

Data Protection: Frequently Asked Questions

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Definitions

1. What is the Data Protection Act 2018?

The Data Protection Act 2018 regulates the processing of information that relates to individuals. This replaced the Data Protection Act 1998.

2. What is the UK GDPR?

The UK GDPR (General Data Protection Regulation) is the data protection regime that seeks to reinforce the protection of personal data as a fundamental right. The main aims of the regulation are to:

- Empower individuals to take more control of their personal data by giving them stronger rights; and
- hold organisations that collect and store our personal data accountable.

The UK GDPR is to be read alongside the UK's Data Protection Act 2018.

3. What is 'personal information'?

Personal information is any information relating to an identified or identifiable natural person. For example:

- name
- postal address
- telephone number
- bank details
- photos

4. What is 'consent'?

Consent must involve a specific, informed and clear indication of the individual's wishes.

Please see the ICO website for more information: <https://thewi.uk/2Evr1GH>

5. What is a Privacy Policy?

A Privacy Policy is a policy that fully informs a person about the processing of their information.

6. What is the MCS?

The MCS is the Membership Communication System of the WI organisation. This can only be accessed by certain individuals in every WI, federation and the NFWI. This is used to store member's personal information, such as their name, address, contact details, WI and

federation. The WI's MCS representative is responsible for keeping this information up to date.

7. What is an information breach?

An information breach is where information is:

- accessed incorrectly
- corrupted
- lost
- destroyed; or
- disclosed incorrectly

GDPR and WIs

8. Does the GDPR still apply post-Brexit?

Post-Brexit, the GDPR is still applicable as it remains enshrined in UK domestic law. It is now referred to as the 'UK GDPR'. Broadly, it works the same as it did pre-Brexit, but the area it pertains to is now the UK only rather than the entire EEA. Therefore, there may be implications for organisations that have establishments in the EEA, have customers in the EEA or monitor individuals in the EEA. However, this should not be the case for most WIs or federations.

The main thing that WIs and federations may need to do is to review any GDPR-related documentation, such as privacy notices, to make sure the relevant geographical area covered is the UK rather than the EEA. For example:

- Change references to 'GDPR' to 'UK GDPR'
- Change references to the EEA to the UK
- Change references to 'Union law' to 'UK law'

More guidance on this can be found here: [The UK GDPR | ICO](#)

9. How does the UK GDPR affect WIs and federations?

The UK GDPR requires that organisations, including charities, understand the following:

- What personal information they collect
- Why they collect the personal information
- How they collect the personal information
- Where the personal information is stored
- How the personal information is processed
- How the personal information leaves the organisation

This is to ensure personal information is processed and treated securely. When personal information is not processed and treated securely, the organisation can be held liable.

For WIs, this means they will need to ensure their collecting, processing and deleting of personal information is carried out in accordance with the current data protection legislation. For example, WIs will need to think about how they store the personal information collected on the registration forms.

This process is ongoing and will require adequate data protection policies to be put in place.

10. Do WIs/federations need to register with the ICO?

The Information Commissioner's Office (ICO) regulates data protection law in the UK. WIs/federations will need to register with them and pay a fee unless they are exempt. One of the exemptions is where personal information is processed for not-for-profit purposes. Therefore, it is advised the ICO self-assessment tool is used to help determine whether registration is required: <https://thewi.uk/2WqLiqU>

Members' Personal Information

11. Are the names of the WI Committee publicly available?

If the WI is a registered charity, the names of the WI officers and one correspondence address will be publicly available via the Charity Commission website and in the annual report. Regardless of this, it is our position that officers should be contactable and their names made available. We consider this to be part of the role of being a WI officer. How your WI wishes to do this is up to you.

12. Can WIs give out a list of members, including their contact details?

Having a contact list may cause a few issues. Firstly, consent would need to be obtained and documented from each individual member to allow the WI to share their personal information with others. Secondly, once a member's personal information has been shared with others, it would be very difficult for the WI to control how this information is used, stored and further shared.

It is therefore suggested that, as the WI is about friendship, members share their contact details among themselves as they feel comfortable. Then, if members wish to contact each other outside of meetings, they do so as they would any other individual.

13. Can the MCS rep/WI Secretary share members' details with another member?

The MCS rep or WI Secretary, who normally have access to members' details, can share these with other Committee members provided there is a legitimate reason for doing so, such as administrating the WI membership.

14. Can WIs give out a list of members with special dietary requirements?

Dietary requirements can be special category data under the UK GDPR, thus explicit consent would need to be obtained from members to collect and process this personal information. Explicit consent is the same as the above definition of consent but must be affirmed in a clear statement (whether oral or written). This consent would need to be documented, managed and updated when necessary. Once the members list is published, the WI has no control over how this information is further distributed and processed. This would therefore place a heavy administrative burden upon your WI. It would therefore be easier for members to share their special dietary requirements among themselves as they feel comfortable.

