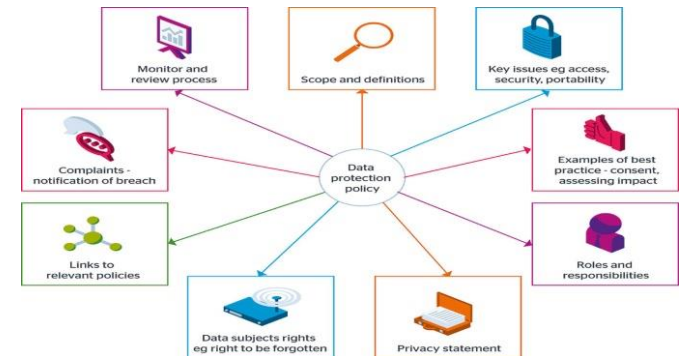


Data Protection Bitesize

A 20 Minute Tour of Data Protection
Russell Rolph



The Basics: What is it?

- A set of organisational principles.
- It's a promise between an organisation and an individual.
- It's a pledge or a contract to keep an individual's personal data: **ELECTRONIC OR HARD COPY.**
- Safe
- Accurate
- Secure
- Lawfully Processed.



Why is it important?

- People have power.
- They have choice.
- They are much more aware of what constitutes a misuse of their data.
- The Regulator has more power to investigate and fine.
- Organisations must do more to safeguard individual data.
- Do not abuse a supporter or potential supporters trust.



Sanctions

- 553 Fines Levied in 2020.
- Breach Notifications increased by 19%.
- Charities are not immune.
- Royal British Legion.
- MacMillan.
- Cancer Research.
- **Fines are Proportionate – Be on guard though.**



Sanctions: From the BBC

- Eleven charities have been fined by the UK's data watchdog for misusing information about millions of past donors to seek further funds.
- Offences included **secretly** piecing together data from various sources and trading personal details to target new and lapsed donors.
- Limited individual fines of between £6,000 and £18,000 because donors could be unhappy at more punitive fines.
- "[People] will be upset to learn the way their personal information has been analysed and shared by charities they trusted with their details and their donations and "No charity wants to alienate their donors."
- ***The Regulator***



Terms

- Data Processor.
- Data Controller.
- An Individual.
- The Data Subject.
- The Regulator.



General Data Protection Regulation 2018 became the DP Act 2018

- Prompted in part by the Olive Cooke case.
- Evolution in Data Protection not a Revolution.
- More rights on the individual regarding data.
- More onus on organisations to do better.
- More power to investigate and sanction.
- Builds on the Data Protection Act of 1998.



Lawful Processing

- The first of the overarching DP Principles.
- You promise to collect and process information accurately and lawfully.
- There are a number of grounds you can use to achieve this:
- **CONSENT:** By far the simplest. But BEWARE...
- **CONTRACT:** You are working to a contract which stipulates how data will be collected and processed.

Lawful Processing

- VITAL INTERESTS:
- PUBLIC TASK: Mainly for Public Authorities who are required to collect and process data in conjunction with the law (CENSUS).
- LEGAL OBLIGATION: You are processing data in line with common law.
- LEGITIMATE INTEREST: The most flexible of all the grounds. Yet to be truly tested in case law.

Legitimate Interest

- Balances the need of the organisation with the rights and freedoms of the individual.
- Relies on some form of past relationship.
- OR some act around regulation, best practice, price setting or industry standards.
- Heavily used by Charities of all sizes.

EXAMPLE 1

- Bell-max Community Association have a list of 89 contacts and have been sending these contacts a monthly E Bulletin for 3 years. Can they claim LEGITIMATE INTEREST?
- Mr Jones has decided to join the contact database as he is interested in the newsletter and has seen it in a friend's house: LEGIMATE INTEREST OR CONSENT?

EXAMPLE 2

- EXEL Insurance have used data to understand customer preferences and selling points for their new brand of products. They surveyed 3000 existing customers: LEGIMATE INTEREST?
- EXEL SOLD their database to another Insurance Company who are just entering the insurance market? LEGIMATE INTEREST OR BREACH OF DATA PROTECTION?

Children:

- Specific care needs to be taken over processing child data.
- OVER 13 – CONSENT CAN APPLY but the consent notice needs to be written in such a way that the child understands.
- UNDER 13 – PARENTAL GUIDANCE CONSENT.
- **NOTE: Children have the same rights as adults in relation to personal data.**

Breach...Oh No..!!

- A breach is when the organisation or an individual believes a breach of data protection has taken place.
- If an individual believes a breach has taken place, they might contact the organisation or go directly to the regulator.
- ***Proportion and Perspective.***

What do you do in the event of a breach?

- Notify the Regulator within 48 hours.
- Record on your organisational Breach Register.
- Contact all affected parties.
- Await the Regulators Response.
- **DO NOT PANIC.**



What do you need as a starting Point?

- Data Protection Policy
- Data Protection Statement
- Privacy Notice
- Breach Register
- A roadmap of **how and why** you collect the data you do.

Any Questions?



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