

Overview GDPR activities by BoD 2017/18 and open issues

1. Need for a Data protection officer (DPO)

We discussed the need to assign a DPO intensively. The German law says, a DPO must be installed, if 10 people or more are processing personal data on a regular basis.

In BV that would comprise

- System administrators
- Support team-members
- Safety team-members

(Forum moderators don't belong in this category)

We decided, that if we keep the number of this people low, we do not need a DPO.

Therefore we started a cleanup of rights, former BV-activists that are not longer active, have their rights withdrawn.

2. Documentation of systems and processes concerning personal data of BW/BV-members

We started a documentation of ‚member life cycle‘ (draft by same email) but it doesn't contain all processes due to a lack of input from the technical people. With the emphasis on deploying the new website, we postponed this till there is more capacity on this side and some processes will have changed, too.

There is a probably somewhat outdated and not comprehensive list of systems used by BV, done by a non-member. This will change anyway with the change of systems, that leoalone has planned for beginning of next year. There are of course some documents on Github (developers platform), but those won't be understood by non-tech people.

3. Right to be forgotten (Erasure of data on demand by member)

There are 3 points to consider :

The right of a member to get his data erased within a reasonable time as defined by GDPR (often defined as 48 hours).

The legal obligation to keep data for 12 months for the authorities (I haven't seen a proof of this obligation).

The right of an organisation to keep some data of severe abusers to prohibit reentering those to BW with a new profile.

This is somewhat contradictory – see point 11.

Some members have already demanded the immediate erasure of their data. We have agreed on a template for the support team , telling them, that they have to go through the foreseen process of logging in and delete their profile, since we have no real clue about the rightfulness and identity of the demander.

The status with the new website will be (not tested yet) : the member is offered a checkbox in his profile, where he can demand the immediate deletion of all of his data. That triggers a process of ad hoc deletion of all personal data.

With the checkbox unticked, data will be retained for 12 months and then deleted.

What is still not clear is, if logfiles must be included in the deletion. Forum posts and comments definitively not, as explained in the ToU.

4. Right of member to get informed about data BW stores (dump of personal data)

This was much discussed amongst us and with shevek.

Originally we thought of it to be a goodie that can be offered as a button in the profile (similar to what e.g. facebook does).

Shevek argued very much against this, saying that he would prefer a dump just upon request. Indeed, so far no requests have reached the support team. It should be decided, which data are included (comments, forum posts, log files).

I thought, it was clear, but obviously for shevek it is not.

5. Data avoidance

Only those data should be collected in mandatory fields, that are necessary to fulfill the purpose of the organisation.-

Check if all mandatory fields in the profile are needed. Probably yes, but not really discussed yet.

6. Information of authorities in case of data-leak

In case of security breach with loss (etc..) of personal data, we must fill in a report and send it to CNIL :

<https://notifications.cnil.fr/notifications/index>

7. Cookies

A cookie-popup has been placed on the landing-page. A nuisance, but obligatory.

8. Adaptation of privacy policy.

The privacy policy has been adapted to GDPR, but has yet to be published on the new website. It contains information valid only after the relaunch of the website, e.g. encryption used throughout the website.

9. Communication to members about GDPR

A communication of our achievements has been postponed again and again, for several reasons :

Prolonged discussion about dump of data collected and data to delete, deseated tickets (demanding immediate deletion of data) etc.

Since only the cookie-warning has been implemented so far, it will be a task of the current BoD

There were several drafts for newsletters etc., but they seem outdated now.

10. Contract with Lamapoll and Hetzner

A DSGVO contract had to replace the ADV with Lamapoll to be GDPR compliant.

This has been signed in April by duesseldorf and Lamapoll.
Only of interest, if we use Lamapoll for surveys in the future.

The contracts with other companies (e.g. Hetzner, our server-provider, haven't been checked yet for GDPR compliancy.

11. Laypersons versus professionals

All of the BoD 2017/18 are laypersons in the field of law.

The law GDPR is very blurred in many aspects, leaving a lot of space of interpretation both for national adaptations and lawyers, who have the chance of their life to earn or make money.

We tried to find lawyers to support us, but it is hard to find – during a gold-rush – lawyers to care about silver or copper.

The only office, that gave a somewhat reliable offer, would have charged 1300 € a day, assuming 3 days work.

This is nothing unusual for profit-orientated companies, but slightly above our budget.

Still, a professional legal advice is highly desirable.

So far it seems, that our worries about a wave of suits against organisations like BW have been unsubstantiated.

But it can change in the future.

Summary

12. A. Topics dealt with so far, no need to action for now

- Need for a Data protection officer (DPO)
- Information of authorities in case of data-leak
- Adaptation of privacy policy. (but not the communication about this)
- Contract with Lamapoll (but not with others)

12. B Topics which have been adressed and have some progress, but need a decision

- Documentation of systems and processes concerning personal data of BW/BV-members
- Right to be forgotten (Erasure of data on demand by member)
- Right of member to get informed about data BW stores (dump of personal data)

12. C Open issues

- Laypersons versus professionals
- Communication to members about GDPR
- Data avoidance
- **Plus the ones, that we have not been aware of.**