



# General Data Protection Regulation

Rebekah Fozzard  
Manager – Special Projects and GDPR Coordinator  
Representative Church Body  
July 2018



# Recap:

## General Data Protection Regulation

European data protection regulation

Overhauls and harmonises existing data protection law

New responsibilities on organisations

Non Compliance can lead to Large Fines!

Came into Effect

*25<sup>th</sup>  
May  
2018*

LAW

# Common terms



**Data Subject – natural living person**



**Data Controller – how and what**



**Personal Data - identifiable information**



**Processing Data – how you use it**



**Special Category Data - sensitive**

# GDPR principles that need to be adhered to



- Fairly obtained
- Processed lawfully, fairly and transparently
- Only used for the specific purpose you received permission for, and no other purpose
- Is adequate, relevant and limited
- Is accurate and kept up to date
- Is only stored for as long as is necessary
- Is kept safe and secure

# Individual rights



**BE INFORMED**



**ACCESS** their personal information



Have personal data **ERASED**



Have personal data **CORRECTED**



**RESTRICT** processing



**OBJECT**



Data **PORTABILITY**



No **AUTOMATED** decision making

# Ways to process personal data

## Consent

- Freely given
- Specific
- Informed
- Affirmative action
- Written or verbal
- Can be **WITHDRAWN**

