

# **Data Protection & Information Security Handbook**

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# 1. Introduction to Data Protection

## The purpose of this handbook

The European Union legislation known as the General Data Protection Regulations (GDPR) is enforced from the 25th May 2018. This handbook, associated policies and procedures are all designed to ensure compliance with these regulations.

These regulations make it even more important, for the Students' Union and our members, that privacy is integrated into our day to day work. The increasing profile of the importance of protecting personal data means that the public at large, and so also both our current and potential members, are more conscious of it. We cannot afford data protection to be an afterthought.

With this in mind, this handbook has been designed to give employees and volunteers who handle data an appreciation of the legal requirements that the Union must abide by to ensure that they comply with the General Data Protection Regulations.

No matter how data is collected, recorded and used (e.g. on a computer or other digital media, on hard copy, paper or images, including CCTV) this personal information must be dealt with properly to ensure compliance with the EU General Data Protection Regulations (GDPR).

The appendices in this handbook contain further detailed information and example documentation which employees and volunteers will find useful.

## The regulations

There are 3 core regulations that the Students' Union interacts with when handling data:

### **General Data Protection Regulations**

The General Data Protection Regulations (GDPR) are a strengthened version of the original Data Protection Act. The regulations place more responsibility on controllers and processors for compliance, transparency and accountability in data processing. The regulations also give more power to data subjects with a series of rights that data processors and controllers must deliver.

[Click here for more information on GDPR](#)

### **Privacy and Electronic Communications Regulations**

The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection regulations. They give people specific privacy rights in relation to electronic communications. There are specific rules on: marketing calls, emails, texts and faxes; cookies (and similar technologies); keeping communications services secure; and customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

[Click here for more information on PECR](#)

## Freedom of Information Act

The Students' Union, although a representative body for students at a publicly funded institution, is not itself a public body. The Freedom of Information Act 2000 ("FOI Act") only applies to public bodies. Any FOI requests which come into the Students' Union should be forwarded to the Data Protection Officer for review and response – the standard response is that the FOI Act does not apply to the Students' Union and therefore the information will not be provided.

## Key terminology

| Term                       | What it means   |
|----------------------------|---|
| Data Controller            | The individual or organisation who originally collected the data for processing. Data controllers have legal obligations including: maintaining records of data and processing activities, ensure contracts with processors are compliance, and liability for any data breaches. The Students' Union is a data controller for the information we collect about our members, employees, customers and suppliers.   |
| Joint Data Controller      | The Students' Union is a joint data controller with the University where the University collects our membership data at enrollment and we use it for our purposes. Being joint controllers with the University allows us to share that data between both parties, strengthening our understanding. Joint data controllers are equally responsible for compliance and liability.   |
| Data Processor             | A processor is an individual or company responsible for processing personal data on behalf of the controller - for example student groups, National Governing Bodies and our electronic point of sale systems. As a processor the GDPR places specific legal obligations on you; for example, you are required to maintain records of personal data and processing activities. You will have legal liability if you are responsible for a breach which can extend to individuals. |
| Personal Data              | The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, student identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.           |
| Special Categories of Data | There are special categories of data, previously known as sensitive data, which require special measures of risk control to be in place. Data falling within this category is: <ul style="list-style-type: none"><li>● Biometric information;</li><li>● Genetic information;</li><li>● Racial or ethnic origin;</li><li>● Political opinions;</li></ul>   |

|                             |   |
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|                             | <ul style="list-style-type: none"> <li>● Religious or other similar beliefs;</li> <li>● Membership of trade unions;</li> <li>● Physical or mental health or condition; and</li> <li>● Sexual life</li> <li>● Sexual Orientation</li> <li>● Gender</li> </ul> <p>Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing. Following advice from the Information Commissioner’s Office we have concluded that in joining a specific club or society which is linked to special categories of personal data (such as LGBT+, Labour Students or ISOC) it would only be an assumption that the person was providing information about their sexuality, political or religious beliefs and as such would not come under the special category of personal data.</p>   |
| <p>Legitimate Interests</p> | <p>Recital 47 of the GDPR reads: <i>“The legitimate interests of a controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller.”</i></p> <p>We rely on legitimate interest as justifying much of our processing of Personal Data as we have assessed that the majority of our processing activity would be in the reasonable expectations of those we process data about. Our activities reliant on legitimate interest are as follows:</p> <p><b>Employees:</b> We require the data processing to enable us to be a good employer and pay employees. Whilst they are candidates we require it to assess them for employment. Employees and candidates expect us to hold and process that personal data for those purposes. We destroy candidate personal data if the candidate is unsuccessful.</p> <p><b>Members:</b> As a membership organisation processing individual data is central to our service provision. Members are able to opt-out of processing by terminating their membership. To provide a high standard of service and personalise our provision we record and process data relating to members engagement and communications preferences. The maximum study term for a student is 7 years and we retain student data for a further 3 years to a maximum of 10 years. Our data is refreshed annually by the University.</p> <p><b>Suppliers, partners and clients:</b> Our suppliers, partners and customers are not usually individuals so here we are dealing with the identifiable employees of our suppliers and clients who require us to deal with such individuals or self employed individuals. We require their personal data (email, office address, telephone numbers) to enable us to contact them in the context of their job. If</p> |

|         |   |
|---------|---|
|         | <p>an employee leaves a client or supplier we remove their details from the CRM and other systems (or we would be communicating with the wrong person). They expect that we will hold their contact details for this purpose.</p> <p>In all the above cases we believe that we have a legitimate interest in carrying out that processing and that the processing has no significant risk to the rights and freedoms of the individuals concerned.</p>  |
| Consent | <p>Consent should be the last legal option for processing data as consent is difficult in many cases to achieve. Following legal advice the Union believes that consent is only applicable for direct marketing and research activities unless otherwise stated in this handbook.</p> <p>Under GDPR consent must be freely given, specific, informed and unambiguous given by a statement or a clear affirmative action and that we have to keep a record of each consent obtained for as long as we are using it.</p> <p>We do not currently believe that any of our processing of Personal Data, except for the sending of the commercial marketing and research activities, requires data subject consent.</p> |

## Principles of Data Processing

Under the GDPR, the data protection principles set out the main responsibilities for organisations. These principles require data to be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

There is an additional duty imposed on data controllers that “the controller shall be responsible for, and be able to demonstrate, compliance with the principles.” The Students’ Union ensures compliance through the training, procedures and policies in place relating to data processing and information security.

