

# BIRMINGHAM MUSEUMS TRUST

## Privacy Policy

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## KEY SUMMARY

This privacy notice belongs to Birmingham Museums Trust. The privacy and security of your personal information is extremely important to us. This privacy policy explains how we collect and process your personal data, to make sure you stay informed and can be confident about giving us your information. It also tells you about your privacy rights and how the law protects you.

This page will inform you of all the things we do with your personal data. In certain circumstances when we are collecting or processing personal data about you we may also provide an extra privacy notice, which will always link to this page.

We will never sell your personal data.

This privacy notice aims to give you information on how we collect and process your personal data including any data you may provide through this website, for example when you sign up to our newsletter, donate online, book event tickets or purchase a product and through all of your other interactions with us.

It is important that you read this privacy notice so that you are fully aware of how and why we are using your data.

## ABOUT US AND THIS PRIVACY POLICY

Birmingham Museums Trust is a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and responsible for your personal data (collectively referred to as 'we', 'us', 'our', 'the Trust' and 'BMT' in this privacy policy. (<http://www.birminghammuseums.org.uk/about/our-organisation>))

We have appointed a data protection officer ("DPO") who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO using the details set out below:

### Contact Details:

Our full details are:

Full name of legal entity: Birmingham Museums Trust

Name or title of DPO: Rachel Cockett, Director of Development

Email address: [development@birminghammuseums.org.uk](mailto:development@birminghammuseums.org.uk)

Postal address: Birmingham Museums Trust, Birmingham Museum & Art Gallery, Chamberlain Square, Birmingham B3 3DH

You have the right to make a complaint at any time to the Information Commissioner's Office ("ICO"), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

If you would like this privacy notice in another format (for example: audio, large print, braille) please contact us.

## Changes to the privacy policy and your duty to inform us of changes

This version was last updated on 31 May 2018. We may change this privacy policy from time to time. The latest version will be available at <http://www.birminghammuseums.org.uk/privacy-policy>.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## Third-Party Links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy notices. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## USEFUL WORDS AND PHRASES

Please familiarise yourself with the following words and phrases as they have particular meanings in the Data Protection Laws and are used throughout this privacy notice:

Term	Definition
<b>controller</b>	This means any person who determines the purposes for which, and the manner in which, any personal data is processed.
<b>criminal offence data</b>	This means any information relating to criminal convictions and offences committed or allegedly committed.
<b>Data Protection Laws</b>	This means the laws which govern the handling of personal data. This includes the General Data Protection Regulation (EU) 2016/679 and any other national laws implementing that Regulation or related to data protection.
<b>data subject</b>	The person to whom the personal data relates.
<b>ICO</b>	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the Data Protection Laws.
<b>personal data</b>	<p>This means any information from which a <u>living individual</u> can be identified. This will include information such as telephone numbers, names, addresses, e-mail addresses, photographs and voice recordings. It will also include expressions of opinion and indications of intentions about data subjects (and their own expressions of opinion/intentions).</p> <p>It will also cover information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.</p> <p>It does not include data where the identity has been removed (anonymous data).</p>
<b>processing</b>	<p>This covers virtually anything anyone can do with personal data, including:</p> <ul style="list-style-type: none"><li>• obtaining, recording, retrieving, consulting or holding it;</li><li>• organising, adapting or altering it;</li></ul>

	<ul style="list-style-type: none"> <li>disclosing, disseminating or otherwise making it available; and</li> <li>aligning, blocking, erasing or destroying it.</li> </ul>
<b>processor</b>	This means any person who processes the personal data on behalf of the controller.
<b>special categories of data</b>	<p>This means any information relating to:</p> <ul style="list-style-type: none"> <li>racial or ethnic origin;</li> <li>political opinions;</li> <li>religious beliefs or beliefs of a similar nature;</li> <li>trade union membership;</li> <li>physical or mental health or condition;</li> <li>sexual life; or</li> <li>genetic data or biometric data for the purpose of uniquely identifying you.</li> </ul>

## WHAT PERSONAL DATA DO WE COLLECT?

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender;
- **Contact Data** includes billing address, delivery address, email address and telephone numbers;
- **Financial Data** includes bank account and payment card details;
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us; and donations from you and any specific conditions regarding use of the donation;
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website;
- **Profile Data** includes your username, purchases or orders made by you, your interests, preferences, feedback and survey responses;
- **Usage Data** includes information about how you use our website, products and services; and
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share Aggregated Data, such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any Special Categories of Personal Data about you nor do we collect any criminal offence data.

