

## Data sharing and requirements for National portfolio organisations

### Wording of the data clauses in funding agreements

National portfolio organisations (NPOs) must enter into mutually agreed data sharing agreements with other relevant Arts Council funded organisations and follow best practice principles on data sharing. NPOs will need to be in a position to share personal customer data (to allow for direct marketing) with partner Arts Council funded organisations by 1 April 2016. The wording in the funding agreement:

*By 31 March 2016 you must enter into mutually agreed data sharing agreements with other relevant Arts Council funded organisations, following best practice [principles on data sharing](#). Or, where such agreements do not exist, you will introduce a specific 'opt in' option at transaction stage, to ensure as far as possible that customers' contact details are shared with the relevant Arts Council funded company, promoter or venue they are booking for. You will pass these customer contact details to the visiting company or presenting venue by a mutually agreed time and in a mutually agreed format. This requirement will be waived if:*

- a. The customer has stated that they do not wish their details to be shared with the promoter, venue, space or company; or*
- b. The company, venue or promoter is unable to comply with the provisions of the Data Protection Act 1998 and other relevant legal requirements for holding personal information and therefore does not hold such information.*

### **Why have we introduced this?**

“All our evidence suggests that the most successful businesses in the creative industries are those that know most about their customers – who they are, what they like etc. We also know that publicly funded arts and cultural organisations are not in competition with each other for audiences. The real competition comes from those parts of the commercial entertainment and media industry who have invested heavily to gather data on their customers. We want to have a healthy and competitive sector and believe that it is therefore incumbent on publicly funded arts and cultural organisations to work together and share the data and information on the audiences that they have gathered using public investment. We also believe that it is the customer, not the organisation, who should determine who has access to their details. We firmly believe that it is this collaborative approach to sharing data that is most likely to produce the results that we all believe in – that more and more people up and down the country enjoy great art and culture”

Simon Mellor, Executive Director Arts and Culture

## Q&A

Updated 19 January 2016

*Question:* What data should we be sharing?

*Answer:* Ultimately, that is down to you and any partner organisations. Visiting companies are not required to ask for personal data that would allow for direct marketing even though the clause allows them to ask for this to be part of the data sharing agreement. Our experience of talking to companies suggest some may well agree that they do not want to go down this route once they realise they can get helpful insight into the customers for their shows from non- personal data. Some venues are banding the level of data reporting to reflect different relationships they may have with organisations eg performance-by-performance analysis for resident companies or those with regular visits and production/annual level analysis for the more ad hoc visiting companies. Typical data analysis would cover ticket sales breakdown, basic audience profiling and engagement at other events/frequency. This approach reflects the reality that venues may well be liaising with many visiting companies. Companies are likely to ask for reach by postcode as this is part of the data they are obliged to report to the Arts Council each year. The new tools in Audience Funder for the touring companies we fund will make this a lot easier, by generating an automated tour report for companies, where venues agree to share the data with companies through Audiences Finder.

The 25 NPOs that receive the highest funding levels and all Major partner museums are also asked to report back on a sample of audiences by ethnicity, age, gender and disability status – and we are encouraging all NPOs to at least consider this as part of their equality action planning; again this can be done through the free Audience Finder framework.

*Question:* What do we mean by ‘Arts Council Funded’ in this (data sharing agreements) context?

*Answer:* By this we mean ‘*anyone currently in receipt of Arts Council funding*’<sup>1</sup>. This isn’t retrospective and in effect means from 1 April 2016. We are only expecting to see such agreements in place with organisations that you are in some way in partnership with and specifically *this clause applies if you are or are planning to work in partnership with other Arts Council England funded organisations to create, present or distribute art or cultural activities in the course of the funding period.* So

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<sup>1</sup> Please note that this is only currently in the funding agreement of National portfolio organisations, although we are encouraging this approach across the wider Arts Council funded sector.

for instance, a group of venues may choose to share data and in which case it makes sense to have an agreement in place around this – but we aren't expecting you to do this if you aren't formally working together in this way. The Arts Council's advice is to have partnership agreements in place whenever you are working in partnership to deliver your activity and in many cases the data sharing agreement would be incorporated into this.

*Question:* How will we ensure that customers are not bombarded with too many emails or letters?

*Response:*

- The data sharing agreement allows you to set out your respective approaches to contacting customers and this should help to minimise duplication
- Customers will have had to opt in to receiving email from the company. Good practice principles dictate that it must be easy for the customer to opt out of if they are unhappy with the volume