

<b>Committee(s):</b>	<b>Date:</b>
Risk Committee of the Barbican Centre Board	8 November 2017
<b>Subject:</b> General Data Protection Regulation (GDPR) update	<b>Public</b>
<b>Report of:</b> Sean Gregory – Director of Learning and Engagement	<b>For Information</b>
<b>Report author:</b> Nicholas Triantafyllou – Head of Business Systems and Data	
<p><b><u>Summary</u></b></p> <p>This report outlines the work that has been undertaken so far by the Barbican Centre in collaboration with the Comptroller &amp; City Solicitor’s department to assess risk, audit data and processes in order to comply with forthcoming changes in Data Protection law coming into force in May 2018.</p> <p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the contents of this report.</p>	

## **Main Report**

### **Background**

1. The European Union's General Data Protection Regulation (GDPR) is the result of four years of work by the EU to bring data protection legislation into line with new, previously unforeseen ways that data is now used by organisations such as the Barbican.
2. Currently, the UK relies on the Data Protection Act 1998, which was enacted following the 1995 EU Data Protection Directive, but this will be superseded by the new legislation. It introduces tougher fines for non-compliance and breaches, and gives people more say over what companies can do with their data. It also makes data protection rules more or less identical throughout the EU.
3. Despite the UK potentially leaving the EU in 2019, the government has indicated that this legislation will be written into UK law as part of the Data Protection Bill that is currently going through its second reading in Parliament/House of Lords. It will come into force from 25 May 2018.
4. The Barbican does not have a separate registration under the Data Protection Act with the Information Commissioner’s Office (ICO), given that it is classed as a department of the CoL. Any work undertaken from November 2017 will be aligned with the GDPR project that has just been started by the Comptroller & City Solicitor’s department who have now appointed Michael Cogher as the Data Protection Officer (DPO).

5. The Barbican has, however, been leading on preparing for the implementation since May 2017, given the significance of the project and the amount of data that we store and process.

### **Preparation for the Implementation of the GDPR**

6. Actions taken so far to prepare include:
  - Appointing an external consultant from Marts & Lundy to advise with setting the appropriate priorities, focus and guidance on specific aspects such as consent, compliance and fundraising
  - Setting up a GDPR working group with key Senior Management stakeholders from departments (Head of Marketing, Development, Finance, Creative Learning and Audience Experience) that hold and process personal and sensitive data. This group will also be working with the Guildhall School of Music & Drama and the LSO where appropriate
  - Attending seminars and workshops run by law firms such as DLA Piper, the Audience Agency and ACE (Arts Council England)
  - Contacting other large arts institutions such as the South Bank Centre to exchange information and to align our approach particularly in areas such as consent and fundraising
  - Consulting with the Comptroller & City Solicitor & Information Officers
  - Training additional Barbican staff as Access to Information Network Representatives to assist to the Comptroller & City Solicitors department
7. More specifically the work that is currently being undertaken is led by the following 12 recommendations for preparing for GDPR from the ICO - <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>
  - i. **Awareness** – we have made key senior decision makers aware of the upcoming changes. This includes updates to Management Team/Directorate/Board and we also added GDPR as a risk into the risk register - **Completed**
  - ii. **Audit information we hold** – all internal departments completed a data audit to assess the type of data that we collect and process in **October 2017** – the outputs are currently being reviewed by our consultant who will be drawing up any recommendations / actions as a result, this includes privacy impact assessments to identify and mitigate potential risks.
  - iii. **Communicating privacy information/policy:** we have engaged with DLA Piper and reviewed our Privacy Policy. It was published on our website in **August 2017** and customers were made aware of the update via e-mail and a banner on the Barbican website. It is likely that this will have to be fine-tuned again **prior to May 2018**.
  - iv. **Individuals' rights** - we are in the process of auditing systems and processes to ensure that we will comply with the additional rights that data subjects will

have (such as the right to be forgotten) – work on this will be ongoing and expected to be completed **by March 2018**.

- v. **Subject access requests** – these are handled centrally by the City of London Corporation – we have trained additional staff as Access to Information Network Representatives – **Completed**.
- vi. **Lawful basis for processing data** – the work on this is conducted in parallel to work in point 2.
- vii. **Consent** – as for any organisation that holds customer information and other data, a detailed understanding of consent attached to that data is required. We are working towards establishing a position with external specialist assistant.
- viii. **Children / age verification** – The Creative Learning Team are working on establishing the amount of data that will require action – the Young Barbican Scheme (open to 14-26 year olds) is not in scope as the additional verification requirements only apply to Children under the age of 13 – **February 2018**.
- ix. **Process for Data breaches** – we already have a robust process in place to address this under the existing Data Protection Act (the Risk Committee of the Barbican Centre Board was updated in November 2016) and we are reviewing processes to ensure that any additional requirements are incorporated – **January 2018**.
- x. **Data Protection by Design** – our ticketing system and website will be updated in **March 2018** with the additional preference/data protection options.
- xi. **Data Protection Officers** – the City Corporation has a Data Protection Officer and two assistants. The Barbican considered appointing their own Data Protection Officer, however this was felt to be unnecessary by the Comptroller & City Solicitor as support and compliance will be provided within the existing structure.
- xii. **International** – this does not apply to the Barbican as we do not operate an office in other EU countries.

### **Conclusion**

- 8. The Barbican will continue working in partnership with the Comptroller & City Solicitor's department as part of the wider GDPR organisation-wide compliance project and aims to be fully GDPR compliant by 25 May 2018.

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