**CSP professional networks guidance on collecting and storing personal data**

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# Introduction

As a professional network recognised by the CSP you operate as a separate legal entity and are responsible for your own compliance with data protection law, however, much of the information below will be relevant to you. If professional networks wish to collect personal data on their members they should give particular consideration to the following:

* Does you have appropriate security arrangements in place to handle personal data/special category data?
* The network will be the controller of any data they collect and therefore responsible for monitoring and reporting any data breaches.
* If dealing with special category data (e.g. EDB data) you should ensure that you have explicit consent
* All personal data should only be used for the purpose it was collected for and only collect data you have a purpose for.

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# Background

When collecting personal data, whether via online survey tools like MS Forms, by email or at in-person events, care needs to be taken to ensure that you are meeting your legal obligations under data protection legislation and safeguarding the information entrusted to you by your members and others. Key principles that need to be considered are:

* Lawfulness
* Transparency
* Security

# Lawfulness

You must have a lawful basis for collecting and using personal data. The ones that are most likely to apply when collecting new data directly from the data subject are:

* **Legitimate interests** – data used to support your legitimate interests as a membership organisation/network where this does not materially impact the rights and freedoms of individuals.
* **Consent** – the individual has given clear consent for you to process their personal data for a specific purpose.
* **Contract** – the processing is necessary for a contract you have with the individual e.g. because they have registered for an event.

Further information on legal bases is available on the [ICO website](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/).

If you are collecting ‘special category data’, e.g. racial or ethnic origin, this attracts additional protection, and you will need to meet additional criteria – this usually involves **explicit consent**. Consent must be freely given – you cannot make provision of services dependent on consenting to sharing data if it is not needed for the provision of those services. See below example of diversity monitoring data collected by the CSP which you could choose to repurpose for your own network data collection.

# Transparency

Individuals have the right to be informed about the collection and use of their personal data. The CSP [Privacy Policy](https://www.csp.org.uk/privacy-policy) provides general information on how the CSP uses member and other individuals’ data for our day-to-day operations and you as a professional network may need to think about producing your own. Note, if you are conducting a new survey or other data collection exercise that involves personal data, it is best practice to provide further bespoke information.

## Transparency Information Template

Individuals should be provided with clear and easily accessible information about the project before the data is collected e.g. in a covering email or the survey introduction. It is good practice to keep a record or save details of the transparency information provided to data subjects with the project documentation.

The information should include details of: who is collecting the data; the purpose of collecting the data; whether it will be shared with third parties; and how long it will be kept for. If there are any changes to this information people should be informed.

Below are example templates that you can use to cover the key points that should be addressed. You can adapt these templates as appropriate while still retaining the substantive points.

## Privacy information example/template

The [Name of NETWORK] is [brief details of project and its PURPOSE]. The data will [not be shared with third parties/details of any data sharing/publication…]. The data will be kept for [how long?].

By taking part in [x] you consent to us processing your data as described. If you have any questions about how your data will be used, [or if you wish to withdraw your consent], please contact [email of project contact]. For further details on how the CSP manages your data, including details of your data rights, our Data Protection Officer and how to make a complaint, please see our [Privacy Policy](https://www.csp.org.uk/privacy-policy).

## Special category data explicit consent example/template\*

We would like to ask some questions about you so that we can […]. Any information you provide will be [kept confidential/anonymised]. Personal data will be used only in relation to this project and stored securely in line with data protection legislation. If there are any questions you do not wish to answer, please move on to the next question.

Are you willing to provide information about yourself including personal data on [e.g. ethnicity…]                   Yes/no

*\*If the special category data questions are optional it would probably make sense to include this as a separate part of the survey. The questions should only become live if they have given consent.*

# Security

You must ensure that you have appropriate security measures in place to protect the personal data you hold. This is the ‘integrity and confidentiality’ principle of the GDPR – also known as the security principle. The level of security that is appropriate for special category data may be higher than for other types of personal data.

# Online survey tools

When using online surveys such as MS forms or survey monkey you should consider the location of the data and whether there are any overseas transfers – many survey providers are US-based and store data on overseas servers – you may need to check their policies to find this out.

We would advise that survey tool accounts used to collect personal data should not be shared widely. For example while surveys are live, only those working on that particular survey should have access (i.e. more than one user is acceptable if they all need access). At the end of the survey data should be cleared so that future users can use the account.

# Anonymised data

Please consider - do you need to collect personal or special category data, or would anonymous data be sufficient? Truly anonymised data is not personal data and is therefore not covered by data protection legislation. Beware of IP addresses and other identifiers that would make the information ‘personal data’. If possible and appropriate, anonymising your dataset at the end of the survey by removing all identifiers will improve security and compliance.

# Appendix 1: relevant definitions

The following definitions are set out in the following legislation unless noted otherwise in red which is wording added by the CSP.

[Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (United Kingdom General Data Protection Regulation)(Text with EEA relevance) (legislation.gov.uk)](https://www.legislation.gov.uk/eur/2016/679/contents)

*Data breach –* means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

*Data subject* – an identifiable individual that a piece of personal data relates to.

*Personal data* - means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. This could include name, address, age, factual information, expressions of opinion about the individual, any indication of the intentions of the CSP in respect of the individual.

*Special category personal data* – this is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or **trade union membership**, genetic or biometric data processed for the purpose of uniquely identifying a natural person, data concerning health or data concerning a person's sex life or sexual orientation. This data attracts more protection because it is more sensitive.

# Appendix 2: Example of diversity monitoring data collection

The below data is collected for equality and diversity monitoring through CSP membership profiles to help ensure representation in service planning.

**Ethnic origin:**

White

White – English

White – Scottish

White – Welsh

White – Irish

White – British

White – other not listed

Mixed – White and Black Caribbean

Mixed – White and Black African

Mixed – White and Asian

Mixed – White and other not listed

Asian - Chinese

Asian – Indian

Asian – Pakistani

Asian – Bangladeshi

Asian – British

Asian – other not listed

Black – Caribbean

Black – African

Black – British

Black – Other not listed

Other ethnic group not listed

Not stated

**Do you have a disability or long-term health condition?**

Yes

No

Prefer not to say

**Conditions:**

Dysleixa

Hearing Impairment

Mobility Impairment

Visual Impairment

Other Impairment

**What is your sexual orientation?**

Bisexual

Gay

Lesbian

Heterosexual/straight

Other not listed

Prefer not to say

**Religion or belief**

No religion

Buddhist

Christian (all denominations)

Hindu

Jewish

Muslim

Sikh

Other not listed

Prefer not to say

**Gender**

Woman (inc Trans Woman)

Man (inc Trans Man)

Non-Binary