## Lawful Processing

| <b>Lawful Processing</b>  | <b>Organisational Examples</b>   | <b>Next Steps</b>  |
|---|--|--|
| Consent of the data subject   | Opting in to receive a commercial newsletter   | There are specific requirements for gaining consent - please see advice below for gaining consent  |
| Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract   | Storage of the name and address of individuals and processing of this to send/fulfil an online purchase and manage returns programme | A copy of this contract or terms and conditions should be provided for record with the Data Collection Assessment Form   |
| Processing is necessary for compliance with a legal obligation  | The HMRC requires the Union to provide certain information for tax purposes  | A note should be made on the data collection assessment form of the legal obligation   |
| Processing is necessary to protect the vital interests of a data subject or another person  | If someone was in a medical position that their personal information needed to be released to medical practitioners to preserve life | Post releasing this data the Data Protection Officer should be advised   |
| Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.   | The Union does not process any data in the public interest.  |  |
| Necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject. | Members could legitimately expect their information to be processed to enable membership focused services                            | For new processing activity based on legitimate interest a legitimate impact assessment must be completed to ensure a balance of interests is achieved. The completed assessment must be provided with the data collection assessment.<br><br>Data collected relying on legitimate interest must declare the legitimate interest at the point of collection. |

## Handbook management

The content of this handbook is correct at the time that it was issued and will be updated from time to time as privacy legislation changes.

The Data Protection Officer is responsible for the maintenance of this handbook.

## 2. Organisational Policy

The Union intends to comply with GDPR or the same as subsequently enacted into UK domestic law at Brexit. The Union has adopted a formal data protection policy and as such employees and volunteers are required to undertake the following:

| Policy requirement  | Guidance information  |
|---|---|
| Only process as much personal data as is necessary for our administration and the services we supply.   | Refer to the data processing map for details of authorised processing activities and retention periods.   |
| Only hold such data for so long as necessary for those purposes. In this connection we have decided that ten years following the last contact with an individual is usually an appropriate period to hold data covering the legal limitation period (six years) and a moderate margin. As in most cases this is only archived data, not sensitive, not dangerous and will not be used there seems little risk to data subjects.   |   |
| Only process such data on grounds for lawful processing provided within GDPR Article 6  | Lawful reasons detailed above in the <a href="#">introduction to data protection</a> .  |
| Send or otherwise provide appropriate notices (GDPR <a href="#">Article 13</a> and <a href="#">Article 14</a> ) to those whose personally identifiable information (“Personal Data”) is processed by us including our employees, volunteers and individuals or individuals within partners who supply us with goods or services. We will also send such notices to individuals within organisations to whom generic marketing communications (eg newsletters) are sent. | <p>Always direct individuals to privacy documents for further information.</p> <p>Article 13 notices must be provided when the Students’ Union collects data. An example Article 13 notice can be <a href="#">found here</a>.</p> <p>Article 14 notices must be provided when data is provided to us. An example Article 14 notice can be <a href="#">found here</a>.</p> |
| Not engage in direct marketing to clients or prospects otherwise than in accordance with the relevant legislation and guidance from the ICO.  | More information on Marketing and Communications can be found in the <a href="#">Membership Communications guidance</a> section of this handbook.   |
| Utilise appropriate organisational and technical measures to ensure that Personal Data processed by us is kept secure.  | More information on data security measures can be found in the in the <a href="#">information security guidance</a> section of this handbook.   |

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|  |   |
| Where we use third party data processors we will choose them carefully with a view to their data security and compliance with GDPR and have GDPR compliant contracts with them.  | A list of approved third party data processors can be found in the <a href="#">sharing information guidance</a> of this handbook. |
| Not transfer Personal Data (which includes giving third parties access to it within our IT system) to recipients located outside the European Economic Area and the UK without confirmation from our Data Protection Officer that such transfer is lawful. |   |

The Chief Executive is appointed as our Data Protection Officer. The Data Protection Officer is contactable via [union.dataprotection@brunel.ac.uk](mailto:union.dataprotection@brunel.ac.uk). Where the data protection officer is not able to respond to enquiries within the given timeframe due to extended leave, sickness, or any other reasonable reason an appropriate person within the organisation must be delegated authority and responsibility to handle data protection enquiries.

Following guidance, we have concluded that:

- Article 13 or 14 notices need not be sent to current or prospective partners and suppliers whose contact details we are required to use to deal with those organisations
- Article 13 or 14 notices need not be sent to individuals who contact us intending to engage in correspondence with us
- When employee, trustee or members data is shared with our pension provider, insurance provider, HMRC, BUCS and National Governing Bodies they are neither our processor nor joint controller of the data concerned as it is being provided for their own use as they see fit to provide a service to us and/or benefits to our employees and members.

### 3. Employee and Volunteer responsibilities

The Students' Union data protection policy sets out the responsibilities of employees and volunteers. All employees and volunteers handling data must undertake to meet the following requirements.

| Requirement   | Guidance   |
|---|--|
| Undertake the Union's data protection and information security training course. | If your line manager or staff coordinator has not provided you with details of the training course then please contact <a href="mailto:union.dataprotection@brunel.ac.uk">union.dataprotection@brunel.ac.uk</a>  |
| Reporting breaches within 24 hours  | You must report any data breach to the Data Protection officer within 24 hours via <a href="mailto:union.dataprotection@brunel.ac.uk">union.dataprotection@brunel.ac.uk</a> and be alert to any return emails where additional actions may be required             |
| Respecting individuals rights   | Follow the guidance set out in the <a href="#">individuals rights section</a> of this handbook.  |
| Gain consent for special categories of data                                     | If you are required to capture special categories of data (remember joining a group linked to a special category of data is not personal data) then you must do so with a clear consent except for where the disclosure is to preserve life or for legal purpose.  |
| Responding to subject access requests   | Follow the guidance set out in the <a href="#">individuals rights section</a> of this handbook - ensuring the Data Protection Officer is informed within 5 days of receipt of the request.   |
| Process data within the law   | Lawful reasons and guidance on legitimate interests can be found detailed above in the <a href="#">introduction to data protection</a> .   |
| Do not process children's data  | Unless you have express permission and meet the legal requirements set out by the GDPR you must not process data relating to any individual under the age of 16  |
| Adopt a privacy by design approach to planning data collection                  | Where the processing or collection of data is new (check the <a href="#">data processing map</a> for existing processes) you must undertake a Privacy Impact Assessment. Guidance for this can be found in this handbook in the Privacy Impact Assessment section. |
| Appropriate data storage  | More details about data storage can be found in the <a href="#">information security guidance</a> section of this handbook.  |
| Do not share data with anyone who doesn't have a contract with us               | Occasionally the Union may transfer data to third parties for processing in line with guidance contained within the <a href="#">sharing information</a> section of this handbook.  |
| Protect IT systems  | More details about IT system security can be found in the <a href="#">information security guidance</a> section of this handbook.  |

## 4. Individual's rights and freedoms

The GDPR provides the following rights for individuals - this part of the handbook explains these rights and our standard organisational response to these rights when processing data.

### **The right to be informed**

The right to be informed encompasses our obligation to provide 'fair processing information', which is done typically through a privacy notice. It emphasises the need for transparency over how you use personal data. The Union publishes privacy notices at privacy for Students, Employees, Suppliers, Contractors and Trustees these must be referred to at the point of data collection or when processing third party data.

