



Position Statement

GDPR

The ALERC position on GDPR is based on the best available information. This does not constitute legal advice. It should be read in conjunction with documents subsequently produced by ALERC (available through the ALERC Knowledge Hub library) to assist LERCs in meeting the GDPR obligations.

The General Data Protection Regulations are regulations which affect the “protection of ... persons with regard to the processing of personal data and on the free movement of such data...” ([European Union directive \(EU\) 2016/679](#)). The regulations are translated into UK law by the [Data Protection Bill](#), which supersedes the previous data protection legislation, the [Data Protection Act \(1998\)](#).

The GDPR applies to data ‘controllers’ and ‘processors’. Controllers determine the purposes and means of processing personal data and processors are responsible for processing personal data on behalf of a controller. LERCs may contain both of these and should therefore ensure they are able to comply. To assist with this ALERC recommends LERCs take the following actions:

1. Identify and list existing data holdings, and where personal information that would be covered by GDPR is stored.
2. Review whether you need to hold that information, and if not delete it.
3. Review which personal data is held with ‘legitimate interest’ (LI).
4. Identify individuals or organisations that require contact to gain positive opt in (for historic data without LI) and implement the necessary communications.
5. Ensure all future contact with supporters/volunteers/the public has positive opt in where applicable (e.g. through a website) for items such as recording apps and eNewsletters etc.
6. Ensure data security is reviewed and changes are made to ensure all personal data, where possible, is held electronically on password protected servers.
7. Ensure that where paper records are held, these are necessary (see point 2 & 6) and if so, they are held in secure locations (e.g. locked cabinets etc.)
8. Ensure an annual review of data holdings and data no longer required is cleansed from the system.
9. Ensure an up to date privacy policy is available on the website.
10. Ensure all staff understand the GDPR.
11. Read the [Guide to the GDPR](#), available from the Information Commissioner’s Office

The requirement for data only to be processed where there is a Legitimate Interest for doing so is a new requirement introduced through the GDPR. Based on discussions with a number of national organisations, and interpreting the communications from the ICO to date, there are many areas where LERCs can demonstrate a Legitimate Interest in

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processing personal data. LERCs would also be considered small scale and the term 'disproportionate effort' set out by the ICO would be a common clause they could legitimately use, where demands from the GDPR would be seen as unreasonable to their operations. Some areas which are yet to be resolved in relation to biological records include, what happens to personal data once someone has died, and holding data for under thirteens.

