Appendix 1 - GDPR Campaign materials

Intranet banners

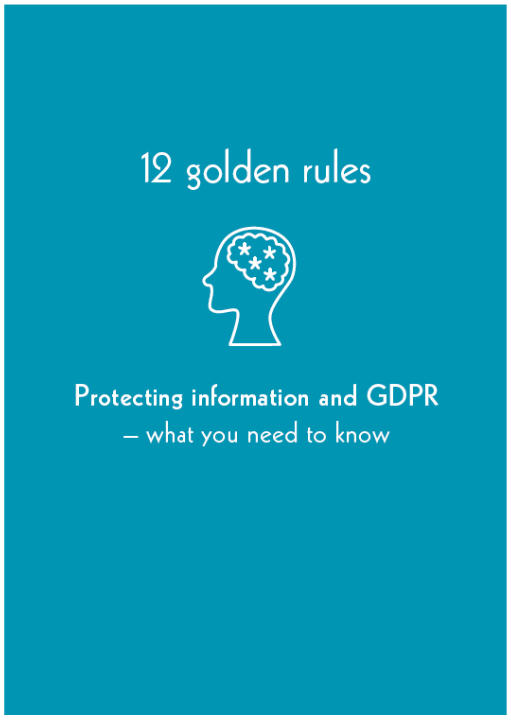
12 golden rules

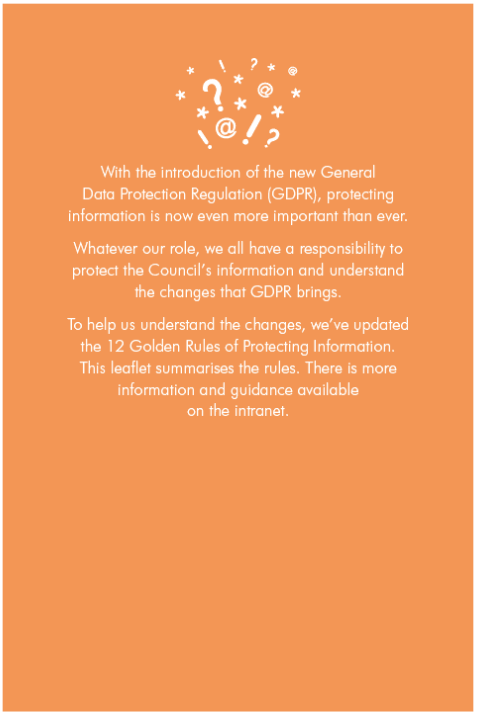
Report any data breaches immediately.

12 golden rules

Know how you're allowed to use people's information.

Staff leaflet





No.1: Understand why GDPR is important

We all have the right to expect that our personal data and privacy are respected.

The new General Data Protection Regulation (GDPR) enhances these rights – good for us and our residents.

(Oh – and there's a fine of up to €20million if we don't comply.)

No.2: People have the right to know what personal information we hold on them

From 25 May 2018, people have the right to access their personal data for free. This is called a Subject Access Request, and generally we now have a month to respond to these requests.

No.3: Avoid data breaches

Please double and triple-check postal and email addresses before sending out personal information.

Check with your line manager when asked to disclose personal information.

Think twice about using group email lists and 'reply to all', and check your sharing settings on Google documents and sheets.

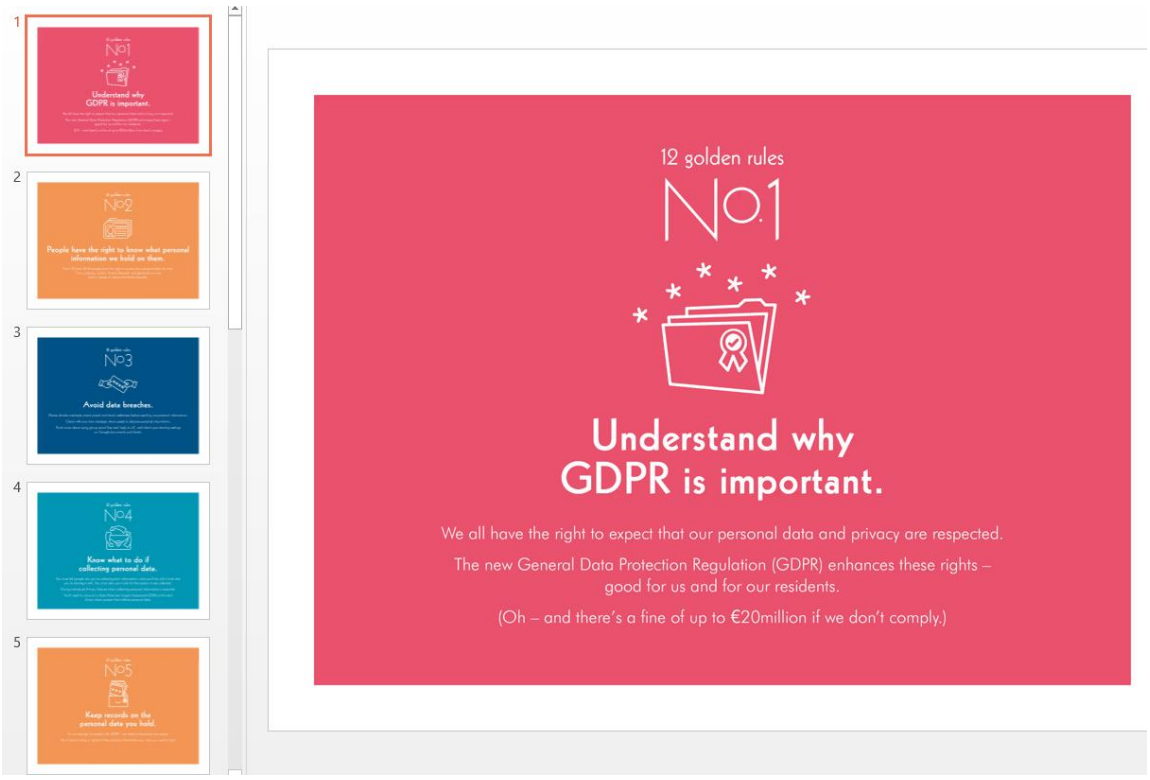
No.4: Know what to do if collecting personal data

