



Being transparent and providing accessible information to individuals about how you will use their personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR).

The most common way to provide this information is in a privacy notice.

Collect and use personal information fairly and transparently

The first principle of data protection is that personal data must be processed fairly and lawfully. The DPA says that in order for the processing to be fair, the data controller (the organisation in control of processing the data) has to make certain information available to the data subjects (the individuals whom the data relates to), so far as practicable:

- who the data controller is;
- the purpose or purposes for which the information will be processed; and

- any further information which is necessary in the specific circumstances to enable the processing to be fair.

This applies whether the personal data was obtained directly from the data subjects or from other sources.

Being transparent by providing a privacy notice is an important part of fair processing.

You can't be fair if you are not being honest and open about who you are and what you are going to do with the personal data you collect.

However, this is only one element of fairness. Providing a privacy notice does not by itself mean that your processing is necessarily fair. You also need to consider the effect of your processing on the individuals concerned.

Therefore, the main elements of fairness include:

- using information in a way that people would reasonably expect.

- This may involve undertaking research to understand people's expectations about how their data will be used;
- thinking about the impact of your processing. Will it have unjustified adverse effects on them? and;
- being transparent and ensuring that people know how their information will be used. This means providing privacy notices or making them available, using the most appropriate mechanisms. In a digital context this can include all the online platforms used to deliver services.

What needs to be covered in your privacy policy?

The starting point of a privacy notice should be to tell people:

- who you are;
- what information is being collected
- why it is being collected
- how is the data stored



- what you are going to do with their information; and
- who it will be shared with.

These are the basic principles upon which all privacy notices should be built. However, they can tell people more than this and should do so where you think that not telling people will make the processing of that information unfair. This could be the case if an individual is unlikely to know that you use their information for a particular purpose or where the personal data has been collected by observation or inference from an individual's behaviour.

Consideration needs to be given to the effect on the person concerned and whether the intended use is likely to cause individuals to object or complain.

Other information to include in your privacy policy

- How long you will keep the data and how long it will be destroyed
- An individual's right to have access to their data to change the information you have on them and the right to be forgotten
- What you will do in the case of a data breach
- How and who to complain to

For further information and examples of policies visit:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Here is a handy checklist to help you:

<https://ico.org.uk/media/for-organisations/documents/1625126/privacy-notice-checklist.pdf>



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