## Legitimate Interest

Data Controller

Data Subject

Necessary

Reasonable expectations

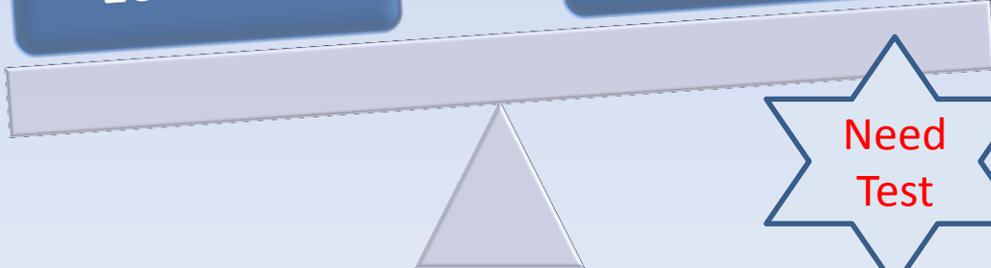
Safeguards

Low risk

Fundamental Rights

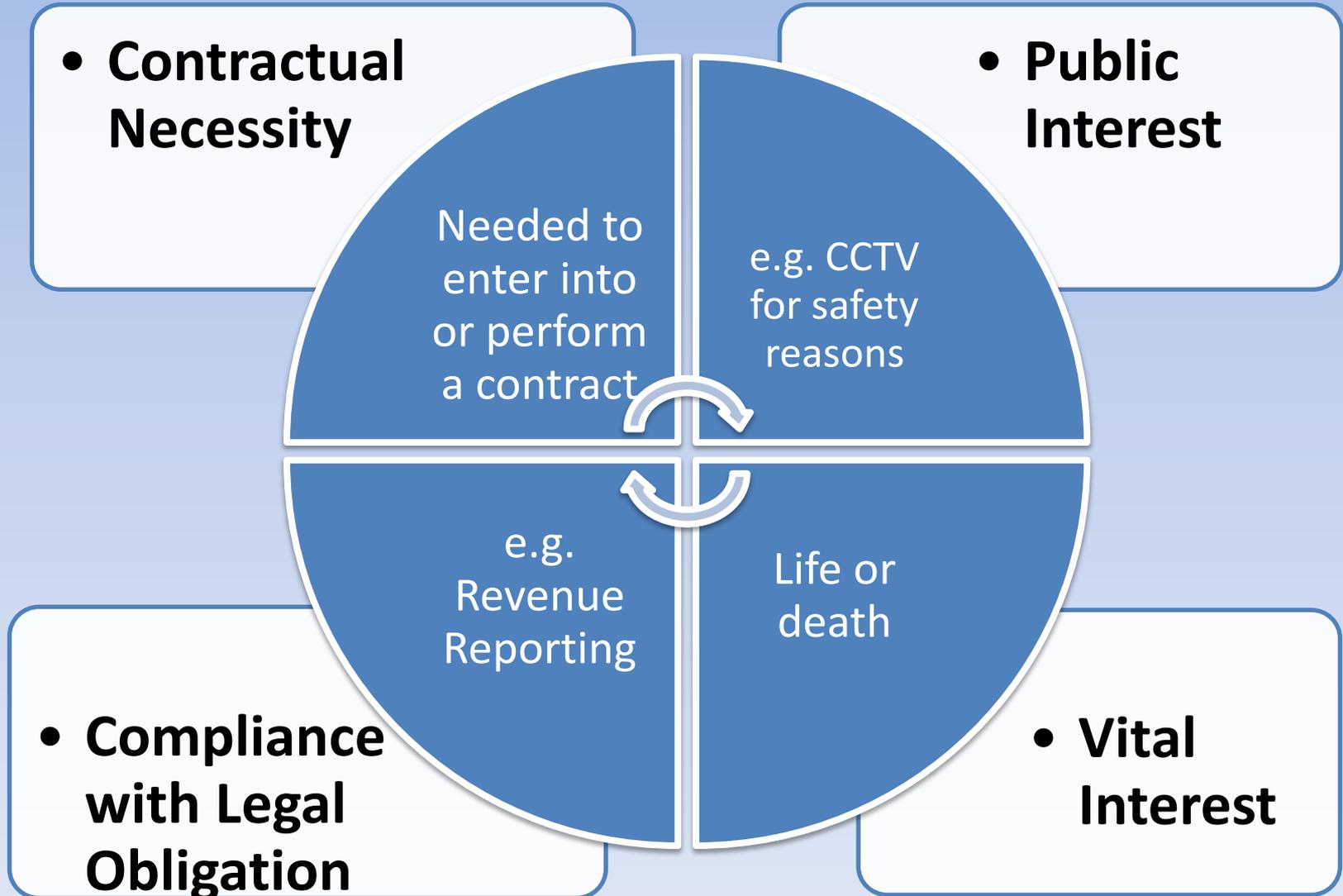
Freedoms

Interests



Need Test

# Other ways to process personal data



# Managing a Data Breach

## What is a breach?

- accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data

## What do you do?

- Follow your procedure and:
  - document the facts relating to the breach, its effects and the remedial action taken
  - keep a log of breaches, large and small
  - if the breach is likely to result in a high risk to individuals you must let them know asap
  - if a serious breach, contact the Data Protection Commissioner no later than 72 hours after becoming aware of the breach



# GDPR and Photography

- Where a photograph can clearly identify an individual, consent should be sought, particularly if this photograph will be published on any external site (e.g. website).
- Photographs should be treated the same as any other personal data
- Where photographs of minors/children e.g. under 16 years old are used, then guardian consent must be obtained – this is mandatory
- Where a photograph can not uniquely identify a person, so a data subject is not at risk should the data be comprised, it is possible to use this photograph within the legitimate interests of the work of the Parish

