

# Archaeology in Mind (AiM): General Data Protection Regulation (GDPR)

## 1. Overview of General Data Protection Regulation Guidelines

This section (Section 1) will provide an overview of the new General Data Protection Regulation guidelines, including what is new and how this differs from the previous Data Protection Act (1998). First, there is a general overview of the new guidelines (Section 1.1). This document will then discuss the elements of the GDPR that are most relevant to AiM (Sections 1.2-1.8).

For more information regarding the General Data Protection Regulation, the following website provides guidelines for organisations regarding the necessary changes that need to be made: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

### 1.1: Overview

The General Data Protection Regulation (GDPR) is effective from 25 May 2018 and applies to individuals who are 'controllers' or 'processors' of personal information. A 'controller' determines the purposes and means of processing personal data, and a 'processor' is responsible for processing the personal data. The GDPR replaces and mirrors the previous Data Protection Act (1998), but places more emphasis on being accountable for, and transparent about, an organisation's lawful basis for processing personal information.

The GDPR applies to 'personal data,' meaning any information relating to an identifiable person who can be directly or indirectly identified, by identifiers such as name, or contact information. Under the GDPR, the data protection principles set out the main responsibilities for organisations. Article 5 of the GDPR requires that personal data shall be:

- "a) processed lawfully, fairly and in a transparent manner in relation to individuals;*
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;*
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."*

Article 5 (2) requires that:

*“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”*

## **1.2: Consent**

The GDPR sets a high standard for consent, but the biggest change is what this means in practice for consent mechanisms. The GDPR is clear that an indication of consent must be unambiguous and involve a clear affirmative action. The GDPR gives a specific right to withdraw consent, specifying that individuals should be made aware of their right to consent, and be offered easy ways to withdraw their consent at any time.

## **1.3: Right of Access**

The GDPR stipulates that individuals have the right to access their personal data and supplementary information. As such, if an individual should request the information an organisation holds on them, the organisation must provide a copy of that information free of charge, and within one month of receipt of the request. To dispense this information the organisation retains the right to verify the identity of the person making the request using ‘reasonable means’.

## **1.4: Right to Rectification**

The GDPR includes a right for individuals to have inaccurate personal data rectified. As such, if an individual should request the rectification of their personal information, the organisation must make the necessary changes within one calendar month, and free of charge.

## **1.5: Right to Erasure**

Article 17 of the GDPR, also known as ‘the right to be forgotten,’ introduces a right for individuals to have personal data erased if: “the personal data is no longer necessary for the purpose which you originally collected or processed it for” or “the individual withdraws their consent”. As such, should an individual request their information to be deleted the organisation has one month to respond to this request, and this must be free of charge.

## **1.6: Accuracy**

The GDPR does not give a definition of the term accuracy. However, the Data Protection Bill states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact.

## **1.7: Security**

The GDPR requires organisations to process personal data securely, which replaces and mirrors the previous requirement of the Data Protection Act (1998) to have “appropriate technical and organisational measures”. However, the GDPR provides more specifics about what an organisation has to do regarding the security of its processing of information, and how to assess the information risk and put appropriate security measures in place.

Article 5(1)(f) of the GDPR concerns the ‘integrity and confidentiality’ of personal data. It says that personal data shall be:

*“Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures”*

Consequently, an organisation should have appropriate security to prevent the personal data they hold being accidentally or deliberately compromised and covers both digital and physical copies of this information. Article 32 of the GDPR states:

*“Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk”*

A Data Protection Impact Assessment (DPIA) may help to identify and minimise the data protection risks of a project. This enables the organisation to assess the necessity and proportionality of the information that is asked for and identify any measures to mitigate against any risks associated with the protection of the information provided to the organisation by individuals.

### **1.8: Accountability**

One of the biggest changes introduced by the GDPR regards accountability, which is a new data protection principle that states that organisations are responsible for, and must be able to demonstrate, compliance with the other principles. Although these obligations were implicit in the Data Protection Act (1998), the GDPR makes them explicit. Organisations now need to be proactive about data protection and must evidence the steps they take to meet the obligations to protect people’s rights. Appropriate technical and organisational measures must be put in place to meet the requirements of accountability. An organisation can meet these through procedures such as adopting and implementing data protection policies, appointing data protection managers, implementing appropriate security measures, and maintaining documentation of any processing activities.

