

GDPR



GDPR & Political Organisations

The General Data Protection Regulation ('GDPR') comes into effect on 25 May 2018

It will affect all organisations which hold personal data about EU citizens.

The majority of organisations will be affected by the legislative changes.

Political organisations generally hold a significant amount of personal data regarding their members, employees and other persons.

Under GDPR, organisations face large fines for any improper use of personal data or a breach of data protection legislation, which is primarily enforced in the UK by the Information Commissioner's Office.



"Don't be frightened by GDPR - it is an excellent opportunity for you to review and renew one of your organisation's most valuable assets, namely your personal databases."

It is important that you ensure that your databases which include personal data, are reviewed prior to 25.5.18, in order to ensure that your organisation can continue to use them, once GDPR comes into effect.

You should be thinking about the following issues regarding areas of data holdings:

- Employment records
- Supporters and potential supporters databases
- Donor databases
- Third party suppliers



You must also ensure that the terms and conditions with people and organisations, with whom you share personal data, are GDPR compliant.

Summary of the GDPR General Principles Relating to the Processing of Personal Data (Article 5)

1. It must be processed lawfully, fairly and in a transparent manner, in relation to the individual.
2. It must be collected for specified, explicit and legitimate purposes.
3. It must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.
4. It must be accurate.
5. It must be kept in a form which permits identification of individuals for no longer than is necessary for the purposes.
6. It must be processed in a manner that ensures appropriate security of the personal data.



Also note that data controllers are obliged to implement appropriate technical and organisational measures to ensure that, by default, only personal data which are necessary for a specific purpose of the processing are processed (Art 25).

Both data controllers and data processors are responsible for ensuring that personal data is processed in accordance with GDPR.

Generally, there are six grounds for lawful processing of personal data:

1. Consent (Art 6(1)(a) - Rec 32, 42 & 43))
2. Contractual necessity (Art 6(1)(b) - Rec 44)
3. Compliance with legal obligation (Art 6(1)(c) - Rec 45)
4. Vital interests (Art 6(1)(d) - Rec 46)
5. Public interest (Art 6(1)(e) - Rec 45)
6. Legitimate interest (Art 6(1)(f) - Rec 47 & 48)



You need to record the lawful basis for processing personal data, for example in appropriate policies and procedures.

So what now?

Here are some proposed first steps towards compliance:

- Ensure that all third party suppliers (such as accountants and publishers) are GDPR compliant before you transfer personal data to them, and that your terms and conditions reflect this
- Define, in your data protection policy, the legal basis for processing personal data
- Obtain GDPR compliant consent, if you are relying upon this legal basis for processing personal data
- Revise your privacy notice, so that it is GDPR compliant, and ensure that this is communicated



- Consider whether your organisation needs a Data Protection Officer;
- Review your IT and office security
- Ensure that both management and staff are aware of the changes to the law
- Ensure that your organisation has the appropriate systems in place in order to cover the individual's rights under GDPR (such as Subject Access Requests and the right to be forgotten)
- Consider whether any personal data which you hold is transferred internationally, and, if so, ensure that appropriate controls are in place

Compliance with GDPR by Political Organisations

The UK Information Commissioner, Elizabeth Denham, has stated that:

"Engagement with the electorate is vital in the democratic process. But if a party or campaign group fails to comply with the law, it may face enforcement action as well as reputational damage to its campaign."



"The rules regarding nuisance calls, texts, emails and data protection are the same... People have a rights to expect that their information will be used in line with the law and my office is here to uphold that right."

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