

‘The New Potato Eaters’ – Terms and Conditions

1. GENERAL

1.1 Applicability

1.1.1 These terms and conditions are applicable to the ‘New Potato Eaters’ photo challenge organized by the Van Gogh Museum for the exhibition *The Potato Eaters: Mistake or Masterpiece?* (8 October 2021 to 13 February 2022).

1.1.2

Information on and terms and conditions of the photo challenge are stated on the website www.vangoghmuseum.com/dinnertime.

1.1.3

Van Gogh Museum is a trading name of the Van Gogh Museum Foundation (*Stichting Van Gogh Museum*), which has its registered office at Museumplein 6, 1071 DJ Amsterdam.

1.1.4

By taking part in the photo challenge the participant, and if the participant is under 18 years old his or her parents or guardians, declare that they accept these terms and conditions.

2. ‘THE NEW POTATO EATERS’

2.1 Specification

2.1.1

By sending in your photo you take part in the ‘New Potato Eaters’ photo challenge and accept these terms and conditions for participation.

2.1.2

If you participate in this challenge your photo could be selected to be displayed on screens in the exhibition *The Potato Eaters: Mistake or Masterpiece?* (8 October 2021 to 13 February 2022) and you could win an &Klevering Potato Eaters plate.

2.1.3

Participation takes place by sending in a digital photo and a completed entry form, which can be found on our website.

2.1.4

The entry period for the photo challenge runs from 8 October 2021 until 16 January 2022, after which participation is no longer possible.

2.1.5

A monthly selection of the entries received within the period specified in article 2.1.4 will be made by a jury appointed by the Van Gogh Museum. The selected entrants will receive an email stating that their photo has been selected to be

shown during the exhibition, and when it will be on display. An &Klevering Potato Eaters plate will also be raffled among the selected entrants, and the winner will be informed by email.

2.2 Participation

2.2.1

Any individual can take part in the photo challenge, subject to the provisions of articles 2.2.2 and 2.2.3.

2.2.2

Participation by minors is only permitted with the express permission of their parents or guardians, taking particular regard of articles 2.2.1, 2.2.3, 2.2.4 and 2.2.5.

2.2.3

Each participant can only send in one photo.

2.2.4

By sending in the photo you give the Van Gogh Museum permission to display and publish it. By doing so you grant your cooperation with the display of the photo in the Van Gogh Museum. You are not obliged to state your name on the entry form.

2.2.5

By taking part in 'The New Potato Eaters', if the photo is selected, the participant, and his or her parents or guardians if applicable, grant the Van Gogh Museum the right to use the photo and any accompanying explanatory notes that have been provided for the promotional purposes of the Van Gogh Museum. See article 5.

3. LIABILITY

3.1

The Van Gogh Museum can under no circumstances be held liable for:

- a. photos sent in incorrectly or too late;
- b. technical problems that can have an influence on electronic communications;
- c. the eventual outcome of 'The New Potato Eaters' or participation in it;
- d. the provision of incorrect or incomplete information by the participant.

3.2

Participation takes place at the participant's own risk, and his or her parents' or guardians' own risk if applicable. You and your parents or guardians are personally responsible for the correct entry and sending of information. The Van Gogh Museum does not guarantee that the internet and/or other networks will provide optimal use and access, and/or that its website will function without errors and that all entries will be received correctly and completely.

3.3

The Van Gogh Museum is not liable for any damage arising from participation in the challenge. Changes and typing errors are reserved.

4. PERSONAL DATA

4.1

By taking part in the challenge you give permission for your personal data to be processed by the Van Gogh Museum. Persons who are recognizably shown in the photo must have given you permission for this, and the photo must not infringe their privacy and rights.

4.2

The personal data that will be processed consists of your name, your email address, the photo and any explanatory notes, and the Instagram username that you have filled in on the form.

4.3

The abovementioned personal data will be used, on the one hand, to be able to contact the participant and, on the other, to be able to display the selected photos during the exhibition *The Potato Eaters: Mistake or Masterpiece?* in the Van Gogh Museum. Furthermore, the selected photos or parts of them may possibly be published via various media, for example on our website and on social media such as Facebook.

4.4

The selected photos may also possibly be used in internal or external presentations that may be given by the Van Gogh Museum, for up to a year after the abovementioned exhibition.

4.5

The personal data will be retained until a maximum of 12 months after the end of the exhibition *The Potato Eaters: Mistake or Masterpiece?*

4.6

By taking part in the challenge you, and if you are less than 18 years old your parents, guardians or other legal representatives, grant permission for the processing of the abovementioned personal data.

4.7

You can find more information on how the Van Gogh Museum handles personal data in the [privacy statement](#) on our website.

5. INTELLECTUAL PROPERTY RIGHTS

5.1

The participant hereby declares that he or she is the maker of and/or the holder of the rights on the photo sent in by him or her. The participant indemnifies the Van Gogh Museum against all claims of third parties concerning alleged or actual copyright infringement in connection with the submitted photo.

5.2

As a participant in the challenge, by sending in your photo you grant a user licence to the Van Gogh Museum, without remuneration, to publish and duplicate the

submitted photo during the exhibition and also for its use in internal and external communications to third parties, such as for example our official websites, social media and other channels.

5.3

This licence is valid for up to a maximum of 12 months after the end of the exhibition *The Potato Eaters: Mistake or Masterpiece?*

6. FINAL PROVISIONS

6.1 Reservation of rights

The Van Gogh Museum reserves the right at all times, without prior or further notification:

- a) to exclude participants from taking part in 'The New Potato Eaters' photo challenge if the museum is of the opinion that they are misusing 'The New Potato Eaters', are not acting in accordance with these terms and conditions, are acting fraudulently and/or are attempting to unlawfully influence the selection by the jury;
- b) to make changes and improvements to our website or to limit and/or to discontinue access to the website;
- c) to prematurely terminate these terms and conditions of the challenge, other conditions or the challenge itself, insofar as the museum considers this necessary at its own discretion.

6.2 Questions and complaints

Questions and complaints in connection with 'The New Potato Eaters' can only be sent in writing to the Van Gogh Museum Foundation, Education Department, Postbus 75366, 1070 AJ Amsterdam, The Netherlands.

6.3 Applicable law and choice of forum

'The New Potato Eaters' and these terms and conditions are governed by the laws of the Netherlands. Disputes will be exclusively submitted to the court of competent jurisdiction in Amsterdam.