

Competency reference number and title	A5: Understanding, interpreting and complying with legislation and/or regulation
Level of attainment claimed	Level 3
Development period: Overall dates in which competency was developed for this assessment level	██████████

Context

Give a brief outline of the context in which you developed this competency. For example, your previous and current job roles or responsibilities

All my roles have involved working in accordance with copyright, data protection and sometimes FOI legislation. As Secretary for ██████████, I nominated myself to lead on ensuring it was prepared for the 2018 GDPR legislation

Activity

Give a brief description and examples from your professional activity and practice which demonstrate your competency at this level. Link this section to the competency definition in the Framework.

At ██████████ I logged incoming FOI requests, liaised with other staff to find out the required information, and replied to the requests within the designated timeframe.

In all my roles I have provided access to archival records and checked for access restrictions. This required a knowledge of what constitutes personal data and what sort of closure periods should apply to records containing personal data. I also answer enquiries about reproducing archival material which requires a knowledge of copyright legislation.

At ██████████ I took on a proactive role in preparing the organisation to be ready for a change in legislation, taking my learning beyond day-to-day activities. I volunteered to take on this role, as I wanted to develop my understanding and skills relating to GDPR. I had previous experience of applying legislation to real world scenarios, for example, deciding whether an image was out of copyright. However, these decisions were usually relatively easy to make as there were clear rules or flowcharts to follow. This was the first time I had to implement rules and processes based on understanding and interpreting a new piece of legislation. This felt like a lot of responsibility, as my decisions could affect whether ██████████ was complying with the law.

Progression & Learning

Give a brief summary of how your skills, knowledge and experience within this competency have developed or been maintained during this period. Include examples of the different skills, knowledge and experience developed and the types of learning undertaken such as formal training, study or research, work achievements, contributions to the profession etc.

My first step to prepare ██████████ for GDPR was to understand the legislation, which involved self-guided research. I also attended some workshops run by Advanced Solutions International and the Creative Industries Federation, which offered the chance to ask questions to legal experts about more specialised scenarios, and find out what approaches similar organisations were taking. I quickly discovered that reading the actual legislation was difficult, and that the ICO's guidance was much easier to understand. I also took advantage of the ICO's telephone helpline for small organisations, which helped me to make a decision on retention of data relating to lapsed members.

I then undertook an information audit to identify what personal data [REDACTED] was processing. Identifying the different processing activities was fairly simple, as [REDACTED] is a small organisation, although I was surprised how many processing activities there were and how much personal data we come into contact with. In most cases, I was then able to identify a suitable lawful basis for each processing activity (such as consent or legitimate interests). For some of the processing activities it was more difficult to identify the basis for processing, either because there were several possible options or because we were keeping data longer than necessary. I realised that some of our practices needed to change, and formulated some suitable retention periods for certain types of data, based on how long we might still need access.

Next, I drafted [REDACTED] new Privacy Notice. This was my first experience of developing a policy. I made use of example notices and checklists, but found that they needed adaptation for a small organisation. Some sections, such as automated decision making and profiling, were not relevant. In other cases, I felt we could provide more information because of our small scale, for example information relating to how we process personal data and what systems we use. We seemed to be over-explaining ourselves compared to other examples, but this made me feel more comfortable that we had provided enough information to meet ICO recommendations. I found it difficult to structure the notice in a clear and user-friendly way, so tried several drafts until I found one which worked best.

My final step was to explain our new processes and retention periods for personal data to the rest of the Executive Committee, and implement those changes that I was responsible for. For example, when running our Symposium in June 2018, I explicitly asked for people's consent to include their contact information in the list of attendees and provided a link to our Privacy Notice on the registration page.

Reflection

Reflect on and evaluate what you have learned from the activities you have undertaken to develop or maintain this competency. For example, what went well/not so well? What would you do differently next time?

Overall, this process gave me a much deeper understanding of data protection principles, including what constitutes personal data, and what counts as a filing system, which I can apply to other areas of my work such as identifying access restrictions to archival records.

I had to get used to there not always being a clear-cut answer to my questions, for example when deciding which lawful basis to apply to each instance of processing. I became frustrated that the guidance didn't explain how to deal with specific situations and that there was no consensus on how to deal with membership data. Eventually I came to realise that each organisation is different, and you have to interpret the guidance as best you can based on your own circumstances.

Going through this process has made me more decisive and improved my ability to make difficult decisions and be accountable for them. For each decision we made about a data processing activity, we needed to have a robust explanation of why that was the best approach, based on the legislation. This is a useful approach that could be applied to future decision-making.

It has also emphasised the importance of working collaboratively, and learning from colleagues, who will often be going through similar experiences. I found it useful to share ideas with colleagues on the Executive Committee, particularly one individual who was working on GDPR compliance in her own organisation. Through doing this, we identified a suitable lawful basis for processing membership data which was different from what I had previously been considering. It was very valuable to have this second opinion and to weigh up various potential solutions to problems.

Follow Up

How have you applied your skills, knowledge and experience within this competency since? What do you intend to do next to maintain or further develop this competency?

Since the Privacy Notice was approved by [REDACTED] I have been making new committee members aware of their responsibilities, updating the Notice when we change software/suppliers, and deleting data which has come to the end of its retention period.