15. Can WIs keep an 'In Case of an Emergency' (ICE) contact number?

It is your WI's decision as to whether you wish to collect an ICE number. You need to consider the following:

- Whether it is justifiable and appropriate to collect such information
- How you would collect the information

- How you would store the information
- How you access the information when needed

For example, if you have an elderly member and you do not already know their husband/friend/family to contact (you may know this if you are friends outside the WI, through mutual friends etc.) you may wish to officially collect this information in case of any emergencies. This would be justifiable and proportionate.

Further, it is good practice for the ICE contact to be aware that the WI may contact them. Members should inform their ICE contact of this fact.

16. How should emails be sent to members?

WIs and federations should be mindful who they are emailing and what the email contains.

When emails are sent to multiple recipients, the email addresses should be entered to the Blind Carbon Copy (BCC) line. The email addresses in the BCC line will not appear in the sent message to any of the recipients. Therefore, the recipients cannot see who else received the message. This ensures that personal information is not shared unlawfully.

For example, if a federation is sending a notification to all the WI treasurers within the federation, the email addresses must be added to the BCC line.

However, if a WI is sending an email to its members and all the members have each other's email addresses, you may not need to use the BCC line.

The important thing is that you think carefully about this before sending emails. If you are in doubt, use the BCC line.

When sending emails, any attachments should also be double checked to ensure you are sending the correct attachment.

17. Can WIs use member's email addresses to send out newsletters?

WIs can use members' email addresses to send out newsletters, but they should bear in mind they need to ask members for their consent to do so. This is because the newsletter, although relating to the WI membership, may also contain information that can be classified as marketing (e.g. the promotion of the WI) where consent is needed.

18. Can members use shared email address to access My WI?

Each member should have an individual email address to access My WI, WI Training and the MCS, as this is personal information connected to their membership record.

19. Is CCTV personal information and, if so, how should this be managed?

CCTV records footage of individuals who can be identified and, if necessary, the footage will be viewed. Therefore, CCTV is personal information for the purposes of data protection and any capturing, processing and use of CCTV footage must be in accordance with data protection legislation.

If your WI or federation uses CCTV you should consider the following:

- Why you need CCTV
- Your legal basis for using CCTV

- How individuals are made aware that CCTV is in use
- The type of CCTV equipment you have
- Whether signals are encrypted to prevent interception
- How and where the CCTV footage is stored including appropriate security measures
- Who has access to the footage
- How you would access the footage to comply with a subject access request

If you do use CCTV for the prevention of crime, your WI/federation will need to register with the ICO. Please see: <https://thewi.uk/2HP117>

Records

20. How should personal information be managed when a WI Officer or Committee member is stepping down from her post?

The WI needs to identify where her personal information is officially published and amend where necessary. For example, if the WI is registered with the Charity Commission, the trustee details would need to be changed: <https://www.gov.uk/guidance/how-to-update-your-charitys-details>. The MCS would also need to be updated.

The WI also needs to decide which personal information should be kept for historical purposes and which personal information can be disposed of.

21. How should records be managed?

It is the decision of each WI how they wish to manage records with regards to data protection. The most important thing is that you consider the following:

- What information is being collected?
- Why is it being collected?
- Where is it stored?
- How is it managed?
- How and when does it leave the organisation?

22. Can WIs destroy original membership forms once the information has been entered on to the MCS?

Once the personal information has been added to the MCS, it is suggested that the membership form is then returned to the member. The member therefore has a record of what personal information they have given the WI and can keep it or destroy it as they wish. If the member does not want the form returned to them, it should be destroyed to avoid multiple records having to be managed and updated.

23. Where should documents containing personal information be kept?

How each WI manages their forms is up to them, and this will depend on what is necessary, appropriate and justifiable for each WI. The main thing is that consent forms and other UK GDPR documentation that contains personal information are kept safe in a location where another person cannot/will not access it. If your WI owns its premises and has a safe, then such documents can be kept in the safe under lock and key. However, if your WI does not own its own premises and such documents are kept, for example, at the secretary's house in a safe place, then this is also fine. It will depend on what is proportionate and doable for your WI.

Information Breach

24. What happens if there is an information breach?

Depending on the severity of the breach and your ability to rectify the issue, you should contact either your WI, federation or the NFWI. It is important that you document what has happened, the steps taken to rectify the breach and the lessons learnt for the future.

Having regard to the severity of the risk, if the breach poses a risk to people's rights and freedoms, you may also need to inform the ICO of the breach. Please see their website for more information on breaches: <https://thewi.uk/2Hy5IX0> or call their helpline: 0303 123 1113.

Privacy Policy

25. Should WIs have a Privacy Policy?

Yes. All WIs should have a Privacy Policy because this informs your members how their personal information is used and what they can do if they have any concerns.