Accountability obligations are ongoing, therefore these processes must be reviewed where necessary, to update the measures that organisations put in place.

## **2. Archaeology in Mind’s (AiM’s) General Data Protection Regulation Guidelines: Members**

The following section provides detailed information regarding what information AiM requires from their members; where this information is kept; for how long; and what an individual’s rights are concerning their own personal information.

This information is only applicable to members of AiM, visitors should consult Section 3 of this document for details concerning their personal information.

### **2.1: Information on Members**

The following section provides information about the personal information that Archaeology in Mind (AiM) requests and retains regarding their members, and the relevant security and organisational protocols applicable to this information.

### **2.2: What information do we ask for, and why?**

To become a member of AiM, an individual must first complete a membership form, which requires the applicant to provide some personal information. This information must be accurate and up-to-date, and if information is found to be inaccurate it may lead to the membership of the individual being revoked. This section will detail the information that AiM asks for, and why it has been deemed necessary and relevant.

AiM has deliberately asked for minimal personal information, as it is not required. The information deemed necessary is as follows:

*Full name:*

The full name of the individual is required for several purposes. The first of these is for contact purposes, and so that AiM can create an up-to-date list of its current members for administration reasons such as contact lists and keeping track of membership fees and renewal dates. The full name of the individual also forms part of the important emergency information the group requires, in the event of accident on site.

*Date of Birth:*

The date of birth of the individual is both a method of identification if necessary, and a personal detail that would be important if there was an accident on site, and therefore forms part of the emergency information the group requires.

*Contact email:*

A contact email address is asked for by the group so that AiM is able to contact the individual regarding upcoming events, cancellations, or other administration purposes.

*Emergency contact details:*

The emergency contact details of an individual (normally consisting of an emergency contact's name and phone number) are required in the event of an accident on site.

*Clauses agreed to by signing the Membership Form:*

As part of the membership form the individual is also made aware that by signing the form, they are agreeing and consenting to a number of clauses, which are detailed and discussed below:

*"I have read AiM's Constitution and agree to abide by the rules and policies."* To become a member of the group, the individual must agree that they have read and understood the rules and regulations within the constitution. By signing the bottom of the membership form, the individual is agreeing that they have complied with this stipulation.

*"I understand which information AiM holds about me, how this information is used, and that this information is available upon request, as specified in AiM's General Data Protection Regulation."* Following the new GDPR, it has been made clear to the individual within both the GDPR document, and the Constitution, the extent of the information that AiM holds on an individual, how this information is used, where it is kept, and that this information can be requested or deleted upon demand (see Sections 2.2-2.8). By signing the bottom of the membership form, the individual is agreeing that they are aware of this.

*"I confirm that I will not bring any debts or contracts to the group and that neither the founder, Committee, nor the members are responsible for any debts or contracts should I do so."* This clause specifies that no outstanding debt or contracts belonging to the individual can be passed on to the group. By signing the bottom of the membership form, the individual is agreeing that they are aware of this.

*"I am responsible for my behaviour within the group. I confirm that I will read and understand the relevant Risk Assessment guidelines outlining Health and Safety on-site."* Each individual is responsible for their own behaviour on site, and if they do not comply with the Health and Safety guidelines on site (as specified within the relevant Risk Assessment or by a member of the group implementing a Dynamic Risk Assessment), by putting themselves, or others, in danger, AiM reserves the right to ask them to leave. By signing the bottom of the membership form, the

individual is agreeing that they are aware of this and agree to comply to on-site Health and Safety guidelines.

*“Any important allergy or medical information should be declared in the box below. AiM does not take any responsibility for incidents involving non-disclosed emergency information. All personal information will be kept in strict confidence, in accordance with the group’s General Data Protection Regulations (a copy of which is available on-site at all times). By signing at the bottom of the form you are agreeing that you have declared any important medical or allergy information.”* Any important medical or allergy information should be declared on the membership form and will only be used in the event of an accident on-site. Any important medical information regarding a member, that is declared within the Medical/Allergy Information Declaration box on the membership form, is kept in strict confidence and shall be handled with discretion at all times. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency. This information shall not be passed on to any third party, except to medical professionals in the event of an accident on-site.

