

The General Data Protection Regulation (the “GDPR”)

The UK’s data protection law is changing. On 25 May 2018 the General Data Protection Regulation will come into effect replacing the Data Protection Act 1998. This piece of EU legislation will apply directly in the UK. Despite Brexit, the Government has confirmed that it intends to enforce the GDPR through new primary legislation, (the Data Protection Bill is currently making its way through Parliament).

It is important to note that, although there will be a tightening of the data protection regime, the GDPR does **not** require the whole scale deletion of personal data. Despite some adverse publicity, the “right to erasure” (also known as the “right to be forgotten”) does not mean that organisations will automatically need to delete all personal data if an individual requests data is deleted. In terms of safeguarding there are many justifications for retaining personal data, such as it is in the substantial public to protect members of the public from serious misconduct.

In addition, it is important to note that the GDPR, like the Data Protection Act 1998, will **not** prohibit the sharing of personal data in justifiable circumstances. The GDPR will continue to provide a framework to ensure that personal data is shared proportionately and appropriately. In fact, in the case of a child who is at the risk of significant harm, it is difficult to see in what circumstances the sharing of personal data to prevent that risk would be incompatible with the purpose for which it was originally collected.

In short, provided you have a legal basis for and can justify the processing you should not need to delete any personal data and should be able to process personal data as you do now.

PLEASE NOTE AS THE CHURCH OF ENGLAND INVESTIGATION BY IICSA PROCEEDS ANY RECORDS WHICH MAY BE RELEVANT TO THE INQUIRY SHOULD NOT BE DESTROYED BUT MUST BE RETAINED.

Finally, it is important to note that the GDPR does contain some new provisions which are intended to enhance the protection of children’s personal data:-

- Where services are offered directly to a child, you must ensure that any privacy/data protection notice is written in a clear, plain way that a child will understand; and
- If an organisation offers an ‘information society service’ (i.e. online service) to children, it may need to obtain consent from a parent or guardian to process the child’s data.

Please note this is a very brief, general summary of a few issues raised by the GDPR. For further information you can view the Information Commissioner’s website (www.ico.org.uk) or for specific legal advice in relation to data protection issues you should contact your Diocesan Registrar.