

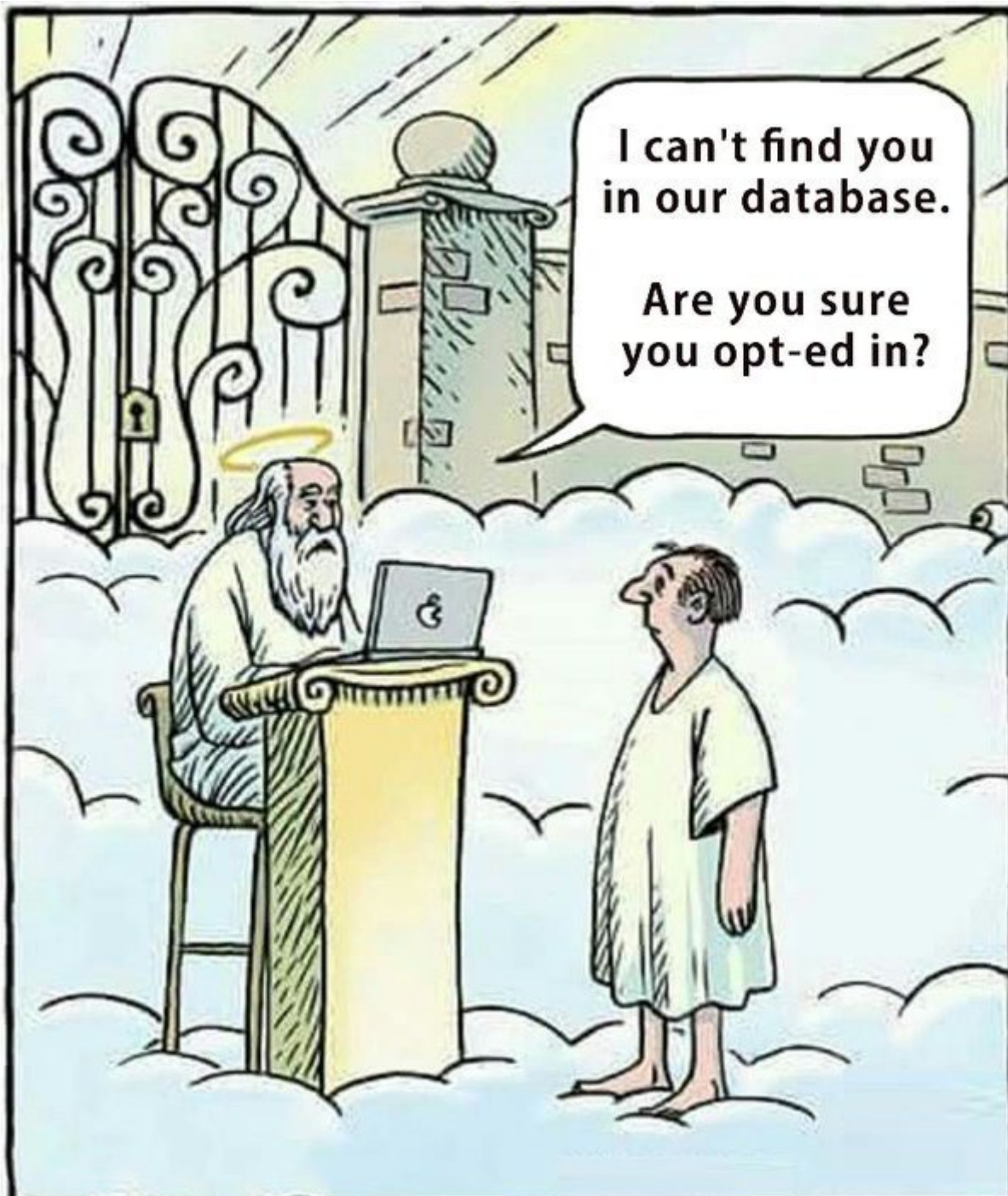
GDPR – ONE YEAR ON

Clive Billenness
Chaplaincy Warden & CIL
Chaplaincy of Midi-Pyrenees & Aude

Archdeaconry of France and Monaco
2019 Synod
Lyon



Diocese in Europe
Archdeaconry of France



Of course

Religious organisations have a number of special considerations.....



