



1 Privacy Policy A.F.V.D. Foton

| 01-11-2018 | Version 1 |

As of the 25th of May 2018 the new regulation regarding the protection of personal data came into effect, called the General Data Protection Regulation (GDPR) or Algemene Verordening Gegevensbescherming (AVG). This policy replaces the Dutch Wbp, or “Wet bescherming persoonsgegevens” and contains stricter rules about privacy and the protection of personal data. In this document the privacy policy of A.F.V.D. Foton will be described.

1.1 What is personal data?

According to the GDPR personal data comprises of “information about an identified or identifiable natural person (except organizations or deceased persons)”. This means that this information tells something about the identified person or can help to identify that person. A picture of a person, who can be identified without disproportionate effort, is also seen as personal data.

1.2 Which personal data is collected?

Foton only collects and stores information which is needed for their administration. This includes (see also Appendix 1.):

- **Member administration:**
 - First Name + Last Name
 - Date of birth
 - Address (street, ZIP code, residence)
 - Telephone Number
 - Email address
 - Student- or employee number
 - Education
 - Bank Account Number (IBAN + BIC)
 - UnionCard possession (yes/no)
- **Work Assignment Contract:**
 - First Name + Last Name client/legal person
 - Address (street, ZIP code, residence)
 - Telephone Number
 - Email address
 - Bank Account Number (IBAN + BIC)
- **Declarations:**
 - First Name + Last Name declarant
 - Address (street, ZIP code, residence)
 - Telephone Number
 - Email address
 - Bank Account Number (IBAN + BIC)
- **Model Release:**
 - First Name + Last Name
 - Name parent/guardian of the model (if the model is under-aged)
 - Date of Birth
 - Address (street, ZIP code, residence)
 - Telephone Number



- Email address
- Bank Account Number (IBAN + BIC)
- **License agreement:**
 - First Name + Last Name
 - Date of birth
 - Address (street, ZIP code, residence)
 - Telephone Number
 - Email address
 - Bank Account Number (IBAN + BIC)

1.3 Where and how is the personal data stored?

Foton uses (I) paper forms for registrations, work assignment contracts, declarations, model releases and license agreements, (II) a digital member administration in DMS (managed by the University of Twente) and (III) Google Drive/Mail.

1.3.1 Paper forms

The paper forms and contracts are signed or agreed upon and then submitted to the board. The registration forms, the model releases and the license agreements are stored in a folder, which is stored in a closed cabinet in the Dark Room. The key of the cabinet is only retrievable by one of the board members. The declarations and work assignment contracts are stored in a folder that is kept by the treasurer personally and can only be retrieved by the treasurer or one of the board members.

1.3.2 DMS

DMS is a digital administration system where personal data is stored by the University of Twente. This system is needed to be able to manage the payments of the association fee. The personal data stored in DMS is not managed by Foton, but by the University of Twente. The Privacy Policy of the University applies to DMS.

DMS is protected by a password which is changed when a new board has been charged. Only the board has access to the password of DMS.

1.3.3 Google Drive/Mail

Foton uses Google Mail to receive and send e-mail. E-mails can contain personal data (for example declarations, contracts, model releases and license agreements). The Google Mail account is protected by a password which is changed when a new board has been charged. Only the board has access to the Google Mail account.

Foton uses Google Drive to store (scanned) registration forms, work assignment contracts, declarations, model releases and license agreements. This part of the Google Drive is protected by a password which is linked to the email address of the user. Only board members are users of this part of Google Drive.

Pictures are stored in a separate folder in Google Drive as well. This folder is accessible for all members of Foton. They can view, download or upload pictures in the folder. The regulations described in paragraph 1.6 apply to the pictures in this folder.

The keys and passwords that are used to protect the data can only be used by the board and cannot be transferred to members or third parties (except for the keys of the rooms and cabinet, which are kept by the University of Twente). Laptops or storage devices can never be left or shared



unprotected. In case of a data-leak, you have the rights to file a complaint at the Authority Personal Data (Autoriteit Persoonsgegevens) .

1.4 How long will the data be stored?

The paper and digital registration forms are stored for as long as the person is a member of Foton but can be stored for max. two years after deregistration. The paper and digital work assignment contracts, declarations, model releases and license agreements are covered by the fiscal storage period and are stored for max. seven years.

