

General Data Protection Regulations e- learning text

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Welcome

The EU's General Data Protection Regulation (GDPR) is in force from 25 May 2018. Not being aligned with GDPR could result in serious penalties and damage to the finances and reputation of Scouting. This training will provide you with an understanding of what GDPR means for you and your Scout Group, District and County.

Note: In some parts of the UK, Scout Counties are known as Areas or Regions. For ease of reading, this e-learning module simply refers to Counties.

Personal data

Discover the key principles to the General Data Protection Regulations (GDPR) and what 'personal data' means within Scouting. (6 mins)

Personal data

The new GDPR legislation has a very broad definition of 'personal data' so you could be processing more data than you think. In this section, you'll find out about the guidelines that Scout Groups, Districts and Counties need to follow when it comes to controlling and processing people's personal data.

Personal data – some definitions

There are some key terms at the heart of GDPR that help bring the purpose and impact of the legislation into focus.

What does 'personal data' mean?

GDPR takes a very wide view of what personal data means, defining it as "any information relating to an identified or identifiable natural person."

This means that organisations now need to provide the same level of protection for digital information, such as data stored through websites, as they do for data such as names, addresses and contact details.

What is a data subject?

A data subject is the individual whom particular personal data is about. In Scouting this would include young people, parents/carers and adult volunteers. Deceased individuals or those who cannot be identified or distinguished from other individuals do not count as data subjects.

What's the difference between data controllers and data processors?

A data controller decides how personal data will be used, and often processes this information. A data processor, on the other hand, processes personal data on behalf of a controller under specific written instructions.

A Scout Group, District or County is a data controller, with the responsibility resting with the relevant Executive Committee to ensure alignment with GDPR is maintained. Another organisation or individual instructed to process (rather than just collect) data by a Scout Group, District or County is a data processor.

What's the role of the Information Commissioner's Office?

The Information Commissioner's Office (ICO) guides, advises and educates organisations on how to align with GDPR. It also has the power to issue penalties and fines for non-alignment. The Scout Association is registered with the ICO.

Individuals' rights

Learn how the GDPR affects your own rights and what you may need to do differently within your local Scout Group, District or County. (5 mins)

Individuals' rights

One of the biggest changes brought about by GDPR is how individuals' rights regarding their personal data will be increased. In this section, you'll see what local Scout Groups, Districts and Counties need to do to make sure they're aligning with the new legislation.

Increased rights for individuals

GDPR aims to give people more control over the ways in which organisations process their personal data. This will be achieved by granting new rights for individuals as well as enhancing and improving existing rights.

Bearing in mind the quantity and complexity of personal data that exists in the digital age, GDPR legislation covers a comprehensive range of individual rights and ensures that they're fully addressed.

Understanding the main rights for individuals – part 1

GDPR has identified eight specific rights for individuals. The data controller must deal with any requests that individuals make regarding these rights without unnecessary delay and normally within one month. If the request is particularly complex, a further month may be allowed for the data controller to deal with it, followed by one further month for a maximum of a two month extension.

The right to be informed

As we saw in Topic 1, all organisations including local Scout Groups, Districts and Counties should provide a clearly worded Privacy Notice, which informs individuals about how their personal data will be used.

GDPR alignment tip: Review all the forms you use to collect information to ensure they provide the necessary information or signpost individuals to where it can be found.

The right of access

GDPR gives people the right to receive a copy of any information that an organisation holds on them by making a Data Subject Access Request.

GDPR alignment tip: Check to see if the information you hold can be easily provided if requested.

The right of rectification

GDPR gives people the right to have their personal data rectified if it is inaccurate or incomplete.

GDPR alignment tip: Ask yourself if it is easy for someone to contact you and get incorrect information amended or whether you need to set up an email, telephone or other contact point to make it simpler.

The right to erasure

Subject to certain conditions, GDPR gives people the right to have their personal data erased without unnecessary delay; for example, if the processing of the data was unlawful in the first place or if it is no longer needed.

