

The County Recorders' Guide to the GDPR



Butterflies for the New Millennium National Moth Recording Scheme

As you will no doubt be aware the General Data Protection Regulation (GDPR) comes into effect on 25th May 2018, as such we are writing to offer some advice around this issue. Please note that the information in this document is not formal legal opinion, but advice, given in good faith, as Butterfly Conservation's current preferred approaches to issues raised by the GDPR. The 25th May is not a deadline by which you need to have everything in place but the start of the journey - have a plan of action to put further steps in place and carry it out in a timely manner.

The GDPR is UK law and covers any person or organisation that gathers, holds and uses personal data. The names of recorders and any details about their address, postcode etc. included in butterfly and moth records are personal data under the GDPR so all County Recorders are subject to the new law. Put simply, personal data is anything that allows an individual to be identified.

The good news, however, is that the GDPR shouldn't have a drastic effect on the everyday running of recording schemes.

Receiving and verifying records and communicating with recorders

In most cases, no changes will be needed here. Recorders who submit records are doing so willingly and will hopefully have seen a notice on a recording form, website or online data submission site along the lines of:

By submitting information on this form I agree that it may be collated and disseminated manually or electronically, including via the Internet, for conservation, environmental decision-making, education, research and other public benefit uses in accordance with Butterfly Conservation's data access policy. Names and contact details of recorders will be used for administration and verification purposes only. Your contact details will not be passed to other parties without your consent, whilst your name will form part of the record that is collated and disseminated in accordance with Butterfly Conservation's privacy policy.

RECOMMENDED ACTION: You should routinely provide such a statement to recorders. It should explain who you are, what data you are collecting, why you are collecting it and what you are going to do with it (including whether you will be sharing it with others). You can add such a statement to email footers, recording forms, websites, newsletters etc.

It is fine under the GDPR to contact recorders for purposes relating to recording, including acknowledging their records, thanking them, querying records for verification purposes, providing feedback about recording and encouraging them to take part in recording. These are all legitimate interests for the running of a recording scheme.

REQUIRED ACTION: You must not contact recorders for marketing purposes unless you have received a specific opt-in from them for such communication.

Some County Recorders send informal newsletters or regular updates to groups of recorders and other interested people. Our advice is that you seek a clear opt-in to continue receiving such newsletters from all of your current recipients now, and only send future newsletters to people who have opted in. This can be done with a simple email to current recipients explaining that they must respond if they wish to continue to receive your newsletter e.g. "As a result of the new GDPR regulations, you need to 'opt-in' to receive future newsletters from XXXXX. If you wish to continue to receive newsletters please reply "Yes" to this email". (NB the newsletters, magazines and journals of membership organisations, such as BC Branches, are not covered by this requirement).

RECOMMENDED ACTION: Ask your recorders if they want to continue to receive your updates / newsletters and remove people who do not respond (and those who say no, of

course) from your circulation list. Always use the Bcc (blind copy) option when emailing a group of recorders so that they cannot see the email addresses of other recipients.

Holding personal data

Recorders' names should continue to be included as a standard part of butterfly and moth records in your local datasets, but site names should not include a house number or postcode. The onus is on County Recorders to ensure, from now on, that specific details such as full addresses and postcodes are not added to your local dataset in the site name/location field of new records.

RECOMMENDED ACTION: Continue to include recorder names with records in your dataset but, from now on, do not include house numbers or postcodes.

We advise that datasets of butterfly and moth records containing recorders' names, and any spreadsheets/documents that contain contact details for recorders, are encrypted or password protected. It is straightforward to password protect an Excel spreadsheet, but for recording systems such as MapMate or Levana, this is not currently possible so we recommend that you at least have a password lock on your computer.

RECOMMENDED ACTION: Password protect your computer in case it is stolen. If possible password protect files containing recorders names or contact details, but ensure you have a strategy in place in case you forget the password!

It is fine to hold contact information that has been freely given by recorders but only for as long as there is reasonable expectation for it to be used.

As you hold personal data as part of the recording scheme, the GDPR requires you to be identified as a 'Data Processor'. Butterfly Conservation, as the organiser of the schemes, will need to confirm this officially with you, but this is a one-off process and can be done by a simple exchange of email. We'll be in touch about this in due course.

Rights of recorders

Under the GDPR, recorders have the right to withdraw their records from your dataset, the right to know what data you hold on them and the right to know what you have done with their data. However, it seems unlikely that will be a rush of people making such demands of their county recorders and these are probably things that you would have done, if asked, prior to the GDPR. Of course, if you are asked by a recorder to withdraw your records, you will also have to notify Butterfly Conservation so that we can make the same changes in the UK databases.

Providing data to third parties

This is the area of greatest potential change to your normal procedures arising from the GDPR. Passing your local datasets to the national recording scheme run by Butterfly Conservation is not affected as that transfer is happening within the recording scheme, although datasets being sent by email should be password protected/encrypted (which can be easily done in Excel, Winzip etc). Passwords to such files should ideally be given over the phone and should not be included in the same email as the file itself.

It is important to continue to collect and store recorders' names as part of butterfly and moth records in your local datasets and in the UK datasets of the recording schemes, so please continue to include recorder names when you pass your annual data to Butterfly Conservation. Names are important both for verification purposes and because the recorders have the right to be identified and recognised as the originators of their sightings.

However, any records that you provide to third parties are affected by the GDPR. If personal data (e.g. recorders' names, house names/numbers, postcodes) are included in records that you pass to a third party then under the GDPR you must have a formal agreement in place with that third party that details what data are being transferred, what they are going to be used for and over what period.

We have been advised that the simplest approach to minimising disruption and avoiding extra bureaucracy is to exclude personal information from records being passed to third parties. In most instances, removing recorders' names from transferred records (i.e. anonymising the data) will mean that the GDPR will no longer apply to that data. For the vast majority of uses of records by third parties, recorder name is not an essential piece of information

RECOMMENDED ACTION: As a general rule, do not include personal information (including recorders names) in records supplied to third parties outside of the recording scheme. However, if it is vital that a data user is able to distinguish between records from different recorders, replace the recorders' names with a unique code for each recorder.

Acknowledgement of recorders in publications

It remains important to acknowledge, where practical, the contributions of recorders in publications such as local atlases, annual reports etc. This is fine under the GDPR as long as the recorders names are not associated with location and date details. Thus it is perfectly acceptable to have a list of all of the recorders who have contributed records to a publication, but the advice we have received is that you should not list individual records that associate a named recorder with a specific date and location.

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