



Helium Arts Data Protection Policy, May 2018

Introduction

At Helium Arts we're committed to protecting your privacy, ensuring that your data receives the highest standards of security and confidentiality. This document outlines our processes for collecting and protecting your data. All Helium's data protection activities comply with the requirements of the relevant Irish legislation, namely the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003), as well as European-wide legislation under General Data Protection Regulation (GDPR), 2018.

Helium as a Data Controller

In the course of its daily organisational activities, Helium acquires, processes and stores personal data, thus making us a Data Controller.

Data we collect

Helium is committed to ensuring that the data we collect is acquired and managed fairly and those we work with have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the CEO or senior manager is informed, in order that appropriate corrective action is taken.

Direct interactions

Helium collects data at events by providing a contact form for members of the public to fill, opting in to be contacted by us by email, telephone and/or post.

Website

Helium's website does not store or capture any personal information. The system logs IP addresses and other information by the visitor's browser. This may include the name and version of the browser and operating system, country from where you are browsing from, and any website address that referred you to our website. This information is only used for producing anonymous website statistics to help us improve the delivery of our online services.

Our website asks you to provide personal data if you do the following:

- Donate through our secure online donation service provider I-Donate
- Fill in a GDPR compliant newsletter sign-up form

- Use the email option provided for contacting us

Cookies

When you visit the pages of our website, a small text file called a 'cookie', is downloaded onto your computer. This is a session cookie. It only remains on your computer until you close your browser. This cookie is not used to identify you personally in any way. We use this type of cookie to collect aggregated website statistics that allow us to understand how visitors use the site. All the information collected is anonymous and is only used to analyse usage and improve services.

If you prefer, you can visit and view our site without cookies by adjusting your browser settings. If you do disable cookies, some site functions might not work correctly.

Mailing List

When you sign up to receive emails from us, and consent to receive news about our latest projects supporting children & teenagers with long-term medical conditions in hospital and community settings across Ireland, our various public events, fundraising activities & campaigns and any other news that is relevant to Helium's development. We use MailChimp to deliver our newsletter and gather statistics around email opening and clicks using their insight tools to help us monitor and improve our newsletter. For more information please see MailChimp's privacy policy [here](#).

Social Media

Helium uses [Facebook](#), [Twitter](#) and [Instagram](#) to further reach members of the public, supporters and followers and share information about our work. Each of these sites has their own privacy policy and terms of use that individual users are responsible for ensuring they are aware of and have set privacy settings to suit your needs. Depending on your settings or the privacy policies for social media services, we may have access to your personal information on those accounts when you message us. We will only use this information for purposes that are within the limits of Data Protection legislation and the privacy policies of social media sites. We also collect and track anonymised data on our social media audiences to better understand the profiles and behaviour of people who engage with us online.

Children's Personal Data

As many of the beneficiaries of Helium's work are under the age of 18, we acknowledge that they are all below the legal age for giving consent to the processing of their personal data. All of our data collection and processing activity therefore is undertaken in the understanding that it will be directed and responded to by the significant adults in the children's life that will be using it. Any personal data that we request about the children who take part in our activities – including taking pictures and video - will always be gathered with the express consent of the parent or guardian.

Pictures and Video of Children

"The use of images play an important role in many aspects of work with children and young people. Images in many formats can be used to record, document, demonstrate, promote and celebrate activities and experiences. Increasingly, accessible and diverse technology has meant that recording, sharing, disseminating and publicising images is more widespread than ever before." (Source: The Arts Council, 'Guidelines for taking and using images of children and young people in the arts sector')

Helium has a clear policy in place for capturing images of children for documentation, archiving or promotional use:

- Images can only be captured with the written consent of the child's parent or legal guardian. Other adult relatives are unable to give consent for this.

- Withholding of a consent must never affect or limit the child's experience of the activity they are taking part in.
- Even if a parent has given consent, if a child decides that they don't want their picture taken, their wishes must be respected.
- Parents taking pictures of their own child at a Helium project is fine (assuming it's not disruptive to the event or infringing artists' copyright) but if they're taking pictures that include other children, they should be reminded of the importance of data protection and ask them to refrain from taking pictures featuring other children. If that is unavoidable, they should be reminded that these images should not be shared online.
- Capture of images should be done in a respectful way, with no or minimal impact on the focus or experience of the children.
- Care must be taken to avoid inadvertent discrimination or stereotyping of any child, particularly on the basis of disability, ethnicity or gender.
- Images should not include personal data such as name badges or school crests. Where they do appear, they should be removed or obscured using editing software.
- Accompanying photo credits should be mindful of giving information that could be used in a way that threatens the child's safety – eg their name or specific address details.
- Images of children's artwork should only be taken with the permission of the child and any names should be cropped out.
- Images featuring unidentifiable aspects such as a child's hands, silhouette or the back of their head can be captured but it must be impossible to identify or recognise the child based on that photograph.

