

Liberal Democrat Data Protection Rules

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1 Prerequisites

- 1.1 The Federal Party is the Data Controller ^(6.7) of Personal Data ^(6.4) collected by any part of the party which is used for the function of the Party and used in pursuance of the Party's aims and objectives. This includes Specified Associated Organisations and Associated Organisations, as defined by the Federal Party Constitution.
- 1.2 Elected Members who have been elected to public office at any level must have due regard to keeping proper separation between Personal Data ^(6.4) that is Controlled ^(6.7) by the Federal Party and Personal Data ^(6.4) that is collected by them in their capacity as an elected member rather than as a member of the Liberal Democrats.
- 1.3 Personal Data ^(6.4) that is collected by an elected member in their capacity as an elected member rather than as a member of the Liberal Democrats is deemed to be data that they personally will be the Data Controller ^(6.7) of.
- 1.4 Personal Data ^(6.4) that is provided to the party by other Data Controllers ^(6.7) must only be processed ^(6.5) by the party if –
 - a) There is a legal right under other legislation, or
 - b) There is provided by the supplying Data Controller ^(6.7) adequate consent under relevant legislation that the party has the right to process the data in the pursuance of its aims and objectives.
- 1.5 In the event of Personal Data ^(6.4) being supplied in accordance with 1.4 above then it will be deemed Third Party ^(6.9) data.
- 1.6 The Party Data Protection Officer ^(6.12) will maintain –
 - a) a suite of Fair Processing Notices ^(6.2).
 - b) a register of approved suppliers who are approved to Process ^(6.5) Personal Data ^(6.4) on behalf of the Party.
 - c) a register of software which must be used for Processing ^(6.5) operations.

2 Data Security

- 2.1 Personal Data ^(6.4) must not be Processed ^(6.5) on computers or other digital devices, such as smartphones, not owned by the Party, unless that device or the data in question is encrypted ^(6.3).
- 2.2 Passwords for encrypted data must be transmitted via a different method than the encrypted data.
- 2.3 Personal Data ^(6.4) must not be Processed ^(6.5) on devices that belong to non-party members, unless the processing is being undertaken either (i) by a person or company that is on the register of approved suppliers who are approved to Process ^(6.5) Personal Data ^(6.4) which will be maintained by the Data Protection Officer (1.6b) above or (ii) via software or a service that is on the register of approved suppliers for such use or (iii) on

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a device owned by a member of staff in compliance with the Party's Bring Your Own Device (BYOD) Policy.

- 2.4 Personal Data ^(6.4) must not be Processed ^(6.5) for longer than the maximum stated in the party privacy policy (<https://www.libdems.org.uk/privacy>) for the type of data in question.
- 2.5 Personal Data ^(6.4) must only be stored on cloud based or other types of off premises systems that are specified in either-
 - a) The software register (1.6c) above
 - b) The approved supplier register (1.6b) above
- 2.6 On premises servers owned by party organisations and storing Personal Data ^(6.4) must be encrypted ^(6.3).
- 2.7 Breaches of these rules must be reported in writing to the Party Data Protection Officer within 24 hours of the breach being discovered.
- 2.8 Unintended permanent loss or destruction of data must be reported in writing to the Party Data Protection Officer within 24 hours of the loss being discovered.
- 2.9 Personal Data ^(6.4) in physical form, for example, printouts and paper forms, must be processed and stored with due regard to the security of that Personal Data ^(6.4).

3 Data Collection

- 3.1 Personal Data ^(6.4) will be collected in accordance with the requirements of the UK Data Protection Act 2018 (UKDPA) and the EU General Data Protection Regulation (GDPR).
- 3.2 When collecting Personal Data ^(6.4) –
 - a) via an electronic form, there must always be displayed a current Fair Processing Notice ^(6.2) that is clearly legible in close proximity to the form where the data is collected.
 - b) via a paper form, there must always be displayed a current Fair Processing Notice ^(6.2) that is clearly legible in close proximity to the section of the form where the data is collected.
 - c) via a telephone call, it must be ensured that where Consent is required to record the data, the Data Subject is asked for that Consent using a current telephone Fair Processing Notice ^(6.2) ..
 - d) by way of a face to face conversation, it must be ensured that the person who is giving the data is handed a leaflet on which the current Fair Processing Notice ^(6.2) is clearly legible and that the person is asked to consent to the party recording the data.
- 3.3 Unless there is a legal basis for processing Personal Data ^(6.4) about a Data Subject ^(6.1) that is collected from a Third Party ^(6.9) , such data must not be recorded or processed

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^(6.5) unless there is specific written explicit Consent ^(6.10) from the Data Subject ^(6.1) in question.

- 3.4 When Personal Data ^(6.4) is collected all relevant Consents ^(6.10) as required by the Fair Processing Notice ^(6.2) will be accurately recorded in the database designated in the software register (1.6c) above. The record will include details of who consented to their data being used, when they consent, what they consented to and reference to the specific Fair Processing Notice they were given at the time.
- 3.5 A member of staff who collects data in contravention of these rules will be subject to the relevant Staff disciplinary procedure.
- 3.6 A member of the party who collects data in contravention of these rules will be subject to the relevant Party disciplinary procedure.