You must tell people why you're collecting their information, what you'll do with it and who you're sharing it with. You must also use it only for the reason it was collected.

Giving individuals Privacy Notices when collecting personal information is essential.

You'll need to carry out a Data Protection Impact Assessment (DPIA) at the start of any major project that collects personal data.

Branded PowerPoint to share with teams



Guides/Factsheets for staff

GDPR Fact Sheet No.11
Marketing and Consent

The law on direct marketing by electronic means is governed by the Privacy and Electronic Communications Regulations (PECR). PECR restricts unsolicited marketing by phone, fax, email, text or other electronic messages.

Direct marketing is a communication (by whatever means) of any advertising or marketing material that is directed at particular individuals. Marketing doesn't just include services or products – it also includes the promotion of policies, aims and ideals, and therefore covers public authorities, political parties, charities etc. Routine communications about a service being provided or traditional forms of communication (letters, leaflets, flyers etc) do not constitute direct marketing for the purposes of PECR; however, the processing of the personal data must still comply with GDPR.

Under PECR you must not send electronic mail marketing to individuals unless:

- They have specifically consented to electronic mail (GDPR imposes strict conditions on this); or
- They are an existing customer who bought (or negotiated to buy) services from the Council and at that time were given an option to opt out when we collected their details and each time we communicate with them. This is likely to be of limited use to the Council.

The rules for direct marketing to businesses or corporate bodies are less restrictive; however, if you directly market a business it is good practice to give them a right to opt out.

What will change under GDPR?

PECR will not change because of GDPR. Legislation is currently being considered at a European level to replace the directive upon which PECR is based. This is known as the 'ePrivacy Regulation'. Further guidance will be issued when more details are known.

GDPR will change the requirements of obtaining consent. Under GDPR, consent must be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electrical means, or an oral statement (recital 32), and the controller should be able to demonstrate that the data subject has given consent to the processing operation (recital 42).

How do I obtain valid consent?

Under GDPR, the standard of consent is now higher – and the Council has an increased duty of accountability. This means that the Council must be able to show that proper consent has been obtained from the data subject to directly market to them.

1. It is informed consent, ie. the person is given clear information about what information is collected, who it is shared with, and how it will be used at the point of consent).
2. The consent is unambiguous – it cannot be a general catch-all consent for any kind of use of that information.
3. The consent should be 'granular', eg. rather than one single consent for all marketing purposes, it should give the person the most control over exactly what direct marketing they are consenting to, eg. allowing them to select the channels they will be contacted by (email, SMS etc) and specifying from whom the marketing will come, eg. the organisation itself or third parties.

Fair Blame Statement

Manchester City Council is required to have the highest standards of information security and welcomes the introduction of GDPR to help achieve this. Not only is it about protecting our residents' data and information, it's also about our own information as staff members.

We all have the right to privacy and would want our own data protected to the highest standards. Our residents should expect the same from the Council.

All members of staff should be engaged in creating an information-sensitive culture, including learning lessons from any instance where we do not meet our own high standards or the terms of the regulations.

However, we recognise that genuine mistakes can be made and we will work quickly to review these in full consultation with the staff members involved. This will be a constructive exercise with no reference to formal disciplinary proceedings (although staff may be required to review their current practices and/or undertake further training or skills development) on the basis that we are satisfied the incident is not:

- Malicious or criminal in intent, or where confidential data is accessed inappropriately for personal benefit or the benefit of others
- The result of working practices so out of line with Council procedures as to be reckless
- Evidence of a sequential failure where the same team or member of staff makes the same mistake repeatedly.

All staff are actively encouraged to report errors quickly to their line manager in order to meet the new regulations and so that we all work to improve our working practices.

MANCHESTER CITY COUNCIL

GDPR: What you need to know
intranet.mcc.local/protectinginformation