

# DATA PROTECTION AND COVID-19

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[www.lawconsultancynetwork.co.uk](http://www.lawconsultancynetwork.co.uk)

# WELCOME!

- Introductions:
- Vicky Ling – a consultant working in the legal sector who worked with LawWorks on GDPR compliance in 2018

# WHAT WE ARE GOING TO TALK ABOUT

- Data protection from the point of view of a small charity such as LawWorks as we adjust to remote working
- We will look at the basic rules and how we make sure that they are met
- We will provide some resources and provide links to other resources

# THE RULES

- The General Data Protection Regulation (Regulation (EU) 2016/679) (usually referred to as GDPR) came into force on 25 May 2018
- The Data Protection Act 2018 (DPA 2018) came into force on the same day
- Regulations make changes to the GDPR and to the DPA 2018 so that the law continues to function although the UK has left the EU
- You still need to comply with the relevant requirements

# ICO'S APPROACH TO ENFORCEMENT



The ICO has awarded 53 financial penalties, 23 enforcement notices and taken 11 prosecutions



E.g.: EE Limited was fined £100,000 for sending over 2.5 million marketing messages to customers without their consent



Top five sectors for enforcement action were:

- Marketing
- Criminal justice
- Finance, insurance and credit
- General business
- Land and property services

# ICO APPROACH DURING THE PANDEMIC

- Has reviewed its approach
  - <https://ico.org.uk/media/about-the-ico/policies-and-procedures/2617613/ico-regulatory-approach-during-coronavirus.pdf>
- Will be flexible
- Recognises resource constraints
- Aims to help and support

# ICO RESOURCES

- The ICO has provided a small to medium enterprises (SME ) resources hub
- <https://ico.org.uk/for-organisations/business/>
- Assessment guide
- FAQs
- Hot topics

# 7 KEY PRINCIPLES

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability



# PERSONAL DATA

- 'Personal data' under the GDPR means any information relating to an identified or identifiable natural person who can be directly or indirectly identified (including by reference number or other identifier). Most charities clearly hold a lot of personal data, on their own personnel and on their clients.
- If you control or process personal data you need to be registered with the Information Commissioner's Office.
- Under the GDPR, data can only be processed if there is at least one lawful basis to do so.

# LAWFUL BASIS

- **(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- **(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **(d) Vital interests:** the processing is necessary to protect someone's life.
- **(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- **(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

# HOW DID WE SET ABOUT CHECKING OUR COMPLIANCE AT LAWWORKS?

- We carried out a data audit, to identify:
- What data we held
- Where we held it
- Why we held it
- Who we shared it with (if anyone)

# Data Audit as at

Whose data?	Why do we hold it?	Where do we keep it?	Who uses it?	What is the lawful basis?	What would the privacy impact be of any breach?	What safeguards are in place?
<b>Paid staff</b>  Can include sensitive data	Contractual and statutory requirements	One Drive  Emails  Hard copy in locked filing cabinets	Authorised staff	Consent, statutory and contractual requirements	High	Privacy notice on recruitment forms  Privacy notice in employment contracts  Password protection  Data protection policies
<b>Clients</b>  Can include sensitive data	In order to provide legal services  Contractual and statutory requirements	Case management system  Hard copy in locked filing cabinets	Authorised staff  Shared with Counsel, experts, auditors as appropriate subject to confidentiality undertakings	Statutory and contractual requirements	High	Terms of business  Password protection  Data protection policies
Suppliers and third parties	Contractual	One Drive Quick Books	Authorised staff		High	Password protection  Data protection policies

**Details of transfers to non EU countries and transfer mechanism safeguard in place** *NB these are possible examples*

Name	Outside EU?	If so safeguards in place
Microsoft 365 and One Drive	Yes	<a href="https://www.microsoft.com/en-us/TrustCenter/Privacy/gdpr/default.aspx">https://www.microsoft.com/en-us/TrustCenter/Privacy/gdpr/default.aspx</a>
Quick Books	Yes	<a href="https://www.tsheets.com/gdpr-faq">https://www.tsheets.com/gdpr-faq</a>

# A WALK THROUGH THE PRINCIPLES



# LAWFULNESS, FAIRNESS AND TRANSPARENCY

- Discussion points:
- How easy was it to track down our data?
- Who did we need to talk to inside our organisation?
- Who did we need to talk to outside our organisation?
- Did everyone understand the lawful basis on which we held data?
- Did we need to obtain or refresh consent?