## **Fundraising, donations, legacy pledges and loans to museum collections**

Where we have your permission, we may invite you to support our work as a charity by making a donation, making a gift-aid declaration, getting involved in fundraising activities or leaving a gift in your will.

Occasionally, we may invite some supporters to attend special events to find out more about the ways in which donations and gifts in wills can make a difference to specific projects and to our work as a charity. We will also send you updates on the impact that you make by supporting us in this way, unless you tell us not to.

If you make a donation, we'll use any personal information you give us to record the nature and amount of your gift, claim gift aid where you've told us you're eligible and thank you for your gift. If you interact or have a conversation with us, we will make a relevant note of this and store this information securely on our systems.

If you tell us you want to fundraise to support our cause, we will use the personal information you give us to record your plans and contact you to support your fundraising efforts.

If you've told us that you're planning to, or thinking about, leaving us a gift in your will, we'll use the information you give us to keep a record of this – including the purpose of your gift, if you let us know this. If we have a conversation or interaction with you about this (or with someone who contacts us in relation to your will, for example your solicitor), we will note these interactions throughout your relationship with us, as this helps to ensure your gift is directed as you wanted.

Charity Commission rules require us to be assured of the provenance of funds and any conditions attached to them. We follow a due diligence process which involves researching the financial soundness, credibility, reputation and ethical principles of donors who've made, or are likely to make, a significant donation to Birmingham Museums Trust.

As part of this process we will carry out research using publicly available information and professional resources. If this applies to you, we will remind you about the process when you make your donation.

We also collect information about you and your relationships, including families and connections, when you lend or donate an object to the museum collection. This information is used to verify the provenance and copyright of the object and to provide an audit of ownership. This information will not normally be made publicly available; consent will be sought from the donor / lender if an occasion arise in which the donor's / lender's name is required to be linked to an item on display.

### **If you fail to provide Personal Data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to service your membership or provide you with goods). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

## **HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you including through:

**Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you join or register as a member or a patron, volunteer with us, pledge or make a financial donation, lend or donate an object to our collections, place an order for our products, create an account on our website or request marketing to be sent to you, for example sign up to our newsletter.

- **Direct interactions.** We collect information about you when you are depicted in an item donated/lent to our collections, for example a photograph, letter, sound recording or film. We also collect information about you indirectly when you may be mentioned in a diary, photograph, film or interview acquired/lent for our collections.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy <http://www.birminghammuseums.org.uk/privacy-policy/use-of-cookies> for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:
    - i) Analytics providers such as Google based outside the EU;
    - ii) Advertising networks such as Facebook and Instagram based outside the EU; and
    - iii) Search information providers such as Google based outside the EU.
  - Contact, Financial and Transactional Data from providers of technical, payment and delivery services such as WorldPay based outside the EU;
  - Identity and Contact Data from data brokers or aggregators; and
  - Identity and Contact Data from publicly available sources such as Companies House and the Charity Commission.

## WHY DO WE PROCESS YOUR PERSONAL DATA?

We will only use your personal data where the law allows us to. We have set out below, in a table format, a description of all of the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. Note that we may process your personal data for more than one lawful ground, depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Why do we process it?	Type of data	Legal grounds for processing
To register you as a new customer, ticket holder, Member, or Patron	(a) Identity (b) Contact (c) Financial (d) Transaction	<b>Performance of a contract with you</b>
Management of membership, patrons, donors, schools and groups, and volunteers	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	<b>(a) Performance of a contract with you</b> <b>(b) Necessary for our legitimate interests (to assist us in the running of our business, to recover debts due to us)</b>
Retail sales and events management - to process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	<b>(a) Performance of a contract with you</b> <b>(b) Necessary for our legitimate interests (to recover debts due to us)</b>