1.5 What are your liberties?

According to the GDPR you have the following rights:

- 1. Right of inspection (recht van inzage)**
You can inspect your personal data at any time, without specification of reason. In this case Foton will send the requested information by e-mail;
- 2. Right of data portability (recht op dataportabiliteit)**
You can request your stored personal data for transferring to another supplier of the same service. In this case Foton will send the requested information by e-mail;
- 3. Right of (recht op vergetelheid)**
You can ask Foton to delete stored personal data when (I) the data is no longer needed, (II) the membership is cancelled, (III) an objection has been approved, (IV) data has been processed unlawfully or (V) the storage period is expired. Foton will anonymize your data or delete it (when the membership has been cancelled);
- 4. Right of rectification and addition (recht op rectificatie en aanvulling)**
You can rectify or complement your personal data. You can contact Foton to change your personal data;
- 5. Right of restriction of procession (recht op beperking van verwerking)**
You can ask Foton to store lesser information when (I) the data is incorrect, (II) the data is no longer needed, (III) an objection has been approved, (IV) data has been processed unlawfully. In these cases, you can contact Foton to anonymize or delete data;
- 6. Right of objection (recht van bezwaar)**
You can object to the storage of your personal data when (I) the data cannot be stored in case of personal circumstances, (II) the data is used for commercial means. When you object, the processing of your personal data will be terminated and, when the objection has been approved, deleted. You can contact the Authority Personal Data (Autoriteit Persoonsgegevens) to lodge an objection.

1.6 Which restrictions rest on my pictures?

According to the GDPR a picture with an identified or identifiable person is considered as “personal data”. This paragraph describes how Foton uses pictures and which regulations protect them.

1.6.1 Usage of pictures

The pictures that are taken by the board or members of Foton can be stored in a folder on Google Drive, which is accessible to all the members of Foton. (Board) Members can upload, download and look at the pictures stored in Google Drive, but cannot use them for any personal or commercial means without the permission of the photographer and (if applicable) the identified or identifiable person/model of the picture. The (Dutch) Copyright Act and Model Right applies to the pictures.



Foton can use pictures for expositions and social media (Facebook and Instagram). The board of Foton is required to ask for permission to use the pictures, except for the pictures that are commissioned for the exposition or by means of a work assignment contract. Permission can be given by means of a verbal or written (non-exclusive) license agreement. An example of a (non-exclusive) license agreement can be found on the website of Foton.

1.6.2 Dutch Copyright Act

According to the (Dutch) Copyright Act the photographer (the maker of the picture) is owner of the picture and decides how the picture is used, unless the picture is commissioned by means of a work assignment contract. The photographer must grant permission for the usage of the pictures on for example social media or an exposition. A license agreement can be used to transfer the rights of using the pictures without transferring the original copyright. An example can be found on the website of Foton.

Pictures made during events and activities organized by Foton are **not** exempted from the Copyright Act, except when the picture(s) is(/are) commissioned by means of a work assignment contract.

1.6.3 Portrait Right

In case of portraits or pictures with (identifiable) people the (Dutch) Portrait Right applies. A picture with an identifiable person cannot be published without permission of the photographed person, unless the picture is commissioned (by means of a work assignment contract) or a model release has been signed. An example of a model release can be found on the website of Foton.

Pictures made during events and activities organized by Foton are **not** automatically commissioned and are **not** exempted from the Portrait Right, except when the picture(s) is(/are) commissioned by means of a work assignment contract or when a model release has been signed.

1.7 Cooperation in fiscal and criminal investigation

In case of a fiscal and criminal investigation Foton may be obliged to share personal data with (government) organizations.

1.8 Refusal of membership

Foton is an official association and is therefore obliged to process certain administrative and fiscal data. If your wishes regarding the privacy policy are not in line with the functioning of an association Foton can refuse membership and/or access to certain systems, such as Google Drive.

1.9 Changes in the privacy policy

Foton reserves the right to change the privacy policy at any time. The most recent version of the privacy policy can be found on the website of Foton. When the privacy policy is revised you will be informed.

1.10 Revisions

Revision	Date	Comments
1.0.	01-11-2018	First release
1.1	5-11-2018	Grammatical/language adaptations



1.11 Appendix 1. Data collection and storage

Data	Administration	Storage	Storage Period
First Name	Member administration, contract work assignment, declarations, model release, license agreement	Paper, DMS, Google Drive	2-7 years
Last Name	Member administration, contract work assignment, declarations, model release, license agreement	Paper, DMS, Google Drive	2-7 years
Date of Birth	Member administration, model release, license agreement	Paper, DMS, Google Drive	2-7 years
Address	Member administration, contract work assignment, declarations, model release	Paper, DMS, Google Drive	2-7 years
Telephone number	Member administration, contract work assignment, declarations, model release, license agreement	Paper, DMS, Google Drive	2-7 years
Email address	Member administration, contract work assignment, declarations, model release, license agreement	Paper, DMS, Google Drive	2-7 years
Student- or employee number	Member administration	Paper, DMS, Google Drive	2 years
Education	Member administration	Paper, DMS, Google Drive	2 years
Bank Account Number	Member administration, contract work assignment, declarations, model release, license agreement	Paper, Google Drive	2-7 years
Union Card possession	Member administration	Paper, Google Drive	2 years
Name parent or guardian model	Model release	Paper, Google Drive	2-7 years