GDPR alignment tip: If you wanted to remove an individual's details from the information you hold, could you? This may not be easily done if a number of copies of the same information are shared with a number of members in a Scout District, for example.

Understanding the main rights for individuals – part 2

Let's look at the next four rights for individuals that GDPR is addressing.

The right to restrict processing

GDPR gives people the right to 'block' or suppress the processing of their personal data if, for example, they are disputing its accuracy.

This differs from the right to erasure because although the processing of the data is restricted and organisations cannot process it any further, they are still permitted to store it.

GDPR alignment tip: Make sure you have a process in place to record, consider and reach a decision for occasions when someone objects to their data being processed.

The right to data portability

Where data is held electronically, GDPR gives people the right to obtain their personal data in a format that will enable them to move, copy or transfer this information from one IT system to another.

However, this is subject to restrictions and the right only applies where the processing is based on the individual's consent or the performance of a contract and when processing is carried out by automated means.

GDPR alignment tip: Make sure that you can provide personal data in a structured, commonly-used and machine-readable format.

The right to object

GDPR gives people the right to object to the processing of their personal data for direct marketing purposes. This means that if someone receives material via email, post or text, they can contact the organisation that sends out the material and ask them to stop, which the organisation must do immediately and free of charge.

GDPR alignment tip: If you send marketing emails, you must stop using personal data for direct marketing purposes as soon as you receive an objection. There are no exemptions or grounds for refusal. An example could be where a local District Scout Shop sends out regular marketing communications or a Campsite sends emails advertising discounted rates.

Automated decision-making

Automated decision-making is unlikely to be used within Scouting, but may be relevant in some rare cases. If it is used, GDPR gives individuals the right not to be subject to an automated decision-making process where those decisions have 'legal effect' or 'similar significant effect' on them.

Moving on

When a young person gets to a certain age, they go through the Moving On process to the next section within Scouting. In most situations, they will have a new Section Leader. The young person can also leave Scouting at any point.

This means that when data is being transferred from one person to another, care needs to be taken to protect that information. The data being transferred needs to be accurate and minimised. If at any point an individual wishes to leave Scouting, their data should be deleted fully unless required for further purposes. All personal data should only be kept for a defined time period.

Individuals' rights – a recap

GDPR has identified eight specific rights for individuals that organisations, including local Scout Groups, Districts and Counties, must align to. These give people the right to:

- be informed about how their personal data will be used
- receive a copy of any personal data an organisation holds on them

- have their personal data rectified if it is inaccurate or incomplete
- have their personal data erased without unnecessary delay
- 'block' or suppress the processing of their personal data
- obtain their personal data, if held electronically, in a format that will enable them to move, copy or transfer this information from one IT system to another
- object to certain types of processing, such as for direct marketing purposes
- not be subject to an automated decision-making process where those decisions have 'a legal effect' or 'a similar, significant effect' on them.

Consent

Find out how GDPR is addressing this issue in a way that provides more protection for individuals. (5 mins)

Consent

The issue of consent has always been at the core of data protection law. In this section, you'll find out how GDPR is addressing this issue in a way that provides more protection for individuals.

The importance of consent

While being online or using your phone, have you ever worried about unknown individuals who may have access to your personal data? GDPR addresses this sort of concern by aiming to limit such access and protect individuals from exploitation and identity theft.

Under GDPR, consent is all about offering individuals genuine choice and control over the processing of their personal data. Previously, organisations were able to rely on 'opt-out' consent, but under the new legislation, organisations must provide very clear statements about what people are consenting to.

GDPR defines consent as:

“Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.”

So, 'consent' means an individual has given clear and unambiguous indication, either by statement or by another means, to agree to the processing of their personal data.

Seven steps to consent

Here are seven steps you can take to help ensure that your local Scout Group, District and County is gaining consent from your members in a way that is aligned with GDPR.

1: Make consent specific and informed

The name of your Scout Group, District, or County and the names of any third parties relying on the consent you're obtaining must be made clear, along with the reasons why you need the data and what you're planning to do with it.

