

## TPTracker<sup>®</sup> and GDPR Compliance

This document highlights the features of TPTracker which help users comply with GDPR regulations:

### 1. DATA CONTROLLER AND DATA PROCESSOR

**The TPTracker licensee is legally the 'Data Controller' and Arena Partnership is legally the 'Data Processor'.**

The licensee (the Data Controller) is the owner of the data held in TPTracker and therefore responsible for GDPR compliance with respect to what data is held and how it is used.

Arena Partnership (the Data Processor) is responsible for the safe storage and processing of the data and will never use the personal data held in TPTracker for any purpose or pass it on to a third party.

### 2. PERSONAL DATA HELD IN TPTRACKER

**The TPTracker licensee is responsible for the data held in TPTracker: the people included in the database, the data fields populated, the personal information held in those fields and the use of that data.**

#### 2.1. Records updated via TPUdate

If TPTracker is regularly updated via TPUdate from the licensee's master database, and this master database is compliant with GDPR, then TPTracker will also be compliant with GDPR in terms of the licensee's authority to hold and use the data.

#### 2.2. Records added manually to TPTracker

For any people added manually to the TPTracker database, the licensee is responsible for ensuring that they have obtained permission from the people being added. The facility for manually adding people to the TPTracker database can be turned off if it is not required.

#### 2.3. Personal data fields in TPTracker

Licensees may wish to review the data fields being populated within TPTracker, to ensure that holding this data is both legal and necessary; unwanted fields can be removed, hidden or left unpopulated.

### 3. ARCHIVING AND DELETING RECORDS

Records which are no longer required, can be archived and/or deleted from the TPTracker database.

#### 3.1. Archiving records

TPTracker will automatically 'Archive' the records of people who are not included in a TPUdate file.

Those people who have been added manually to the database will not be automatically archived. It is the licensee's responsibility to review manual records (at least) annually and archive or delete them manually as necessary.

#### 3.2. Archiving options

Licensees can select what happens to records when they are archived, from three options:

OPTION ONE (Default): Archived records are still available for selection and viewing by any TPTracker user, including all their personal profiling data.

OPTION TWO: The person's sensitive diversity data (Religion, Ethnicity, Sexuality and Disabilities) is automatically removed when the person is archived, but their name, address and other profiling fields will remain untouched.

OPTION THREE: The person's record is automatically pseudonymised when they are archived. This means they can no longer be found in the TPTracker database and any Participation, Communication, Support or Feedback records that were linked to them have been replaced with pseudonymised records which will not include any data that can be used to identify them.

*If this option is selected, then any records archived automatically by TPTracker (because they are missing from a TPUdate upload) are 'quarantined' for 5 days.*

*This is to allow an opportunity for any mistakes to be rectified before they are permanently pseudonymised. Records archived manually will be immediately and permanently pseudonymised.*

#### 3.3. Manually archiving individual records

A TPTracker user can manually archive a record by entering an 'Archived date'. TPTracker will then automatically apply the selected archiving protocol, as per 3.2 above.

*This method should only be used for records which are not being updated automatically via the TPUdate process.*

#### 3.4. Deleting individual records

If OPTION ONE or OPTION TWO (see 3.2 above) have been selected, archived records will remain identifiable within the TPTracker database for an unlimited period.

These records can be individually deleted by manually clicking the 'Delete' button provided on the 'Personal details' tab of the person's record. This will remove the record by completely pseudonymising it as per OPTION THREE (see 3.2 above).

*Access to this button can be restricted to specific authorised users only.*

### 3.5. Deleting multiple records

A TPTracker licensee can contact the Help Desk to request that a list of specific records be deleted from the TPTracker database.

Alternatively, the licensee can agree a contract with the Help Desk to review their database at regular intervals and delete all records that have been archived for longer than a specified period. In this way, archived records will only remain accessible for a limited time.

## 4. PARTICIPATION AND SUPPORT MODULES

**It is the licensee's decision whether they need specific permission from participants to create records of participation or support provided. Custom fields are easily created in TPTracker for recording their permission, if required.**

### 4.1. Recording engagements in TPTracker

Users are responsible for creating all engagement records in TPTracker relating to 'Participation' or 'Support' activities.

### 4.2. Deleting Participation or Support records

A user can permanently delete individual participation and support records or complete programmes of records from TPTracker using the 'Delete' buttons provided.

Deleting a record from within a Programme or deleting a whole Programme, will automatically delete the relevant records from each participant's personal file.