Diocese in Europe
Archdeaconry of France

Now, almost one year after GDPR came into force, we held a workshop in Lyon to discover what practical issues existed in our Chaplaincies in managing personal data.

Using an online voting technology supplied by VoxVote.com, attendees were invited to vote, completely anonymously, on a number of topics relating to the implementation of GDPR

The following slides contain screenshots of survey answers and are interwoven with slides from the presentation.

Note: Question 1 was simply a test question to check the technology and so is not included here.

A full summary can be viewed online at

<https://www.voxvote.com/event?b230d1f3-5a04-4daa-bf34-a9e90149b5eb>

The French Data Protection Authority – CNIL – have begun fining organisations. Although our Chaplaincies may seem to be small fish and therefore unlikely to attract the interest of the CNIL, compliance is our Christian duty, and we ignore our obligations at our peril.



21/01/2019
€50 million



27/12/2018
€250,000



27/12/2018
€400,000



27/09/2018
€30,000



20/09/2018
€10,000



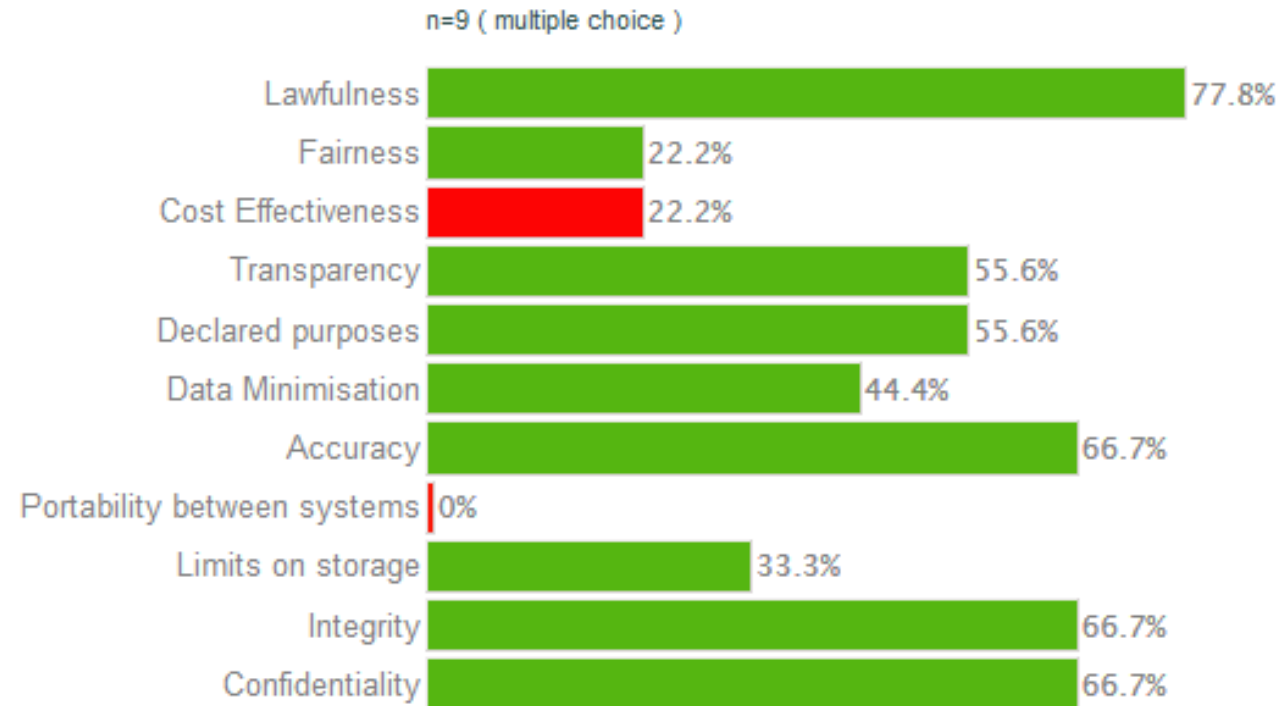
Dailymotion

02/08/2018
€50,000



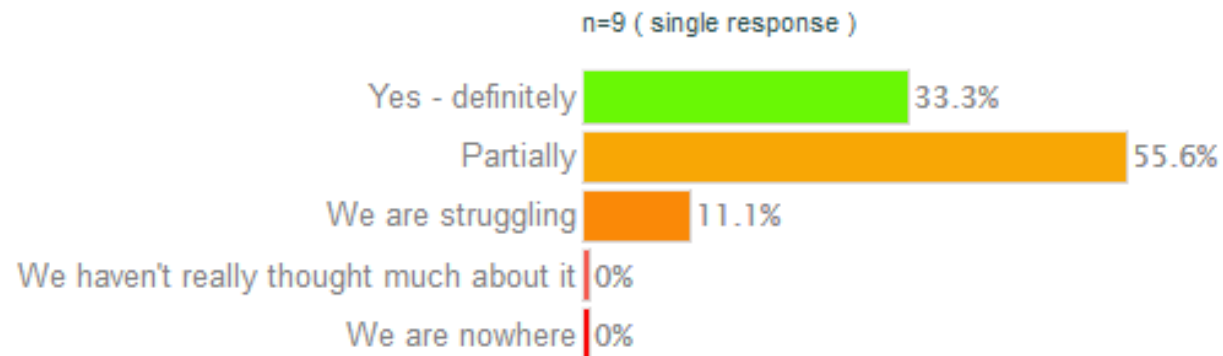
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2. Which of the following do think are the Principles of Data Protection under GDPR ?



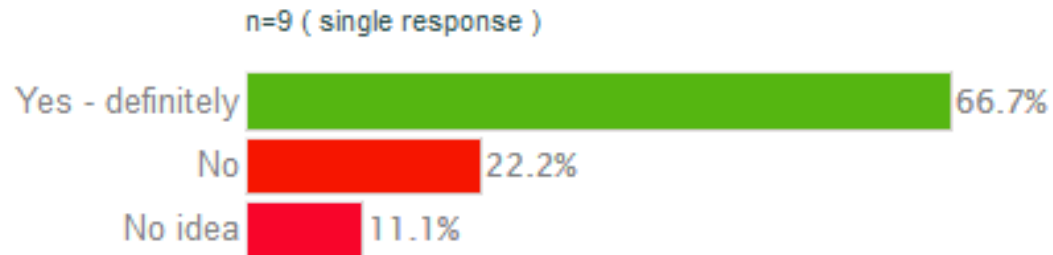
Apart from 'Cost Effectiveness' and 'Portability Between Systems', all the other answers represent the Principles of GDPR. Not everyone recognised all the Principles.

3. Do you feel that your Chaplaincy has a good grip on the impact of GDPR ?



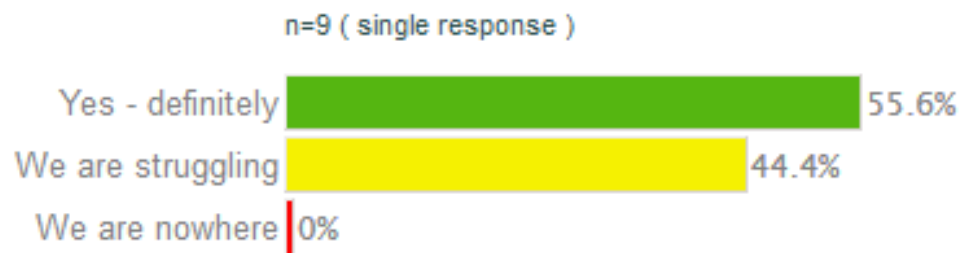
Individual Chaplaincies did not all feel that they had really yet got GDPR under full control. This suggests that some practical help and guidance may need to be offered.

