GDPR

Training Event – Manchester
22\textsuperscript{nd} May 2018

GDPR

Consent
It’s not all about Consent

Lawful Basis

- Consent
- Performance of a Contract
- Legal Obligation
- Vital Interests
- In the public interest
- Legitimate interests
Legitimate Interests

- Most Flexible lawful basis
- Three Stage Test:
  1. What is the legitimate interest?
  2. The processing is necessary to achieve it and
  3. Does not affect the rights and freedoms of the individual
- People must expect their information to be processed in this way.

Examples of Legitimate Interests

- Pastoral lists
- Members roll
- Office holders lists
- Minutes of meetings
- Recording of CCTV
- Users of church premises
- Tenant of church property
- Directories and Plans not in the public domain
When is Consent Required?

- When personal data is put into the public domain
- When you want to use personal data for a different purpose
- Marketing and Fundraising communications
- When you are disclosing sensitive personal data (special categories of data)

Consent Requirements

- Is it true consent?
- Do people have a choice?
- Must put people in control
- Negative impact if wrong
**Consent Requirements**

- Must be explicit
- Cannot use pre-ticked boxes
- Must be freely given and without detriment
- Must be genuine
- Must be specific – what is the purpose?
- The right to withdraw
- Must be recorded

**Consent Recording**

<table>
<thead>
<tr>
<th>Who consented?</th>
<th>When did they consent (date of consent)?</th>
<th>What were they told at the time?</th>
<th>How did they consent?</th>
<th>Has consent been withdrawn?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Smith</td>
<td>06.05.18 Church Steward asked Mr Smith after Sunday morning service if could include his contact details in next church newsletter and needed his consent because as it could be seen outside the Church community. Referred him to privacy notice on chapel noticeboard.</td>
<td>Mr Smith said: “yes that’s fine.”</td>
<td>Mr Smith signed the Consent Form and Privacy Notice.</td>
<td>No</td>
</tr>
</tbody>
</table>
Consent Requirements

• You must keep consent under review
• It does not last indefinitely
• 2 years
• Opportunity to check the accuracy (principle 4)

Children and Consent

• Children have the same rights as adults
• Children can give consent to general processing

• Rules are different with regards to:
  – Online Marketing
  – Online Services

• Age of Consent set at 13
Questions?