

## Advice to Societies with queries regarding the Data Protection Act (DPA) alterations in 2018.

I have discussed the Data Protection Act regarding the ABPS, how it uses databases and the relationship to its membership with the ICO (Information Commissioners Office).

The ABPS, Philatelic Societies and Federations come under the example of where a not for profit organisation is exempt from notification as we process personal data only for an obvious purpose and therefore not required to give a privacy notice. The Act actually says "specified purpose" but this can be taken to be the "obvious purpose". How this affects the way we handle names, addresses, telephone numbers and email (contact details) which we use for the purpose of organising the hobby for the benefit of our members relies on the fact that it is obvious to our members why they are giving their details and therefore the only requirement under the Act is that we must use the data in a fair, proportionate and lawful manner.

Now for the change next year - currently we can and do assume passive approval from our members in order to use the supplied data as we feel fit. This changes on the 18 May 2018 when passive approval will no longer be a valid way of proceeding and we will have to change to an active approval process. This will involve some "active" method such as by a tick box or signature or initials or some other way of communicating that approval has been positively given in order that we can use the personal data as we see fit.

In more detail:

At present when any information involving personal data such as addresses, telephone numbers, date of birth, etc. are given directly by an individual you have passive approval to use that data as you see fit (as long as it is fair, proportionate and lawful) you don't have to keep any records of consent, etc.

After 18 May 2018 for you to use that data in a public forum you will have to find a way of obtaining active approval - this should be done on the first occasion and need not be carried out on any subsequent occasion. For example when any new member fills in a membership application form with their personal data you could include the following wording:

### **"Data handling agreement**

**Purpose** - Somewhere & District Stamp Club will use and hold the supplied data for the purpose of organising the Club, promoting philately in the Federation area and to provide services to the membership.

**Period of holding the data** – Somewhere & District Stamp Club will hold the data until instructed otherwise.

**Cancellation** - you can cancel this agreement at anytime and your details will be removed. Please contact the Somewhere & District Stamp Club Secretary.

**Security of data** - Somewhere & District Stamp Club will handle the data in a secure form and will not distribute to third parties other than for the purpose outlined above.

**Agreement** - I understand that the data provided will be used for the outlined purpose.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_"

This is only an example and not a template, I'm sure you can adapt the wording to suit.

To avoid any doubt it would be good practice for every Society member to be asked to sign an agreement similar to the one above.

Remember if you never use the personal details for any purpose beyond just keeping a register then there is no need to have any agreement in place, it's only when you use the personal data for other purposes in a public forum then you have to ask yourself whether you need active approval. Again it cannot be stressed enough that all personal data, where active approval has been obtained, can be used for any purpose as long as it is fair, proportionate and lawful.

For example: writing a piece about a member in a newsletter that goes into the public domain by virtue of placing it on say a website stating "... and Mr Smith who lives at 23 Railway Cuttings has just had his collection valued in excess of £250,000" would be unfair and not proportionate and would fall foul of the DPA.

Hope this is helpful please contact me if you have any further queries.

Neil Ritchie

ABPS General Secretary