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Officers' Newsletter 158

General Data Protection Regulation and Privacy Policy

General Data Protection Regulation (GDPR) – Guidance for RCTS Branches

A number of people have expressed concerns about the implementation of the General Data Protection Regulation (GDPR) on 25 May 2018 and asking what the RCTS is doing about it. This has been noted and the RCTS has now drawn up Guidance for RCTS Branches about complying with the new Regulation.

You will find this as Appendix 1 attached to this Newsletter.

Privacy Policy

In the process of researching the GDPR Guidance it was noted that the Society needed an up to date written Privacy Policy so this too has been addressed.

You will find this as Appendix 2 attached to this Newsletter.

Putting GDPR Guidance and Privacy Policy into practice

It is important that both the GDPR Guidance and the Privacy Policy are implemented by all branches and the membership as soon as possible, and in the case of the GDPR Guidance this must be done by 24 May 2018.

If you have any issues or problems with regards to putting either into practice please ask so that any problems can be resolved and any insights can be shared.

Finally, I would like to thank those who have raised the issues and provided valuable information and help in the process of producing both these documents.

Kind regards

Irene

The information contained in this newsletter is for use of RCTS Officers and Members only and should not be communicated outside of the Society

A Charitable Incorporated Organisation registered with The Charity Commission. Registered number 1169995

GENERAL DATA PROTECTION REGULATION (GDPR) 25 May 2018

Guidance for RCTS branches

This comes into force on 25 May 2018 and will replace and update the current Data Protection Act (DPA). Most of the principles are much the same as those in the current DPA so if you comply properly with the current law then most of your approach will remain valid under GDPR and will be a good starting point to work from. However, there are stronger requirements on obtaining and retaining an individual's data, particularly personal data, and considerably greater fines for non-compliance.

Important - the regulations will apply to the RCTS and all individual branches.

What is clear is that you should check and keep a proper record of what personal data is held, where it came from, who it is shared with and what you intend to do with it.

Individuals' Rights

Each branch must check their procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format. The GDPR includes the following rights for individuals:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

Generally the rights of individuals under the GDPR are the same as those under the DPA but with some significant enhancements. This means that if you are already complying with the current legislation, changing to the GDPR should be relatively easy. It is a good time to check your current procedures and work out what to do if someone asks about having their personal data deleted for example.

The right to data portability is new. It only applies as follows:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent for the performance of a contract (eg providing standard RCTS membership services); and
- when processing is carried out by automated means.

Each branch should review how they seek, record and manage consent and whether any change is required such as refreshing existing consents in good time before the GDPR comes into force if they do not currently meet the new standard. Consent must be freely given,

specific, informed and unambiguous and there must be a positive opt-in as consent cannot be inferred from silence, pre-ticked boxes or inactivity. In other words it must be clear why you have asked for the information and what you intend to do with it, and there must be a clear and simple way to withdraw consent ie opt-out. It is also important that the consent must be properly recorded.

In Practical Terms

In practical terms most branches will only hold limited information for members and selected others which is likely to consist of names, addresses, contact telephone numbers and email addresses. This information should only be held for the purposes of providing information about branch meetings, visits and other branch activities eg exhibitions, and other information of railway interest as per the aims and objectives of the RCTS. If you hold other personal details ask yourself if this is really necessary and delete the information if it is not essential. You cannot use contact details for anything else and you cannot share them with a third party without asking and receiving specific consent to do so.

It is good practice as well as a requirement, that any group emails should have the email addresses included in the 'bcc' address box and NOT the 'To' address box of the email so that all recipients do not have access to everyone else's contact details as this would be sharing personal information more widely than is necessary and so not acceptable.

If you do not already have records of consent it would be wise to ask for this now explaining why it is being requested – mention GDPR, and advising that you will not be able to continue to contact them by email after 24 May 2018 if they do not give consent. The opportunity to opt-out must be included in every such email. Note when and how consent is given and keep a record of this.

Finally, please make sure that any data you hold is stored securely and is not left open for any unauthorised person to access.

Useful Further Reading

There is a lot of information easily accessible and available online using any regular internet search engine, and recommended reading includes:

Preparing for the General Data Protection Regulation (GDPR) – 12 steps to take now
(from the Information Commissioner's Office - ICO)

Guide to the General Data Protection Regulation (GDPR)
(also from the Information Commissioner's Office)

Success Guide – Successfully managing privacy and data regulations in small museums
(from the Association of Independent Museums - AIM)

2016/679/EU General Data Protection Regulation
(the full EU GDPR document)

There is a lot more but these will serve as an introduction.

Examples

Wording that can be used on emails asking recipients to opt- in:

Due to new laws being introduced about data protection, we need to make sure we hold current information for all our members and friends and that you are happy that we store and use this information. Please contact us by email at XXXXXXXXXX (preferably an official branch rcts email address) or by telephoning XXXXXXXXXX (preferably branch secretary or other specifically designated committee member).

