



# **PRIVACY Policy**

## SUMMARY

### Privacy Policy

Summary description of Policy This policy applies to personal information collected by the National Gallery and sets out how we handle and maintain your personal information in compliance with the Privacy Act and the APPs. This includes how we collect, store, use, disclose, quality assure and secure personal information, as well as your rights to access or correct your personal information.

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Approval Authority Council

Policy Steward Head of Governance and Strategic Planning

Contact area Governance and Strategic Planning

## APPROVALS

Position	Name	Endorsed/Approved	Date
Assistant Director	Alison Halpin	Yes, Endorsed	19 May 2023
Director	Dr Nick Mitzevich	Yes, Endorsed	22 May 2023
Council	Ryan Stokes	Yes, Approved	2 June 2023

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# 1. PURPOSE

The National Gallery of Australia (National Gallery, we or us) is bound by the provisions of the Privacy Act 1988 (Privacy Act), including the Australian Privacy Principles (APPs).

This policy applies to personal information collected by the National Gallery and sets out how we handle and maintain your personal information in compliance with the Privacy Act and the APPs. This includes how we collect, store, use, disclose, quality assure and secure personal information, as well as your rights to access or correct your personal information.

This policy does not apply to personal information contained in the national collection material that is held, managed and made accessible by the National Gallery. The Privacy Act includes a general exemption for all such material held by libraries, art galleries and museums.

## 2. PERSONAL INFORMATION COLLECTED BY THE NATIONAL GALLERY

### 2.1. TYPES OF PERSONAL INFORMATION WE COLLECT

The kind of personal information the National Gallery collects and holds about you will depend on the nature of your dealing with us. The National Gallery may collect and hold the following types of personal information:

- name, contact information and date of birth
- personnel and employment records
- financial information and accounting systems records (including creditors' and debtors' names, addresses, contact information and bank account details)
- records about council members, National Gallery Members and volunteers
- financial donations and sponsorship information including the name of the person making the donation and the date and amount received
- provenance information associated with art in the national collection
- information about donors or sellers of works of art to the national collection or people who loan works of art to us for an exhibition and
- photography and filming release information (including parental or guardian consent where the footage includes children).

### 2.2. HOW WE COLLECT PERSONAL INFORMATION

The National Gallery may collect personal information directly from you, or from a third party including when you:

- submit a job application
- become an employee and during your period of employment with us
- make a donation
- book an event or a ticket to the National Gallery or an exhibition
- subscribe to our e-newsletter
- become a National Gallery Member or make a membership payment
- engage with us in person, over the telephone, on social media or using other electronic or paper correspondence
- submit an online form, enter a competition, send feedback, participate in a survey or make a complaint
- make a request under the *Freedom of Information Act 1982*
- enter into a supplier contract, or funding agreement with us, or if you are an approved subcontractor or otherwise employed or engaged by one of our suppliers

- sell or lend a work of art to us, exhibit your work at the National Gallery, if we commission a work of art, or lend a work of art to you, or
- submit an image reproduction or copyright request related to work in the national collection.

### 3. PURPOSES OF COLLECTION, USE AND DISCLOSURE

The National Gallery collects, uses and discloses personal information to meet the objectives of, and fulfil its functions under, the *National Gallery Act 1975* (Cth) (the **Act**). These functions include:

- developing and maintaining a national collection of works of art
- exhibiting, or to making available for exhibition by others, works of art from the national collection or works of art that are otherwise in the possession of the National Gallery, and
- using every endeavour to make the most advantageous use of the national collection in the national interest.

The National Gallery will not collect, use or disclose personal information unless the information is deemed reasonably necessary for, or directly related to, one or more of the National Gallery's functions or activities under the Act or as otherwise required by law.

These purposes include to:

- provide public access to items in the collection
- process bookings and ensure events or visits are properly coordinated
- respond to queries, complaints or feedback
- provide visitor support
- engage with the public via social media and online services
- provide or facilitate public events and activities
- assist in and facilitate research into the visual arts and the national collection
- improve services offered by the National Gallery
- assess applications for employment
- manage personnel (including to provide payroll, human resources and other related services)
- manage work health and safety related issues
- conduct stakeholder liaison including members and donors, image sales and rights and permission management
- maintain the physical and Information Technology security of the National Gallery and protect the national collection
- identify and inform you about programs, exhibitions and events that may be of interest to you (where you have not opted out to receiving these communications) and,
- perform internal and administrative activities such as planning, auditing, data analysis, internal benchmarking, reporting, procedural assessments, risk management, safety management, business continuity and disaster recovery, quality control, staff training, research, accounting and billing.

