

THE SHAW SOCIETY

HMRC Charities Ref. EW22823

Privacy Policy

Background

GDPR (the General Data Protection Regulation) comes into effect on 25 May 2018 and legally affects how we handle your data and how we communicate with you in the future. The Society already takes all reasonable steps to ensure that data collected from its members is treated confidentially and the Society complies with current data protection legislation.

The Information Commissioner's Office (ICO) is responsible for enforcing data protection legislation and is publishing guidance on how the new law will work and what steps organisations must take to prepare for it, but the guidance is still not complete. The Society is already exempt from some provisions of current data protection law but the ICO has not published any details of the exemptions that might apply for small organisations such as the Society under the new law.

Accordingly we are currently working on the basis that there will be no exemptions for the Society.

Lawful basis of Processing

It is a requirement under the new legislation that organisations identify a legal basis of processing. In our case this is legitimate interest. Our relationship with you is that you are a member of the Society and we need to process your data to provide our service to you.

What is 'personal data'?

In this context, personal data is any information about you which allows the Society to identify you. The Society keeps the following personal data about you:

- Your name and title
- Your address
- Your phone number and/or mobile phone number if you have provided one
- Your email address if you have provided one
- Details of membership subscriptions you have paid and donations you have made
- Details of any Gift Aid authorities you may have signed
- Details of your indicated areas of interest in Society activities
- Sometimes, details of any Society-hosted events you may have attended and payments you have made for admission
- Sometimes, emails that you have sent us to register for Society-hosted events or to ask questions about the Society and its activities or to inform the Society of matters which concern its activities.

How is it kept?

Your personal data is stored on the Treasurer's computer. Access to your personal data is limited to the Chair, the Secretary, and the Treasurer.

Membership records are stored securely. They are encrypted and password-protected and regularly backed up on a stand-alone hard drive. None of them is stored in the Cloud. Some of our records, such as membership forms and Gift Aid authorities, are retained in paper format and held under lock and key by the Treasurer.

The Society keeps the information for as long as the General Committee considers necessary within the terms of GDPR. Personal data and Gift Aid authorities are retained for as long as you are a member. In the case of lapsed members (namely members who fail to renew their annual subscription but do not actually ask for their membership to be terminated), that material is kept for approximately four calendar years from the date of lapse. The Society may also need to keep financial information about a transaction with you for a period of six financial years after the end of the financial year in which the transaction occurred, so that the Society can deal with any relevant matters with HMRC.

How is it used?

We only use the personal data we hold to enable us to perform the functions of a member-based literary society, and to notify you, via the Society magazine, Calendar and any accompanying flyers or notices (all of which may be sent electronically, according to your preference), of our latest activities and forthcoming events. As we do now, we *very occasionally* also tell members about local events organised by other organisations which we believe will be of interest to members.

We never pass your personal data to third parties without your permission unless (i) required to do so by law or (ii) in connection with an application by us to HMRC for a Gift Aid refund payment - see above - or (iii) required to do so by Rule 8(4) of the Society's constitution which provides: "The Trustees must keep a register of names and addresses of the members of the Society *which must be made available to any member upon request*".

What is the status of Rule 8(4) under the GDPR?

Rule 8(4) of the Society's constitution is a very old rule. The principal reason for it is to give individual members a contractual right to obtain the means of contacting other members directly on matters of Society business without doing so via the General Committee (the trustees). The Rule comes from a time before the modern concept of "data protection".

On this issue the ICO has advised the Society that the mandatory provisions of GDPR override the individual member's contractual right under Rule 8(4), with the result that (i) existing members of the Society may, by notifying the Society, elect not to have their names and addresses made available to other members under Rule 8(4) and (ii) new members joining on or after 25 May 2018 will not have their names and addresses made available to other members under the Rule unless they actively elect to allow it.

Members should be aware that should there be a request from a member under Rule 8(4) that member will be required, as a pre-condition of receiving other members' names and addresses, to undertake to the Society, in a legally binding document, to keep the information confidential and to use it exclusively for the purposes of the Society's business.

Your rights

You have the right to ask the Society to tell you at any time what personal data it holds about you.

You also have the right at any time to correct any personal data it holds which is incorrect.

You have the right not to have your name and address made available to other members under Rule 8(4).

You have the right to require the Society not to send you the Society's magazine or Calendar or other information about its activities and forthcoming events, whether held by the Society or a third party.

You have the right to cancel your membership of the Society at any time and to require your personal data to be removed from the Society's database - although please note that we may, as explained above, need to keep details of payments you have made to us (and what they were for) even after your membership ends.

You may exercise any of these rights by writing to the Society at its postal address shown below or by emailing contact@shawsociety.org.uk

How we will contact you

When you join the Society, we add your name, postal address and email address (if provided) to our database and then keep you informed of the Society's activities and forthcoming events as described above. We also contact *annual members* by post or email to remind them of when their annual subscriptions are due.

For members as at 25 May 2018, we will only contact you in the way we customarily have, and in accordance with your preferences (if any) already expressed to us. This will usually be by email (if you provided us with an active email address) and/or by post. Members who have provided us with an active email address will receive information from us more frequently than members who have only provided us with a postal address because we sometimes receive information at short notice which we need to pass on to members before the next magazine or Calendar is due. Very rarely, we may need to contact you by telephone, but this would usually only be to resolve uncertainty over the current validity of your membership or to let you know about changes to an event at which you were due where an email or letter might not reach you in time.

For members joining on or after 25 May 2018, we will only contact you according to the choices you made, as to permissible modes of contact by us, when you joined.

Please keep a copy of this Privacy Policy, which may be updated and notified to you from time to time, for your records.

Contact and complaints

If you have any queries about this privacy notice or how we process your personal data please get in touch with us.

If you are not satisfied with how we are processing your personal data, you can make a complaint to the Information Commissioner.

You can find out more about your rights under applicable data protection legislation from the Information Commissioner's Office website available at www.ico.org.uk

Dated : [] May 2018

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