4. Does your Chaplaincy have a Data Protection Policy ?



There is still a way to go to make sure that all Chaplaincies have a Data Protection Policy which is essential to ensure that proper controls and procedures are in place to protect Personal Data.

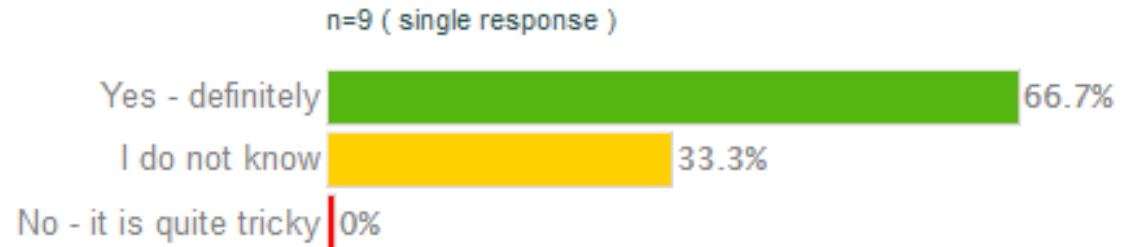
5. Do you have consents from everyone who is on your mailing list(s) to be on those lists ?



The use of mailing lists is one area where most of our Chaplaincies are very active.

It is therefore important to ensure that our mailing lists are well-managed and that consent is obtained from people with whom we communicate.

6. Can people easily get on or off of your mailing list(s) or amend their details



Mailing list updating activity can be quite time-consuming unless tools and procedures are in place to minimise the need for intervention by Chaplaincy administrators.

7. Do you know what a CIL is ?



The Correspondant Informatique et Libertes is the French equivalent of a Data Protection Officer in the UK.

See <https://news.sophos.com/fr-fr/2017/07/04/gdpr-embaucher-correspondant-informatique-et-libertes/> for information about the purpose of having a CIL.

You can also download a Guide to the role of a CIL from

https://www.cnil.fr/sites/default/files/typo/document/CNIL_Guide_correspondants.pdf

8. Does your Chaplaincy have a CIL in place ?

n=9 (single response)



Registering someone as a CIL for your Chaplaincy is very easy and accords the person entrusted with Data Protection a degree of professional recognition.

You can register your CIL here:

<https://www.cnil.fr/fr/designation-dpo>

DÉSIGNATION D'UN DÉLÉGUÉ À LA PROTECTION DES DONNÉES

ORGANISME DÉSIGNANT LE DÉLÉGUÉ À LA PROTECTION DES DONNÉES

N° SIREN	504 [REDACTED]
Nom de l'organisme	THE ANGLICAN CHAPLAINCY OF MIDI PYRENEES & AUDE
Nom du représentant légal	[REDACTED]
Adresse postale	[REDACTED]
Pays	FRANCE

DÉLÉGUÉ À LA PROTECTION DES DONNÉES DÉSIGNÉ

Nom du délégué	Monsieur Clive BILLENNESS
Date de prise de fonction	[REDACTED]
Adresse postale	[REDACTED]
Pays	[REDACTED]

COORDONNÉES PUBLIQUES

Ces informations de contact permettent à toute personne de joindre le délégué facilement. La CNIL les tient à disposition du public dans des formats ouverts.

Adresse électronique dédiée	dpo@churchinmidipa.org
URL de formulaire de contact dédiée	https://churchinmidipa.org/gdpr-top/data-protection-policy

Les exigences relatives à la désignation d'un délégué à la protection des données (statut, fonction, missions, qualités professionnelles) sont définies aux articles 37 à 39 du règlement européen relatif à la protection des données personnelles (RGPD). Le non-respect de ces dispositions est passible de sanctions.