Where the National Gallery has collected your information for a specific purpose, we will not use or disclose your personal information for another purpose, unless you have given your consent, we have told you about this secondary purpose at the time we collected your information, or the use is permitted under the Privacy Act or otherwise authorised or required by law.

## **4. SENSITIVE PERSONAL INFORMATION**

There is a distinction in the Privacy Act between personal information and 'sensitive information'. The National Gallery will not collect personal or sensitive information which it does not need. The National Gallery may collect sensitive information about you such as your racial or ethnic origin (for example whether you are a first nations artist) or health information (for example, if you tell us you need mobility support when you visit the National Gallery or let us know you have allergies before attending a catered function).

The National Gallery may collect sensitive information about its employees. For example, employees may formally identify as a person from a culturally or linguistically diverse background, belong to a union or have a disability. Health information (for example medical reports or certificates) may also be collected by the National Gallery where there is a workers' compensation or other health-related matter affecting an employee.

National criminal history checks are conducted on prospective staff members, volunteers, interns, visiting researchers, contractors and approved subcontractors. The National Gallery may also conduct a Working with Vulnerable People check where relevant to an employee or volunteer's role. The National Gallery will seek your consent before a check is submitted and processed. Access to relevant personal information is strictly limited to authorised National Gallery staff and managed in accordance with the Protective Security Policy Framework (PSPF) and the National Gallery's Protective Security Policy (PSP).

We will only collect, use and disclose sensitive information for the purpose for which it was collected unless we have obtained your consent, or we are authorised or required to do so by law.

## **5. ANONYMITY AND PSEUDONYMITY**

Wherever possible the National Gallery will provide the opportunity for you to deal with us anonymously or pseudonymously. In some instances, if you do not wish to provide personal information, or the information you provide is incorrect, we may not be able to consider your application for employment, respond to your request, suggestion or complaint or send you invitations to events and exhibitions you may be interested in.

## **6. PERSONAL INFORMATION AND CHILDREN**

The National Gallery may collect personal information about children such as their name, age, contact details and other relevant information when they enter a competition, attend the National Gallery as part of a school group or feature in video or photographic footage of the National Gallery.

In the interests of ensuring the maximum level of privacy protection for children, we will not knowingly collect, use or disclose personal information about children without obtaining the prior consent of a parent or guardian. The National Gallery will not use personal information about children for any secondary purposes unless required or authorised by law.

## **7. HISTORICAL COLLECTION, EXHIBITION AND RESEARCH**

The National Gallery collects personal information relating to artwork in the national collections and on loan to the National Gallery. This information includes details about the history of the art, including its current and previous owners and other people connected with that artwork. The purpose of collecting this information is to assess an artwork's ownership and provenance prior to acquisition or loan. This is important to establish the legitimacy and confidence in the national collection.

Personal information about an artwork is obtained from a range of sources including from the donor or vendor and from historical records. The nature of this research is such that personal information is not always collected directly from the person to whom the information relates but from other sources such as third party oral or written histories or newspaper or magazine articles.

Personal information may also be collected in the course of historical research conducted by the National Gallery and for the purposes of exhibition. This information may not necessarily relate to an object in the

national collection. This information may be maintained in a range of forms such as writing, video or sound recordings or photographs.

The National Gallery may collect, use or disclose limited personal information of this kind for the following purposes:

- to facilitate the management (for example transportation and insurance) of the artwork
- to arrange physical access to the collection by researchers, special interest groups or the media
- to respond to enquiries for information about the collection or the National Gallery's activities received from members of the public, members of parliament or other interested third parties.

The Gallery may also make some of this provenance information publicly available on its website and in its annual report to further establish the legitimacy, confidence and credibility of the national collection and the National Gallery.

## **8. NATIONAL GALLERY VISITOR AND CLIENT INFORMATION**

The National Gallery maintains a database with contact details of individuals who regularly engage with us or who wish to receive information about particular events, exhibitions or activities at the National Gallery (**Promotional Information**). This includes members of the general public, donors, National Gallery Members or people with a business-related interest in the National Gallery. We would usually collect this information directly from you if you are interested in receiving the Promotional Information or if you are a representative of an interested organisation.

Personal information in the customer relationship database is used to:

- distribute Promotional Information or information about membership, at the National Gallery, including by email or post
- maintain membership lists
- maintain donor information and (with their consent) to publicly acknowledge these donors
- administer a booking for an event, exhibition or function
- request and receive feedback about visitor experiences
- manage auto billing where National Gallery Members have selected that option and,
- generate invitation lists for National Gallery events.

## **9. THE NATIONAL GALLERY'S WEBSITE**

The National Gallery's website uses cookies for the purpose of collecting statistical data. A cookie is a small data file that is placed on your computer by a webpage server for record keeping purposes and to enhance functionality on the website. Cookies can not be used to run programs, deliver viruses, extract or collect any personal information from your computer or provide any way for us to contact you.