To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Marketing and Communications	<b>(a) Performance of a contract with you</b> <b>(b) Necessary to comply with a legal obligation</b> <b>(c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</b>
To manage fundraising, donations and legacy pledges	(a) Identity (b) Contact (c) Profile (d) Financial (e) Marketing and Communications	<b>(a) Performance of a contract with you</b> <b>(b) Necessary to comply with a legal obligation</b> <b>(c) Necessary for our legitimate interests (to assisting us in the running of our business)</b>
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	<b>(a) Performance of a contract with you</b> <b>(b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)</b>
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	<b>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</b> <b>(b) Necessary to comply with a legal obligation</b>
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	<b>Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</b>
Research	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	<b>Necessary for our legitimate interests (to develop our products/services and grow our business)</b>
Acquiring objects and related documentation into the collection through donation, purchase, or transfer	(a) Identity (b) Contact (c) Transaction (d) Profile	<b>(a) Performance of a contract with you</b> <b>(b) Necessary to comply with a legal obligation</b> <b>(c) Necessary for our legitimate interests (to develop our products/services and grow our business)</b>

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

- **Promotional offers from us**

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us or if you provided us with your details when you entered a competition and, in each case, you have not opted out of receiving that marketing.

- **Third-party marketing**

We will get your express opt-in consent before we share your personal data with any company outside the BMT for marketing purposes.

- **Opting out**

You can ask us or third parties to stop sending you marketing messages at any time. If, at any time, you want to update or amend your personal data or marketing preferences, please email us at [enquiries@birminghammuseums.org.uk](mailto:enquiries@birminghammuseums.org.uk) with your full name and address details by following the opt-out links on any marketing message sent to you OR by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase or other transactions.

- **Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see BMT's cookie policy <http://www.birminghammuseums.org.uk/privacy-policy/use-of-cookies>

- **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table set out above (3.a).

- Internal Third Parties including Thinktank Trust and Birmingham Museums Trading Ltd.
- External Third Parties as set out in the Glossary below.
- Specific third parties such as Dot Mailer.



- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **INTERNATIONAL TRANSFERS**

We may need to transfer your personal data to Japan, Australia, and the United States of America, all of which are located outside the European Economic Area, for the purpose of lending collection items owned or previously owned by you to museums and other organisations for the purposes of exhibition or study.

Any transfer of your data will be carried out in accordance with the law to safeguard your privacy rights and give you remedies in the unlikely event of a security breach or to any other similar approved mechanisms. If you want to know more about how data is transferred, please contact us using the details in the section above.

## **DATA SECURITY**

We strive to implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing. We aim to ensure that the level of security and the measures adopted to protect your personal data are appropriate for the risks presented by the nature and use of your personal data. We follow recognised industry practices for protecting our IT environment and physical facilities and we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **HOW LONG WILL WE USE YOUR PERSONAL DATA FOR?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

In some circumstances you can ask us to delete your data (see Request Erasure in the Glossary below for further information.)

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## **YOUR LEGAL RIGHTS**

As a data subject, you have the following rights under the Data Protection Laws:

- To request access to your personal data;
- To request correction of your personal data;
- To request erasure of your personal data;
- To object to processing of your personal data;
- To request restriction of processing your personal data;
- To request transfer of your personal data; and
- To withdraw consent.

Please see the Glossary for further information. If you wish to exercise any of the rights set out above, please contact us.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **GLOSSARY**

### **LEGAL GROUNDS FOR PROCESSING PERSONAL DATA:**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### **THIRD PARTIES:**

#### **Internal third parties**

Other companies in the BMT group acting as joint controllers or processors and undertake trading activities.

#### **External third parties**

- Service providers acting as processors based within the UK, Sweden, and the United States who provide IT, online marketing and sales, on-site and online ticket and membership sales,

conference & banqueting sales, Customer Relationship Management (CRM), Collection Management Systems (CMS), Finance & Purchase Management, HR, pensions and payroll system administration services.

- Professional advisers acting as processors including lawyers, bankers, auditors and insurers based within the UK who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Market researchers based in the UK.
- External art couriers and other museums, from time to time.

## YOUR LEGAL RIGHTS

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

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