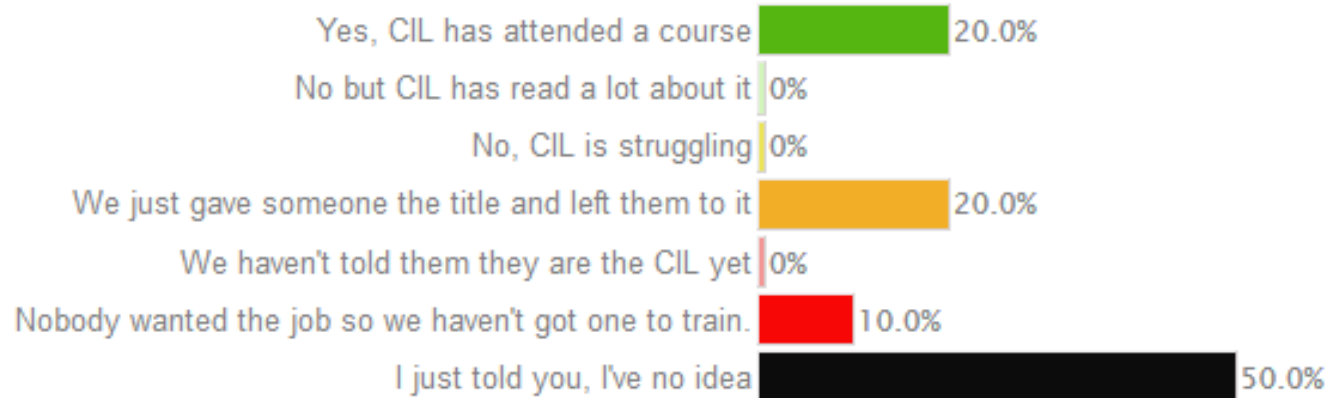
En savoir plus : <https://www.cnil.fr/le-dpo>



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9. Has your CIL had any kind of training ?

n=10 (single response)



The CNIL do provide a free on-line introductory training course for CIL's

You can enrol here:

<https://atelier-rgpd.cnil.fr/>

There are on-line tests with a pass mark for each one of 80%

Upon completion, the student receives a certificate



ATTESTATION DE SUIVI

La Commission Nationale de l'Informatique et des Libertés (CNIL) atteste que **M. Clive Stephen George BILLENNESS** a suivi avec succès les cours des quatre modules du **MOOC L'Atelier RGD** et obtenu les scores suivants aux évaluations :

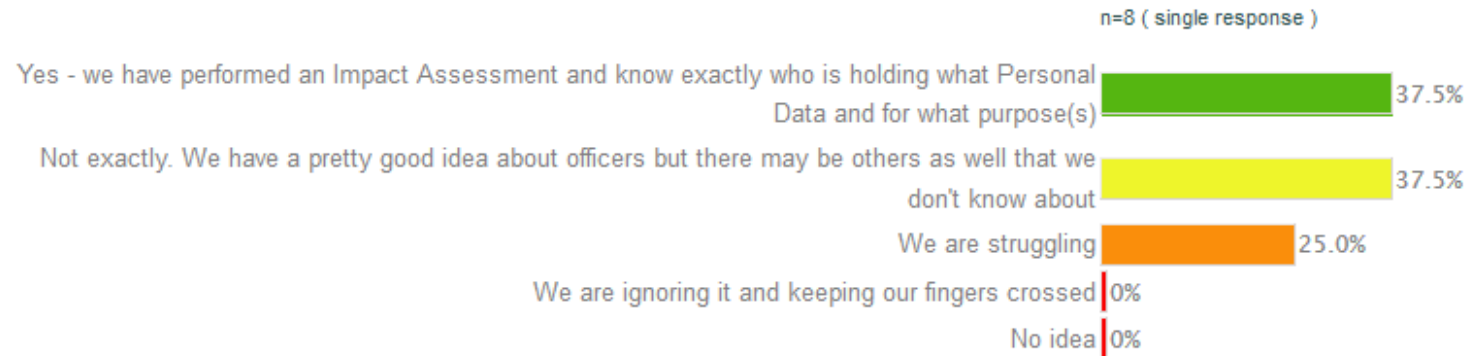
MODULES	DATE DE L'ÉVALUATION	SCORE
LE RGD ET SES NOTIONS CLÉS	11/03/2019	100%
LES PRINCIPES DE LA PROTECTION DES DONNÉES	18/03/2019	100%
LES RESPONSABILITES DES ACTEURS	19/03/2019	100%
LE DPO ET LES OUTILS DE LA CONFORMITÉ	19/03/2019	100%

