



THE WELLENSIAN ASSOCIATION

The General Data Protection Regulation (EU) 2016/679 Assessment of Lawful Grounds for Processing Data by the Association

1. Introduction

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) aims to harmonise data protection legislation across EU member states, enhancing the privacy rights for individuals. It applies to organisations processing Personal Data which have an establishment within the EU and also those organisations which operate outside the EU but offer goods or services to, or monitor the behaviour of, individuals in the EU. The GDPR is applicable from 25 May 2018. The GDPR sets out six lawful grounds for processing, one of which is processing under the Legitimate Interests of a Controller, including those of a Controller to which the Personal Data may be disclosed, or of a Third Party.

The Wellensian Association ('The Association') holds a list of members of The Association on a database platform that is shared for efficiency reasons with Wells Cathedral School. In practice this means that both The Association and the School add data and updates to the database and both parties make use of it. In respect of this sharing of data from The Association to the School, the School is a Third party for the purposes of this assessment. For the purposes of this Assessment the chairman of The Association is deemed to be The Association's Data Controller and he currently has sole access to the database.

The database also contains data items and data subjects that The Association does not have access to and is not the Data Controller of. The School will establish independently its own legal basis for processing this other data.

This report assesses whether Legitimate Interest provides a lawful basis for The Association to process personal data respecting its members and to share this with a third party, Wells Cathedral School.

It is questionable whether this assessment is in fact needed at all in respect of The Association. The GDPR applies to entities "engaged in an economic activity"¹. We charge no fees to individuals for membership and The Association is not engaged in an economic activity. The nearest we come to this is in respect of reunion functions, but in these cases we are simply co-ordinating the collection of payments to the providers of the functions, not trading in our own right. However we have completed the assessment to make sure we are in any case operating legally.

We have followed the [Guidance on the use of Legitimate Interests under the EU General Data Protection Regulation](#) from the Data Protection Network

A) IDENTIFYING A LEGITIMATE INTEREST		
1.	What is the purpose of the processing operation	The personal data is processed in order to pursue the objectives of The Association as set out in our constitution : a) to enable former members of Wells Cathedral School to keep in touch with the activities and achievements of the School; b) to provide a medium through which former members of the School can keep in touch with each other;

¹ [Art. 4 \(18\)](#)

		c) to support the School in the furtherance of its aims and objectives.
2.	Is the processing necessary to meet one or more specific organizational objectives?	Yes. See Appendix A.
3.	Is the processing necessary to meet one or more specific objectives of any Third Party?	Yes. Objective (c) of The Association's constitution is that we should support Wells Cathedral School.
4.	Does the GDPR, ePrivacy Regulation or other national legislation specifically identify the processing activity as being a legitimate activity, subject to the completion of a balancing test and positive outcome?	No.
B) THE NECESSITY TEST		
1.	Why is the processing activity important to the Controller?	Without the processing activity it would be impossible to achieve the objectives of The Association. We need to hold proportionate data items that enable us to; <ul style="list-style-type: none"> a) Identify a member with certainty and exclude imposters and impersonators. This justifies holding data that is not generally public, e.g. date of birth and years attended the school. b) Contact a member by phone, post, email and social media. This justifies holding contact details. c) Determine if a member is likely to be able to help the school. This justifies holding employment data to identify members who might offer employment advice if requested by current pupils.
2.	Why is the processing activity important to other parties the data may be disclosed to, if applicable?	Wells Cathedral School, a third party for the purposes of this assessment, also requires to carry out processing activity in order to achieve its own objectives which The Association is constitutionally supportive of, i.e. points (a)-(c) above, substituting the word 'pupil' for 'member'.
3.	Is there another way of achieving the objective?	No.
C) THE BALANCING TEST		
1.	Would the individual expect the processing activity to take place?	Yes. It is commonly understood that a membership organisation processes data about its members. Also. it is declared when members provide information (on joining or subsequently) that this will be retained and used to support their membership of The Association.
2.	Does the processing add value to a product or service that the individual uses?	Yes. It enables a member; <ul style="list-style-type: none"> a) To establish his/her identity and legitimacy as a member when getting in contact. b) To receive information about social activity in The Association and news of other members and of the School. c) To receive invitations to support the School, e.g. in providing career advice.
3.	Is the processing likely to negatively impact the individual's rights?	No.
4.	Is the processing likely to result in unwarranted harm or distress to the Individual?	No. All personal data is securely held, access to it is limited to the Data Controller and Wells Cathedral School (as a Third Party). Individuals may choose to opt out of membership and have their data removed from the Membership List. [See Note

		1]
5.	Would there be a prejudice to Data Controller if processing does not happen?	Yes. It would not be possible to perform the essential functions of The Association in respect of its members.
6.	Would there be a prejudice to the Third Party if processing does not happen?	Yes. Wells Cathedral School would not be able to provide important functions in respect of former pupils.
7.	Is the processing in the interests of the individual whose personal data it relates to?	Yes. The processing enables the individual to enjoy the benefits of membership of The Association.
8.	Are the legitimate interests of the individual aligned with the party looking to rely on their legitimate interests for the processing?	Yes. The legitimate interests of the individual are to maintain contact, with a frequency and by methods of their own choice, with their fellow members and with the School. These are the same objectives as those of The Association.
9.	What is the connection between the individual and the organisation?	All the individuals are members of The Association.
10.	What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR?	See Appendix 1. None of the data has special protections under GDPR. Data item 29 (named photograph) is biometric data but is used purely for archival purposes and is not processed or used for identification purposes. No members of The Association are under 16. Membership is open to; a.) Y13 WCS leavers who are invariably aged 17 or older, b.) Pre Y13 WCS leavers who have reached their matriculation year elsewhere.
11.	Is there a two-way relationship in place between the organisation and the individual whose personal information is going to be processed? If so how close is that relationship?	Yes. There is a healthy two-way relationship between The Association and its members; a) There are social media forums in which members may easily post their views. b) Email addresses are provided for personal contact between members and The Association. All emails are answered promptly. c) Members have access to many of the data items in Appendix 1 via a secure portal and may add and delete their personal information and decide what to reveal to other members.
12.	Would the processing limit or undermine the rights of individuals?	No.
13.	Has the personal information been obtained directly from the individual, or obtained indirectly?	Both; a.) Some information is provided directly by members on joining (by completing a membership form) b.) Some information (e.g. contact details updates) is provided directly by members after joining. c.) Some information (e.g. date of joining WCS) is provided indirectly by a Third Party (Wells Cathedral School).
14.	Is there any imbalance in who holds the power between the organisation and the individual?	No. The Association a.) is run by an Executive Committee, which consists entirely of elected members. b.) holds an Annual General meeting at which members may raise any issue and challenge the Committee. c.) enables ten or more members to requisition a Special General Meeting on 28 days notice.