2: Keep consent requests separate

Consent should be separate from other terms and conditions and should only be sought if someone has a genuinely free choice whether to opt in or out.

3: Keep documentary evidence

You must keep evidence of the consent you've obtained – the who, when, how and what you told people.

4: Acquire 'positive opt-in' consent

GDPR makes it very clear that you can no longer rely on silence, inactivity, pre-ticked boxes, opt-out boxes, default settings or blanket acceptance of your terms and conditions as evidence of consent. For it to be legitimate, individuals must have provided you with a very clear and specific confirmation of their consent.

5: Give 'granular options

GDPR strongly encourages using granular options to consent wherever appropriate. This means giving individuals different options so they can choose whether or not they want to consent to specific types of communication such as postal marketing, text or email.

6: Make withdrawing consent easy

You need to let people know that they have the right to withdraw their consent at any time and how they can do this. It must be as easy to withdraw consent as it was to give it, so you need to have simple and effective withdrawal mechanisms in place.

7: Young people's data

Local Scout Groups, Districts and Counties must obtain consent from a parent or carer to process the data of a young person.

Marketing

Advertising for new members could include events, email campaigns and canvassing. GDPR requires that you are clear who you are marketing to and that you are using lawful processing as grounds to contact them. This needs to be evidenced as either consent (they opted in), physical events/canvassing, or legitimate interest – your use of data must be necessary and should not override their interests or fundamental rights. This means it should be more positive for them than negative.

What is legitimate interest?

Communications about our programme, the rules and guidance, the events we hold and resources we use to run Scouting are a legitimate interest for all members of Scouting. They count as legitimate interest because, in some way, they support the individual in their Scouting role. Communications that provide offers, discounts, partnerships or promoted competitions are marketing and, therefore, require opt-in consent.

For more information about legitimate consent, please visit scouts.org.uk/dataprotection

Consent – a recap

There are some fundamental steps that local Scouting can take to help ensure that it is gaining consent from members in a way that is aligned with GDPR:

The consent you're obtaining must be made clear, along with the reasons why you want the personal data and what you're planning to do with it

- Keep consent separate from other terms and conditions
- Keep evidence of the consent you've obtained
- Acquire 'positive opt-in' consent
- The option to provide 'granular' consent should be available
- Let people know that they have the right to withdraw their consent at any time, and how they can do this
- If you offer a paid online service to children, you will need to obtain consent from a parent or carer to process the child's data.

Accountability and governance

Check the measures local Scout Groups, Districts and Counties need to take to effectively align with GDPR. (5 min)

Accountability and governance

Accountability and governance have always been implicit requirements of data protection law and GDPR has increased their significance even further. In this section, you'll find out about the measures local Scout Groups, Districts and Counties need to take to be effectively aligned with GDPR.

The accountability principle

What do you think your local Scout Group, District or County needs to do to show accountability for their data processing activities? At an Executive Committee level, it means having clear documentation and recording procedures, which prove that required standards are being met. It also involves implementing measures to prepare and maintain records of your Group's, District's or County's processing activities.

GDPR refers to this as the 'accountability principle', which means the expectation that organisations – in this case all local Scout Groups, Districts and Counties – will put comprehensive measures in place to minimise the risk of breaches and uphold the protection of personal data.

Privacy Impact Assessments

Before processing anyone's data, you will need to think about protecting it. One way of doing this is by completing a Privacy Impact Assessment (PIA).

Examples

Some scenarios where PIAs should be undertaken immediately include:

- changing from paper records to an online processing system
- building new or developing existing IT systems for storing or accessing personal data
- developing policies, processes or strategies that have privacy implications
- before passing information to other members within or outside of your Scout Group, District or County
- using personal data for new purposes to those that the data was originally collected for.

More information

PIAs are often mandatory when introducing new technologies or dealing with large volumes of personal data. This particularly applies when an organisation is processing sensitive information, such as personal data revealing racial or ethnic origin, religious or philosophical beliefs, health or sexual orientation.

