

Memory Preservation Policy



CALOUSTE GULBENKIAN
FOUNDATION

Chapter I Object

This policy establishes the procedures and rules that Calouste Gulbenkian Foundation (hereinafter "**CGF**" or "**Data Controller**") implements in the management and processing of Personal Data contained in documents and archives of the CGF Collection.

Chapter II Definitions

For the purposes of this Policy, the following terms and expressions shall have the meanings set out below:

- a) "Collection"**: the documents and archives, in analogue and/or digital format, generated by the various organic units of CGF throughout its history, as well as the documental collections and archives of external provenance acquired by CGF, documental sets maintained by CGF in order to preserve the collective and organizational memory in cultural, artistic, scientific, educational and social matters, which may be made available to the public for consultation and research, as well as disseminated in events, exhibitions, publications and initiatives of CGF itself or of third parties;
- b) "Special categories of data"**: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a person, data concerning health or data concerning a person's sex life or sexual orientation. This concept should include data relating to private life, which are constitutionally protected and classifiable as sensitive data;
- c) "Personal Data"**: information relating to an identified or identifiable natural person, directly or indirectly, such as name, identification number, location data, online identifiers, or one or more specific elements of that person's physical, physiological, genetic, mental, economic, cultural or social identity;
- d) "Processing"**: means any operation (or set of operations) which is performed upon personal data or sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- e) "Data Controller"**: CGF, insofar as it determines the purposes and means of the Processing of Personal Data;

- f) **“Subcontractor”**: means a natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Data Controller;
- g) **“Personal Data Breach”**: means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed;
- h) **“General Data Protection Regulation”** (or **“GDPR”**): Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

Chapter III The Collection

- 3.1. CGF has, over the years and since its establishment, taken on a prominent role as depository and manager of a documental Collection that reflects the cultural, artistic, scientific, educational, social knowledge and experience of the country, the Portuguese and the Armenian communities, as well as the world, with special focus on Portuguese-speaking countries, the countries of the Middle East, the French Republic, the United Kingdom and Commonwealth countries.
- 3.2. In this context, the CGF's Collection includes documents and data relative to fellows and other beneficiaries of the Foundation's support, artists, scientists, lecturers and other participants in CGF projects and initiatives, as well as CGF's employees and third parties with whom the CGF interacts in the exercise of its statutory functions, as Data Controller.
- 3.3. To the extent that the Collection contains Personal Data, the processing of said information is subject to the rules resulting from the RGPD, which imposes specific compliance measures on privacy and data protection, and which is applicable also in the context of the management of the information collected by CGF in the management and consolidation of the Collection.
- 3.4. In view of the above, CGF implements a set of rules for the management of the Collection that ensure its adequate management and, simultaneously, compliance with the provisions of the RGPD, in addition to those relating to the protection of copyright and related rights, directly or indirectly, embodied in the documents of the Collection.
- 3.5. Therefore, through this document, CGF intends to provide information on the rules implemented, namely: (i) identification of the information included in the Collection; (ii) security rules associated with the information included in the Collection; and (iii) access to the Collection by interested parties. This document is implemented specifically for the purpose of the management of the Collection and in the context of the historical preservation of the data processed by CGF.

Chapter IV Identification of the Information Contained in the Collection

- 4.1. CGF shall identify the information to be included in the Collection, taking into account (i) the rules arising from the GDPR on the processing of personal data, out of respect for the principles of proportionality, necessity and limitation of processing, as well as (ii) the legitimate interest of CGF and the need to ensure adequate segregation between personal data and special categories of data; (iii) the other applicable legal obligations in this regard, including, but not limited to, obligations in the context of employment law, anti-terrorism and money laundering, as well as CGF's tax obligations; and (iv) good practices associated with the management of historical and research archives.
- 4.2. The selection of documentation and information to be included in the Collection will be carried out in accordance with the usual criteria associated with the identification of information of potential historical, scientific and cultural interest and with respect for the limitations arising from the law, namely those relating to the criteria of legitimacy for data processing, in accordance with the terms of the applicable legislation.
- 4.3. The personal data contained in the Collection will be processed on the basis of the exercise of functions of public interest, and on the basis of the legitimate interest of the CGF in preserving the collective and organisational memory in cultural, artistic, scientific, educational and social matters.
- 4.4. Personal data not eligible for inclusion in the Collection will only be kept, as applicable, for the period of time (i) determined by law, (ii) necessary to meet CGF contractual rights/obligations, and/or (iii) for the period of time during which the relationship with the data subject is maintained, and will subsequently be deleted, without possibility of recovery.

Chapter V Access to the Collection

- 5.1. The CGF allows access to documents in its Collection, including those containing Personal Data, by persons who demonstrate a legitimate interest in accessing and reusing reproductions of these documents, namely for the purposes of personal study and scientific, cultural and artistic research and dissemination.
- 5.2. Requests to access and re-use documents contained in the Collection, including those containing Personal Data, shall be made upon request and taking into account the weighting of the following factors:

- (a) the type of information concerned;
- (b) the objectives and context of the requested access (access at CGF premises); online (through intranet or internet); partial or complete reproduction; intended purpose of the access;
- (c) the scope of the use (private or public purpose); and
- (d) the nature of the user.

5.3. Access to the documentation included in the Collection, namely that containing Personal Data, will be carried out under the following terms, illustrated in the table below:

(a) Immediately accessible information

The information qualified as "immediately accessible" may be accessed by filling in a request to the Art Library and Archives of CGF and is subject to the terms of access and use of information applicable.

