personal information must be processed lawfully, that is, processing takes place on a lawful basis as set out in Article 6 of the GDPR. All ACNI personal data processing takes place under one or more of the following legal bases set out in Article 6:
  - **Public task:** the processing is necessary for ACNI to perform its official grant-making functions; the basis of which are set out in The Arts Council (Northern Ireland) Order 1995.

- **Legal obligation:** the processing of special category data (as defined under the GDPR, namely: data on racial or ethnic origin; political opinions; religious beliefs; or sexual orientation) is necessary for ACNI to comply with its legal obligations under Section 75 of the Northern Ireland Act (1998).

In relation to the further specific conditions in Article 9 of the GDPR which must be met to allow the processing of special category data, ACNI do so under the *substantial public interest* condition in Article 9(2)(g). As required, we also meet the associated condition for the processing of special category data in UK law, set out in Part 1 of **Schedule 1 of the DPA 2018**, specifically the substantial public interest conditions set out in paragraphs 6 and 8 of Schedule 1. Namely:

- 6. Statutory and government purposes
- 8. Equality of opportunity or treatment
- **Contract:** the processing is necessary for any contract ACNI may have with an individual, for example a supplies/services contract with an external supplier/consultant.
- **Consent:** the individual has given clear consent for ACNI to process their personal data for a specific purpose, for example, via an applicant's statement or by subscribing to our e-newsletter.
- **Legitimate interests:** ACNI will process your data where we have a legitimate interest to do so. Such as the performance of normal business functions and auditing.

## Governance Structure

7. ACNI has a strong governance structure in place to safeguard personal data. To demonstrate our commitment, we have:
  - a Data Protection Officer to monitor internal compliance and inform and advise on data protection obligations, in addition to responding to Data Subject Access Requests, to provide policy and guidance on data protection within the organisation and to investigate any data security incidents or breaches.

## Processing of Personal Information

8. ACNI will, through appropriate training and responsible management:
  - take a privacy by design approach to all work to incorporate data protection compliance at an early stage;
  - fully observe conditions regarding the fair collection and use of personal information and special category data;
  - maintain appropriate documentation on processing activities;
  - provide clear, easily accessible privacy information to inform data subjects about the collection and use of their personal data;
  - collect and process personal information only to the extent that it is needed to fulfil

- operational needs or to comply with legal requirements;
- ensure the quality and accuracy of personal information used;
- apply strict checks and appropriate data retention schedules to determine the length of time personal information is held as set out in ACNI's Data Retention and Disposal Policy (*see Appendix 1*);
- ensure that data subjects can fully exercise their rights under the data protection legislation;
- respond to subject access requests in a timely manner, within the timeframes required by legislation and ensure that requests are completed and documented within a DSAR form (*see Appendix 1*);
- put in place appropriate technical and organisational security measures to safeguard personal information, including an Information and IT Security Policy and Use of Electronic Communications Policy (*see Appendix 1*);
- ensure that personal information is not transferred abroad without adequate safeguards;
- ensure all personal data is held in line with ACNI information assurance, information management and records management policy as set out in ACNI's Data Retention and Disposal Policy (*see Appendix 1*)

## Compliance

9. Our DPO will ensure that:

- only staff who need access to personal information as part of their duties are authorised to do so;
- all staff processing personal information are appropriately trained and supervised;
- procedures for handling personal information are clearly understood, available and regularly reviewed;
- all Data Subject Access Requests (DSAR) are fully documented.
- all documents and personal data therein are managed in keeping with ACNI's Data Retention and Disposal Policy (*see Appendix 1*).

## Staff Responsibilities

10. All staff managing and processing personal information are directly and personally responsible for following good data protection and records management practice. They will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss, disclosure or destruction and in particular will ensure that:

- they complete annual training in the handling of personal information;
- they have a specific data protection objective personal performance agreements;
- all records and documents containing personal/special category data are processed securely;
- personal data held electronically is protected by the use of secure passwords which, where possible, have forced changes periodically; and
- individual passwords are not easily compromised.

11. If and when, as part of their responsibilities, staff process information about other people, they must comply with this policy and their business area's own data handling procedures. Staff must not disclose personal information outside this guidance or use data held on others for their own purposes.
12. In the event that any staff member does not comply with the required good data protection and records management practice as set out in this policy and in particular in paragraphs 10 and 11 above, disciplinary action can be taken, as appropriate.

## Data Breach Management

13. In the event of a data breach, staff must contact the DPO immediately and complete the provided Data Breach Report form in cooperation with the DPO (*see Appendix 1*). The purpose of the report is to ensure that a consistent and effective response is applied to handling data incidents.

## Data Sharing

14. Data sharing means the disclosure of information from the Arts Council to a third party organisation or organisations – including international data transfer - or, in some cases, the sharing of data between different business areas within the Arts Council.
15. Before disclosing personal information to another organisation, staff will ensure all sharing is lawful, fair, transparent and in line with the rights and expectations of data subjects.
16. Where ACNI engages a data processor, a written contract will be put in place to ensure both parties understand their obligations, responsibilities and liabilities. Any suppliers who are users of personal information supplied by ACNI will be required to confirm and demonstrate that they will abide by the requirements of the legislation and the terms and conditions of the contract.
17. Where personal data is shared with another public authority, a data sharing agreement is required to define a common set of rules to be adopted by all parties subject to the data sharing operation.
18. Data sharing agreements and contracts will be drawn up in line with ACNI's legislated duties regarding data protection. Where Data Sharing is not covered by the contract of business between ACNI and the third party, a separate Data Processor Agreement must be completed to set out terms of Data Sharing. (*see Appendix 1*).

## Policy Awareness

19. A copy of this policy will be given to all new members of staff and interested third parties. Existing staff and any relevant third parties will be advised of the policy which will be posted on the ACNI website and available internally via the public I Drive. It can be made available in other formats on request to the Data Protection Officer.

20. All staff and relevant third parties must be familiar with and comply with this policy at all times. The policy will be reviewed every two years. Written acknowledgement of understanding of the policy will be obtained from all staff annually and the record of this annual acknowledgement will be logged.

## Contact

21. In the event that a data subject has a concern or complaint in relation to ACNI's handling of personal data or wishes to exercise their rights under the legislation, they can contact the Data Protection Officer. Data subjects can also complain to us if they are dissatisfied with our response to a subject access request. We aim to respond to complaints or queries within 20 working days of receipt of correspondence.

22. The Data Protection Officer can be contacted as follows:

Data Protection Officer  
Arts Council of Northern Ireland  
The MAC, 10 Exchange Street West  
Belfast BT1 2NJ  
Tel: 028 92623555

23. Data subjects also have the right to lodge a complaint directly with the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 0303 123 1113  
Website: [ico.org.uk/concerns/handling/](http://ico.org.uk/concerns/handling/)

## APPENDIX 1

<b>ACNI Policy</b>	
Data Retention and Disposal Policy	[available on request]
DSAR Report Form	[available on request]
Information and IT Security Policy	[available on request]
Use of Electronic Communications Policy	[available on request]
Data Retention and Disposal Policy	[available on request]
Data Breach Report Form	[available on request]
Data Processing Agreement	[available on request]