New measures

GDPR has put some new measures in place to help organisations ensure the protection of personal data.

Data Protection Officers

Under GDPR, it is mandatory for certain controllers to designate a Data Protection Officer. This will be the case for all public authorities and bodies. It will also apply to organisations that monitor individuals systematically or process special categories of personal data on a large scale.

While Groups, Districts or Counties will not need a designated Data Protection Officer, the same duties will need to be covered. For example, the Executive Committee needs to make decisions about Data Subject Access Requests and breaches, and pass information on to leaders or managers as appropriate.

Notification rules for data breaches

Under GDPR, personal data breaches should be reported to the Information Commissioner's Office, unless the breach is unlikely to result in a risk for the rights and freedoms of individuals.

Breaches that will usually require reporting to the ICO include those that may result in discrimination, identity theft or

fraud, financial loss, breach of disguised identity, damage to reputation, loss of confidentiality or any other significant economic or social disadvantage. For example, names and addresses of parents/carers or adult volunteers or any credit card or bank account collected for making payments, (e.g. activity/membership fees).

Notifying the ICO

The local Executive Committee must, where required, notify the Information Commissioner's Office within 72 hours of the breach. If they cannot do this, they need to explain the reasons for the delay.

You can find out more information, including processes the Executive Committee should follow, on www.scouts.org.uk/dataprotection.

Further key steps to alignment with GDPR

As well as following the new rules on data breaches, data protection and Privacy Impact Assessments, there are other key steps members should take to help make GDPR-alignment part of the fabric of their local Scout Group, District and County.

Policy and procedures

In Scouting there are many policies and procedures that are the responsibility of your local Executive Committee. By either integrating GDPR requirements into existing policy or creating new policies, your Executive Committee will be able to demonstrate to the Information Commissioner's Office that it takes its responsibilities seriously.

Training records

Being able to demonstrate that adult volunteers within your Scout Group, District or County have been made aware of their responsibilities through this training is also an important part of being able to demonstrate GDPR alignment. A record that this training has been completed should be kept.

Contractual terms and conditions with third parties

If a data controller uses a third party data processor, for example a local Scout Group, District or County using an external online management system, GDPR requires the controller to make sure that the processor has adequate written instructions about what is expected of them in terms of GDPR.

This means having sufficient technical and operational safeguards in place to protect the information they will process. Contractual terms and conditions are a good place to embed these requirements.

Processing records

Controllers and processors must keep a record of all their processing activities. For most organisations, details such as the purpose for processing personal data, categories of individuals and the different types of data held must be kept.

Data breach

In some cases personal data is accidentally disclosed externally or removed from the Scout Group, District or County via malicious means. In either of these events, the data controller is obligated to report the breach according to the breach reporting process defined by the Executive Committee.

The duty of care for the security of personal data lies with everybody involved in gathering, handling or receiving this data. The Scout Group, District and County Executive Committee has the overall responsibility for making sure that they align with legal requirements, including data protection legislation.

Accountability and governance – a recap

- Under GDPR, it is mandatory for certain data controllers to designate a Data Protection Officer
- Personal data breaches should be reported to the Information Commissioner's Office, unless the breach is unlikely to result in a risk for the rights and freedoms of individuals
- Data protection considerations need to be included into daily activities, so taking a 'Privacy by Design' approach and completing Data Protection Impact Assessments (DPIAs) are essential
- Local Scout Groups, Districts and Counties can make GDPR alignment part of the fabric of Scouting by playing close attention to their policy and procedures, volunteer training records, contractual terms and conditions and through keeping records of all their processing activities.

Check your knowledge

How well do you understand the new regulations? (3 mins)

Check your knowledge

Now you've worked through the topics in this GDPR training, it's time to check your knowledge and see how well you understand how the regulations apply to local Scouting. This isn't a test, but try to answer all of the questions correctly.