### **The right of access**

Individuals have the right to access their personal data and supplementary information which allows them to be aware of and verify the lawfulness of the processing. Individuals requiring access to the data the Union holds on them must complete a [Subject Access Request Form](#).

The Union must respond to these requests within one month; therefore any staff member or volunteer receiving a Subject Access Request Form must send this to the Data Protection Officer within 5 days of receipt to ensure they can coordinate the assimilation of the individuals data within the timeframe.

### **The right to rectification**

Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. It's vital that we retain a clear trail of where information has been disclosed to third parties as we must inform them of the rectification, where possible.

As with the right of access the Union must respond within one month of receipt of a [Data Rectification Form](#). Any employees or volunteers receiving a Data Rectification Form must send this to the Data Protection Officer within 5 days of receipt to ensure they can coordinate the rectification of the individuals data within the timeframe.

### **The right to erase**

The right to erasure is also known as 'the right to be forgotten'. The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

A large majority of data the Union processes relates to the delivery of service - individuals must be informed that erasure of their data will not only mean inability to serve them but if complete erasure from Union records is required then this will result in termination of membership. Individuals should be directed to the [Data Erasure Request Form](#) which should be sent to the Data Protection Officer to coordinate the administration of the erasure. Requests for erasure are to be fulfilled within 30 days of the request.

If you have disclosed the personal data in question to third parties, you must inform them about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

### **The right to restrict processing**

Individuals have a right to 'block' or suppress processing of personal data. When processing is restricted, you are permitted to store the personal data, but not further process it. An example being members opting out of receiving email communications.

For data processing activities such as email and SMS communications the Union provides automated opt-out systems which the individual can use to limit our processing. For processes where automated systems are not available individuals should be directed to the [Processing Restriction and Objection Request Form](#) which should be sent to the Data Protection Officer to coordinate the administration of. As with erasure, restrictions of processing may result in the Union's inability to serve the individual with a specific service or activity, and where third parties have been shared with this data they must be informed of the restrictions.

### **The right to data portability**

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The Union collates and provides data in CSV formats. Individuals can request their data using the [Subject Access Request Form](#) and employees and volunteers should respond to these requests in the same time frame as the access requests detailed previously.

### **The right to object**

Individuals have the right to object to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

Much of the Union's data processing activities are based on legitimate interests, research or direct marketing so it's important that employees and volunteers are aware of this right. As with erasure and restrictions, objection to processing may result in the limitation of service provision. The process identified for restriction should be followed for objections.

### **Rights in relation to automated decision making and profiling**

The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention. The Union does not make automated decisions about individuals that may be damaging without any form of human intervention.

## 5. Key activities & data protection procedures

### Employee Administration

This section covers data processing activities relating to how the Union handles employee data for administration purposes.

#### Recruitment

Potential employees' personal data can be collected as long as the people are aware their data is being recorded and retained. It is imperative that the data collected about potential members is not excessive – avoid collecting more information than is needed – and that it is stored securely and not shared with anyone who has no need to see it. A retention period should be set for this information and, once this time period has elapsed, the data should be disposed of securely i.e. deleted from a computer or shredded or placed in a confidential waste bin or bag if it is in paper form.

#### Employee Records

When starting employment with the Students' Union employees sign a contract which covers the processing of personal information, sensitive information and transferring this data in the delivery of services such as payroll, insurances and for advice. A retention period is set within the employee privacy statement, once this time period has elapsed, the data should be disposed of securely i.e. deleted from a computer or shredded or placed in a confidential waste bin or bag if it is in paper form. Employees have a responsibility for ensuring their data remains up to date.

### Membership Administration

This section covers data processing activities relating to how the Union handles membership data for administration purposes.

#### Students' Union Membership Records Data Set

Annually Brunel University London forms registration contracts with students. The Students' Union is a joint controller in this data with the University and has a legitimate interest in this data which provides the rights for the University to transfer the Membership Records to the Students' Union. This transfer includes detailed limitations for processing of this data.

These records are managed by the Students' Union marketing and communications department and direct access to this data is restricted to this department and the insights function only. The Students' Union marketing and communications team must send an [activation of membership email](#) to all members prior to any further communication acting as an [Article 14 notice](#).

#### Student Groups Membership Data Set

The Students' Union provides a membership management platform that facilitates both paid and free memberships of student groups. Volunteers running student groups may not collect data externally from this system. This restriction is in place to ensure that individuals are aware of the privacy notices which indicate how their data will be processed.

- Employees and volunteers will be assigned specific access levels to handle certain data to administer student activities using the membership platform;
- Volunteers must complete a data handling agreement before being provided with this access and as a result may not re-assign authority and access without formal agreement from the Data Protection Officer;
- Employees are bound by policies and procedures set out in the staff handbook and may not re-assigned access rights without formal agreement from the Data Protection Officer;
- Employees and volunteers may not transfer data to third parties without the explicit consent from the individual students to facilitate this the Union’s membership platform allows students to consent to this exchange;
- Access levels are assigned by the marketing and communications team; and
- The data may only be processed for the purposes outlined in the [Data Collection Assessment Form](#), employees and volunteers must be careful to only use personal data for the purposes that are outlined in this document.

If you wish to use this data for any purpose other than what has been declared on the [Data Collection Assessment Form](#) then you must consider this a new use and follow the procedures set out below for collecting data or using third party data - in particular the Privacy Impact Assessment.

#### **Using Data Extracts From The Membership System or E-Ticketing platform**

Data extracts from the membership system or e-ticketing platform must only be used in line with the appropriate processing activities set out in the [Data Collection Assessment Form](#). Employees and volunteers processing the data must ensure that the information is:

- Not circulated widely;
- Only made available to authorised data handling individuals;
- Only used for the specific purpose for which it was collected;
- Held securely; and
- Securely destroyed after use.

Below is a table of things to do and not do, which should be borne in mind when processing data from membership systems.

| <b>Do</b>  | <b>Do Not</b>  |
|--|--|
| Only extract and use the information that is needed to complete a task   | Extract more than you need for a task. A lack of time is not a legitimate reason for not considering the exact data needed |
| Only use data for one task. A new list should be extracted for each task. This makes sure the data that is being used is up-to-date and accurate                               | Provide information to others not involved in the task for which the data was extracted                                    |
| Keep the information on systems and networks that are recognised as being acceptable for Union and University work such as University networked equipment or the @brunel.ac.uk | Email information to a personal email address or save it onto a personal device for any reason                             |
| Take care when taking personal data out of the   | Keep the information that you have got to use for  |

|  |  |
|--|--|
| Union Buildings. Only take the information if it is necessary, keep it safe and return it as soon as possible. | a very similar exercise that you know you're going to do in the future   |
| Update the relevant staff member responsible for the data if an individual's information is out of date.       | Leave personal data that has been taken out of the office unattended   |
| Use the BCC box when sending emails to multiple individuals  | Use the To: or CC: boxes to email multiple people who would not expect to have their data shared with others   |
|  | Put information into a normal bin - use a secure disposal bin or bag. Someone else could find it and misuse it |

**Medical and Next of Kin Data**

We hold next of kin/emergency contact details in respect of our members as well as any key medical history which is only revealed in the event of, or protection against, an emergency situation. This is authorised under Article 6.1 (d) GDPR as the processing is necessary to protect the vital interests of the member.