Most browsers allow you to choose whether to accept cookies or not. If you do not wish to have cookies placed on your computer, please set your browser preferences to reject all cookies before using our website.

Our website uses Google Analytics, a service which transmits website traffic data to Google servers in the United States. We use Google Analytics to understand how users engage with our website. Data transmitted includes, for example, the web address of the page that you are visiting and your IP address. Google may also set cookies on your browser or read cookies that are already there. Google may transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf.

More information about how Google Analytics collects, and processes data is described in Google's Privacy Policy. If you don't want Google Analytics to be used in your browser, you can use the opt-out service provided by Google or the 'incognito' mode in your browser.

## **10. SOCIAL NETWORKING SERVICES**

The National Gallery uses social networking services such as Instagram, Twitter, Facebook, LinkedIn, Tik Tok and YouTube to communicate to the public and potential employees. When you communicate with the National Gallery using these services, we may collect your personal information, but will only use it to help us to respond or communicate with you and the public. The social networking service will also handle your personal information in accordance with its own privacy policies. Please keep in mind that if you directly disclose personal information on social media, this information becomes public and may be collected and used by others.

## **11. WHEN YOU VISIT THE NATIONAL GALLERY**

The National Gallery uses Wi-fi-based technologies that may collect information (such as which parts of the National Gallery are visited) from Wi-fi enabled devices. We use this technology to better understand visitor behaviour and traffic patterns throughout the National Gallery so we can improve the safety, security, and overall experience of visitors to the National Gallery. This information is collected automatically, however the information will be anonymous and will not include, or be linked to, any personal information about you unless you give permission for this to occur. To opt out, simply turn off Wi-Fi on your device.

The National Gallery may record, photograph or film events and public programs held at the National Gallery for promotional, publicity, research or archival purposes. We will endeavor to provide notice of any events where filming is being conducted. If you attend an event, you may appear in the background of the images or footage unless you tell us that you do not want to be filmed. We will always seek permission from you before filming you up close or before filming children under 18 years of age.

## **12. SECURITY RECORDS (INCLUDING CCTV)**

We maintain security records in order to manage access to National Gallery premises, assets and information. These records relate to staff, volunteers, interns, visiting researchers and contractors, and may include national criminal history checks and national security clearances. Identification photos are used for security and access control purposes. The National Gallery's Head of Security is responsible for the management of these records in accordance with the PSPF and PSP.

The National Gallery uses closed circuit television (CCTV) systems to monitor and record activity in a range of publicly accessible locations at the National Gallery. The purpose of this monitoring is to provide a safe and secure environment for National Gallery staff and visitors and to protect the National Gallery's collections and exhibits from damage, theft or loss.

The images recorded by the cameras may include identifiable images of people visiting the National Gallery. These images are stored in a secure environment, and access to these recordings is limited to authorised staff only. Where an incident has occurred warranting further investigation, the National Gallery may allow the recording to be viewed by people responsible for investigating the incident, both within the National Gallery and/or external investigative bodies or law enforcement agencies (such as the Australian Federal Police).

## **13. THE NATIONAL GALLERY SHOP (ART STORE)**

The National Gallery uses a secure electronic facility to process all credit card transactions. Customers may also leave their details at the Art Store in order to purchase items by mail order or to have items placed on hold.

Personal information is collected for the purposes of fulfilling the order and, if the purchaser has asked to



receive newsletters or other information about the National Gallery, to provide them with that information. Personal information may be disclosed to Australia Post for the purposes of delivering an order. The National Gallery also retains order details (excluding credit card details) in a secure system to help manage any returns, refunds or exchanges.

## **14. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION**

The National Gallery will take reasonable steps to correct personal information it collects and holds to ensure that it is accurate, up-to-date, complete and relevant and not misleading.

You may request access to, or seek correction of, any personal information held about you under the Privacy Act and the APPs. If you would like to access or correct any personal information we hold about you, you can contact the Privacy Officer. The National Gallery will respond to any request within 30 days and will take reasonable steps to provide access in a way that meets your needs.

If the National Gallery makes a decision not to grant your request for access, or we disagree about the accuracy of the information and are unlikely to change it, we will provide a written response listing the reason for refusal and how you can complain about our decision.

## **15. DISCLOSURE OF PERSONAL INFORMATION**

The National Gallery may disclose your information to third parties (such as our insurers) or other government departments where required to fulfill our functions under the Act, where you provide your consent, if required to comply with regulatory or reporting obligations, or where required or authorised by law. We take reasonable steps to ensure that, before disclosing personal information to any third party, they comply with the requirements of the Privacy Act and the APPs.

