



The Open University Students Association Data Protection compliance statement. July 2020

The lawful processing of personal data is fundamental if good business practise is to be achieved and sustained. After more than two years, the General Data Protection Regulation (GDPR) has become embedded into everyday process and procedure. Subjects' rights are more fully understood and principles such as data retention are changing the way we work. There has been a flood of cases in the courts across the EU which will assist organisations in understanding their obligations and will signpost decision making in the future. These include a more defined approach to accessing data and what represents unlawful access, along with an expanded understanding of the exemptions to the law that enable covert processing where individuals may be at risk. Two years on and with the benefit of a greater context, we can more confidently interpret the law.

The Open University Students Association has advanced in step with these developments creating a GDPR group to ensure policy and procedural development stays ahead of and where possible anticipates the changing landscape. All of the lawful requirements have been put in place and in some areas, these obligations have been exceeded. Some may require further development. However, a recent audit of the work completed to date finds the majority of policy framework to be on the whole technically accurate, considered and pragmatic.

To further the development of the framework, the Open University Students Association has appointed a GDPR Data Protection Officer (DPO) to ensure it has access to the best possible advice and guidance. The appointment of a DPO is intended to ensure the Open University Students Association can proceed with confidence relying on sound advice that will assist it to navigate the complexities of privacy law. The advice will be based on and therefore benefit from time spent considering the decisions of the CJEU, The advice of the European Data protection Board, various UK courts decisions, the UK regulator's guidance and the opinion of sector commentators. With further clarity comes opportunity to develop richer more meaningful policies and procedures to ensure a greater level of compliance and by their nature reduce the inherent risk of handling data. These improvements will include better risk assessment procedures, more precise use of the lawful grounds for processing and a granular approach to data retention.

The future is uncertain. As we near the end of the transition period and leave Europe, we may find ourselves in choppy water. The EU have indicated that the UK will almost certainly lose its Adequacy Decision which will make International transfer of data far more difficult. This is compounded by a recent decision by the EU that the EU-US Privacy Shield which was designed to safeguard transfer of data to the US from the EU is invalid. How this may affect the UK is uncertain but will undoubtedly change aspects of everyday processing when for example using US based platforms such as Microsoft, Google and Facebook. How the new UK data protection legislation may develop in the future is another cause for concern. The Open University Students Association is well placed to face these challenges head on and to confidently advance its processing activities to achieve its aims and objectives.