

# Helium Arts Data Protection Policy, December 2021

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## Introduction

This document outlines Helium Arts' ("Helium", "us", "we", and "our") processes for collecting and protecting personal data, and the ways that you can manage it, including the right to object to certain types of processing we carry out. All Helium's data protection activities comply with the requirements of the relevant Irish Data Protection legislation, namely the Irish Data Protection Acts (1988 - 2018), and [the ePrivacy Regulations 2011](#), as well as European legislation, in particular the General Data Protection Regulation (GDPR).

## Helium Arts as a Data Controller

In the course of its organisational activities, Helium acquires, processes and stores personal data, in its capacity as Data Controller.

## Data we collect

### Direct interactions

Helium Arts 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 beyond circumstances where the system logs IP addresses and other information provided 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 any of 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

### Online registration portal

Helium Arts collects personal data via its online portal for registration for Helium services. The personal data that will be collected through the online portal relates to (i) the parent/guardian registering with Helium Arts on behalf of a child, and (ii) the child themselves. Both these individuals are data subjects.

- In respect of the parent/guardian registering with Helium for Helium services on behalf of a child, we collect the following personal data: name, email address and telephone number, emergency contact information and GP name.
- In respect of the child being registered for Helium Arts services, we collect the following personal data: name, date of birth, gender, data relating to the child's health, allergy information, GP name, name of child's consultant or key health/social care worker (in order to verify their eligibility). Data relating to health is considered special category personal data under EU data protection law and therefore this data is subject to additional safeguards and protections. To the extent that we process any special category data, we do so on the basis of exercising our duty of care towards children using our services and necessity for defence of any legal claims which may arise.

### Cookies

Cookies are small pieces of information stored on your browser when you visit our website. The Helium website sets the name of the cookie, what information is stored in the cookie and how long the cookie is kept by your browser. The Helium website uses session cookies. A session cookie 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 parent/guardian 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 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 the protection of 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 for the purposes set out below. We will use your personal data in the following circumstances:

- For the purposes of performing contracts entered into by Helium Arts. Where we need to perform the contract we are about to enter into or have entered into with you, we rely on contractual necessity for the processing of personal data related to those contracts. These contracts include:
  - (i) Contracts with parents/guardians: we process personal data for the purposes of performing the contracts we enter into with parents/guardians for the provision of Helium services. We process the parent's/guardian's name, email address and telephone number for the purpose of providing the Helium Services.
  - (ii) Contracts with sponsors, donors and volunteers: we process personal data for the purpose of performing the contracts we enter into with sponsors, donors and volunteers. We process those individuals' names, contact details and (where relevant) their payment information for the purposes of performing the contract entered into with them, such as for sponsorship, donation and/or volunteer purposes.
- Compliance with legal obligations: We process personal data for compliance with our legal obligations, in particular our Health and Safety obligations in respect of the children to whom we provide Helium services.
- We process personal data where required in line with our legitimate interests: we process information collected by Helium's website for website analytics purposes only (to help us gather and analyse information about the areas visited on the website in order to evaluate and improve the user experience and the website), unless you give us consent for your information to be used in other specific ways. We use your personal data in this way on the basis of our legitimate interests in operating an efficient website tailored to our users.
- We process personal data for the specific purposes for which you provided your consent: these purposes might include providing your email address and information about you or your organisation so that we can contact you, so that you can donate to Helium Arts, so that you can register for an event, and/ or so that we can provide you with updates about our work and events.
- We process personal data for the purposes of 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 correspondence containing information relevant to the work supported.

- We process personal data for marketing purposes on the basis of your express consent: Where you have specifically consented to our use of your personal data, for example to send direct marketing communications to you via email, we will process your personal data for those specific purposes. You have the right to withdraw your consent to marketing at any time by unsubscribing from our newsletter or contacting us.

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 to assist it in providing its services, such as by providing technology services and solutions. 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.

These Data Processors include:

<b>Data Processor</b>	<b>Services Provided to Helium Arts</b>
• iDonate	Donation Processing
• Mailchimp	Manage mailing lists, e-newsletters, e-marketing campaigns and automations
• Eventbrite	Managing occasional event bookings
• Wordpress	Website platform
• Google Services, including Workspace and Youtube	Intranet, word processing, team collaboration. Youtube: video content and sharing
• Vimeo	Video content and sharing
• S3 Solutions	External evaluator and researcher
• Medcore	Medical services provider at workshops
• 365 Response	Online referral and bookings platform. CRM for families.
• Salesforce	CRM system for volunteers, staff, donors/funders, and stakeholders.

### 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 as long as necessary for the purpose of sending your marketing communication and to keep a record of any opt-outs, 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 duration of the specified purpose , unless consent has been given to retain the information in question, such as in order 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

You have several rights in relation to your personal data.

**Right of access-** You have a right to request access to your personal data and to be provided with a copy of certain information including the categories of your personal information we collect and disclose.

**Right of rectification** - You have the right to request that we rectify inaccurate personal data about you.

**Right of erasure** - You have the right, in certain cases, to request that we delete your personal data, provided there are valid grounds for doing so and subject to applicable law.

**Right to data portability** - You may have the right to receive certain of your information in a structured, commonly used and machine-readable format and to transmit such information to another controller.

**Right to object (marketing)** - You have the right to object to processing for direct marketing purposes at any time. Anyone may request that they are removed from our email list and that they not be contacted again by contacting Helium Arts directly (see details below), or by unsubscribing from our email list - this option is available at the end of any marketing email you receive from Helium.

**Right to object (legitimate interest)** - Where we process your personal data based on legitimate interests, you can object to this processing in certain circumstances. Unless we have compelling legitimate grounds or where it is needed for legal reasons, we will cease processing your information when you object.

**Right to restrict processing** - You have the right, in certain cases, to temporarily restrict the processing of your information by us, provided there are valid grounds for doing so.

**Right to withdraw your consent-** Where we have sought your consent for certain processing activities, you have the right to withdraw that consent at any time. Please note that the lawfulness of any processing undertaken prior to your withdrawal of consent shall not be affected by the withdrawal.

**Right to complain-** You also have the right to lodge a complaint with Helium Art's lead supervisory authority, the Irish Data Protection Commission or your local supervisory authority for data protection.

However, these rights may not be exercised in certain circumstances, such as when the processing of your data is necessary to comply with a legal obligation or for the exercise or defence of legal claims.

We will process your requests to exercise any of the above rights as soon as possible. You may be asked to provide evidence of your identity.

If you have any questions about this privacy policy, or if you require further information about our use of your personal data or you wish to avail of any of your rights set out herein, please contact Helium Arts at: CEO, Helium Arts, Pearse House, 28 Pearse St, Mullingar, Co. Westmeath. You can also contact us by email at: [info@helium.ie](mailto:info@helium.ie), addressed to Data Protection Officer.

### Updates to this policy

This policy will be reviewed and updated from time to time, particularly to maintain compliance with evolving data protection laws, regulations, and needs.