



**Biological  
Records Centre**

# C6- Data Protection Policy encompassing GDPR 2018.

Last updated 15/11/18

## **Introduction.**

This policy outlines KMBRC's commitment to the new General Data Protection Regulations (GDPR). The GDPR regulations are an EU framework which will come into place in the UK as from the 25<sup>th</sup> May 2018.

## **What Information does GDPR relate to?**

As with the current data protection act (1998) regulations, GDPR relates to "personal data" and "sensitive personal data". For KMBRC this includes, for example, HR records, customer lists and customer contact details (including email addresses) as well as personal data supplied to us by recording groups, organisations and individuals. The way in which that data is handled and stored remains unchanged under the new guidelines as the current data protection act covers this information already but this document outlines our responsibilities under these new, enhanced GDPR regulations and how we, as an organisation, intend to demonstrate our compliance with them.

## **What Personal Information does KMBRC Receive?**

The nature of KMBRC's activities (ie collection, collation and dissemination of data on Kent's flora, fauna and habitats) means that we naturally hold a lot of data (approx. 7 million individual species records to date). We collect data using the principle of "who, what, where and when" which are the four key pieces of information that have historically always been considered necessary for a biological record to be scientifically valid. As such, for each record we would normally ask for the name of the person recording this information, what they recorded, where they recorded it and when it was seen. The nature of the way in which these records are sent to us means that we also regularly receive (freely submitted) personal information from individuals including addresses, emails and phone numbers.

## **How do we hold personal data?**

Where KMBRC is sent data that comes under the heading of "personal information" we store it securely (either in a locked room for paper data or on our secure servers if electronic data), in the exact format it is supplied to us in. When we add information that has been supplied to us onto our main database we only include the name of the data owner and, when supplied with a full home address as evidence of the location of a species record we remove house names and numbers prior to entry onto the database so that an individual cannot then be linked to a specific home address. When supplying species data to end users in report format we do not supply names of the data originators, we instead supply a record key which is unique to that

individual record, which enables us to trace a record back to its origin in house should there be a query about it.

## **Sensitive Personal Data.**

We never ask for, receive or store anything that would be classed as “sensitive personal information” from data owners and suppliers. Examples of information that would come into this category would include health data, employment history, sexual or religious orientation and criminal record information.

The only occasions where KMBRC may be party to information that would be classed as “sensitive” would be where that information had been specifically supplied, for example, on a CV, by a member of staff as a result of a health issue (a doctors certificate) or as part of the ongoing effective management of the centre, for example annual staff appraisals. In these cases, that data is held in the personnel file of the individual to which it relates, is never, under any circumstances supplied to any third party and is not made available to anyone other than the individual to which it relates and their line manager. Any such information is held only for the required legal timeframe (see policy P10-Retention of Documents) before being securely destroyed. Where the information has been supplied in paper format it is not scanned or otherwise digitised in any way and where supplied electronically it will be stored in the electronic personnel file of the individual and a paper copy may be printed off for the hard copy personnel file if necessary.

## **Children’s Personal Data:**

The GDPR contains new provisions intended to enhance the protection of children’s personal data. Where services are offered directly to a child, KMBRC will ensure that a privacy notice is written in a clear, plain way that a child will understand. The GDPR states that “if consent is your basis for processing a child’s personal data, a child under the age of 16 can’t give that consent themselves and instead consent is required from a person holding ‘parental responsibility’.

### **What “services” does KMBRC offer to children?**

KMBRC actively encourages people of all ages, including children, to observe, enjoy and make records of the wildlife they see around them. This might include encouraging children to engage with us for help in identifying flora and fauna they have seen or photographed, asking children to take part in “Bioblitz” public wildlife surveys where they can join in by recording wildlife they see during these organised events. We also sometimes work with schools developing their own wildlife and nature gardens and as part of that process their teachers may invite a member of KMBRC staff into the school to talk to the children or encourage their class to write down what they see so that they can report their findings to KMBRC.

### **How does KMBRC handle children’s personal data?**

KMBRC’s public survey forms aimed specifically at children will never ask for personal details beyond those required for a biological record to be considered scientifically valid. An example of the information required will be included on every form so as to discourage “oversharing” of personal details. For example we will never ask for information on an exact address (eg house name or number), age, gender or religious belief. All forms will include a privacy notice that asks for the person with parental responsibility at the time of the activity (eg relative or teacher over the age of 16 years) to sign the form to acknowledge understanding of that notice such that we can clearly demonstrate a positive “opt-in” in terms of acknowledgement that submitting biological records to the KMBRC is in itself an authorisation to add those biological records

(including, but strictly limited to, personal data that is directly relevant to making that information scientifically valid) to our database and use them in reports.

Recording forms designed specifically for use in schools will ask only for the name of the school and this is what will be recorded for the purposes of identifying the “who” in terms of originator of the record in the KMBRC database. We will not ask for any details at all for the child/ren who recorded the information.

## **What does KMBRC do with the data it collects from outside organisations and individuals?**

KMBRC will only hold the data in the ways described previously in this document. We will never supply any personal information relating to an individual without their express permission. We do not, under any circumstances, supply or sell any personal information to any outside organisation. Where we hold data relating to individuals we will only use it to ensure that the ownership of a biological record is recognised and in order fulfil a request for a biological data search where the personal information has been supplied for the purposes of facilitating the receipt of those goods and for related record keeping purposes (eg the preparation of legal outputs such as VAT returns and annual accounts).

Examples of how we may handle, supply or hold personal data:

- A County recorder has had an update of biological data from KMBRC. They have a query about a particular record and come back to KMBRC to ask for further information from the data originator. KMBRC will then contact the data originator and ask them for permission to provide their contact details to the county recorder to enable them to contact the data owner directly for further information about that record.
- When a person requests a data search from KMBRC the details of that request, including personal information supplied on the request form, is added to our secure database for the purposes of despatching that data request, taking payment and for KMBRC’s own record keeping. Under GDPR regulations the collection and use of the information would not be unfair, even if the individual has not been explicitly told about it. This is because any reasonable person requesting these services from KMBRC would understand that they cannot receive the goods they need unless some processing of their personal information takes place.

## **The KMBRC Privacy Statement.**

“Wildlife information sent to KMBRC will be kept on a database and made available to conservation groups, planners, academics and the general public. We will also store basic personal information such as the name and address of the data originator in our database alongside the biological records in order to ensure that data can always be traced back to its source. Where an address has been supplied as the record location we will remove identifying features such as house names and numbers prior to entering the record onto our database and we will not provide that personal data to any third party without prior, express permission.”