## 5. COMMUNICATION MODULE

**Fields are available in 'Communication preferences' to enable a TPTracker user to manage communications, with complete confidence that they are GDPR compliant.**

**It is the user's responsibility to identify whether the communication they wish to send is a 'Marketing communication' or a 'Legitimate business communication' as defined by the GDPR regulations.**

## 5.1.Consent to receive marketing communications

TPTracker provides a 'Consented to receive marketing communications' field for each personal record, which can be ticked or unticked:

- **UNTICKED (Default)**

This means they have NOT GIVEN THEIR CONSENT to receive marketing communications or have WITHDRAWN any consent they may have previously given. TPTracker will then automatically exclude them from any communication which is classified as 'Marketing'.

- **TICKED**

This will mean they have positively GIVEN THEIR CONSENT to be contacted with a marketing communication. These are the only people who TPTracker will allow to be selected for a 'Marketing' communication.

There is also a '**Date**' field and a '**How**' field, to record when and how their consent was given or withdrawn.

These fields can either be populated automatically via TPUUpdate from the licensee's master database or via an 'Unsubscribe' facility in a communication (see 5.3 below). They can also be populated manually.

## 5.2.Sending communications from TPTracker

When creating a communication through TPTracker it will by default be classified as 'This is a marketing communication'.

This will mean TPTracker prevents selection of people who have not consented to receive such communications and that an 'Unsubscribe' option will be automatically included in the email or SMS communication (see 5.3 below).

If the user changes this default setting by unticking 'This is a marketing communication', then the communication created will be treated as for the licensee's 'Legitimate business interests'.

Nobody will then be filtered out on the basis of whether they have given, not given or withdrawn their consent to receive marketing communications. An 'Unsubscribe' facility will not be included in the communication (see 5.3 below).

## 5.3.Including 'Unsubscribe' in communications

TPTracker will automatically include an 'Unsubscribe' option in 'Marketing' emails and texts sent from TPTracker.

Clicking 'Unsubscribe' in an email or SMS message will send a signal back to TPTracker which will then:

- Untick the 'Consented to receive marketing communications' field for that person and record the date and communication reference;

- Send an email alert with the person's personal details to a nominated email address plus up to two cc email addresses.

## 5.4. Including links to 'Privacy policy' and 'Contact us' in communications

Hyperlinked text can be included in email bodies, signatures or footers sent from TPTracker.

These can be used to add links to a licensee's 'Privacy policy' or 'Contact us' pages in their website.

## 6. SURVEY MODULE

**The 'Survey preference' fields in TPTracker allow a person to opt out of receiving any surveys or surveys using specific methods.**

### 6.1. 'No surveys' option

There is no legal requirement to include a 'No surveys' option within a questionnaire, but licensees may wish to include a statement such as *"If you do not wish to receive questionnaires from us in future then please call us on..."* They can then update the 'Survey preferences' fields for that person, either manually or via TPUupdate.

### 6.2. Revealing a survey respondent's identity

Any questionnaire can include a standard field for the respondent to give permission for their identity to be revealed.

If a 'Permission' field is NOT INCLUDED in a questionnaire, or a 'Permission' field is INCLUDED and is TICKED by the respondent, then the response data is treated by TPTracker as **'Confidential'**:

- **'Confidential'** means good practice is being followed to ensure that no personal information about individual respondents or small groups of respondents is released into the public domain or made accessible within your organisation, except to a very small group of Data Controllers.
- The respondent's survey reference and identity are shown in the 'Export' file of response data but are not revealed if their 'Comments' or the 'Review individual feedback' screens are viewed.

*Surveys are generally 'Confidential' rather than 'Anonymous' (see below) because it is accepted that you need to be able to relate the response data to respondents' personal profiles for analysis purposes and you may also need to know who has/has not responded if you wish to send them a reminder.*

If a 'Permission' field is INCLUDED in a questionnaire and NOT TICKED by the respondent, then the response data is treated by TPTracker as '**Anonymous**':

- '**Anonymous**' means that the information provided by the respondent cannot be traced back in any way to an individual respondent or a small group of respondents.
- In TPTracker, neither the respondent's survey reference nor their identity are shown in the 'Export' file of response data, and are not revealed if their 'Comments' or the 'Review individual feedback' screens are viewed.

## **7. SUBJECT ACCESS REQUESTS**

**If a licensee receives a SAR, they can download all the data held in TPTracker or ask the Help Desk to do it for them.**

## **8. CLOSING DOWN A TPTRACKER SITE**

**When a TPTracker licence is not renewed, the site is closed down and all the data held in the site is permanently deleted.**

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