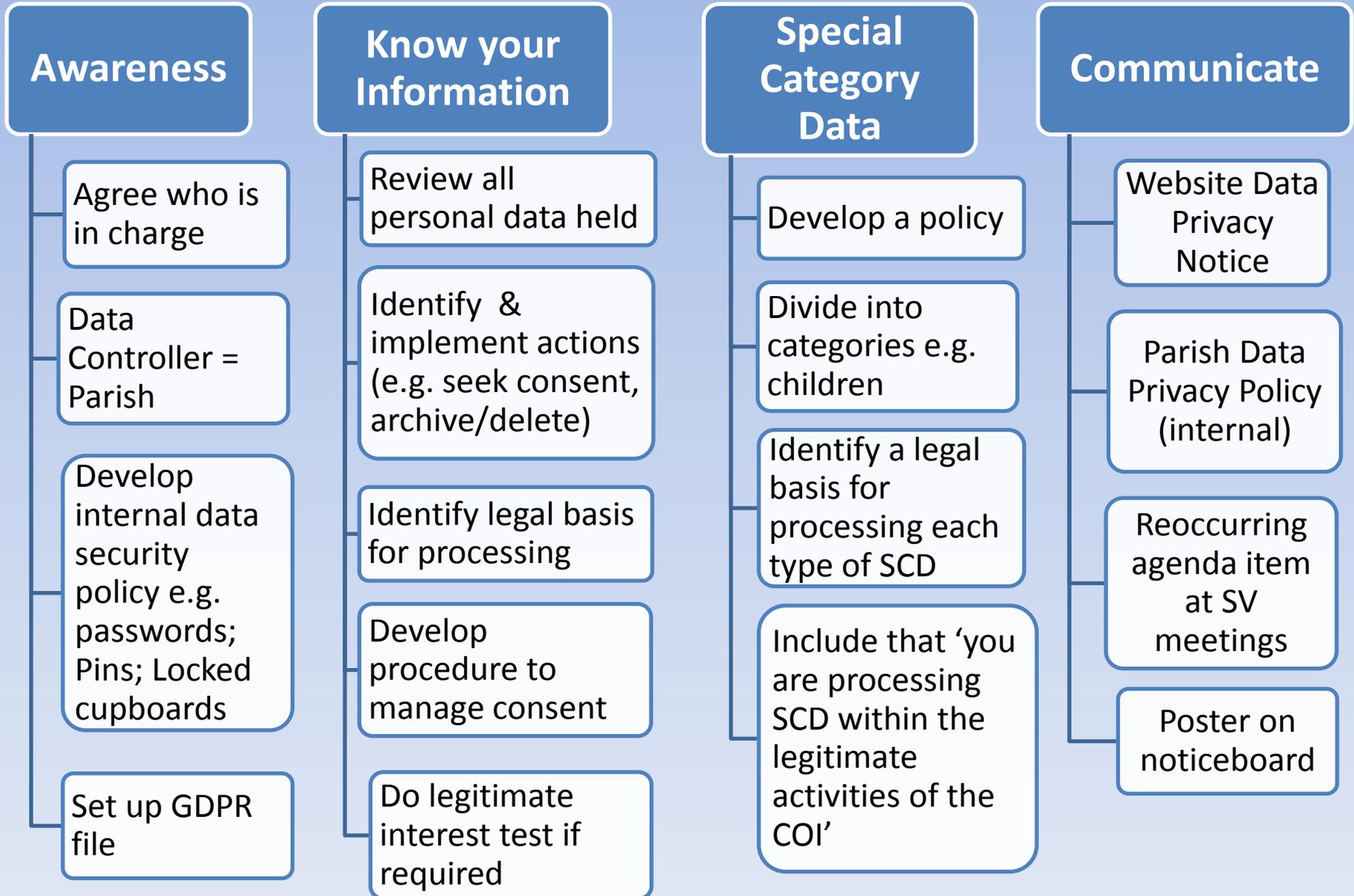
# Subject Access Request

- Individuals have the right to access their personal data
- Individuals can make a subject access request verbally or in writing
- You have one month to respond to a request
- You cannot charge a fee unless excessive
- You can refuse if repetitive or vexatious