Duration of Use:

Despite consent being given for the indefinite use of images, in line with our commitment to children we have decided to put a period of five years on retention for promotional use. This will avoid potential embarrassment for children of their imagery being used when they are significantly older. It also ensures that we will have ceased using their image for promotional use before they turn 18. After 5 years, images will only be used for archival and reporting purposes.

How data is used

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Through use of our website: Information collected by Helium's website is only used for monitoring purposes unless you give us consent for your information to be used in particular ways. These might include providing your email address and information about you or your organisation so that we can contact and mail you, donating, registering for an event, and receiving updates about our work and events.
- For corresponding with our supporters: Helium stores the contact information of donors, supporters and sponsors who have consented to give their information, in order to send regular correspondence containing information relevant to the work supported.

- Marketing: Where you have specifically consented to our use of your personal data, for example to sending direct marketing communications to you via email. You have the right to withdraw your consent to marketing at any time by unsubscribing from our newsletter or contacting us.

We ensure that all personal information supplied is held securely, in accordance with the requirements of the relevant Irish legislation, namely the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003) and legislation under General Data Protection Regulation (GDPR). Helium never sells or rents personal data to third parties. We will not share your personal information with an unauthorised third party unless required to do so by law.

Third Party Processors

In the course of its role as Data Controller, Helium engages a number of Data Processors to process Personal Data on its behalf. In each case, a formal, written contract is in place with the Processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation and GDPR.

These Data Processors include:

- iDonate
- Constant Contact / Mailchimp
- Eventbrite
- Wordpress
- Google Services, including Youtube
- Vimeo

Data Access Requests

As per guidelines from the Data Protection Commission of Ireland available [here](#), you may submit a request to access the data Helium holds on you at any time in writing. This request will be referred, as soon as possible, to the CEO/Artistic Director or other senior manager, and will be processed as soon as possible. You may be asked to provide evidence of your identity. Please submit your request in writing to:

CEO, Helium Arts, Pearse House, 28 Pearse St, Mullingar, Co. Westmeath

Or by email to: info@helium.ie, addressed to Data Protection Officer

Anyone may request that their data be removed and they not be contacted at any point, as above, or by unsubscribing from our email list - this option is available at the end of any marketing email you receive from Helium.

Data Retention and Destruction

Helium will retain your data for as long as is necessary for the purpose specified.

For those signing up to our mailing list, we will keep data for an indefinite period, allowing you to request that you stop receiving emails from us, as when you feel appropriate.

Children's photos will be used for promotional purposes for no more than five years, and in many cases, less. After five years, photos will only be held for archival and reporting purposes.

For those entering into a contract with Helium, applying for volunteering or jobs opportunities or any other specific short term purpose, we will only hold the information for the purpose specified, unless consent has been given to continue to contact you.

When your data can no longer be held, or if you request that we remove information we hold on you, all information relating to you will be securely and fully removed from any system on which we are holding your information.

Your Rights

In line with GDPR and the Data Protection Act 2018 you have the right to:

- **Make a Subject Access Request** - through the process outlined above.
- **To have your information updated or corrected** - if you discover that any of the data that we are holding is out of date or inaccurate, please get in touch via info@helium.ie and we will update the information.
- **To object to direct marketing** - You have the right to ask us not to process your personal data for marketing purposes. Email marketing will only ever take place if we have had consent from you for that purpose. **You can unsubscribe from email marketing at any time via the links at the bottom of every email or by contacting us at info@helium.ie**
- To have your information deleted from our records - Unless there is a compelling legal basis for us to retain your data, you can ask us to delete your information. Just email info@helium.ie to request this.

Updates to this policy

This policy will be reviewed and updated annually to ensure it continues to be relevant and up to date, with interim changes being made where deemed necessary and appropriate.