The National Gallery is committed to demonstrating the legitimacy of works of art in the national collection by ensuring that all acquisitions are negotiated and managed on terms that are ethical and transparent to public scrutiny. To this end, we may publish information in our annual report about all acquisitions approved in the financial year, including the seller's name, the purchase price of the works and any provenance information.

We may also publish information in our annual report to recognise and acknowledge the philanthropic support received from our generous donors over the financial year (with their consent). We will also publish remuneration information about the Director, and members of Council and the Audit and Risk Committee, in accordance with our legislative requirements.

We sometimes engage other entities to perform services for us such as engaging a provider to conduct a survey or other research on our behalf. We may share your personal information with them or receive personal information about you from them. These third parties are engaged in accordance with our obligations under the Privacy Act and they have agreed to hold this information in confidence, not use it for any other purpose except to carry out the requested services, and honour our privacy and security policies in the way personal information is handled.

We use Swift Digital, an online marketing automation platform and service provider to send and manage emails and events. In using this service, Swift Digital may collect personal information about you such as email addresses and other information to be used for the distribution of email campaigns and other important information. We retain ownership of all information collected using the Swift Digital service and Swift Digital would never share your information or allow third parties to use it.

Swift Digital maintains your data in compliance with Australia's SPAM ACT 2003 and the APPs. All data is maintained within Australia and never leaves Australian jurisdiction. Where stipulated, data is encrypted in transit using SSL connections and all data stored via Swift Digital is encrypted at rest. If you would like to contact Swift Digital, you can find contact details on their website.

## **16. DISCLOSURE OF PERSONAL INFORMATION TO OVERSEAS RECIPIENTS**

From time to time, the National Gallery may disclose personal information to overseas recipients for:

- interlibrary loan and document delivery
- the exchange of library collection metadata records
- loaning works of art internationally and
- loan return activities to private lenders overseas.

The National Gallery also uses Google Analytics which uses servers in the United States of America. We may also use IT systems and services from time to time which host information in servers in the European Union or the United States of America. We will not transfer your information overseas for any other reasons without your consent unless it is required or authorised by law. If personal information is disclosed overseas, the National Gallery will take reasonable steps to ensure that the overseas recipient does not breach the APPs.

## **17. DATA QUALITY STORAGE AND SECURITY**

The National Gallery takes reasonable steps to protect personal information from misuse, interference, loss and unauthorised access, modification or disclosure. Storage and disposal of information is managed in accordance with the *Archives Act 1983* (Cth).

Depending on the circumstances, we may hold personal information in either hardcopy or electronic form or both. We have established security measures including protecting digital information in systems that comply with the Australian Government Protective Security Policy Framework, and implementing managerial and physical access controls to those with a 'need to know'.

Digital information is maintained on secure servers managed by National Gallery staff or stored in secure cloud-based solutions. We may, from time to time, expand our operations or change the cloud-based or other secure solutions we use. We can do this without notifying you but we will take reasonable steps to maintain the same level of security and protection.

We are committed to dealing promptly with any accidental or unauthorised disclosure of personal information in accordance with our reporting obligations under the Notifiable Data Breach Reporting Scheme.

If we need to investigate or resolve a problem, we may need to (and you authorise us to) disclose your personal information to our service providers, law enforcement or other government officials if necessary or appropriate to deal with the problem or if required by law.

## **18. COMPLAINTS**

If you are not happy with the way the National Gallery has handled your personal information, you can lodge a complaint, in writing to the Privacy Officer on the details below. We may ask you to provide further details about your complaint and we may need to discuss your complaint with our staff, services providers and others as appropriate.

The National Gallery is committed to quick and fair resolution of complaints and will ensure that all complaints are taken seriously. We will take reasonable steps to deal with, and respond to your privacy complaint within 30 days. If you are not satisfied with our response, you can also lodge a complaint with the Office of the Australian Information Commissioner.

## 19. HOW TO CONTACT US

If you would like to request further information about how the National Gallery handles your information, obtain access to your personal information, request a correction to the information we hold about you or, make a complaint about the way we handle your information, you can contact the Privacy Officer at:

National Gallery of Australia  
GPO Box 1150  
CANBERRA ACT 2601  
Call: 02 6240 6411  
Email: [privacy@nga.gov.au](mailto:privacy@nga.gov.au)

## 20. REVISION HISTORY

Version	Date	Policy Steward	Comments
V.3	9 May 2023	Manager, Legal and Procurement	Complete review of Policy undertaken as part of legislative compliance.

This Privacy Policy will be updated if our information handling practices change. We would encourage you to periodically review this Privacy Policy to be informed of how we are protecting your information.