

Privacy Notices

All Lions Clubs, Districts and Multiple District collect, hold and process 'personal data' as defined in UK data protection legislation.

Each part of the Lions family is seen as a 'Data Controller'. A Data Controller is the legal entity responsible for the processing and security of the data.

So, each Lions Club, District or Multiple District is a Data Controller in its own right. Each Data Controller is responsible for its own compliance with UK data protection legislation.

Compliance with the legislation can come in many forms, this article explains one particular aspect of compliance – Privacy Notices.

The Premise Behind Privacy Notices

This section could also be entitled 'Why do we need a Privacy Notice?'

Privacy Notices are the expected method to tell the world that the organisation is compliant with the UK data protection legislation – since 25th May 2018, this has included a UK Abridged version of GDPR. BUT, we actually had a similar statement required in the previous legislation – The Data Protection Act 1998 – current legislation is based on this Act and incorporates the same concepts. Back in the 1998 Act, it was a 'Privacy Policy' or 'Privacy Statement' and they mainly appeared on websites.

The 2018 legislation that we have now, has made things more formal and structured, and transferred some aspects into a legal requirement.

'Data Protection by Design and by Default' is now a legal requirement. What this actually means in practice is that each Data Controller is expected to look at the data held, the methods of processing, providing security on that data and then writing a Privacy Notice accordingly.

Main Privacy Notice

The Information Commissioner's Office (ICO) is the UK supervisory authority, and on its website is listed around 10 concepts it expects to be included in a Privacy Notice. BUT, at all times we need to demonstrate 'Privacy by Design and by Default' at the same time, so we should only include those concepts which specifically apply to the Data Controller. We can do this by drafting a separate Privacy Notice for each Club, each District, and the Multiple District on an individual basis. It does not depend on whether or not the Club / District / Multiple District has a website. If a Club / District / Multiple District does not have a website, then it still requires a Privacy Notice, but it will be shorter, and will be held by the Secretary in case it is requested. It forms part of the administrative documentation of a Club, much like the Charter document or Constitution. If a Club does have a website, then this becomes the 'publication' method of the Privacy Notice from a 'Privacy and Cookies' link from every page. There is no legal requirement to have a separate 'Cookie Policy', as long as we include a reference to cookies in the Privacy Notice.

What Does Need To Be Included?

Well, some concepts are common to all Lions Clubs / Districts / Multiple District.

- Lawful basis for processing – In the legislation these have general terms, but we need the reader to understand what we are doing with the data and our reasons for processing. Lions Clubs, for example, will process data for charitable aims or fundraising. All three parts of the UK Lions Family (Club / District / Multiple District) will process data for the administration of membership. So already you can see that a Privacy Notice will be different for District and Multiple District from a Lions Club in processing.
- Contact Details – Along with the lawful basis for processing, each Privacy Notice must contain contact details for the Data Controller.
- Third Parties – Anyone who is not the Data Subject (person who the personal data is about), is technically a third party. It is not possible to run any kind of organisation without sharing personal data between third parties, an example of this is writing a citation for an award. So the privacy notice should acknowledge sharing of data and to ensure that the Data Controller is not responsible for any processing by another Data Controller outside of their control.
- Website / Cookies – already covered above.

So how can we make each Privacy Notice meet the legal requirement of ‘Privacy by Design and by Default’ when all Lions clubs essentially process data for the same reasons?

- By ensuring the contact details refer to the Club, by knowing if the Club has a website, and drafting appropriately, dependant on which cookies that particular website may utilise, or by leaving out this paragraph completely if there is no website for that club, the same consideration is given to the use of social media platforms.
- Each Privacy Notice must be concise and contain no legal language – the ICO actually use the term ‘Plain English’

As District Data Compliance Officer, I have developed a system where I can amend a template of sorts to fit each Club, each District and Multiple District to meet all the requirements whilst preserving ‘Privacy by Design and by Default’. If your club would like me to produce this for your Club, then let me know.

‘Short Privacy Notices’ – also called ‘Disclaimers’

According to the legislation, we are supposed to produce the Privacy Notice on all communications, BUT the ICO decided this was ‘unreasonable’. So we can use shortened versions on email footers and forms (electronic and paper). A link only to the Privacy Notice is NOT unfortunately deemed ‘legal’! BUT we do not need to draft different ones for each Data Controller. So I have drafted the following Short Privacy Notices that can be utilised by any Lions Club, District Officer or Multiple District Officer.

Forms on paper

“Any personal data/special category data contained herein are processed in accordance with UK data protection legislation. If you would like further details, please ask for our main Privacy Notice”

Electronic forms (slightly different)

“Any personal information herein is processed in accordance with UK data protection legislation. All feasible security measures are in place. Further details are in our Privacy Notice.”

Emails

These are slightly longer than the ones for forms because electronic communications are also governed by the ‘Privacy And Electronic Communications Regulations (2003) as amended 2011’. The text should go in the signature at the end of an email – there is another article which explains how to do this if you are unsure.

“The Internet is not 100% secure. If you are not the intended recipient of this email, please notify the sender and then delete all copies. All reasonable security measures are in place. Any personal data/special category data herein are processed in accordance with UK data protection legislation. Further details are available in our Privacy Notice.”