

At a Glance... GDPR for Members

What is GDPR?

The General Data Protection Regulation (GDPR) is a new pan European data protection regulation which came into effect on 25th May 2018.

It brings outdated personal data laws across the EU up to speed with an increasingly digital era. The previous data protection laws were put in place during the 1990s and weren't able to keep pace with the levels of technological change.

It alters how individuals and organisations can handle the personal information of the public. GDPR also boosts the rights of individuals and gives them more control over their information.

Why Does it Matter?

Broadly, there are three significant reasons this is important.

1. Those we interact with, from members and beneficiaries, to local clergy and members of the general public, all quite reasonably expect us to collect and handle their data with due care. Compliance with GDPR will in future become the minimum acceptable standard in the court of public opinion.
2. Compliance is a legal obligation and there are very significant penalties for individuals and organisations that are found to have failed to have acted in accordance with the law. The legislation will be enforced by the ICO (Information Commissioners Office).
3. In order to achieve compliance across the movement we are going to need to complete a host of assessment exercises and policy revisions. This process is going on right now and requires input from all levels of the movement right down to branches. Inevitably we will all subsequently need to adjust our practices in certain respects.

Organisations of all types, even parish churches are all attempting to adjust to these changes. This is plainly a significant burden for voluntary membership organisation to bear but it is a challenge we must rise to in order to protect not only members and beneficiaries but the very movement we all hold so dear.

What Does This Mean In Practise for My Branch?

The Implications of GDPR broadly fall into two categories:

1. How we collect and manage data; and
2. How we communicate with individuals

It will hopefully become apparent, as you read through the following sections, that beyond the initial compliance preparatory works, and a few tweaks to historic practises, the advent of GDPR really shouldn't prove quite as life altering as the press might have you believe.

It is also important to note that full compliance is not required immediately, instead we must be able to demonstrate that we have a plan that will see reach compliance within a reasonable timeframe. However, should anything that follows give cause for concern within your branch then fear not as support and guidance is available, not only through your diocese and Mary Sumner House but also from the ICO via their website (<http://www.ico.org.uk>).

Implications for Collecting and Managing Personal Data

The key point to take on board is that **personal data can only be collected, stored and used where there is a lawful basis for doing so**. The legislation sets out 6 potential lawful bases of which only two are potentially relevant to MU branches. These are:

- Consent; and
- Legitimate interest

Both bases are largely self-explanatory but it is important to have a working understanding of each. Further details can be obtained via the ICO website or from your diocese.

As far as possible Mothers' Union at all levels will be relying on the Legitimate Interest basis, particularly concerning member and beneficiary data but there will be occasions and individuals when active consent is required in order to collect or handle personal data.

GDPR has also strengthened the rights of individuals concerning their data. 8 rights are set out in the legislation. The most important from the perspective of an MU branch are: The right to be informed; The right of access; The right to rectification; The right to erasure; The right to restrict processing; and The right to object. These again are broadly self-explanatory but it is well worth taking the time to explore each one further.

Finally the legislation is now more explicit that **privacy implications should be integral to all decision making; minimum security standards must be maintained;** and that known breaches must be logged and potentially reported to the ICO.

This all sounds potentially quite daunting but by applying some simple rules at branch level we can go a long way towards full compliance, so, please:

DO

- Work with your diocese to identify what data is held, in what format, for what purpose and by whom.
- Make yourselves aware of your diocesan General Data Protection Policy and Data Retention Policy and take steps to comply.
- Feel free to continue to collect necessary data from members and beneficiaries in line with these diocesan policies.
- Visit the ICO website or make use of the detailed materials available from your diocese to increase your understanding of the subject matter covered in this guide.
- Begin to move away from holding paper records wherever this is reasonably possible.
- Make use of the Membership Directory to manage the data of branch members.
- Update member and beneficiary data whenever advised of a change.
- Improve security relating to potentially sensitive beneficiary data
- Securely dispose of elderly or otherwise unrequired data
- Take requests from data owners seriously
- Start to actively consider the data privacy implications of all key decisions
- Seek advice from your diocese if you have any concerns or queries

DO NOT

- Ignore the advent of GDPR! It is important to be able to demonstrate that both individually and as a branch reasonable efforts to comply have been made
- Take avoidable risks with data held
- Collect or retain data that is not required
- Retain unnecessary correspondence (Including emails)

Implications for Communicating With Members, Beneficiaries and Others

As noted in the previous section, we need a lawful basis for holding and processing information.

Communication with individuals, other than face to face conversation, involves making use of personal data, be that an address, phone number or email address. It is therefore considered to be an example of processing personal data. This all means that GDPR impacts on how and when we can communicate with members, beneficiaries, speakers and anyone else we might have cause to communicate with in the course of our activities.

MU Branches will likely only need to concern themselves with the following lawful bases:

- Consent; and
- Legitimate interest

As far as is possible Mothers' Union at all levels will be seeking to communicate on a legitimate interest basis and fortunately this covers the vast majority of routine communications of a branch.

Unfortunately use of this lawful basis is not possible for all forms of communication – text messages, emails and marketing phone calls fall under a separate Data Protection Act known as PECR and this Act restricts the use of these digital channels if you are communicating to 'market' anything. This means emails, text messages and phone calls cannot be about appeals, products or similar unless the member has explicitly opted-in to receiving such communication. Newsletters, membership administration, project management are considered legitimate interest without marketing and are fine for digital communication. We would advise however members are always able to opt-out of digital communication.

By adhering to the simple rules on the following page, branches can ensure they keep within the requirements of the legislation.

General Rules for Communicating

Email & Text Messages

Do

- Seek consent from members and beneficiaries to communicate with them in this fashion for specified reasons which do not relate to the administration of their members. Emails are free to send, convenient and a perfectly acceptable way to communicate in most circumstances. It is therefore desirable for us to continue to be able to communicate in this fashion.

Don't

- Send emails or text messages without active consent – remember legitimate interest cannot be used as a lawful justification for communicating in this way when it comes to appeals, campaigns, selling MU products etc.

Post

Do

- Feel free to communicate to members on a legitimate interest basis concerning: their membership; the activities of the branch, diocese or worldwide movement; and fundraising and policy campaigns of the movement at any level.
- Communicate with current beneficiaries on a legitimate interest basis concerning programs or activities.
- Communicate with recent former beneficiaries on a legitimate interest basis where you have good reason to believe that a forthcoming program or activity may be of benefit to them.
- Communicate with branch speakers on a legitimate interest basis.
- Communicate with local clergy on a legitimate interest basis concerning MU activities that will have an impact on the parish.

Don't

- Stray outside the bounds of legitimate interest when sending letters if relying solely on that basis. If in doubt perform a legitimate interest assessment or seek guidance from your diocese.

Telephone

Do

- Feel free to communicate with members by phone on a legitimate interest basis concerning their membership or the activities of the local MU
- Feel free to communicate with current beneficiaries concerning the project and activity they are actively engaging with.

Don't

- Communicate by phone for any other purpose without the active consent of the individual being dialled.