# COVID ISSUES – REMOTE WORKING

- Are people using their own devices? Think about :
  - Virus protection
  - Most up to date versions of software
  - Password protection
  - Where space is shared - locking out if unattended
  - What people can see on Zoom calls
- Whether people are saving data to their own devices or using a cloud platform
- If not cloud based – what about backups?

# CLIO – A SECURE PLATFORM

- CLIO has very kindly agreed to offer its case management system free of charge to clinics registered to the LawWorks Clinics Network
- The case management system is compatible with many other platforms and applications (including Google apps, Dropbox, Zapier, Outlook), making it easy for clinics to work remotely and collaborate with their volunteers
- Law Schools can request free access to CLIO through their Academic Access Program.
- Any other clinics interested in CLIO, please contact the Clinics Team: [clinics@lawworks.org.uk](mailto:clinics@lawworks.org.uk)



# COVID ISSUES – REMOTE WORKING – HARD COPY

- Where is it being stored?
- Will there be a need to destroy hard copy securely?
- How to transport it back to the office when necessary

## LawWorks - GDPR Action Log

### Scope

This action log records LawWorks' compliance activity in relation to the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

It is stored on the shared drive in the IT (GDPR) folder with other relevant information.

Author: RW and PJ

Last updated: March 2019

Action	Owner	Status and Date
Data audit – see separate document	RW and PJ	Ongoing (Needs to be updated periodically)
All consents will need to be refreshed periodically	RW and PJ	Ongoing (Needs to be updated periodically)
Review of privacy notices <ul style="list-style-type: none"> <li>See below for more information</li> </ul>	VL and PJ	Ongoing with reference to the ICO's guidance at <a href="https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/what-should-you-include-in-your-privacy-notice/">https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/what-should-you-include-in-your-privacy-notice/</a>
Review of data held in old project folders on <ul style="list-style-type: none"> <li>Shared drive</li> <li>Website accounts</li> <li>Salesforce</li> </ul>	PJ and VL	
Review of Salesforce	PJ	PJ is working with LW IT support to ensure that the basic architecture of Salesforce can meet LawWorks needs - ongoing
VMG and Paypal. We want to make sure these payment methods use the best current means of protection for users, i.e. 2 step logins.	PJ	
<b>Policies</b>		
<ul style="list-style-type: none"> <li>Data Protection Policy</li> <li>Information security policy</li> </ul>	RW and PJ	Updated March 2018

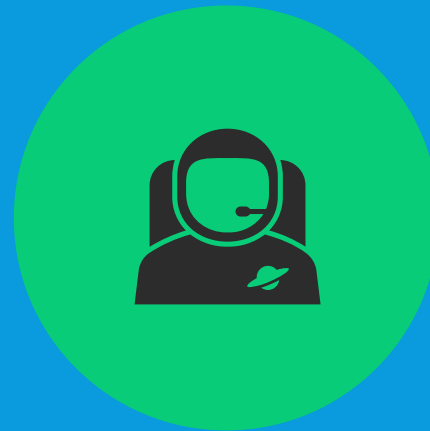
# PURPOSE LIMITATION

- Were we sharing data between departments without the data subject being aware of it?

# DATA MINIMISATION



WERE WE HOLDING DATA WE  
DIDN'T NEED ANY MORE?



LOOK FOR LEGACY  
SYSTEMS.....