*“It is preferable for a member of AiM to have up-to-date anti-tetanus inoculations. If you do not have up-to-date inoculations, you are accepting any responsibility in the event of an accident on-site by signing below.”* Ideally, members of AiM should have up-to-date tetanus inoculations, however AiM recognises that this may not be possible for some members due to allergies etc. If a member is unable to have tetanus inoculations, by signing the bottom of the membership form they are accepting all responsibility in the event of any accident on-site.

At the bottom of the form the individual will also sign to signify that they agree to pay the annual membership fee. By signing the bottom of the membership form, the individual is agreeing that they are aware of this, and consent to pay this fee.

### **2.3: Where do we get this personal information from, where is it stored, and how long is it kept?**

AiM only gather information regarding members from the completed and signed membership forms submitted to the group, or via immediate personal correspondence with an individual where emergency medical information is necessary. It is the responsibility of the individual to ensure that the information held on them is up-to-date, and to inform the group of any changes to the information provided on the membership form. When the completed form is given to the Membership Secretary, the physical copy of the form is kept securely in a folder off-site, and the information provided on the form is transferred to a password-protected digital file comprising all of the information concerning current AiM members.

A list of all members, and the information they have provided on the membership forms, will be kept by the Membership Secretary, and will not be brought to site. Emergency contact details for members will be kept on-site with the group Secretary, in order to comply with health and safety procedures, should an accident occur on-site, so that the relevant individuals elected as emergency contacts can be notified.

The information provided on the membership forms will be kept safe and secure for the duration of the annual membership period, after which the information will be destroyed, should the membership not be renewed. Alternatively, at the time of resignation, all data regarding the member that is held by the group will be deleted from the group’s records.

### **2.4: Who do we share the information with?**

The information provided by members is not transferred to any other member of the group, visitor to the site, or to any third party (except to medical professionals in the event of an accident on-site). Only members of the Committee have access to members’ personal information.

Any important medical information regarding a member, that is brought to the attention of a Committee member, shall be handled with discretion. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency involving the individual on-site.

## **2.5: Financial information**

As a consequence of the membership fee, which is made payable to the AiM bank account, some financial information for members may be indirectly received by the group, in the form of payments visible on our bank statements etc. This information is confidential to the Treasurer and Chairperson (who are joint signatories on the account) and is destroyed when no longer required. Concerns of financial information will not be applicable to the majority of AiM's members, as most transactions of membership fees are cash-based.

## **2.6: Medical information**

Any important medical information regarding a member, that is declared within the Medical/Allergy Information Declaration box on the membership form, shall be handled with discretion. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency. This information shall not be passed on to any third party, except to medical professionals in the event of an accident on-site.

## **2.7: Withdrawing, amending, and updating personal information**

It is the responsibility of the individual to ensure that the information held on them is up-to-date, and to inform the group of any changes to the information provided on the membership form. Any changes to personal information, or requests to revoke personal information, should be addressed to either the Secretary or Membership Secretary of AiM, who will act as the Data Protection managers for the group. Requests to revoke the information that the group holds on an individual will be addressed within one month of the request and is free of charge.

## **2.8: Requesting personal information**

An individual can request the information that the group holds on them at any point. This information must be provided to the individual within one month of the request being made and is free of charge. Any requests for information held on a member should be addressed to either the Secretary or Membership Secretary of AiM, who will act as the Data Protection managers for the group.

## **2.9: Photographs**

Photographs will be taken during excavations for advertisement purposes, and to record the progress of excavations. If an individual does not consent for these pictures to be used on the AiM website, Facebook page, and/or any advertising leaflets/posters, the individual should tick the relevant box on the membership form, an example of which is shown below:

*"The individual should be made aware that photographs will be taken during excavations for advertisement purposes, and to record the progress of excavations. If you **DO NOT CONSENT** for these pictures to be used on the AiM website, Facebook page, and/or any advertising leaflets/posters, please tick this box:* "

This information shall only be passed on to the Secretary and Membership Secretary, who will ensure that the individual is not shown in any pictures distributed in any form, as these members of the Committee are responsible for the creation of online and physical advertisements, and online pages.