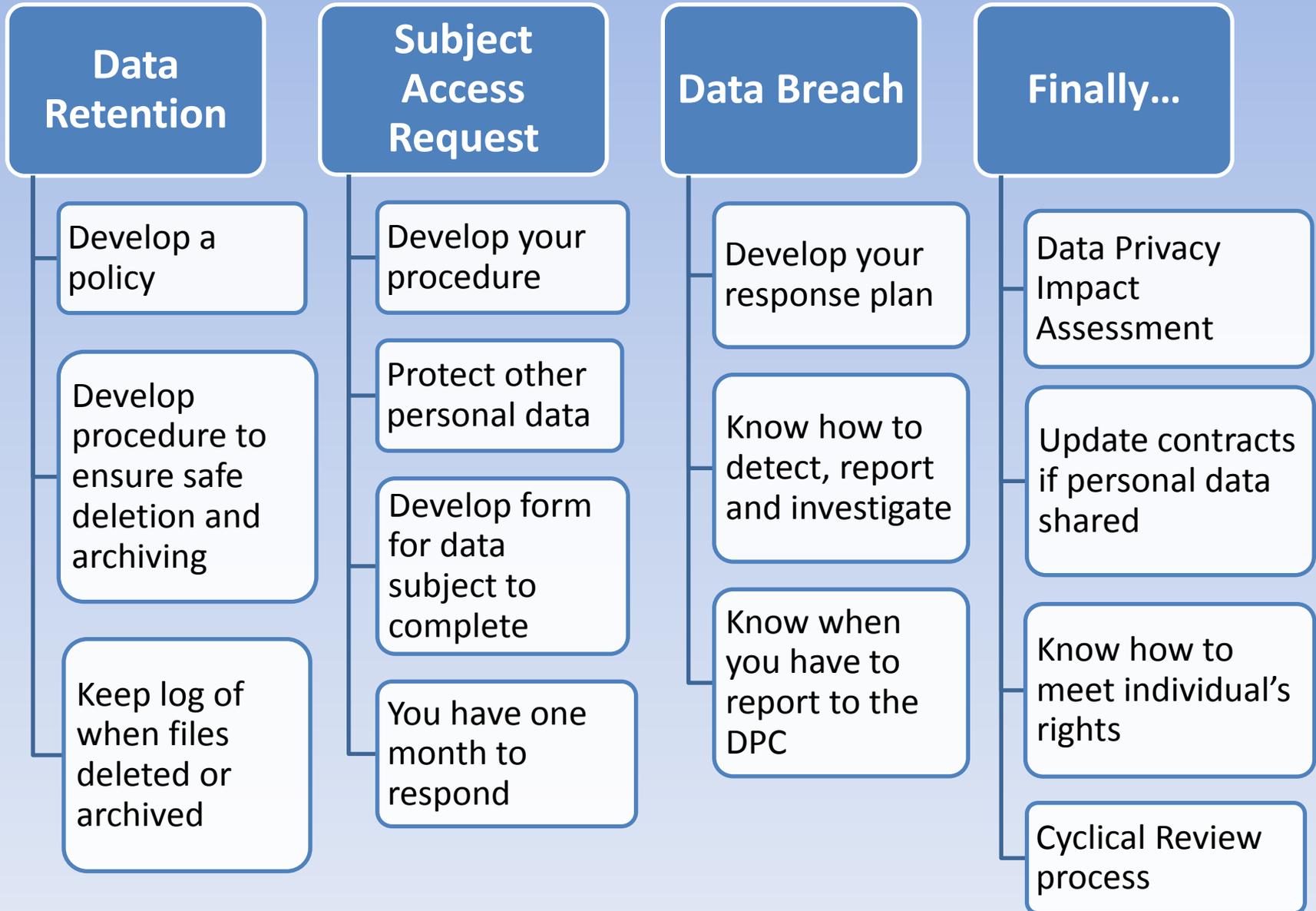
## Top Tips!

- Develop a form for individual to complete
- Check their ID
- Communicate and keep in touch with the requester
- Watch out for personal data pertaining to others – it cant be shared without consent

# What each Parish needs to do



# What each Parish needs to do



# Questions?

## *Best of Luck*

*The road to success is not straight. There is a curve called **Failure**, a loop called **Confusion**, speedbumps called **Friends**, red lights called **Enemies**, caution lights called **Family**. But, if you have a spare called **Determination**, an engine called **Perseverance**, insurance called **Faith**, a driver called **Jesus**, you will make it to a place called **Success**.*



# Appendix

## Legitimate Interest: at a glance!

Legitimate interest is likely to be most appropriate where you use people's data in ways they would reasonably expect and which have a minimal privacy impact

If you choose to rely on legitimate interests, you are taking on extra responsibility for considering and protecting people's rights and interests.

There are three elements to the legitimate interests test. You need to:

identify a legitimate interest;

show that the processing is necessary to achieve it; and

balance it against the individual's interests, rights and freedoms

- The legitimate interests can be your own interests or the interests of third parties.
- They can include commercial interests, individual interests or broader societal benefits.
- The processing must be necessary. If you can reasonably achieve the same result in another less intrusive way, legitimate interests will not apply.
- You must balance your interests against the individual's. If they would not reasonably expect the processing, or if it would cause unjustified harm, their interests are likely to override your legitimate interests.

Keep a record of your legitimate interests assessment (LIA) to help you demonstrate compliance if required.