Please see the NFWI's Privacy Policy on My WI: <https://thewi.uk/2whO5UN>

26. What information should a Privacy Policy contain?

WIs should have a Privacy Policy that answers the following questions:

- What information is the WI collecting about a person?
- Why is this information being collected and processed?
- How long is the information going to be held?
- What happens if the person doesn't provide their information?
- Is the information going to be shared with anyone?
- Will the information be transferred out of the UK?
- What rights does a person have?
- Where can someone make a complaint?

27. Where should WIs keep their Privacy Policy?

For WIs that use the internet, the Privacy Policy should be linked in an easy to find location. For example, on the WI's website as this is where most people will go to find it. The Privacy Policy can also be linked in further destinations such as on Facebook pages, but it must be ensured that any updates to the Privacy Policy are updated on all versions.

For WIs that prefer having paper copies, a printed Privacy Policy should be kept at your WI for reference. Further copies can be printed for members if required.

Photo/Video Consent Forms

28. Where can I get a photo/video consent form?

The photo/video consent form is available to [download from My WI](#).

29. Do all members at my WI need to sign the consent form?

If you intend to take photos and/or videos of your members, then it is good practice for them to sign the consent form. However, it remains the member's choice whether they wish to

sign the form. Therefore, if a member does not to give their consent for photos and/or videos, you must respect their choice.

30. Do visitors need to sign the consent form?

Visitors only need to sign the consent form if you intend to take photos and/or videos of them. However, it is their choice whether they wish to consent.

31. Do I have to rely on consent to take photos/videos?

Instead of relying on consent, you may be able to rely on legitimate interests as your legal basis for taking photos/videos. To rely on legitimate interests, you need to do the following:

- Identify a legitimate interest;
- Show that the processing is necessary to achieve it; and
- Balance it against the individual's interests, rights and freedoms.

It is good practice to complete a Legitimate Interests Assessment (LIA) to ensure you have considered the above points. A template LIA can be downloaded from the ICO website, or you can contact the NFWI data protection team for one.

When relying on this legal basis, you should let members/visitors know that their photos/videos are being taken. This keeps members informed and ensures they can voice any concerns or objections they may have.

32. If a WI or member wishes to send in photos/videos of their activities to the NFWI, what do they need to be aware of?

When sending photos/videos to the NFWI, the WI or member should consider who is in the photo/video and whether those people know you have sent it to the NFWI.

NFWI will respond to you either by email or over the phone to do the following:

- Ask for your permission to use the photo/video
- Inform you that they may be used for, but not limited to, printed and online publicity, *WI Life*, Public Affairs Digest, social media and websites
- Inform you that if your photo appears in *WI Life* and/or the Public Affairs Digest, this will be accompanied by your name, WI and federation
- Tell you that you have the right to request a copy of the information held about you and to request corrections or deletions of the information. You can ask the NFWI to stop using photos/videos of you at any time, in which case they will not be used in future publications but may continue to appear in publications already in circulation.

New Members and Visitors

33. How do I process potential new members'/visitors' personal information?

It is recommended that your WI has in place a procedure to deal with potential new members and visitors. This procedure should detail one member of your WI who will act as the point of contact. Therefore, if an enquiry is received from an individual, it is forwarded on to your specific member to deal with. This ensures that potential new members'/visitors' personal information is not widely distributed.

34. What information can I give to a potential new member/visitor?

If a new member joins your WI, we understand that it would be welcoming for them to receive the contact details of your current members. However, as provided above in the answer to question 8, this can cause several issues.

It is therefore recommended that the new member receives the contact details of one member e.g. the president. If they have any questions they can contact that individual. The same can apply to a visitor, so that if they wish to visit again they have one person's contact details.

Your Rights

35. What are my rights under the UK GDPR?

You have the following rights under the UK GDPR:

- Right to be informed about data processing
- Right to access their personal information (Subject Access Request)
- Right to rectify any incorrect personal information
- Right to erase personal information
- Right to restrict processing
- Right to data portability
- Right to object to data processing
- Right not to be subject to automated decision-making

If you wish to enforce your right(s), please contact your WI, your federation and/or NFWI.

Complaints

36. Who can I report a concern or complain to about data protection?

You can report a concern or raise a complaint about data protection matters directly to your WI, federation or the NFWI. Who you contact will depend on the severity of the situation and your ability to rectify the breach.

For example, if a WI has a complaint about a federation the WI should contact the federation directly about this. If the WI is unsure how to approach their federation, they can contact their WI Adviser for support. If the WI is not satisfied with the federation's response, the WI can contact the NFWI. It is useful if complaints are put in writing to demonstrate what has happened.

Additionally, you have the right to complain to the Information Commissioner's Office (ICO) via their website: <https://thewi.uk/2WnDeHx> or the telephone: 0303 123 1113.

Contact

37. If I require more information, who can I contact?

You can contact your WI, federation or the NFWI (dataprotection@nfwl.org.uk) for more information about data protection.

If your WI, federation or the NFWI is not able to answer your query, you can contact the ICO via their website: <https://ico.org.uk/> or via the telephone: 0303 123 1113.

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