



# The Data General

## Jun 2019

BRIDGING THE COMMUNICATION GAP

IN THIS ISSUE

## Datasets

Datasets are documents describing all the data you collect, how it is collected, why you collect it, where it is stored or transferred, Lawful basis for processing and how long you will keep it.

It is better to document each dataset separately rather than combining them into one. The reason for this is that each Dataset leads to a Data Privacy Impact Assessment (DPIA), more on which in a later Newsletter. For example, you may have one Dataset for Employees and another for Clients. They are distinct groups with some overlapping but generally different purposes for processing.

### How is Data collected ?

To uphold the principles of Data Privacy it is important that the entire lifecycle of data capture is documented. Documenting how it is collected ensures that you are capturing data lawfully. At the point of collection and every touch point with the individual you must ensure that they are aware of their rights and that you are transparent about what you will and will not do with their Personal Information.

With this documented you can answer the question, How did you get my Personal Information, which is a common complaint from individuals, particularly with the widespread use of Data Brokers.

### Why have you collected the information ?

This is the first step in a Data Privacy Audit where you will be challenged to consider why you are collecting the information in the first place.

You need to ask yourself if it is really necessary for the purposes you intend or the service you provide. If you are an online retailer with home delivery you need the individuals home address to complete the service and contract, but if you don't need the home address to deliver your service then why take the risk of storing unneeded Personal Information. All stored data

represents risk, it is just a matter of managing that risk and only holding what you must.

### Where is it stored or transferred ?

The data you collect could be kept on paper or electronically or both. As a first step in understanding how securely data is stored, you need to know where it is.

This question also goes to the heart of process and internal discipline managing individuals Personal Information. For example, if you receive a CV (Resumé) by post, does the person receiving the post leave it lying on their desk or is it scanned and stored electronically then shredded or is it simply locked in a filing cabinet. If you receive the same CV by email what do you do with it and does it remain on the Email server or beside the printer?

### Lawful basis for processing

The lawful bases for processing are Consent, Contractual, Legal Obligation, Vital Interest, Public Interest and Legitimate Interest.

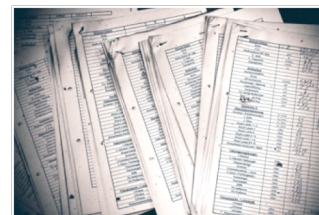
Selecting the right basis for each piece of data needs to be carefully considered and justified. You cannot change the Lawful basis to suit your changed needs or circumstances. You cannot for instance decide that sending adverts or promotions is Legitimate Interest just because someone withdrew their Consent.

### How long will you keep it ?

Again this is case by case for each item of data. You may keep tax records for HMRC for seven years and Pension records for 75 years, but employee data after they leave perhaps just twelve months.

How long you keep information must be justified and managed.

We are here to help and you can find us at [PrimeConduct](#) or [Contact Us](#). We are happy to assist in evaluating suppliers for compliance. Our Newsletters can be found [here](#) with advice on other topics we have covered.



### Datasets

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### Fast Facts

Interesting facts about Data Privacy.

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## FAST FACTS

67%

In a recent survey carried out by the EU Commission 67% of respondents are aware of GDPR.

73%

In the same survey the respondents have heard of at least one of their rights.

65%

65% know about their right to access data stored by organisations.

59%

59% know about their right to object to receiving direct marketing.

56%

56% of respondents have attempted to change their privacy settings away from the default settings.

ICO

You can find out more about the ICO actions at <https://bit.ly/2XcYahE>. Source for statistics is the Special Eurobarometer 487a published by the EU commission.

## FOR MORE INFORMATION

We are pragmatic, helpful and ethical.

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## Example Dataset

Data Item	What is collected?	How is it collected?	Filing Cabinet	HR CRM System	Why is it collected?	Lawful Basis For Processing	Optional	Data Retention Period
Name	First, Middle and Surname	It is collected as a part of the recruitment process. It is gathered on the Application Form, or supporting CV	Y	Y	To identify employee	Article 6(1)(f) - legitimate interest	N	End of employment + 18 months
Gender	Male or Female	Collected from application form and stored on Client Mgt system	N	N	A required field to ensure Clients choice of carer gender is formally recognised.	Article 6(1)(f) - legitimate interest	N	End of employment + 18 months
Address	Home contact address	It is collected as a part of the recruitment process. It is gathered on the Application Form, or supporting CV	Y	N	To identify employee	Article 6(1)(f) - legitimate interest	N	End of employment + 18 months

## A Dataset

The example in the picture above is the first few lines of an Employee dataset for a Care Agency that we have worked with.

We prefer to use a spreadsheet format as it is easy to adjust for example when data is stored in many different places. In one case we worked on, there were twelve different locations and much of the information had to be kept in multiple locations.

The information you have collected and where it is stored is essential knowledge when responding to a Subject Access Request which we talked about in an earlier Newsletter.

## What is collected ?

The first two columns ie Data Item and what is collected, are simply there to write down each piece of data. It is not sufficient to say Contact Details, it needs to be specific. Next to the Data Item Name you see in the Collected column it specifies First name Middle Name and Surname. Again this is about being pedantically specific.

## How is it collected ?

You can see that the answers are simple and straightforward. Name is collected from the CV or Job Application Form.

There is no need to overcook the answers.

## Where is it stored ?

In this particular example there are two key places where information is stored, the Filing Cabinet and an HRM CRM system. Gender is uniquely stored on the Client Management system which is explained under the why column. When responding to an SAR it is now feasible to find the data and where it is kept so that retrieval and response to requests is managed efficiently.

## Why is it collected ?

The responses are simple and straightforward. There is nothing particularly complex about the regulation as long as what you are doing is transparent to the Data Subjects and you are not trying to hide something.

## Lawful basis for Processing

Here we have the lawful basis and clearly each line item is justified, there is no wholesale answer to this question and each needs to be carefully considered.

## Optional

We like to include a column called Optional as on a number of occasions we have found that a particular data item is optionally collected, depending on circumstance and what that data item is. This of course can become quite tricky to explain in terms of Lawful basis, but equally could be up to the Data Subject as to whether they provide the information or not, so a measure of Consent is involved.

## Data Retention Period

You will notice that in this case we have not been specific in the answers as the time that data is kept for is dependent on the individual leaving the company. Specific would be to say 12 months, but clearly deleting employee records while they are still employed would be counterproductive. In this case the period is linked to a reliable point in time and is perfectly acceptable.

How long something is kept is of course subject to what it is and what it is used for.