



Transparency Principle

In this video I'm going to talk about the Transparency Principle under the GDPR and what this means to your company.

The GDPR is principle driven legislation, meaning that much of the law and the spirit of the legislation is derived from six principles. The first of these principles is that *Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.*

This principle has a rather cumbersome official name: the *lawfulness, fairness and transparency* principle, but in essence it can be broken down to mean that personal data must be processed **lawfully** and **transparently**. We will deal with the meaning of **lawfully** in future videos, and so for the purpose of this video we will describe the expectation on a company to process personal data transparently.

GDPR requires that people are given certain information about how a business will process their personal data. The GDPR is prescriptive about what information is required, as I'll shortly explain.

There are many, many real-life examples of this information that you will have come across each day via website privacy policies or privacy notices. These notices at the foot of web pages are aiming -albeit, with a mixed degree of success - to provide people with the information required under GDPR. This form of notification is perfectly valid, and in respect of online customers or subscribers, is really the only effective way to convey this information.

In addition to customers or subscribers, however, companies owe the same transparency obligations to their staff – whether this is employees, freelancers, cast and crew or temporary workers. For these individuals, a form of **staff privacy notice** should be drafted and made available. How this is made available is up to you, as there is no prescriptive method. We've seen these notices issued by way of intranet, hard copy as part of joiner packs and appended to Employment Handbooks. The important thing is to ensure that the notice is made available to all staff.

So, what should a privacy notice say? Well, Article 13 of the GDPR sets this out quite clearly and there is also information on the Information Commissioner's website. The most important aspect is to tell individuals the purposes for which you will process their personal data - such as to deliver goods, to recommend content, to administer PAYE.

Alongside each purpose, you must list the applicable **lawful basis** which, as mentioned, is dealt with in another video. You should also provide information to the individual about who you are, what their rights are under GDPR such as access and erasure requests, how to exercise these rights, who you share their personal data with and how long you will keep their personal data. You can learn more about retaining personal data in our Retention Principle video.

So, this has been a whistle-stop tour of the Transparency Principle but hopefully you have learned a little bit about when privacy notices need to be issued, as well as to whom and what they should say. Perhaps you may even read a few website privacy notices yourself in the next few days...