New recruits

You are a Group Scout Leader who needs to recruit adult volunteers for your Group. You have email addresses from most parents/carers of young people attending Cubs and Scouts in your Group, which you have from events/camps you organised last summer. It would be appropriate to send them an email asking if they would like to become a volunteer if: *(Select the correct option)*

- They expressed interest in helping out this year
- They were very eager last summer and might be interested
- They attended camps the previous summer

Communication

You have received a large number of join requests through your District website in the last two months. You have recently agreed to open a new Scout Group in an area where a large number of these requests came from and want to invite the parents/carers to an open day. How do you ensure that these communications are kept private? *(Select all the correct options)*

- Send individual emails to each person
- Send an email to all entering the addresses in the 'To' field
- Send an email to all entering the addresses in the 'Bcc' (Blind copy) field

Sensitive data

You are a District Commissioner who has been asked by a Group Scout Leader for sensitive data on all the adult volunteers in the Group for statistical purposes. You have this information but it is mixed with data about other adult volunteers in the District. What should you do in this case? *(Select the correct option)*

- Refuse to give the Group Scout Leader the information they have requested
- Provide them with all of the information but ask them to only retain data related to their Group
- Redact the sheet so only the information about volunteers in the requested Group is visible

Accuracy

You have four new Scouts who have just moved on from Cub Scouts. You know all of them have joined the Group as Beaver Scouts. Their Cub Scout Leader passes you their forms and records. These include their Joining In form that was passed on from the Beaver Scout Leader to the Cub Scout Leader in the same ring binder as they are now. Their information forms seem to have been untouched since they joined. What should you check for? (Select all the correct options)

- That the address and contact details are correct
- That the health information is correct
- That the forms are still in good condition
- It isn't necessary to check anything

How much data?

At every meeting or event, the Leader in charge takes a register of those attending the session. Registration of those attending each meeting is good practice from a safety perspective. What information should be included in this register? (Select the correct option)

- Age
- Name
- Gender
- Contact details

Thank you

Thank you for completing this training. If you want to find out more, visit the GDPR toolkit on the website. You can also visit the ICO website for guidance and details on the helpline they have set up.

Appendix A: Check your knowledge - answers

New recruits

ANSWER: They expressed interest in helping out this year.

Out of these options it would only be appropriate to contact people that expressed interest in helping out, as they've shown they want to be involved.

Communications

ANSWERS: Send individual emails to each person and Send an email to all entering the addresses in the 'Bcc' (Blind copy) field.

It would be appropriate to send emails individually to each person, but if you have a large number of individuals to contact then it would be more efficient to use the blind copy field. It wouldn't be appropriate to use the 'To' field as this will mean email addresses can be seen by all recipients.

Sensitive data

ANSWER: Redact the sheet so only the information about volunteers in the requested Group is visible.

The Scout Leader will need the information requested to complete their task, but it would be inappropriate to send all of the information to them. Although it might take time to redact the unnecessary information, it is the best option in this case. For further guidance on redacting information please visit www.scouts.org.uk/dataprotection

Accuracy

ANSWERS: That the address and contact details are correct and that the health information is correct.

You should check whether the address and contact details are correct, as these may have changed since these individuals first joined. It's also important that their health information is up to date, but the condition of the forms isn't important unless the information on them is illegible.

How much data?

ANSWER: Name.

A register only needs to have a list of names of attendees and shouldn't require any further information.

Appendix B: Additional website links

Data protection and Scouting - <https://members.scouts.org.uk/supportresources/search/?cat=55,888>

The Scout Association's Privacy Policy - <https://scouts.org.uk/privacy-policy>

The Scout Association's GDPR toolkit for Executive Committees - <http://www.scouts.org.uk/gdprtoolkit>

Information Commissioner's Office - <http://www.ico.org.uk/>

The Charity Commission for England & Wales - <https://www.gov.uk/government/organisations/charity-commission>

The Office of the Scottish Charity Regulator (OSCR) - <https://www.oscr.org.uk/>

The Charity Commission for Northern Ireland - <https://www.charitycommissionni.org.uk/>

Small Charities Coalition GDPR Guidance - <http://www.smallcharities.org.uk/783/>