**Data Cleansing**

This is a crucial activity in the run up to Freshers and elections processes. It is natural, in an educational landscape, for members to leave, change course, or change status and it's therefore vital the Union cleanses its data regularly. The Students' Union then collects and renews data from the University several times through the year to ensure this data is accurate.

There are processes for the removal of members in specific scenarios:

- Removal of membership rights  
Where disciplinary processes, or opt-out processes, result in the removal of a member from the Students' Union the Data Protection Officer shall share the name and student ID with relevant departments to ensure removal from Union databases. The Data Protection Officer shall also ensure that any student groups and third parties who process the individuals data are informed.
- Death of a member  
Where a member is deceased it is vital their data is removed from Union systems to prevent unrequired communication that may distress relatives. The Students' Union Data Protection Officer shall share the name and student ID with relevant departments to ensure removal from Union databases. The Data Protection Officer shall also ensure that any student groups and third parties who process the individual's data are informed.

**Membership Communications**

Article 47 of the GDPR states that the processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest. Such legitimate interest could exist for example where

there is a relevant and appropriate relationship between the data subject and the controller in situations such as where the data subject is a client or member.

We have determined that contacting our members about products and services the Students' Union offers is in the legitimate interests of our members and that there is a soft opt-in mechanism for consent. Soft opt-in consent is only acceptable when the following three criteria are met:

1. The contact details were obtained from the individual during a sale or negotiation of a sale for a product or service. For the Students' Union this will usually be when a person is becoming a member or we are contacting an existing member; and
2. The communications relate to similar products or services; and
3. The option to opt out (or "unsubscribe") was provided when the data was collected and is included on each and every subsequent communication

The conditions are specific and so cannot be relied upon in many situations. Difficulties can arise when using a member's mobile or home telephone number to send campaigning messages if the number was not initially collected for the purpose of campaigning; instead, for example, during registration as a volunteer driver or purchasing tickets.

### **Emailing and text messages**

The ICO has stated that all email addresses are personal data; it is therefore essential that when bulk communicating with members using email and text distribution lists that the following provisions are made:

- Individuals who have opted out of mailings (apart from statutory information like voting information) are not included in mailings or bulk text messages;
- The blind carbon copy (Bcc) field on the email address line is used;
- If a member informs the Union that they no longer wish to be contacted via email or text, their name and contact details must be removed from the distribution list, and a note made that they have not consented to receive emails or texts. The only exception to this is if the message contains statutory Union information and cannot be provided to the member in another way.
- An option to unsubscribe to similar communications is added to the bottom of the email or text message each time a message is sent out.

Communications with generic @brunel.ac.uk addresses such [club-name@brunel.ac.uk](mailto:club-name@brunel.ac.uk) are not considered personal data as they do not identify an individual human being.

### **Supporting platforms**

The Marketing and Communications team are responsible for providing, maintaining and monitoring platforms which facilitate the communication with members.

For employees, there is:

- A bulk email platform to which access is strictly limited to authorised staff
- A bulk SMS platform to which access is strictly limited to authorised staff
- An active member messaging system within the membership platform to which access is broadly available to Activities and other authorised staff members

For volunteers, there is:

- A member messaging platform built into the membership platform for messaging members of the group(s) that they administer

### **Commercial Marketing**

Solely purposed commercial marketing, through email or SMS, must only be delivered to those who have opted-in to receive messages. Fundraising through commercial activities is vital to the success of the organisation and therefore employees and volunteers collecting data should make commercial message opt-in options available at all appropriate opportunities.

Commercial marketing messages must include an opt-out function and may be considered a legitimate interest where a commercial relationship already exists as detailed above. For example if student purchased a Freshers Week ticket it could be assumed that they have provided soft opt-in consent to contact them regarding a Christmas Ball and Graduation Ball.

## **Representing Members**

### **Advice and representation cases**

This section covers data processing activities relating to how the Union represents its members - in particular in handling case files. Any information directly related to a potential or actual case is extremely sensitive and several of the data protection principles apply.

Provisions that representatives and advisors need to make include:

- Secure storage for live and archived case files
- Limited access to only those officials who need to see the data
- Collection of data limited to only that which is relevant to the case in hand
- Information held in the file is accurate
- A sign in/out process if the file needs to be taken out of the Union's office space
- File retention policy
- Secure disposal

It is much safer to keep any case files within the Union Building. If this is not possible, i.e. a file needs to be taken off the premises considerable care should be taken to ensure that its whereabouts are known, and that it is always kept secure.

### **Democratic platforms**

The Union is legally obliged by the Education Act 1994 to engage and facilitate students in elections processes which requires processing specific data. The data used for this activity is the membership data provided by Brunel University London.

For all other democratic processes the Union requires consent to process the data - this is because individuals personal data is made publicly accessible during many of the functions and a legitimate interest balance may not be achieved. Consent statements are detailed within the [Data Collection Assessment Forms](#) and must be displayed at the point of system engagement.

As with all forms of data collection a retention period must be clearly established and data securely deleted by the parties controlling the platforms the data is held within at the point this period expires.

## Research & Insights

This section covers data processing activities relating to how the Union undertakes research activities.

The Students' Union insight gathering activities, such as surveys are undertaken by consent. Records of individuals views, unless anonymised, are considered personal data and as such are subject to the rights and freedoms detailed previously in this handbook.

Data published must not individually identify any person without their explicit consent however anonymised data from all datasets maybe be processed and published for statistical purposes. Data should only be collected through the agreed platforms and by authorised individuals.

As with all forms of data collection a retention period must be clearly established and data securely deleted by the insights team at the point this period expires.

## Service Administration

This section covers data processing activities relating to how the Union delivers administration of services for members, suppliers, contractors and visitors. This data can include:

- Bank account details for the purpose of making payments
- Commercial clients for the purposes of credit control and management
- Drivers details for insurance purposes
- Events customers for the purposes of ticket management
- Retail customers for the purposes of fulfillment, delivery and order management

Employees and volunteers processing this data must ensure that the information is:

- Not circulated widely;
- Only made available to authorised data handling individuals;
- Only used for the specific purpose for which it was collected;
- Held securely; and
- Securely destroyed after use.

We have determined that businesses outlined below are considered recipients and are asked to hold the data confidentially and abide by GDPR purposes however any processing of that data is not part of the relationship between the data controller and the recipient.

