

Data Protection Act 1988 & General Data Protection Regulation 2016

From Friday, 25th May 2018, The Data Protection Act 1988 was replaced by the General Data Protection Regulation 2016. The GDPR sets out the key principles by which all personal data, i.e. data by which an individual may be identified, must be collected, processed, stored and used by an organisation such as The Association of Hypnotherapy & Stress Management.

In particular, to comply with its legal obligations, personal data must be collected by the Association:

- for specific, explicit and legitimate purposes;
- processed lawfully, fairly and transparently;
- limited to what is necessary for the purposes for which it is processed;
- kept accurate and kept up to date;
- stored securely and not disclosed to any third party unlawfully;
- only retained for as long as is necessary for the reasons it was collected.

In addition, individuals have certain rights regarding their personal data, i.e.

- to be kept informed about how their data is used;
- how to access their data and rectify any incorrect information;
- how to have their data erased;
- restrict how their data is used;
- move their data from one organisation to another;
- to object to their data being used at all.

In The Association the Board of Directors is the Data Controller, the Data Protection Officer is the Secretary and the Data Processing Officer is the Membership Secretary. Individual members are Data Subjects.

A key role in the GDPR is that of the Data Protection Officer whose role must be designated on the basis of professional qualities and expert knowledge of data protection law. In particular, the DPO must adhere to the GDPR requirements, as listed below:

- to inform and advise the Data Controller of their obligations pursuant to the GDPR;
- to monitor compliance with the GDPR, including the assignment of responsibilities, awareness-raising and training involved in data processing operations, and the related audits;
- to provide advice where requested with regard to the data protection impact assessment and monitor its performance;
- to co-operate with the Office of the Information Commissioner as the supervisory authority for the GDPR;
- to act as the contact point for the Office of the Information Commissioner as the supervisory authority for the GDPR on issues related to the processing of personal data.