By confirming your details, you consent to your information being stored by XXXX Branch of the RCTS. If you supply your email address, you will be sent email updates about XXXX Branch meetings, other branch activities including visits and exhibitions, information about the RCTS generally and other information of railway interest as per the aims and objectives of the RCTS. You can unsubscribe from receiving XXXX Branch emails at any time by letting us know by email or telephone as above. We will only use your home address to provide information that we cannot send to you electronically.

NB - if you do not give consent we will no longer be able to contact you by email after 24 May 2018 and you will no longer be sent XXXX Branch email updates.

Opting Out

Wording that can be used once consent has been given in order to make it easy for recipients to opt-out can be as simple as:

If you no longer wish to receive messages from RCTS XXXX Branch, please let us know by email (replying to this email) or telephone (insert designated number).

Privacy Policy

The Society's updated Privacy Policy is available on request and it is intended that this will be available on the website in due course.

Remember

Keep it simple, keep it clear and respect individual privacy.

GDPR Guidance
April 2018

RCTS Privacy Policy – April 2018

About the RCTS

The Railway Correspondence and Travel Society (RCTS) is Britain's leading organisation for people interested in all aspects of railways past and present and is highly respected by both professional railway people and enthusiasts, a position it has held since its formation in 1928. Run entirely by volunteers, nearly 2500 members enjoy a range of services that give them a greater understanding of the railways of today, and an insight into the railways of times past. There are 30 branches covering the geographical area of England, Scotland and Wales and membership gives access to all the branches and their activities, and overseas membership is available. The RCTS is sometimes referred to in this document as the Society. You can find out more about what we do on the RCTS website rcts.org.uk.

The RCTS is a Charitable Incorporated Organisation (CIO) and has the charity registration number 1169995.

What data do we collect?

We collect a minimum amount of personal data from you in order to provide membership services. To become a member we ask for your name, address, telephone number and email address if you have one. If you wish to pay your membership fee by direct debit then you will need to complete a direct debit form that will give sufficient details of your bank account to enable payment to be made. We may need to ask for your date of birth but only in the event that you have applied for a life membership as there is a minimum age limit for this benefit, or if you are under 18. We do NOT routinely collect any other personal information from you. If we ask for any other personal information from you at any time, we will explain why we need it.

We may, for reasons of health and safety, occasionally ask about health and mobility issues for example when arranging outside visits to a railway installation to make sure that it is safe for you to access, and we may ask about special dietary requirements to ensure that meals included in an event are suitable for your needs. This additional information is held separately with the event details and is not matched with your membership details. You do **NOT** have to provide this additional information but you would need to take personal responsibility for any issues that arise as a result of not providing it.

What do we do with the data?

We use your data to provide you with membership services such as providing the Society's monthly magazine The Railway Observer (RO) which is included in your subscription; access to the Society's website including exclusive members' pages; and access to branch activities and major Society events such as the AGM, the Members' Weekend and all the other benefits provided by membership of the Society.

We only share a limited amount of your data with a third party specifically in order to be able to post out hard copy ROs and to post out any Society publications where these are purchased from the RCTS website rather than at a branch meeting or at an exhibition. Electronic ROs can be accessed via the members' pages of the RCTS website. We may need to share limited information about you with a third party as detailed above with regards to mobility issues or special dietary requirements for outside events. You do **NOT** have to provide this additional information but you would need to take personal responsibility for any issues that arise as a

result of not providing it. It is only shared with a third party with your permission and where it is strictly necessary to ensure your safety and the safety of others.

You will be allocated to a branch covering your local area and they will have your details in order to provide you with branch services such as details of branch meetings, branch newsletters, outside visits and other information of railway interest. The branches will **NOT** share your information with any third party unless you agree to this.

We do **NOT** sell or rent out your data and we do **NOT** carry out any sort of profiling.

How do we collect your data?

We ask you to complete a membership application form when you join the RCTS. If the Society has arranged a major special event or meeting, you may need to complete an application form to enable you to participate. In this case you will be asked to provide relevant information about any special needs eg mobility and special dietary requirements as already explained. You will only be asked for this sort of information if it is strictly necessary to ensure your safety and the safety of others.

How do we protect your data?

We protect your data by limiting who has access to the information which is only provided to specific people within the Society on a 'need to know' basis so that we can provide you with membership services. Any additional data from participation in specific events is kept separately from other membership information. Where information is held electronically, it is protected by appropriate software.

Retention of Data

The Society retains a limited amount of data of past members. If you decide not to remain as a member and you do not want us to retain your data, please let us know when you leave.

What are your rights with regards to the data that we hold?

You have the right to ask what information that we hold about you and you have the right to check and correct any mistakes in that data. You have the right to ask us to remove any data that we hold on you but it should be understood that a minimal amount of personal data is required to provide membership services as detailed above. In the first instance please contact the membership secretary if you have any queries about your personal data that we hold at membership@rcts.org.uk.

General information

We may need to change the data that we hold from time to time and the way that we process it. If we plan to make any changes we will let you know.

This policy will be reviewed regularly and may be updated from time to time. Please check on the Society website for any updates www.rcts.org.uk.

April 2018