



# Information Sheet No 23

## The General Data Protection Regulation (GDPR)

1. This Information Sheet has been prepared by the Association of Caravan and Camping Exempted Organisations (ACCEO) to aid ACCEO Member Organisations in understanding and preparing for the implementation on 25<sup>th</sup> May 2018 of the EU Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.
2. The General Data Protection Regulation is a new, European-wide law that replaces the Data Protection Act 1998 in the UK. It places greater obligations on how organisations handle personal data.
3. The regulation and further information can be found at:
  - 3.1. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>
  - 3.2. <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
4. The following information has been selectively extracted and considerably abbreviated. Each ACCEO Member Organisation should itself determine that it is compliant with the Regulation.
5. 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. The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.
6. The GDPR applies to 'controllers' and 'processors'. A controller determines the purposes and means of processing personal data. A processor is responsible for processing personal data on behalf of a controller. The GDPR does not apply to processing carried out by individuals purely for personal/household activities. All ACCEO Member Organisations will be data controllers and processors.
7. Processing personal data can be an action as simple as sticking a pre-printed address label onto an envelope. If you get someone outside your organisation to do that, then they are a third party data processor and GDPR requires that you have a written contract with the processor defining how the personal data will be used.
8. There are several Lawful bases for processing. One of those is Consent, but Consent is only appropriate if you can offer people real choice and control over how you use their data. If you cannot offer a genuine choice, Consent would not be appropriate.
9. Another Lawful basis is Legitimate Interest. To demonstrate that Legitimate Interest is an appropriate Lawful basis for your organisation, you should complete and document a Legitimate Interest Assessment. ACCEO has done this and included the document as an appendix to ACCEO's Administrative Procedures, Version 2.0 dated 22 January 2018.
10. Each ACCEO Member Organisation should prepare, document and use a Privacy Policy and a Privacy Notice. ACCEO has completed both and they are included in ACCEO's Administrative Procedures, Version 2.0 dated 22 January 2018. Do note that if your organisation is a Company Limited by Guarantee, the legal obligations of the Companies Act 2006 take priority over GDPR requirements. For example, the Companies Act requires that the name and address of a former member is retained for ten years after they cease to be a member of the club (company).
11. Article 13 of the Regulation requires the following information to be provided at the time where personal data are collected from the data subject. This should be included in the Privacy Notice:
  - 11.1. the identity and contact details of the controller;
  - 11.2. the purpose of the processing for which the personal data are intended as well as the legal basis for the processing;
  - 11.3. the period for which the personal data will be stored;
  - 11.4. the existence of each data subject's rights;
  - 11.5. the right to lodge a complaint with the information Commissioner's Office.