4 Data Use

- 4.1 Personal Data ^(6.4) must not be Processed ^(6.5) unless there is a lawful reason for the processing.
- 4.2 Lawful Reasons for Processing ^(6.5) –
 - a) The Data Subject ^(6.1) has given consent to the processing of their personal data for one or more specific purposes;
 - b) If the Data Subject ^(6.1) is a party member and Processing ^(6.5) is necessary for the performance of the contract between the Data Subject ^(6.1) and the Party;
 - c) If the Data Subject ^(6.1) is a member of an Associated Organisation (AO) ^(6.15) or Specified Associated Organisation (SAO) ^(6.16) and Processing ^(6.5) is necessary for the performance of the contract between the Data Subject ^(6.1) and the Associated Organisation or Specific Associated Organisation;
 - d) Processing ^(6.5) is necessary for compliance with a legal obligation to which the controller is subject;
 - e) Where Processing ^(6.5) is allowed by an applicable exemption stated in a schedule of the UK Data Protection Act 2018; or
 - f) Where Processing is allowed by other law or statute.
- 4.3 When relying on Consent ^(6.10) as a reason for Processing ^(6.5) it must be ensured that any Consent ^(6.10) that was obtained prior to the implementation of these rules is adequate.
- 4.4 Members of the public may be contacted by –
 - a) Unaddressed leaflets or mail;
 - b) Addressed mail providing that either i) the data subject is on the electoral register, unless they have requested not to be contacted by mail, or li) where they have specifically, voluntarily and in full knowledge of how they will be contacted, Consented ^(6.10) to be opted into receiving addressed mail;
 - c) In person on the doorstep.

- 4.5 Members of the public who are not Party, AO^(6.15) or SAO^(6.16) Members must not be contacted by –
- a) Email, unless they have specifically, voluntarily and in full knowledge of how they will be contacted, Consented^(6.10) to be opted into receiving emails.
 - b) Telephone if the telephone number is registered with Telephone Preference Services (TPS), unless they have specifically, voluntarily and in full knowledge of how they will be contacted, Consented^(6.10) to be opted into receiving Telephone Calls.
 - c) Text, unless they have specifically, voluntarily and in full knowledge of how they will be contacted, Consented^(6.10) to be opted into receiving Text Messages.
 - d) Digital adverts, unless the adverts are run in compliance with the terms and conditions of the advertising platform and any personal data used to target the adverts is otherwise used in compliance with these rules and the law.
- 4.6 In addition to contact methods in 4.4 above, Party, AO^(6.15) or SAO^(6.16) Members may be contacted by mail, email, telephone, text ,apps and digital adverts unless they have requested not to be contacted.
- 4.7 All Consents^(6.10) must be accurately recorded in the database designated in the software register (1.6c) above. The record will include details of who consented to their data being used, when they consent, what they consented to and reference to the specific Fair Processing Notice they were given at the time.
- 4.8 Withdrawal of Consent^(6.10) must be accurately recorded in the database designated in the software register (1.6c) above.
- 4.9 When relying on Consent^(6.10) as the lawful reason for Processing^(6.5) that Consent^(6.10) will only be lawful if the Consent^(6.10) was freely given and presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, and using clear and plain language.
- 4.10 Personal Data^(6.4) may only be given to suppliers that are on the a register of approved suppliers who are approved to Process^(6.5) Personal Data^(6.4) as maintained by the Data Protection Officer (1.6b) above.
- 4.11 Notwithstanding any of the above, Personal Data^(6.4) must not be Processed^(6.5) if the Data Subject^(6.1) has instructed that they do not wish to have their data processed.

5 Data Subjects Rights

- 5.1 Any communication from a Data Subject^(6.1) making a request or claim under any of the individuals rights such as –
- a) Right to erasure, commonly known as the Right to be forgotten^(6.13)

- b) Right to restriction of processing ^(6.6)
- c) Right of Access ^(6.14), also known as a Subject Access Request
- d) Any other right under the UKDPA 2018 or GDPR

must be forwarded to the Party Data Protection Officer at data.protection@libdems.org.uk within 24 hours of becoming aware of the request or claim.

6 Definitions

- 6.1 'Data subject' means an individual who is the subject of the personal data.
- 6.2 'Fair Processing Notice' means the statement of how the party will use data and what if any consent the data subject ^(6.4) gives the party to process their data.
- 6.3 'Encrypted' means converted into a coded form that cannot be interpreted without knowing the secret method for interpretation, called the key.
- 6.4 'Personal Data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 6.5 'Processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 6.6 'Restriction of Processing' means the marking of stored personal data with the aim of limiting their processing in the future.
- 6.7 'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by European Union or Member State law, the controller or the specific criteria for its nomination may be provided for by European Union or Member State law.
- 6.8 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
- 6.9 'third party' means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

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- 6.10 'consent' of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
- 6.11 'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
- 6.12 'Data Protection Officer' means the person appointed as required by Articles 37 - 39 of the GDPR.
- 6.13 'Right to erasure' means the data subjects has the right to have all Personal Data that is controlled by the Data Controller removed from their systems unless the controller has a legal reason to keep it.
- 6.14 'Right of Access' means the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning them is being processed, and, where that is the case, access to a copy of that personal data.
- 6.15 'AO' means Associated Organisation as defined in the Party Constitution.
- 6.16 'SAO' means Specified Associated Organisation as defined in the Party Constitution.