# GENERAL DATA PROTECTION REGULATION

## Frequently asked questions

| Question | Answer | Further Guidance | Further Guidance (2) |
|---|---|---|---|
| **What does GDPR stand for?** | General Data Protection Regulation | | |
| **What will happen to the Data Protection Act (DPA)?** | GDPR replaces DPA | | |
| **When does GDPR come into force?** | 25th May 2018 | | |
| **What data does it apply to?** | Any data that can be used to identify a living individual | | |
| **When a member invokes their right to object, does this mean Credit Account Information Sharing (CAIS) reporting is paused?** | No. CAIS reporting is necessary as part of the loan contract and the right to object does not apply. | | |
| **Do I need to name all of my supplies on the privacy notice?** | No. You are able to name categories of supplies (e.g. credit rating agencies) instead. | | |
| **Do I need to comply with members' requests to delete data?** | Depends on the circumstances. If you have information that you no longer need, or was reliant on the members' consent then you may be required to erase the data. However, if the data is still necessary for the purposes it was obtained, or in the legitimate interests of the credit union then it may be kept. Please consult ABCUL or ICO guidance for more information. | ICO Guidance on Right to Erasure | |
| **How does the need to maintain the members' register affect the right to erasure?** | In terms of the members' register, the information you need to hold is a legal obligation specified in section 30 of the Co-operative and Community Benefit Societies Act 2014 (formerly the Industrial & Provident Societies Act) and consists of:<br><br>• Name<br>• Postal Address<br>• Shares<br>• Date entered on register (joined)<br>• Date ceased to be a member (if | | |

| | | | |
|---|---|---|---|
| | applicable).<br><br>As retaining this data for the life of the society is a legal requirement, credit unions can refuse to erase this data. | | |
| **Under what lawful bases can nominated beneficiary contact information be collected**? | Legitimate interests or consent. In either case you will also need to provide a privacy statement to the beneficiary. | | |
| **How is data obtained by telephone affected by GDPR?** | You will need a lawful basis to record telephone calls, which is likely to be consent or legitimate interests. Legitimate interests may include staff training, but you will need to consider whether recording calls is proportionate to this need, and whether the same training could be achieved in other ways. It's also worth noting that legitimate interests cannot be used as a lawful basis to process sensitive data which may be captured on a call.<br><br>Consent from the data subject might also form the basis of processing. Under GDPR consent will require a positive opt-in, therefore, the member simply remaining on the call after being informed of the recording would not be sufficient. Should you rely on consent, you may also need the ability to turn off call recording on a call-by-call basis where that consent is denied. | | |
| **Does a credit union retroactively need to gain GDPR compliant consent from its members?** | Yes, but only when consent is the lawful basis being relied upon. It is likely that most data processed by the credit union (except for marketing purposes) will be covered by other lawful bases. For more information about lawful bases see the ABCUL guide on GDPR. | | |
| **Why does a credit union need to complete a data audit?** | Members have a variety of data which will be collected, held, processed, accessed, shared, and ultimately destroyed by the credit union. Credit unions need to understand how and why they use this data and control the data through its entire lifecycle in order to comply with data protection regulation. ABCUL has created templates to help you complete a data audit, and an accompanying information guide. | | |
| **Does a credit union need a Data Protection Officer (DPO)?** | Credit unions must appoint a DPO if their core activities require:<br>1.Regular and systemic monitoring of individuals on a large scale; or | EU Article Working Party 29 guidance on data | |

| | | | |
|---|---|---|---|
| | 2.Processing on a large scale of special categories of data or personal data relating to criminal convictions or offences<br>'Large scale' is the key term to evaluate here and based on the guidance from EU Article Working Party 29 we believe most credit unions are unlikely to require a DPO. However, to demonstrate compliance, credit unions should make their decision internally based on the guidance and record the decision and the rationale used. | protection officers | |
| **How does the right related to automated decision-making and profiling affect the use of automated loan-decision tools?** | This right can only be invoked after such a decision has been made, and each decision should therefore be reviewable by a human. It does not mean a member is able to invoke this right to prevent, for example, a credit report being run. | | |
| **What information should a person be given when a credit union obtains their data?** | Every individual has a right to be informed, and GDPR sets out the information that you should supply to members at the time of obtaining their data, which is typically provided in the form a privacy notice. | | |
| **Do I need to obtain parental consent for children?** | GDPR states that where 'information society services' (online services requested and delivered over the internet) are offered to children then organisations need to obtain consent from a parent or guardian in order to process a child's data. However, in the case of a school savings club which does not involved the internet children are able to provide consent independently.<br><br>In the UK an individual is considered a child for the purposes of GDPR when they are below 13 years of age. Where services are offered directly to children credit unions need to ensure that the privacy notice is written in a clear, plain way that a child will understand. Generally, juniors will have the same or stronger data rights as adult members. | ICO Consent Guidance | ICO guidance on children |