PRIVACY INFORMATION:
An information audit or data mapping exercise can help you find out what personal data you hold and what you do with it.

You should think about the intended audience for your privacy information and put yourself in their position.

If you collect or obtain children's personal data, you must take particular care to ensure that the information you provide them with is appropriately written, using clear and plain language.

For all audiences, you must provide information to them in a way that is:

concise;
transparent;
intelligible;
easily accessible; and
uses clear and plain language.

How do we know what we need to tell people?
Before you start drafting your privacy information, you need to know what personal data you have and what you do with it. To help you with this you may need to do an information audit or data mapping exercise. You should map out how information flows through your organisation and how you process it, recognising that you might be doing several different types of processing.

You may already undertake this type of audit or mapping exercise as part of your existing data governance framework, or as preparation for documenting your processing activities under Article 30 of the GDPR. If this is the case, you can incorporate the privacy information requirements into this process.

You should work out:

what information you hold that constitutes personal data;
what you do with the personal data you process;
why you process the personal data;
where the personal data came from;
who you share the personal data with; and
how long you keep the personal data for.
Once you have an understanding of the above, you can build on this by addressing some of the more specific questions that you need to be able to answer, such as:

Which lawful basis do you rely on for each type of processing?
What are the legitimate interests for processing (if applicable)?
What rights do individuals have in relation to each type of processing?
Is there a legal or contractual obligation for individuals to provide personal data to you?
Do you make solely-automated decisions about people that have legal or similarly significant effects?

How do we know that people will understand what we tell them?
You also need to think about who you are addressing your privacy information to. It is a good idea to put yourself in the position of the people you're collecting information about. You need to understand the level of knowledge your intended audience has about how their data is collected and what is done with it.

Dealing with a wide range of individuals - If you collect the personal data of a wide range of individuals you need to think about the relationships you have with the various groups and whether they will all understand the information you give them.

Break your customers down into different categories and provide tailored privacy information for each group.

Example

An insurance company provides business travel insurance to large multi-national organisations and travel insurance to members of the public. It tailors the privacy information it provides to these different customers to cater for the differing levels of understanding and uses of personal data.

Dealing with vulnerable individuals, including children – The GDPR emphasises that the requirement to provide information using clear and plain language is of particular importance when addressing a child. While children are singled out as meriting special protection, in practice if you collect information from any type of vulnerable individual, you must make sure you treat them fairly.

This means drafting privacy information appropriate to the level of understanding of your intended audience and, in some cases, putting stronger safeguards in place. You should not exploit any lack of understanding or experience, for example, by asking children to provide personal details of their friends.

There may be times when using a combination of the techniques described in this guide may not be effective, as it could cause confusion or provide less clarity. If this is likely to be the case, the key point is to focus on providing clear and understandable information for the target audience.

You should use your knowledge of the individuals you deal with to decide your approach. In particular, you should try to work out whether the individuals you are collecting information about would understand the consequences of this. If in doubt, you should be cautious and should instead ask the individual's parent, guardian or carer to provide the information. For online services, if you rely on consent for the collection of personal data, the GDPR and the UK's Data Protection Bill require that you obtain it from the holder of parental responsibility for children under the age of 13.

Dealing with people whose first language is not English - Sometimes you may want to collect personal data from people whose first language is not English. In some cases you may be obliged by law (other than data protection) to provide information in another language, for example, Welsh. Even where this is not the case, it is good practice to provide your privacy information in the language that your intended audience is most likely to understand.

How should we write and present the information?

One of the biggest challenges is to encourage people to read privacy information. People are often unwilling to engage with detailed explanations, particularly where they are embedded in lengthy terms and conditions. This does not mean that providing privacy information is a mere formality; it means that you have to write and present it effectively. The GDPR recognises this and requires that the information you provide individuals with meets the following standards.

Conciseness – There is a tension between the amount of information you need to provide individuals with and the requirement that it must be concise, but there are ways of writing and presenting privacy information that can achieve both:

Use an appropriate technique to deliver the information, such as a layered approach. Use headings to separate the information into easily digestible chunks, each dealing with a different aspect of what you do with personal data.

Keep your sentences and paragraphs short. Omit any irrelevant or unnecessary information.

Transparency – Being transparent is about being open, honest and truthful with people:

Don't offer individuals choices that are counter-intuitive or misleading.

Don't hide information from people; make sure that you clearly bring to people's attention any uses of data that may be unexpected, or could have significant effects on them.

Align your privacy information with your organisation's values and principles. People will be more inclined to read it, understand it, and trust your handling of their personal data.

Intelligibility – Your privacy information needs to be understood by the people whose personal data you collect and obtain:

Adopt a simple style that your audience will find easy to understand.

Don't assume that everyone reading the information has the same level of understanding as you. Explain complex matters in basic terms.

Ensure that what you say is unambiguous. Be as precise as you can about what you do with people's data.

Ease of access – Individuals should not have to look for your privacy information, it must be easy for them to access:

Adapt how you provide your privacy information to the context in which you collect or obtain people's data.

If you provide individuals with a link, ensure that you direct them straight to the relevant privacy information and do not have to seek it out amongst other information.

Make the information consistently easy to access across multiple platforms.

Clear and plain language – Ensure that the words and phrases you use are straightforward and familiar for your intended audience:

Use common, everyday language.

Avoid confusing terminology, jargon, or legalistic language.

Align to your house style. Use expertise (for example in-house copywriters) to help your privacy information fit with the style and approach your customers expect.