Privacy Notices guidance

GDPR makes central to data protection law the need for transparency and the rights of data subjects. This means there is a need to let data subjects know what data you are taking from them and why; what you are going to do with it and what their rights are in respect of your intended uses of their data. If you obtain data about them from a third party and the data subject doesn’t know you will, you need to let them know what you have received and why, within no more than 1 month of receiving the data. The main tool for achieving this is through a privacy notice.

**What?**

Under GDPR there are minimum content which a notice must contain. These are:-

* *the identity and the contact details of the controller and, where applicable, of the controller’s representative;*
* *the contact details of the data protection officer;*
* *the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;*
* *where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;*
* *the recipients or categories of recipients of the personal data, if any;*
* *where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.*
* *The retention period*
* *The data subjects rights and how to exercise them, particularly the right to withdraw consent, if this applies*
* *Any contractual or statutory obligation on them to provide the data*
* *Any automated decision making or profiling*
* *How to complain*

A notice must be kept up to date, so needs to be regularly reviewed. If you intend any new processing, you must update your notice before you undertake this processing.

**When?**

A privacy notice must be given at the point at which you gather data from someone. This is particularly important if you are relying on consent as a lawful basis for processing the data.

If you gather the information from someone else, you need to let the data subject know in a reasonable time, and at least within a month.

If they already know you are gathering the information, you don’t have to tell them again.

Notices must be reviewed and renewed whenever there is a change in processing eg what the purpose if for gathering and using the data or who you share the data with.

**How?**

There can be a combination of ways in which a notice is given. However it is done, the information must be concise, transparent, intelligible, easily accessible, and it must use clear and plain language.

A notice must be suited to its intended audience.

Getting your privacy notice right helps build trust with the data subject and helps guard against you being found to be in breach of the legislation and subject to a fine.

[insert school name] has an overarching privacy notice on its website, along with service specific notices.

For advice and guidance on producing your privacy notices, please contact the Information Governance team at GDPR@luton.gov.uk