15.	Is it likely that the individual may expect their information to be used for this purpose?	Yes. a.) An old pupils' association is a common and well understood type of organisation. b.) All Y13 school leavers are inducted into the Association and explanation provided about how we manage our membership list.
16.	Could the processing be considered intrusive or inappropriate? In particular, could it be perceived as such by the individual or in the context of the relationship?	No. a.) The limits on intrusion are very low – a few emails per year which a member may easily opt out of if required. b.) The processing is only for limited non-contentious social purposes.
17.	Is a fair processing notice provided to the individual, if so, how? Are they sufficiently clear and up front regarding the purposes of the processing?	Yes. [See Note 2]
18.	Can the individual, whose data is being processed, control the processing activity or object to it easily?	Yes. a.) Members have access to many of the data items in Appendix 1 via a secure portal and may add and delete their personal information and decide what to reveal to other members. b.) Members may also contact The Association to amend or delete their data, including complete deletion from the membership list . [See Note 1]
19.	Can the scope of the processing be modified to reduce/mitigate any underlying privacy risks or harms?	No. We consider that we already restrict the scope of our processing to our essential requirements only. We will work with the database supplier and Wells Cathedral School to ensure that our membership data continues to be held as securely as possible.

D) SAFEGUARDS AND COMPENSATING CONTROLS

A number of safeguards are in place to protect members;

- The Association only holds data that can be shown to be necessary.
- Only the Data Controller and one other officer of The Association have access to the full data set.
- The data is held on a secure platform provided by a specialist firm.
- Members have full control of what, if any, data is held about them by The Association and what other members may see.
- As a member controlled organisation, members may collectively chose by due process to change any aspect of The Association's data processing.

E) OUTCOME OF ASSESSMENT

The Association concludes from this assessment that Legitimate Interest is a sufficient justification within the requirements of the GDPR for processing the personal data of its members because;

- the data processed can be shown to be essential and proportionate to the objectives of The Association to which all members subscribe,
- members can have substantial control over The Association and their data,
- the non-economic and benign purpose of the processing provides a low level of intrusion and risk for our members.

We further conclude that it is in our members' interests and compliant with the Regulation that we should offer 'opt out' of data processing and are not required to evidence 'opt in'.

Signed by: *George Bunting*

Date:04/05/2018

Role: Chairman of The Wellensian Association, Data Controller

Review date: 01/05/2019

NOTES

1. If a member opts to cease membership of The Association and requests removal of personal data from the membership list, this will be achieved by changing the status in the database of the relationship of the individual to the School from 'Former pupil' to 'Former Pupil-Undisclosed'. This will mean that the individual is now invisible to The Association and any processing is covered by the School GDPR regime only.
2. We have now introduced a policy to provide more explicit statements to Y13 leavers.

Appendix A – Data Items covered by this Assessment

Held on the *InTouch* database and shared with a Third party (Wells Cathedral School):

	Personal data item	Notes	Constitutional Objective served
1.	Prime ID	A unique identifier in the membership list	a,b,c
2.	Title		a,b,c
3.	Forenames		a,b,c
4.	Preferred name	Can be a shortened forename or nickname	a,b,c
5.	Last name		a,b,c
6.	Gender		b,c
7.	Date of birth		c
8.	First name at school		a,b,c
9.	Last name at school		a,b,c
10.	Relationship to school	Former pupil only	a,b,c
11.	Email addresses	Can include personal, work, other. One is designated as 'preferred'	a,b,c
12.	Phone numbers	Can include, home, work, mobile	a,b,c
13.	Address	Usually home – full postal address	a,b,c
14.	Employer		c
15.	Position	Title or description of employment	c
16.	Term and Year entered Wells		a,b,c
17.	Term and Year left Wells		a,b,c
18.	Matriculation Year	The year the Member's yeargroup left Y13	a,b,c
19.	Musical instruments played		a,b,c
20.	Cathedral chorister, Type, From, To		a,b,c
21.	Facebook URL		b
22.	Linked In URL		b
23.	Associations	Links to other Members, e.g. siblings	c
24.	User ID	An identity provided to the Member to access the Association Member's Portal	a,b
25.	Password	A PW for the Association Member's Portal either created by the system or by the Member	a,b
26.	Deceased	Flag and Date of death	a,b,c
27.	Log in history	Logged in, Logged out and Timed out dates for the Members' portal.	a,c
28.	Communications	List with dates and contents of communications (e.g. emails) sent via the membership list (N.B. only mass mailouts	a,b,c

		use this route)	
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Held securely elsewhere, not shared with a third party:

29.	Named image	E.g. school and team photos, yearbooks	a,b,c
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