

Droitwich Spa & District U3A

Group Leaders' Handbook - Part 3

Data Protection Issues

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New General Data Protection Regulations (GDPR) legislation came into effect on the 25 May 2018. The legislation applies to our u3a in respect of the contact information we record and process about our members. Note that "processing" means making any use of this data, including sending information, by email or post, to the member, or by contacting the member by telephone, using the information they have supplied to our u3a on their Membership Form.

The Committee has approved a Droitwich u3a Privacy Policy and a Droitwich u3a Data Protection Policy which specify the legal basis for recording and processing members data; the purposes for which the data will be collected and processed; and who will be able to access and process it. For all purposes except for the provision of the Third Age Trust magazines, the legal basis is a "contract" that exists between a member and our u3a, namely:

There exists a contractual relationship between Droitwich u3a and its individual members so that the u3a can send them messages by email, post, other digital methods and telephone :

- *To provide our u3a activities and services to the member*
- *To communicate with a member about their group activities*

and also their personal information can be used :

- *For administration, planning and management of our u3a*
- *To monitor, develop and improve the provision of our u3a activity*

(Paraphrased from the Droitwich u3a Privacy Policy document)

1. How does the GDPR affect you as a Group Leader

If you keep any sort of list of members of your group (in a form which includes anything other than just the name of the member to be used for recording attendance say), then the obligations associated with the data protection rights of those members, apply to you. This includes recording the members' postal address, and/or their email address, and/or their telephone number(s). It doesn't matter whether the information is recorded on a computer, or as paper record, the legislation is equally applicable.

This would normally place quite an onerous responsibility upon Group Leaders. However, the Committee has adopted policies that it is hoped will have a minimal impact upon the way you operate. Thus, you will not need to do anything special yourself (such

as, for example, seeking members "*consent*") so long as you operate in a manner consistent with the Droitwich u3a Data Protection policies (since they specify, as part of the "*contract*", your "*processor*" responsibilities for recording and processing the personal data of members of your group).

There are a few particular details in the Droitwich u3a policies that you should be aware of, and that may result in you needing to change some of the ways that you currently record and process the data of your group members. These involve:

2. What Personal Data can be Recorded

You should not record any more personal data than that specified in the Droitwich u3a Data Protection policies, namely a member's:

- Name
- Postal address
- Email address
- Landline and mobile telephone numbers

The GDPR includes significant additional restrictions and obligations on the recording and processing of what is referred to as "*sensitive*" or "*special category*" data. This includes any data related to a member's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life or sexual orientation. Data on any form disability of a member falls into this category. The Droitwich u3a Data Protection policies exclude such data, and you must not record it.

3. What Processing can be Done

You can send letters and emails, and can make telephone calls to members of your group, on anything related to the organisation of your interest group. For emails you should ensure that all recipients are sent Bcc ("*blind copy*"), so that an individual recipient does not see the email address (or any other personal data) of the other email recipients.

However, you should not share the personal data of any of the group members with the other members of the group. Such sharing of data is not addressed in the Droitwich u3a data protection policies. Sometimes, members of a group agree to share some of their contact information. If they wish to do so, this should be a private matter for the members of the group, and you may choose to participate in this, or not, as you see fit. You should not be involved in requiring or promoting such data sharing in your group (otherwise the GDPR legal requirements of a "*controller*" will fall upon you personally). Of course, this does not apply if you wish to make some of your contact information available to the members of your group (so that they can contact you).

4. How Frequently can Processing Take Place

The important term here is "*proportionality*". Including the need to post, telephone or email members as part of the "*contract*" obligation to keep them informed about the activities of your group should be:

"*... a targeted and proportionate way of achieving that purpose*"
(Quote from the Information Commissioner's Office guidelines)

Which means that you should not bombard members with lots of letters, phone calls, and emails. So, one or two (perhaps even three or four) contacts each month would seem to be proportionate.

5. What can you Send

You can include anything related to the organisation of your group, or what you think might be to the benefit of your group members in relation to the subject matter of the group. This may also include information on related activities offered by neighbouring u3as and those offered nationally by the Third Age Trust, but should not include marketing and/or promotional materials from (non-u3a related) external service providers.

6. How Long can the Member's Data be Retained

The Committee has decided to adopt a pragmatic approach consistent with the legislation and the guidelines of the Information Commissioner's Office, namely

"We will keep information about your membership, and process this information in order to communicate with you as part of your membership for about 12 months. We will also retain your information for about a further 12 months following the end of your membership solely for internal administrative purposes, and during this time we will not process your information"

(Quote from the Droitwich u3a Data Protection policies)

This means that you should only record and process (for the purpose of communication) the personal data of the members of your group for so long as it is clear that they remain a member of Droitwich u3a. Once a member has resigned from Droitwich u3a, or that it is clear that they are not going to renew their membership, it is important that all personal data that you hold in relation to their being a member of your group should be deleted. You should certainly not use that personal data to contact them after they cease being a member.

7. What about Members of Other u3as

The legislation may already be fulfilled by the approach adopted by the u3a that they belong to. However, the most straightforward and least problematic way of dealing with the situation is for them to become a Reciprocal Member. You will then be able to record and process their personal data just as if they were a normal "paying" Droitwich u3a member. Another advantage of this approach is that they will then also have a membership entry in Beacon (and so can be assigned to the membership of your group recorded in Beacon, and you can use Beacon to send them emails), and also, they will be covered by our insurance.