Subject to holding appropriate agreements the businesses authorised to receive data are:

- HSBC
- Aegeon
- NEST
- Endsleigh Insurance Services
- HMRC
- British Universities & Colleges Sport

- Any National Governing Body acting as a representative body for our student communities

## Third Party Data

Where the service uses Third Party data to facilitate the service administration there must be a declaration of its use to the individuals whose data is being processed. This must be delivered within one month of obtaining the data, at the point of first communication or prior to disclosure to any further parties. Should the third party notify the Union, or the Union become aware, of any errors in data this must be rectified within one month of notification.

Third Parties requiring the erasure of data or applying restrictions in processing are required to notify the Data Protection Officer who will, subject to our rights to refuse, undertake all reasonable procedures to ensure the erasure of the individual's data from Union records. Where the Union's Data Protection Officer advises employees or volunteers of a restriction or erasure notice you are required to abide by this notice.

## 6. Information security procedures

### Data storage

#### Hard copies, file notes, incoming and outgoing letter correspondence

The Students' Union has a duty to ensure that data is held securely. Provisions that employees and volunteers must consider putting in place include:

- Lockable filing cabinets
- A clear desk policy
- Secure storage for archived files
- Secure destruction: using a shredder or confidential waste bin

#### Electronic Data

The same requirements apply to electronically held data. Provisions employees and volunteers must consider putting in place include:

- Use storage on the University network, @brunel.ac.uk or another approved platform
- Password protection on all files containing personal data
- Use of the Union's secure platforms for processing data
- Up to date antivirus and malware systems
- Adequate firewalls
- Secure destruction of IT equipment

#### Disposing of IT equipment

Even if you think you've deleted data from your computer it's likely remaining somewhere in some form, so disposing of IT equipment securely is essential. You must contact the University Computer Centre Help Desk department to have IT equipment removed and disposed.

#### CCTV recordings

CCTV units are not networked and access to the systems are through password protected platforms. This data may only be accessed by those authorised by the Data Protection purposes or law enforcement agencies. All CCTV units are subject to the provisions set out in the respective [Data Collection Assessment Form](#).

### Email Security

Your @brunel.ac.uk is individually assigned to you and should not be shared with others. In an employee's absence or for specific investigation purposes only emails may be accessed by authorised individuals - authority is granted by the Chief Executive or Head of HR only.

You should take the following steps to ensure the security of your email content:

- Consider whether the content of the email should be encrypted or password protected. If sending a spreadsheet containing personal data this must be password protected and the password sent in a separate email.
- When you start to type in the name of the recipient, some email software will suggest similar addresses you have used before. If you have previously emailed several people whose name or address starts the same way - eg "Dave" - the auto-complete function may bring up several "Daves". Make sure you choose the right address before you click send.
- If you want to send an email to a recipient without revealing their address to other recipients, make sure you use blind carbon copy (bcc), not carbon copy (cc). When you use cc every recipient of the message will be able to see the address it was sent to.
- Be careful when using a group email address. Check who is in the group and make sure you really want to send your message to everyone.
- Never click on a link or share any information with anyone that you don't recognise - if in doubt check with the DPO, your line manager or an individual with sufficient technological expertise.

## Sharing information

Whenever the Union uses a third party processor we must have a written contract in place. The contract is important so that both parties understand their responsibilities and liabilities. Examples of third party processors are:

- ePOS systems providers
- Website hosting

As the controller for certain elements of data the Union is liable for ensuring our compliance with the GDPR and we must only appoint processors who can provide sufficient guarantees that the requirements of the GDPR will be met and the rights of data subjects protected.

Third party processors must only act on the documented instructions of a controller. They will however have some direct responsibilities under the GDPR and may be subject to fines or other sanctions if they don't comply.

The Union has a standardised [data sharing contract](#) which may be used where the data processor does not have their own standardised format.

The Union doesn't currently transfer data to Third Parties outside of the European Union however, if we did transfer data to Third Parties outside of the European Union, for example by using Google Drive to store data, or our till providers, the GDPR places restrictions on this transfer and as such no employees or volunteers shall transfer data outside of the European Union or use non-authorized platforms that might be at risk of this without the explicit consent from the Data Protection Officer.

We have identified the following parties as data processors:

- ACM Solutions (Advice Pro) - In the provision of case management for students
- Brunel University London - In the provision of managed servers (G Drive)
- Google - In the provision of G-Suite applications

- Meteoric - In the provision of Students' Union website servers
- Advanced Exchequer - In the provision of accounting software
- Zonal Retail Data Systems Ltd - In the provision of ePOS software and customer management
- Membership Solutions Ltd - In the provision of ticketing services
- Selima – In the provision of HR software Selima
- IRIS Software Group Ltd – In the provision of Payroll software

This above list is not exhaustive.

The above parties either have a direct contract using the Students' Union model contract or through GDPR compliant terms and conditions of use of service.

## Releasing information to prevent or detect crime

The police or other crime prevention/law enforcement agencies sometimes contact data controllers or data processors and request that personal data is disclosed in order to help them prevent or detect a crime. All such requests must be referred to the Data Protection Officer.

The Students' Union does not have to comply with these requests, but the regulations do allow organisations to release the information if they decide it is appropriate. Before any decision is made about disclosure, the Information Commissioner asks that organisations carry out a review of the request. This include considering:

- The impact on the privacy of the individual/s concerned
- Any duty of confidentiality owed to the individual/s
- Whether refusing disclosure would impact the requesting organisation's ability to detect, prevent or prosecute an offender

If a decision is made to refuse, it is possible that a subsequent court order may be made by the requesting organisation for the Students' Union to release the information. If such a request is received by an employee or volunteer, please refer the requestor to the Students' Union's Data Protection Officer.

## Information security breaches

A personal data breach means a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This means that a breach is more than just losing personal data.

A data security breach can happen for a number of reasons:

- Loss or theft of data or equipment
- Inappropriate access controls allowing unauthorised use
- Equipment failure
- Human error
- Unforeseen circumstances such as fire or flood
- Hacking attack
- Deception of the organisation through 'blagging' offences

## Detecting data breaches

Detecting a data breach or the potential of a data breach can happen in a variety of ways. The table below identifies some of the methods of detection and processes for handling such detections.

