

GDPR

**Training Event – Manchester
22nd 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

Who consented?	When did they consent (date of consent)?	What were they told at the time?	How did they consent?	Has consent been withdrawn?
e.g. names of individual who gave consent	e.g. for oral consent note the time and date of the conversation; for written consent note the date they signed the Consent Form; for consent given via a data capture form, note the date (and time if recorded by a timestamp)	<p>Attach or include a link to a master copy of:</p> <ul style="list-style-type: none"> - the Consent Form (or other document used to capture consent); and - the Privacy Notice or other privacy information <p>in use at that time the consent was given. Include Privacy Notice version number and date.</p> <p>If consent was given orally, note down what was said at that time (see example).</p>	<p>e.g. signed the Consent Form, online data capture form or orally</p> <p>state where the signed form is filed away or stored securely OR with oral consent, a note of what was said (see example).</p>	<p>Only complete this column if consent is withdrawn and note date consent withdrawn</p> <p>e.g. Yes – 26.05.18</p>
Mr Smith	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.	Mr Smith said: "yes that's fine."	
Mrs Jones	08.05.18	As above. but in a telephone conversation	Mrs Jones said "ok, that's no problem"	
Mrs Smith	05.05.18 (date consent form signed)	See Consent Form and Privacy Notice	Signed Consent Form	



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?