Fait le 19 Mars 2019

CNIL.

in Europe
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10. Do you know who in your Chaplaincy is storing Personal Data ?

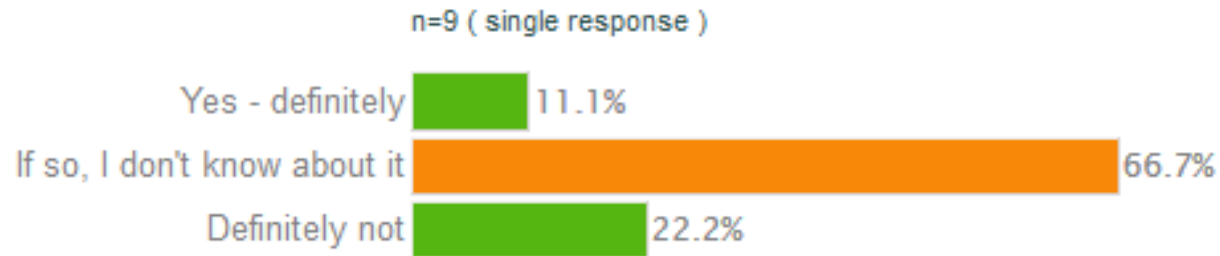


Because our Chaplaincies are often large, geographically distributed organisations, with volunteers using their own computer equipment to administer the organisation, it can be very difficult to keep track of who is holding what personal data. It is, however, essential to know this in case a Data Subject Access Request (DSAR) is received and there is only 28 days to respond.

It is also important to ensure that when Personal Data is being held by individuals, it is held securely and is up-to-date.

Finally, officers can change each year at AGM time, and then it is important to know who has left office but may still be holding Chaplaincy Personal Data which they should now relinquish or erase.

11. Has your Chaplaincy had to deal with a Data Subject Access Request ?



DSAR's are still apparently relatively rare, although they can come without warning and may be triggered by any number of different circumstances.

Organising the process for dealing with these is a responsibility of the CIL.

It is worth considering how sensitive personal data, possibly held by a member of clergy, will be disclosed without it becoming too widely known within the organisation.

Remember that closed Safeguarding cases may not be exempt from disclosure

Data which is disclosed may require redaction to remove other people's details before being sent to the person applying.

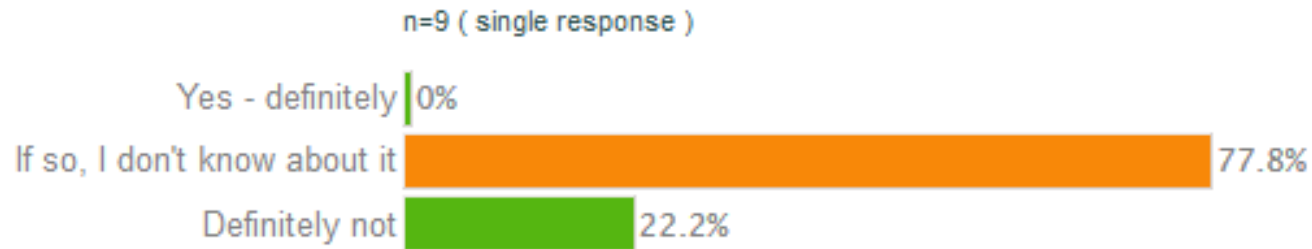
12. Have you had to manage a vexatious Data Subject Access Request ?