| Detection Method  | Action for potential breach  | Action for actual breach   |
|---|--|--|
| Employee/ Volunteer Detection   | If you think you have identified a potential for data security to be breached you must immediately inform your line manager (or staff contact if you are a volunteer) and the Data Protection Officer. They may immediately cease processing this data until the potential for breach is resolved based upon an assessment of the risk to individuals privacy. | Immediately report the matter to the Data Protection Officer, permanent staff contact (if volunteer) or line manager - isolating any potential for further breach where appropriate. The DPO and other involved parties should follow the CIRP detailed below. |
| Accidental Breach (such as loss of laptop)                                | If there is a high likelihood of this breach happening you should immediately adjust your processes and procedures to reduce the likelihood. Always ensure data is secured and encrypted as detailed in the information security section of this handbook. Consult the Data Protection Officer or line manager where appropriate.                              | Immediately report the matter to the Data Protection Officer, permanent staff contact (if volunteer) or line manager - isolating any potential for further breach where appropriate. The DPO and other involved parties should follow the CIRP detailed below. |
| Audit or assessment   | The Union conducts termly data audits of its spaces and IT infrastructure using the <a href="#">Data sharing Audit Sheet</a> - these may highlight weaknesses in the organisations information security and should be responded (with advice from the Data Protection Officer) in a timely manner to ensure data privacy of individuals.                       | Immediately report the matter to the Data Protection Officer, permanent staff contact (if volunteer) or line manager - isolating any potential for further breach where appropriate. The DPO and other involved parties should follow the CIRP detailed below. |
| Complaint from either an individual, organisation or legal representative | Where there is a risk of complaint arising from the processing of data that may raise to being a legal matter processing must  | Immediately report the matter to the Data Protection Officer and a Strategic Leader of the Union. The DPO and other involved parties should follow the CIRP detailed   |

|  |   |        |
|--|---|--------|
|  | immediately cease, Strategic Management must be advised and comprehensive guidance sort from the Information Commissioner's Office. | below. |
|--|---|--------|

### Reporting data breaches

Where an employee, volunteer, supplier or contractor discovers a data breach they must report this to the Data Protection Officer within 24 hours.

The Information Commissioner's Office shall be notified within 72 hours of the breach where there is a risk to the rights and freedoms of individuals such as discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

Where there is a high risk to the rights and freedoms of individuals they shall be notified directly also as detailed in the [Cyber Incident Response Plan](#) outlined below.

### Investigating data breaches

The Union takes all data breaches seriously and will investigate all potential and actual data security breaches. The process for actual data breaches is outlined below in the [Cyber Incident Response Plan](#).

### Cyber Incident Response Plan

In the event of a data security breach the Data Protection Officer shall coordinate the Cyber Incident Response Plan outlined below:

#### Containment and recovery

The following activities must be completed within 72 hours of any breach notification:

- The DPO shall identify the appropriate specialist, either internal or external to investigate the breach and ensure that they have the appropriate resources
- The investigating party shall establish who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise. This could be isolating a piece of equipment, finding a lost piece of IT hardware or simply changing the access codes to a certain space.
- The investigating party shall also establish whether there is anything that can be done to recover any losses and limit the damage the breach can cause, as well as the physical recovery of equipment. Where appropriate the police should be informed.

#### Assessing the risk

Some breaches may be minor and not lead to risks beyond an inconvenience, however some breaches, such as theft of a customer database with which identity fraud could be committed, are much more serious. Before deciding what steps to take beyond immediate containment there must be an assessment of the risk. The investigating party should assess:

- What type of data is involved?
- How sensitive is the data?
- If the data has been lost or stolen are there any protections in place such as encryption

- What has happened to the data and could it be used of purposes harmful to individuals
- Regardless of what has happened to the data, what could the data tell a third party about an individual?
- How many individuals' personal data are affected by the breach?
- Who are the individuals whose data has been breached?
- What harm can come to those individuals?
- Are there wider consequences to consider such as a loss of public confidence?
- If individuals' bank details have been lost, consider contacting the banks themselves for advice.

### Notification of breaches

Where appropriate, it is important to inform people and organisations of a data security breach. Informing people about a breach is not an end in itself. Notifications should have a clear purpose to either allow the ICO to perform its function, provide advice, deal with complaints or enable individuals to take steps to protect themselves.

- The Data Protection Officer shall identify if there are any legal or contractual requirements to comply with in the event of a security breach
- The Data Protection Officer shall identify whether to notify the affected individuals by considering the risk to those individuals and the part they can play in mitigating those risks - such as changing passwords or changing building access codes. The investigating party should also consider the risks of over notifying - where 200 members of a student group are affected, a notification to the 23,000 members of the Union would be disproportionate.
- If notifying individuals there should be specific and clear advice on the steps they can take to protect themselves and also what you are willing to do to help them.
- The Data Protection Officer shall work to identify whether the Information Commissioner's Office needs notifying. Notifications to the ICO should include details of security measures in place, security procedures in place and the time of the breach.
- The Data Protection Officer should also consider what third parties, such as the police, insurers and professional bodies, require notification. The Union has an insurance policy that provides specific legal and data breach support.

### Evaluation and response

It is important not only to investigate the causes of the breach but to evaluate the effectiveness of the organisations response to it and the measures in place to prevent it happening again. The Data Protection Officer shall curate an evaluatory body of relevant employees and/or volunteers to ensure procedures, policies and equipment is of sufficient security standard to avoid future breaches in this mechanism.

## Disposing of data

The Union is committed to keeping data for the minimum time necessary to fulfil its purpose.

- **Member Data** - In line with University policy member (student) files shall be removed from six years after a student graduates or otherwise leaves the University.

- **Employee Data** - The Union will keep employment history data about former employees for 100 years from the date of birth in order to verify employment details of former staff. Most other data will be removed a minimum of six years after their employment with the Union has finished, in order to meet data needs for pensions, taxation, potential or current disputes, or job references.
- **Health and Safety Data** - The Union will keep health and safety records of accidents that happen to visitors to the Union for three years after the date of accident.

Paper based records shall be disposed of in a confidential waste sack, confidential waste bin, or shredded. Electronic records will be deleted through the decommissioning of equipment by the University Computer Centre Help Desk department and digital records shall be deleted from databases at source.

## 7. Requests for an individual's own data

### The rights of the individual

Under the Data Protection regulations an individual has a right to request all the personal data that an organisation holds about them. They also have a right to know the source of the data, the purposes that it is being held for e.g. to process an individual's membership and who it has been shared with. The individual needs to make the request in writing by post.

Individuals requesting access must provide some form of identification, and information about the data they are seeking. Subject to the verification of the individual's identity and the specific requirements, within one month of request receipt, the Union shall provide:

- Confirmation that their data is processed;
- Access to their personal data; and
- Other supplementary information as outlined by law

A Subject Access Request (SAR) form must be completed and provided to the Data Protection Officer for distribution of appropriate actions. Any individual or department receiving a Subject Access Request must share this with the Data Protection Officer within 5 working days. The Data Protection Officer must respond to the request within one month of receiving the request and proof of identity.

Data we need to provide can include:

- Details held on the membership system including notes
- Case files including handwritten notes, emails, letters etc
- CCTV footage
- Photographs
- Records of any contact with the Union
- Complaint files
- Research activity
- Records of third parties the data is shared with

The scope of the search includes Union activities, services, central services and trading activities and any other organisation which is processing data on the Students' Union's behalf. It is important to note that

email and hardcopy exchanges between Students' Union officials and representatives to each other and to/from regional officers with reference to any representations or issues with members or other individuals may have to be considered for disclosure in response to a SAR. So please:

- Keep any documented information factual
- Carry out periodic housekeeping on email and other information sources as necessary
- Keep a file note of the source of any incoming information (it helps when dealing with a subject access request to know if the requestor already has a copy of the document)
- Only copy into emails those people who "need to know"
- Do not use abusive or derogatory language in emails or other documents
- Do not include any personal opinions in email or other documents
- Do not use email when a telephone call will do

### **What to do if a request for subject access is received by an employee or volunteer**

If a verbal request is received the employee or volunteer should inform the individual that they need to put their request in writing – details of the address they should contact are in the privacy notice.

