

GDPR in museums

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Aim and objectives

- This presentation shows the main **activities** and **obligations** of **museums** with regards to the contemporary **data protection regulations**.
- The **objectives** of this presentation are to:
 - Describe the main activities that museums should undertake to address the requirements placed by the new data protection laws
 - Provide examples of actions that museums need to take to align with the GDPR data protection obligations from various perspectives

- At the end of this presentation, you will be able to:
 - Apply basic measures to harmonize their organization with the GDPR requirements
 - Choose appropriate actions to comply with data protection regulations in eight occasions

- Section 1 <Addressing GDPR requirements in museums>
- Section 2 <Examples of GDPR compliance in museums>

Addressing GDPR requirements in museums

- Data protection law places many **obligations** on organizations that hold personal data (i.e. data controllers).
- As such, **museums** need to implement law-aligned policies and frameworks that serve as their data protection mechanisms.
- The arrival of GDPR commands the **reform** of museums' existing data protection schemes giving birth to a significant amount of challenges.
- However, there is a (non exhaustive) list of **main activities** that museums could undertake to address the new requirements GDPR poses.

Main activities to address GDPR requirements (1/3)

- **Data security:** Misconfigured settings, forgotten data stores, etc. are common issues that create vulnerabilities for data controllers. In short, staying on top of your data security should be at the top of your GDPR to-do list.
- **Information auditing:** To comply with the GDPR, it is highly advisable to understand more about the personal data you hold and how you use it. Information audit provides answers on what, why, where, when and how data are held.



Source: <https://auth0.com>



Source: www.scarlettculture.com

Main activities to address GDPR requirements (2/3)

- **Privacy statements:** After an information audit, museums should review their public-facing privacy statements. These need to be as easily understandable as possible. They should outline specific legal grounds for using personal data, where this data comes from, with whom it is shared, etc..
- **Record keeping:** The GDPR requires data controllers to create and retain information and respond to data subjects' requests (e.g. data access requests).



Source: www.leadliaison.com



Source: <https://baycitieslock.com>

Main activities to address GDPR requirements (3/3)

- **Time-sensitive activities:** Responses to data subjects' requests should be given in the predefined time periods (e.g. access requests response time is one month).
- **Transfers** of personal data: any activities, such as collaborative research projects, that involve personal data travelling beyond the European Economic Area require additional checks and safeguards.
- **Training:** Staff need training on the fact that protecting people's personal information is a forefront task.



Source: www.searchenginejournal.com



Source: www.devedaily.com



Source: www.talkpoint.com

Examples of GDPR compliance in museums

- **Should personal data be added to the 'brief description' field in a collections database as particularly if this appears on a museum's online collections website?**

It depends on what it is and also the functionality of the collections database. So, for example, if the object was an army identity card or belonged to a specific person for a specific reason already in the public domain, then reproducing this information online would unlikely cause distress to the individual.

If the information was a name and an address, then the possible reproduction of this personal data may not be readily available and should not be made accessible.

Museums and their GDPR data protection obligations (2/6)

- **On current Entry forms and loan forms a museum asks for names, addresses, phone numbers of donors/depositors/lenders which stores indefinitely as the information is important for objects' provenance. What sort of wording should it include on its forms to make sure it complies with the new regulations and that it is clear to the general public how it will use their data?**

Collecting this type of personal information is vital for the functioning of a museum and depending upon the circumstances and governance/funding of the museum, this type of processing will be covered under any one of several legal grounds for processing (legitimate interests, public interest, contractual).

The forms should include a statement that the information will be used only for the purposes for which it is collected, a possible consent box if you plan to share it (with other museums if lending the item out) and/or other internal purposes and as well as link to your privacy notice.

- **What does a museum needs to do with historical data it holds for acquisitions/ loans/ disposals and deposits?**

Most, if not all of this information should be kept in perpetuity and reflected in your retention schedule.

Because of the quantity of personal data processed by museums and the range of activities, retention schedules need to reflect statutory, regulatory obligations as well as policy decisions.

- **If someone refuses to give permission to store their name, address etc. relating to an acquisition or a loan is there anything to be done or a museum just has to refuse to take the objects?**

Collecting this type of information is vital for a museum in order to comply with other statutory, regulatory and policy requirements.

Data protection legislation dove-tails into this existing framework, and the museum should think very carefully indeed about this before proceeding any further because it may then fall foul of other legal etc. obligations it has.

- **What exactly can be recorded in the 'visitors Book'?**

Because the book is public – names, addresses, e-mails, phone number, etc. should not be collected.

This is more certainly more than a museum needs, and also means that a museum would have increased obligations to any data subjects (individuals whose personal data you are storing) upon their requests.

The less information that is held the better. So, a museum should consider why it needs to collect all this information.

It is very likely that the most valuable bits are the comments and the country of origin of the individual, and/or first 3 letters of a postcode.

Any more data that is collected whereby an individual could be identified, should be stated in the museum's privacy statement.

- **Do museums need to check that suppliers they use are GDPR compliant?**

Yes, this is their legal obligation. They need to have robust contractual terms in place accordingly, and if they cannot do so, they should consider using someone else.

This means that eventually, as part of a museum's commitment to a "privacy by design" culture, they need to ensure that their procurement processes, their project initiation procedures etc., embed this consideration into the heart of their organizational culture.

- <https://naomikorn.com>



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