This category includes documents that:

- (i) are not, directly or indirectly, protected by copyright or related rights or, if they are, express consent of the holders of such rights for access and re-use has been given;
- (ii) do not contain Personal Data;
- (iii) contain Personal Data: (1) whose holders have given their express consent to access and re-use them; (2) as long as 30 years have elapsed since the date of death of the persons to whom the documents refer; (3) if the date of death of the persons to whom the documents refer is not known, as long as 40 years have elapsed since the date of said documents.

(b) Information accessible by special request

Information qualified by its nature as "accessible upon special request" will be made available to applicants if it is considered adequate, relevant and not excessive to make it available.

Requests for access to this information will be analysed on a case-by-case basis and by proving the legitimacy of the request, without prejudice to those that are considered legitimate grounds for access, namely grounds based on the following criteria:

- (i) Preparation of scientific, research, academic or similar work related to the information requested;
- (ii) Genealogical research;
- (iii) Journalistic investigation;
- (iv) Exercise of legal competence/statutory assignment;
- (v) Pursuit of a mission of public interest;
- (vi) Access subject to legal duty of secrecy.

(c) Information excluded from the Collection

Information excluded from the Collection will only be kept by CGF, directly and/or through subcontracted entities, during the period of time necessary for the purpose pursued. This information will not be made available to third parties.

5.4. Whenever applicable, CGF reserves the right to require the presentation of the express consent of the holder of the personal data or of the copyright and related rights embodied in the documents, by the applicant for access and re-use.

5.5. Without prejudice to the provisions of the previous numbers regarding access and visualisation of documentation included in the Collection, the reproduction and authorisation to use documents, videos and images from the CGF's Collection must be requested by filling in an application form at the Art Library and Archives of CGF, and is subject to the terms and conditions applicable to the reproduction of documents and assignment of rights of use.

5.6. The holder or other interested party, provided they are authorised to do so, will always be allowed access to their own Personal Data included in the Collection, as well as to exercise the other rights applicable in this matter, on presentation of a valid identification document, namely by sending an e-mail to privacidade@gulbenkian.pt.

5.7. In addition, and without prejudice to any other means of recourse, data subjects may submit a complaint to the CNPD if they consider that their data has been unlawfully processed.

Holders	Data available for consultation on request	Data available for consultation by special request
Artists and Other Authors	<ul style="list-style-type: none"> • Civil identification data • Voice and image data • Professional/career data • Musical, literary, cinematographic, visual, plastic, digital, dramatic or other works produced • Data on participation in exhibitions, lectures, interviews and CGF events • Data manifestly made public by the data subject • Address 	<ul style="list-style-type: none"> • Value of works acquired or support provided by CGF, if any • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life
Current and Former Workers (Regardless of Employment Relationship)	<ul style="list-style-type: none"> • Civil identification data • Voice and image data • Professional/career data <ul style="list-style-type: none"> • Start and end date of employment with CGF • Address 	<ul style="list-style-type: none"> • Value of allowances, salaries or support paid by CGF • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life

Lecturers and Other Active Participants in Activities Direct or Supported by CGF	<ul style="list-style-type: none"> • Civil identification data • Voice and image data • Professional and curricular data • Details of attendance at the lecture/conference/event • Data manifestly made public by the data subject • Address 	<ul style="list-style-type: none"> • Amount of the fees • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life
Patrons and Lenders	<ul style="list-style-type: none"> • Civil identification data • Voice and image data • Date of loan of the work(s) (if this information is manifestly public) • Type of work (sculpture, literature, painting, other) (if this information is manifestly public) • Identification of the work and its value (if this information is manifestly public) • Address 	<ul style="list-style-type: none"> • Indication of donation/legacy of the work to CGF by the patron (and/or respective heirs) • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life
Beneficiaries of CGF Support	<ul style="list-style-type: none"> • Civil identification data • Professional and curricular data • Voice and image data • Data concerning the grant or subsidy awarded (type of project or initiative, duration, start and end date, content of works published and/or works created in the context of the support awarded, • Content produced or resulting from the project or initiative (artistic, scientific and technical works), in accordance with the law, in particular taking into account copyright and related rights) • Address 	<ul style="list-style-type: none"> • Value of the support provided, if liable to financial representation • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life
Participants in Initiatives and/ or Other Works for External Dissemination by CGF	<ul style="list-style-type: none"> • Civil identification data of an adult participant • Name, production date and subject matter of the work concerned • Voice data, image of an adult participant and other data associated with their participation • Address 	<ul style="list-style-type: none"> • Data concerning the participation of minors belonging to the household and also participating in the work (civil identification data; voice, image and other data) • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life
Other Public	<ul style="list-style-type: none"> • Civil identification data • Professional and curricular data • Voice, image and other associated data 	<ul style="list-style-type: none"> • Voice and image data concerning minors • Special categories of data • Data which are not special categories of data and which relate to the intimacy of private life

Chapter VI Data Security

- 6.1.** The personal data included in the Collection shall be stored subject to appropriate physical and logical security measures, taking into account the nature of the information, the technical circumstances and terms of the processing, as well as the risks to the rights and freedoms of the data subjects.
- 6.2.** The physical and/or logistical security measures associated with data processing will be implemented both by CGF's subcontractors for the purposes of file management, maintenance, updating and/or cleaning, and by CGF's own internal structure, as applicable in the specific case.
- 6.3.** In the event of the occurrence of a Personal Data Breach, such incident shall be reported and escalated internally, under the terms provided in the [Incident Response Manual and associated records].

Chapter VII Entry Into Force

The Foundation may update this Policy at any time, so regular consultation is recommended.

