

GDPR Privacy Notice

This Notice only applies to residents of any member state of the European Union

General Data Protection Regulation (GDPR)
Article 13 of Regulation EU 2016/679

1. Purpose of this notice

This Privacy Notice provides mandatory information as required under Articles 13 and 14 of the European General Data Protection Regulation (GDPR) regarding the transparency of personal data processing. Definitions of certain terms within this notice are explained in the Appendix.

2. Purposes of collecting Personal Data

Artwide is the Data Controller of the information you, as a Data Subject, provide to us.

In these circumstances Artwide will be acting under a 'Legitimate Interest' to legally process the data for the provision to the Data Subject of information regarding artwork for sale and purchase as exhibited by Artwide on its website, assist the Data Subject with the sale and purchase of such artwork and to fulfil its obligations under Artwide's terms of use.

3. Your Rights

As a Data Subject you have rights under the GDPR set out below. Artwide will always fully respect your rights regarding the processing of your Personal Data, and has provided below the details of the person to contact if you have any concerns or questions regarding how we process your data, or if you wish to exercise any rights you have under the GDPR.

4. Contact Details

The identity and contact details for the Data Protection Officer within Artwide are as follows:

Frédéric Barban

Address: Room 1104, Crawford House, 70 Queen's Road Central, Central, Hong Kong

Email Address: fb@artwide.com

5. Data Protection Principles

Artwide has adopted the following principles to govern its collection and processing of Personal Data:

- Personal Data shall be processed lawfully, fairly, and in a transparent manner.
- Personal Data collected will only be those specifically required for the purposes set out in Section 2 above. Such data will only be processed for those purposes.
- Personal Data shall only be retained for as long as it is required to fulfil contractual requirements, or to develop statistics for Artwide's benefit.
- Personal Data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are collected and/or processed. Personal Data shall be accurate and, where necessary, kept up to date.
- The Data Subject has the right to request from Artwide access to and rectification or erasure of his/her Personal Data, to object to or request restriction of processing concerning the data, or to the right to data portability. In each case such a request must be put in writing as in Section 3 above.

The Data Subject has the right to make a complaint directly to a supervisory authority within his/her own country. Artwide's Data Protection compliance is supervised by:

Frédéric Barban

Address: Room 1104, Crawford House, 70 Queen's Road Central, Central, Hong Kong

Email Address: fb@artwide.com

- Personal Data shall only be processed based on the legal basis explained in Section 2 above, except where such interests are overridden by the fundamental rights and freedoms of the Data Subject which will always take precedent. If the Data Subject has provided specific additional consent to the processing, then such consent may be withdrawn at any time (but may then result in an inability to fulfil travel requirements).
- Artwide will not use Personal Data for any monitoring or profiling activity or process, and will not adopt any automated decision making processes.

6. Transfers to Third Parties

For the purposes set out in Section 2 above, Artwide will in most cases deem it necessary to process Personal Data via a third party (these will include but are not limited to credit agencies, website or database hosting companies, address list hosting companies, email service providers, analytics companies, distribution companies, fulfillment companies, and other similar service providers). Personal Data shall only be transferred to, or processed by, third party companies where such companies are necessary for the fulfilment of the abovementioned work.

In order to provide our services, Artwide may need to transfer Data Subject's information from their respective countries of residence to another country in the usual course of its business. By dealing with Artwide and submitting such personal information, the Data Subject agrees to the transfer, storage, and/or processing of their personal information outside of their countries of residence as set out below.

Transferring outside of the EEA

Artwide may transfer personal information of Data Subjects to third party data processors located in countries outside of the European Economic Area ("EEA"). Such transfer will not be made without consent of the Data Subject.

Artwide only transfers personal information of Data Subjects to those third parties where Artwide can be sure that Artwide can protect the privacy and rights of Data Subjects, for example the third party is located in a country which the EU has deemed to have adequate data protection laws in place, where that third party is certified on the EU-US Privacy Shield or where Artwide has a contract in place with that third party which includes the European Commission's standard data protection clauses. Additionally, Personal Data shall not be transferred to a country or territory outside the EEA unless the transfer is made to satisfy the Legitimate Interest of Artwide in regard to its contractual arrangements with its clients.

Appendix – Definitions of certain terms referred to above:

“Personal Data”

means any information relating to an identified or identifiable natural person (“Data Subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. (Article 4 of the GDPR)

“Processing”

means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction. (Article 4 of the GDPR)

“Legal Basis for Processing”

refers to at least one of the following being applicable:

1. Consent: a Data Subject has given clear consent for the processing of his/her personal data for a specific purpose.

2. Contract: the processing is necessary for compliance with a contract.
3. Legal obligation: the processing is necessary to comply with the law (not including contractual obligations).
4. Vital interests: the processing is necessary to protect someone's life.
5. Public task: the processing is necessary to perform a task in the public interest, and the task or function has a clear basis in law.
6. Legitimate interests: the processing is necessary for the legitimate interests of the Data Controller unless there is a good reason to protect a Data Subject's Personal Data which overrides those legitimate interests.

(Article 6 of the GDPR)

“Data Controller”

means the person or company that determines the purposes and the means of processing Personal Data. (Article 4 of the GDPR)

“Data Processor”

means a natural or legal person, public authority, agency or any other body which processes Personal Data on behalf of the Data Controller. (Article 4 of the GDPR)

“Data Subject Rights”

refer to the eight rights to which each Data Subject is entitled. These are:

1. The right to be informed; this means anyone processing Personal Data must make clear to a Data Subject what they are processing, why, and who else the Personal Data may be passed to.
2. The right of access; this is a Data Subject's right to see what data is held about him/her by a Data Controller.
3. The right to rectification; the right to have a Data Subject's Personal Data corrected or amended if what is held is incorrect in some way.
4. The right to erasure; under certain circumstances a Data Subject can ask for his/her Personal Data to be deleted. This is also called “the Right to be Forgotten”. This would apply if the Personal Data is no longer required for the purposes it was collected for, or his/her consent for the processing of the Personal Data has been withdrawn, or the Personal Data has been unlawfully processed.
5. The right to restrict processing; this gives a Data Subject the right to ask for a temporary halt to processing of Personal Data, such as in the case where a dispute or legal case has to be concluded, or the Personal Data is being corrected.
6. The right to data portability; a Data Subject has the right to ask for any Personal Data supplied directly to the Data Controller by him/her, to be provided in a structured, commonly used, and machine-readable format.
7. The right to object; a Data Subject has the right to object to further processing of his/her Personal Data which is inconsistent with the primary purpose for which it was collected, including profiling, automation, and direct marketing.
8. Rights in relation to automated decision making and profiling; a Data Subject has the right not to be subject to a decision based solely on automated processing.

(Chapter 3 of the GDPR)