The GDPR permits a DSAR to be refused or a charge levied for processing if the organisation considers that the request is manifestly unfounded or excessive and particularly if it is repetitive.

The ultimate arbiter in such cases is the CNIL so the reasons for treating a request as vexatious must be carefully considered and well-documented.

13. Has your Chaplaincy suffered a Data Breach ?



No delegate was aware of a Data Breach occurring but open discussion showed that delegates were quite surprised at how many different occurrences might constitute a 'Data Breach'

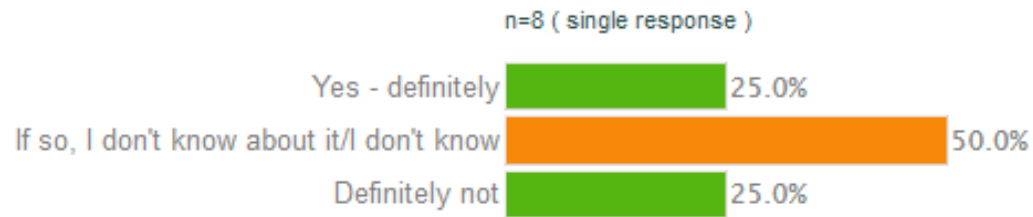
e.g.

Hacking of a computer / smartphone

Loss or theft of a computer / smartphone / USB memory stick

Disposal of one of these devices without permanently erasing their contents first.

14. Were they able to manage the French Reporting form ? Do you think they would be able to if they had to ?



In France, the only way to report a Data Breach is via an online form at the CNIL website which is in French. It is therefore important that this task is undertaken by someone with a good level of competence in the French language.

25 May 2018 – 13 Jan 2019

CNIL have received reports of over 1,200 breaches of personal data
5 per day



4,000 reports of personal data breaches in 2018
11 per day

Even though reporting of data breaches to the CNIL is mandatory, the French website ZATAZ.COM has received far more reports than the CNIL have. This suggests that not everyone is complying with the compulsory reporting requirement.

A Data Breach does not necessarily lead to a penalty from the CNIL but they do want to check that the circumstances that led to it have been considered, people whose data may have been affected have been warned and additional precautions taken where appropriate to prevent a future repetition.

Personal Data As A Credit Card



Treat all Personal Data in the same way as if I handed you my credit card and asked you to buy me a bottle of milk with it.

You **would not**:

- ✗ Use it to buy something else without my permission
- ✗ Give it to someone else
- ✗ Leave it lying around
- ✗ Damage it
- ✗ Refuse to give it back
- ✗ Keep a note of the number after you returned it to me

You **would**:

- ✓ Keep it safe
- ✓ Tell me at once if you lost it
- ✓ Show it to a Police Officer if they asked you
- ✓ Return it once you had bought the milk
- ✓ Confirm to me that it was safe if I asked and show it to me if I insisted on checking
- ✓ Ask me if you wanted to use it to buy something else

WEBSITE PHOTOGRAPHS UNDER FRENCH LAW

Although it is usually considered to be superior, the right to one's privacy and own image is [also] not absolute and shall be balanced especially with the right to freedom of expression

It is generally recognized both by case law and legal doctrine that consent is implied or not needed for pictures of

- public figures performing their public functions or activities (not in private life),
- people shown in a larger group (without distinction of one or more individuals),
- people who are present in a public location (unless the depicted person is the main focus of the picture),
- people related to news events of public interest or public information purposes.

https://commons.wikimedia.org/wiki/Commons:Country_specific_consent_requirements#cite_note-droit-a-image-50