



Briefing Papers

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GENERAL DATA PROTECTION REGULATIONS (GDPR)

You'll be hearing a lot about GDPR over the coming months. It's effective from May 2018, but charities must start to get prepared now. It's going to affect every charity that collects and stores personal data. I don't want to be alarmist but I do need to mention that 11 charities were recently fined between £6,000 and £18,000 for Data Protection breaches. The regulator said they should have been higher given the gravity of the offences but was mindful that the money would come out of the pockets of donors.

For small to medium charities it's not rocket science, and trustees shouldn't be unduly alarmed, provided they treat GDPR as something which has to be faced.

To help small to medium charities prepare for GDPR, I've written a series of numbered briefings to guide charities through to an understanding of what needs to be done to stay safe. If you need specific guidance contact me at the address below and we'll do our best to help.

This is a summary of the 8 briefings I've written so far. The file of the briefings is available free on request. Please note that I'm aware that I'm writing for busy people, so I try not to waste words. (I summarise the briefings out of chronological order as they make more sense that way.)

Briefing No. 7: What is Changing

The current legal framework is The Data Protection Act 1998.

This Act sets out 8 principles for processing personal data; we should all be reasonably familiar with these principles and should have appropriate systems in place to ensure that we're legal at all times. My briefing sets out 9 key areas of change; these are some of them:

Penalties is one area: a breach can mean a fine of up to 4% of annual income depending on gravity. Conditions for consent have been strengthened. Notification of a breach must be within 72 hours or else. Subject access requests must be actioned within 30 days not a month as at present; this is a killer if you haven't got round to setting up a rapid response plan.

Briefing No. 1: Setting the Scene

This is a blog from Gary Wills of Southampton University. He is a specialist on the subject of Data Protection and this is helpful guidance on the processes needed to become compliant under the new regime.

Briefing No. 2: An Overview

This is a simple summary of the new requirements. The important material is in the first paragraph, reminding boards of trustees that they need to begin the process of familiarising themselves with the new regulations, and make sure that everyone is aware of the implications of GDPR for them specifically.

Briefing No 3: Preparing for GDPR: Twelve Steps to be Taken Now

Some useful pointers, to help you carry out an audit of your Data Protection processes to help you achieve compliance. We are building on this by providing a detailed questionnaire.

Briefing No. 4: Subject Access Requests (SARs)

Having been directly involved in these over recent months I know how important it is that your staff and volunteers are able to identify an SAR and act on it quickly. Failure to do so within reduced timescales will be viewed seriously by the regulator. This is a detailed briefing and I advise that it's read by everyone.

Briefing No. 5: Consent

No more passive consent allowed (though see briefing No. 8). Requirements for getting consent to hold someone's data is strengthened, with an emphasis on transparency.

Briefing No. 6: FAQs

There must always be a FAQ; it clears the ground. One of the questions asks about minors.

Briefing No. 8: Legitimate Interests

Is this the get out of jail card we're all looking for? It's an important question and you should study this one carefully.

I hope this whets your appetite to ask us for the folder containing these briefings. We shall be working with charities to help them towards compliance and as I mentioned the next step is a detailed questionnaire to enable you to audit your own systems to identify areas which need to be worked on. Let us know if you'd like to hear more about this.

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