Employees and volunteers should be prepared (but not begin) to gather all their relevant documents, including emails, as the Data Protection Officer will soon be in contact asking for it. It is important to provide all the relevant documents, even if some are thought to be contentious. The Data Protection Officer will review each piece of documentation before it is passed to the member, and will either redact, withhold or provide the data as part of the response to the SAR and flag any documents which are considered to be contentious or sensitive in some way and don't want to be disclosed. Please explain why you are so concerned about them being released. This will help inform the response to the SAR but does not mean that the information will be able to be withheld. Information can only be withheld in response to a SAR in very limited circumstances.

# Appendix

## Notices

At the point of data collection the Union will provide all individuals with an easily accessible processing notice or statement, free of charge and written in plain language, which will detail:

- The identity of the Union and contact details for the DPO
- The purpose and lawful basis for the processing
- Any legitimate interests of the Union and the individual in the processing of the data
- Any third party recipients of the personal data
- Details of transfers to countries outside of the UK and safeguards
- Retention periods or criteria used to determine the retention period
- The right to lodge a complaint with the ICO and the right to object to processing
- The consequences of failure to provide, or removal of processing rights for personal data
- Whether the provision of personal data is part of a statutory or contractual requirement
- The existence of automated decision making, how decisions are made and the consequences of this form of processing

The Union has created five privacy notices (known as an Article 13 notices) which must be clearly linked from any appropriate data collection form and an activation notice (known as an Article 14 Notice)

### Article 13 Notices

- [Student Privacy Statement](#)
- [Employee Privacy Statement](#)
- [Supplier, Contractor and Client Privacy Statement](#)
- [Cookies Statement](#)

### Article 14 Notices

- [Example Activation notice](#)

### Consent Notices

Below are examples of valid consent notices:

*We will shortly ask you for specific information about you and link your data to our record of members. By proceeding with the next stage in this system you provide consent for the Union of Brunel Students to process your personal data for the elections, communicate with you and conduct statistical analysis. Full information on our data processing please view our Student Data Protection Statement within our student privacy statement - [attach link](#))*

*To enable your democratic right to use this system we need to process some data. When you login via one of the mechanisms below the Union of Brunel Students will process your data contained within our membership records for the purposes of administration, communication, access rights and statistical reporting. Full information on our data processing please view our Student Data Protection Statement within our student privacy statement - [attach link](#)).*

*By clicking “Submit Your Details” you will be registered to receive regular information about the Union’s support services and activities. You can unsubscribe from our messages or change your preferences at any time. Full information on our data processing please view our Student Data Protection Statement within our student privacy statement - attach link below)*

## Links to all documents

[Data Protection & Information Security Policy](#)

### Privacy Notices

[Student Privacy Statement](#)

[Employee Privacy Statement](#)

[Supplier, Contractor and Client Privacy Statement](#)

[Cookies Statement](#)

### Individual Rights

[Subject Access Request Form](#)

[Data Rectification Form](#)

[Data Erasure Request Form](#)

[Data Restriction and Objection Request Form](#)

### Data Processing Forms

[Data Collection Assessment Form](#)

[Privacy Impact Assessment Form](#)

[Legitimate Interest Assessment Form](#)

# A guide to: Undertaking a Legitimate Interest Assessment

A Legitimate Interest Assessment is a balancing exercise designed to test the interests of the business against the interests and rights of individuals.

As a membership organisation there are large amounts of data processing that could reasonably be carried out under this lawful processing remit - as a member individuals might legitimately expect their data to be processed in certain ways - as long as this processing does not significantly affect their rights and freedoms then this is a reasonable justification for processing of personal data.

There is a [Legitimate Interest Assessment Form](#) produced by the Union which must be completed to review the balance of interests. Having completed the form, without bias, if you feel that the individual's rights and freedoms are protected and/or there is an appropriate balance of interest towards the individual then you should proceed on the case that there is a Legitimate Interest. The LIA form should be submitted to the Data Protection Officer for oversight and recorded alongside the [Data Collection Assessment Form](#)

## **Step one: Identify the legitimate interest**

Using the tick boxes identify the legitimate interests that you believe this form of processing holds

## **Step two: Identify who the data is about**

Using the tick boxes identify the individuals affected by this data processing

## **Step three: Identify if there are any special categories of data being processed**

Select either YES or NO to identify the use of special categories of data

## **Step four: Identify any third parties processing the data**

Detail in the comment boxes any third party data sharing - who might they be and what processes are they going to undertake with the data.

## **Step five: Conduct a balancing test**

Proceed through the questions answering either YES or NO

## **Step six: Identify safeguards**

In the freeform text box, detail the identified safeguards that will reduce any risk to individuals

## **Step seven: Review**

To qualify for a legitimate interest the rights of the individual must not be outweighed by the needs of the Union in processing. Working through the balancing test section consider the individual's rights and ensure the balance leans in their favour to accept this form of legal processing. Ultimately there must be a real legitimate interest of the individual to accept this. If unsure, check with your line manager or the Data Protection Officer.

# A guide to: Undertaking a Privacy Impact Assessment

A privacy impact assessment (PIA) is a tool which helps the Union identify the most effective way to comply with our data protection obligations and meet individuals' expectations of privacy. Employees and volunteers, supported where appropriate by the Data Protection Officer, must undertake a PIA when starting any project that handles individuals data this could include - new IT systems, data sharing initiatives or using existing data for new purposes.

A PIA identifies the information flow, any risks to privacy, evaluates the solutions and provides a record of the outcomes to integrate into any plan. PIA's need not be a barrier collection - the Union has a simple [Privacy Impact Assessment Form](#) which should be completed and returned to the Data Protection Officer with the [Data Collection Assessment Form](#).

## Step one: Identify the need

The majority of projects will need a privacy impact assessment, however it's worth checking that it definitely is needed. If you answer no to ALL of the questions below you do not need to complete a PIA.

- Will the project involve the collection of new information about individuals?
- Will the project compel individuals to provide information about themselves?
- Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?
- Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?
- Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.
- Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?
- Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.
- Will the project require you to contact individuals in ways which they may find intrusive?

## Step two: Describe the information flows and risks

The collection, use and deletion of personal data should be described here and it may also be useful to refer to a flow diagram or another way of explaining data flows. You should also say how many individuals are likely to be affected by the project.

