When do we need to seek consent to process data?

A Lions Club, each District and Multiple District all process personal data as defined in the UK data protection legislation to administer membership, fundraising and / or to meet charitable aims. We need to share data as well as keeping it secure. All of this needs to be done in such a way as to comply with the UK legislation which came into force on 25th May 2018.

When the 'General Data Protection Regulation' or 'GDPR' became the focus in the run-up to 25th May 2018 , there was a lot of confusion around the reported 'need' to obtain consent from the individual for absolutely all processing.

BUT, when examined more closely, this is NOT what the new legislation brought in at all! Let me explain:-

Consent is one of the six lawful bases for processing, and it happens to be the first one on the list. However, there are five others that can be used for processing:-

- Entering into / performance of a contract – This can mean paying for a service. In terms of Lions, the most obvious contract is paying membership dues for membership benefits.
- For the vital interests of the individual – This is used by the medical profession.
- Legitimate interest – Any processing needed for the function of the organisation. This would be where a Lions Club needs to process data as part of a service activity.
- Public interest / task – This may be utilised by a government entity such as a school or council, when performing duties imposed on them by Parliament.
- Legal requirement – Processing conducted where the law says we have to. For a Lions Club, this could be having accounts audited and submission to the Charities Commission (if your Club has charity status).

So, as you can see, consent is only one of the lawful bases for processing, and we only need to process data for one or more of the six. So, most of the time, we do not need consent from the individual to process their data. We process their data for one or more of the other five.

A reason to avoid consent, quite frankly, is that it is very complicated to utilise. It's not simply a case of yes or no from the individual, and it can cause all sorts of issues. It's best avoided if possible.

There is also such a thing as "implied" consent. If I give you my data so that I can become a Lion, I have a reasonable expectation that you will use the information for membership purposes. If I become an Officer of the Club then there is a reasonable expectation that some form of contact details will need to be published so that I can be contacted as part of my role. These "reasonable expectations" are consent and no further specific consent is required.

So, is there any occasion when we should seek consent?

Yes! Photographs, especially when used for promoting / marketing what we do. But for adults it's more a matter of courtesy than legal requirement. It is courteous to let people know that you are taking photographs, but it is a legal requirement to let them know what you are going to use them for. So, for example, lots of photographs get taken at Charter events, just let people know this will

be the case, that the photos may be used to illustrate what Lions do, and that they only have to let you know if they don't want this to happen.

Children / Vulnerable Persons – It is advisable to seek a parents / guardians permission where children / vulnerable people are concerned. This is more about safeguarding. It is also advisable to get this consent in writing as well. Whilst verbal consent is acceptable, if it is given in writing, there can be no argument later. If verbal consent is the only reasonable method, then you should record this the same day to ensure its legality – record name of the individual; date and event; name of the consenter.

Photographs taken in public / open events (e.g. fun runs) – In this case, just be careful about how you take photos. Be visible! Crowd shots are OK, (but not at closed events such as Charters), but if you want to take / use photographs of individuals, ask permission and record it.