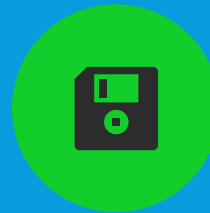
# ACCURACY



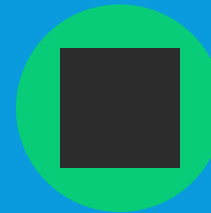
HOW OLD WAS OUR  
DATA?



WERE WE SURE IT WAS  
STILL ACCURATE?

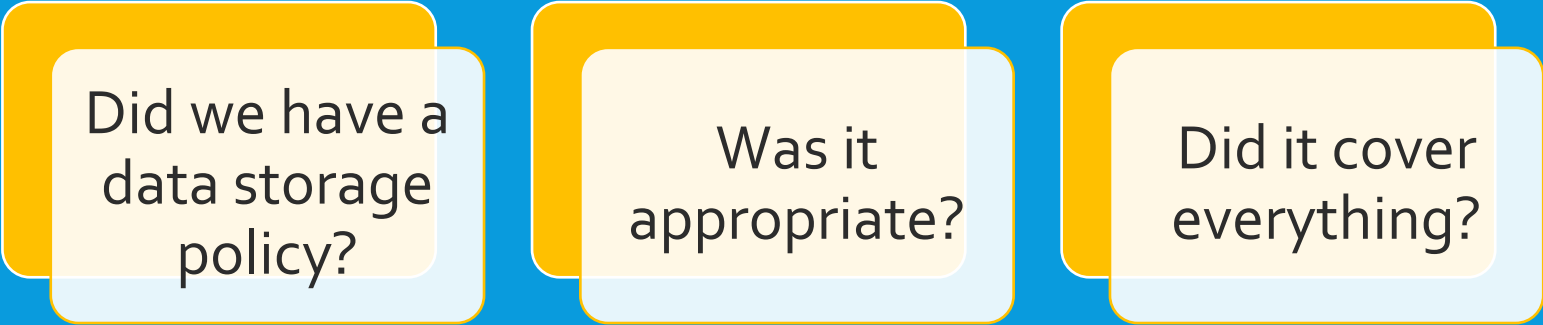


DID WE NEED TO REFRESH  
OR DELETE DATA?



[HTTPS://ICO.ORG.UK/MEDIA/FOR-ORGANISATIONS/DOCUMENTS/2258641/GDPR-CONSENT-PRESENTATION-FOR-DPPC2018.PDF](https://ico.org.uk/media/for-organisations/documents/2258641/gdpr-consent-presentation-for-dppc2018.pdf)

# STORAGE LIMITATION



Did we have a  
data storage  
policy?

Was it  
appropriate?

Did it cover  
everything?

# INTEGRITY AND CONFIDENTIALITY (SECURITY)



How did we protect data through technical measures?



How did we protect data through people measures?

# ACCOUNTABILITY



Did everyone whose data we hold know their rights?



Did everyone in the organisation know what to do if they received a subject access request?

- Must respond within a month



Did everyone in the organisation know what to do if there was a data breach?

- notify the ICO without undue delay and within 72 hours
- Data subjects have to be notified if the breach could have an adverse impact



# USEFUL RESOURCES



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



ICO GDPR resources <https://ico.org.uk/for-organisations/gdpr-resources/>



ICO information for charities <https://ico.org.uk/for-organisations/in-your-sector/charity/charities-faqs/>



ICO self assessment tool <https://ico.org.uk/for-organisations/data-protection-self-assessment/>



LawWorks Data Protection Toolkit on the Clinics Resources area of the website



LawWorks sample Data Log and Action Log

# NEED ADDITIONAL IT RESOURCES?

- Charity Bank has a list of funding opportunities
- <https://charitybank.org/news/covid-19-emergency-funding-for-charities-and-social-sector-organisations>
- National Lottery Community Fund
- <https://www.tnlcommunityfund.org.uk/funding>

# THANK YOU!

We hope this discussion has been helpful