You will also need to explain what practical steps you will take to ensure that you identify and address privacy risks. Who should be consulted, internally and externally? How will you carry out the consultation? You should link this to the relevant stages of your project management process. Consultation can be used at any stage of the PIA process.

## Step three: Formally identify the privacy and related risks

In the previous step you identified the risks and consulted upon them. In this step you need to take the key privacy risks identified and the associated compliance and corporate risks.

**Step four: Identify privacy solutions**

Now transfer these risks and describe the actions you could take to reduce them, and any future steps which would be necessary (e.g. the production of new guidance or future security testing for systems).

**Step five: Sign off and record the PIA outcomes**

Review these risks with your line manager and get sign off on these. If you need to consult further advice from the Data Protection Officer now is the last opportunity as part of this process.

**Step six: Integrate the PIA outcomes back into the project plan**

As a privacy by design principle these risks and control measures should be built into the project that requires the data protection. Outline at this point who is responsible for implementing the solutions that have been approved and who is the contact for any privacy concerns which may arise in the future.

# Data Processor Agreement - Volunteers

This agreement is made on the [day] of [month] [year] with the below named volunteer.

This provides authority for the volunteer to process student data for [insert purpose of processing] and is valid until the 31st July [year]. The data may only be processed for this purpose. The personal data available is:

- [Insert list of personal data available]

The Students' Union has extensive obligations under the General Data Protection Regulations (GDPR) and Privacy of Electronic Communications Regulations (PECR). These obligations extend to the below named volunteer who by signing this acknowledges this legal responsibility and agrees to follow the following supportive guidelines:

1. To act only on the written instructions from The Union (unless required by law to act without such instructions) including those in the *Data Protection & Information Security Handbook*;
2. To respect the confidentiality of the individual's affairs;
3. To take appropriate measures to ensure the security of processing as outlined in the *Data Protection & Information Security Handbook*
4. Only transfer to other third parties for processing with the prior consent of the Union and a written contract;
5. Assist the the Union in providing subject access and allowing data subjects to exercise their rights under the GDPR;
6. Assist the Union in meeting its GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
7. Delete or return all personal data to the Union as requested at the end of each academic year or as requested by the Union;
8. Provide the Union with whatever information it needs to ensure that they are both meeting their Article 28 obligations, and tell the Union immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state; and
9. Ensure appropriate technical and organisational measures as detailed in the *Data Protection & Information Security Handbook* against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Signed .....

Name.....

Date.....

# Data Processor Agreement For Third Parties

This Agreement is made on the [day] of [month] [year]

BETWEEN

The Union of Brunel Students (“the Union”) whose registered address is:  
Hamilton Building, Kingston Lane, Uxbridge, UB8 3PH

And

[Supplier name] (“the Supplier”) whose registered address is: [Supplier Address]

WHEREAS

- a. The Union wishes to engage the Supplier to process Personal Data on its behalf, and
- b. Each time the Supplier processes personal data on behalf of the Union the data will be processed on the terms and conditions laid out in this Agreement.

IT IS HEREBY AGREED THAT

## Interpretation

The following terms:

“Data”, “Data Controller”, “Personal Data”, “Data Processor” and “Processing” have the meanings given in Section 1(1) of the Data Protection Act 1998.

“Data Controller” means The Union.

“Duration” means the period of [day] of [month] [year] to the [day] of [month] [year] during which the data will be processed

“Personal Data” means [list of data to be transferred]

“Processing Activity” means [the nature and purpose of the processing]

“Confidential information” means The Union and the Data Controller’s secrets and confidential information and extends to all knowledge or information relating to both, their organisation, finances, processes and membership information held by The Union.

## Data Processing

1. The terms of this Agreement shall apply for the Duration of the Processing Activity whenever The Supplier processes data on behalf of The Union

2. The Union, as the data controller, is liable for compliance with the GDPR and must only appoint processors who can provide 'sufficient guarantees' that the requirements of the GDPR will be met and the rights of data subjects protected.
3. The Supplier, as a data processor, will:
  - 3.1. Act only on the written instructions from The Union (unless required by law to act without such instructions);
  - 3.2. Ensure that people processing the data are subject to a duty of confidence;
  - 3.3. Take appropriate measures to ensure the security of processing;
  - 3.4. Only engage a sub-processor with the prior consent of the data controller and a written contract;
  - 3.5. Assist the the Union in providing subject access and allowing data subjects to exercise their rights under the GDPR;
  - 3.6. Assist the Union in meeting its GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
  - 3.7. Delete or return all personal data to the controller as requested at the end of the contract;
  - 3.8. Provide the controller with whatever information it needs to ensure that they are both meeting their Article 28 obligations, and tell the controller immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state; and
  - 3.9. Ensure appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

### **Confidentiality**

4. The Supplier shall both during this Agreement and after its termination (without limit in time) keep confidential and not (except as authorised or required by the purposes of this Agreement) use or disclose or attempt to use or disclose any confidential information supplied by The Union or its members.
5. Confidential information will only be made available by the parties to those of their staff and agents who have a reasonable need to know of it. The documents or other materials and data or other information or copies thereof will not be made available to any third parties except for professional advisers in confidence or if required by law,
6. The Supplier shall not under any circumstances subcontract the processing of the Union's data without prior written permission from The Union to do so.
7. Either party is entitled to demand the return of any documents or other material or data or other information supplied to the other party under this Agreement within one month of giving the other party written notice.
8. On the cessation or earlier termination of this Agreement, each party shall return to the other all documents or other material containing confidential information and destroy any surplus copies.
9. Paragraph 7 of this Agreement shall not apply to documents, other materials, data or other information which are already in the public domain at the time when they were provided by either party or if at any time the information becomes public knowledge through no fault of the other party.
10. Both parties undertake that any information which is received from the other party under this Agreement will only be used for the purposes of this Agreement.

**Requests for information**

- 11. The Supplier must inform The Union immediately (within 2 working days) of any requests it receives for copies of The Union data, and only respond to any such request as directed by The Union or the Data Controller. The Supplier shall also co-operate fully with any reasonable requests made by The Union or Data Controller in relation to any such requests.

**Inspection**

- 12. The Data Controller may, on reasonable notice and during business hours inspect The Supplier’s data processing facilities, data files and relevant documentation.

**Indemnity**

- 13. Nothing within this agreement relieves the supplier of its own direct responsibilities and liabilities under the GDPR
- 14. The Supplier shall indemnify the Data Controller, against any loss or damage it sustains or incurs as a result of any loss, theft or un-repairable damage to The Union’s data or any other failure by The Supplier to comply with its obligations under this Agreement, including any regulatory fine imposed on the Data Controller because of The Supplier’s action or omission.

**Governing Law**

- 15. This Agreement is subject to English Law and the parties submit to the non-exclusive jurisdiction of the English Courts.

Signed .....

Name.....

For and on behalf of The Union

Signed .....

Name.....

For and on behalf of The Supplier

# Reporting a breach flowchart

