

Agreement on the transfer of personal data between independent data controllers.

Purpose of the agreement

This agreement (hereafter The Agreement) regulates the transfer of personal data¹ between independent data controllers:

- Oslo National Academy of the Arts (hereafter KHiO) is the transferrer of data,
- The artist (here after The Artist) who has created the artistic expressions that includes personal data (hereafter Artistic Personal Data) through his/her work as a scholar at KHiO is the transferee of the data.

KHiO and The Artist are independent controllers of the personal data transferred under this agreement.

The purpose of the further processing of the Artistic Personal Data by The Artist is as artistic expression, including sharing, displaying and creating new artistic expressions. The Personal Data Act §3 "Relation to freedom of expression and information" comes into effect. It provides exemptions from parts of the GDPR. "As far as it is necessary for the exercise of the right to freedom of expression and information, the GDPR and this law do not apply here processing of personal data for journalistic purposes or with a view to academic, artistic or literary expressions."

Artistic Personal Data under The Agreement is left at The Artist's unlimited disposal by means of a general contractual consent (not a GDPR consent).

Limitation of what is meant by Artistic Personal Data.

In this agreement, Artistic Personal Data is limited to artistic forms.

Interviews with those registered, documents, spreadsheets or similar processing of personal data will not be included in the transfer, unless when the personal data is represented in the form of an artistic expression.

Rights for those registered

The data subjects involved in the Artistic Personal Data have initially, with KHiO as data controller, given their consent to the processing on the condition that it is KHiO's management system for information security and privacy that applies. The information is secured in many ways, technical and organisational.

Under this Agreement the transfer of Artistic Personal Data to The Artist as an independent controller, §3 will apply and the registered will lose their rights. The GDPR articles on Principles and Consent do not apply to Artistic Personal Data transferred under The Agreement to The Artist as independent controller of the personal data.

Irrespective of what follows from the first paragraph of §3, no exceptions can be made to the personal data protection regulation articles 24, 26 etc., according to paragraph §2. But since an artistic expression is

¹ <https://sikt.no/en/tjenester/personverntjenester-forskning/personvernhandbok-forskning/what-personal-data>

basically intended for display, this will be meaningless. The entire GDPR will therefore not be valid after this transfer.

Separate consent when transferring personal data to The Artist

It is very important that the data subjects involved in the Artistic Personal Data give a separate consent to the personal data transferred to The Artist as a separate controller of the Artistic Personal Data.

The consent must clarify that the intention of the transfer of Artistic Personal Data is, among other things, displaying it in exhibitions, publishing it on the web or creating new artistic expressions. It will not be possible for the data subjects to withdraw from this separate consent. Artistic Personal Data controlled by The Artist will not be protected in any way and the expression can also be transferred to countries where the GDPR does not apply.

Requirements for KHiO when transferring

It is a requirement of KHiO that all registered persons included in the Artistic Personal Data are identified and consent to the transfer. The Artist must submit a full list of all persons included, and submit signed consents from all.

Normally, The Agreement must be approved by the Dean. However, if the Artistic Personal Data includes sensitive personal data, the Rector must approve the transfer. Sensitive personal data includes:

- personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs;
- trade-union membership;
- genetic data, biometric data processed solely to identify a human being;
- health-related data;
- data concerning a person's sex life or sexual orientation.

In addition to the above requirements concerning the transfer of personal data, any intellectual property rights involved must be considered and solved before approval of The Agreement

Attachments to the agreement

This agreement is only valid with the following attachments:

- Attachment - 1 - Consent to transfer of personal data - Full list of data subjects
- Attachment - 2 - Information and Consent - Transfer of personal data (one per data subject)

Signature and date

Oslo National Academy of the Arts

Signature and date

The Artist

(Form approved by rector of Oslo National Academy of the Arts, March 3rd 2025).