### **3. Archaeology in Mind's (AiM's) General Data Protection Regulation Guidelines: Visitors**

The following section provides detailed information regarding what information AiM requires from any visitors to site; where this information is kept; for how long; and what an individual's rights are concerning their own personal information.

This information is only applicable to visitors or volunteers participating in any on-site activities. Members should consult Section 2 of this document for details concerning their personal information.

#### **3.1: Information on Visitors**

The following section provides information about the personal information that Archaeology in Mind (AiM) requests and retains regarding any visitors or volunteers on-site, and the relevant security and organisational protocols applicable to this information.

#### **3.2: What information do we ask for, and why?**

To participate in any excavation or activity on-site, an individual must first complete a visitor form, which requires the applicant to provide some personal information, which must be accurate and up-to-date. This section will detail the information AiM asks for, and why it has been deemed necessary and relevant.

AiM has deliberately asked for minimal personal information, as it is not required. The information deemed necessary is as follows:

##### *Full name:*

The full name of the individual is required for several purposes. The first of these is for administration and organisational purposes on-site. Secondly, the full name of the individual also forms part of the important emergency information the group requires, in the event of accident on-site.

##### *Date of Birth:*

The date of birth of the individual is both a method of identification if necessary, and a personal detail which is important in the event of an accident on site, and therefore forms part of the emergency information the group requires.

##### *Emergency contact details:*

The emergency contact details of an individual (normally consisting of an emergency contact's name and phone number) are required in the event of an accident on site.

##### *Clauses agreed to by signing the Visitor Form:*

As part of the visitor form the individual is also made aware that by signing the form, they are agreeing and consenting to a number of clauses, which are detailed and discussed below:

*"I have read and understood the relevant Risk Assessment outlining Health and Safety procedures and guidelines on-site, and that I am responsible for my own behaviour on-site."* Each individual is responsible for their own behaviour on-site, and if they do not comply with the Health and Safety guidelines on-site (as specified within the relevant Risk Assessment or by a member of the group implementing a Dynamic Risk Assessment), by putting themselves, or others, in danger, AiM

reserves the right to ask them to leave. By signing the bottom of the visitor form, the individual is agreeing that they are aware of this and agree to comply to on-site Health and Safety guidelines.

*“Any important allergy or medical information should be declared in the box below. AiM does not take any responsibility for incidents involving non-disclosed emergency information. All personal information will be kept in strict confidence, in accordance with the group’s General Data Protection Regulations (a copy of which is available on-site at all times). By signing at the bottom of the form you are agreeing that you have declared any important medical or allergy information.”* Any important medical or allergy information should be declared on the visitor form and will only be used in the event of an accident on-site. Any important medical information regarding a visitor or volunteer on-site, that is declared within the Medical/Allergy Information Declaration box on the visitor form, is kept in strict confidence and shall be handled with discretion at all times. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency. This information shall not be passed on to any third party, except to medical professionals in the event of an accident on-site.

*“To volunteer on-site it is preferable that your anti-tetanus inoculations are up-to-date. If you do not have up-to-date inoculations, you are accepting any responsibility in the event of an accident on-site by signing below.”* Ideally, visitors or volunteers on-site should have up-to-date tetanus inoculations, however AiM recognises that this may not be possible for some visitors due to allergies or time constraints etc. If a visitor does not have up-to-date tetanus inoculations, by signing the bottom of the visitor form they are accepting all responsibility in the event of any accident on-site.

### **3.3: Where do we get this personal information from, and where is it stored?**

AiM only gather information regarding visitors from the completed and signed visitor forms submitted to the group or via immediate personal correspondence with an individual where emergency medical information is necessary. It is the responsibility of the individual to ensure that the information held on them is up-to-date and accurate. When the completed form is given to the Membership Secretary or Secretary, the physical copy of the form is kept in a folder on-site.

Emergency contact details for visitors will be kept on-site with the group Secretary or Membership Secretary, in order to comply with on-site health and safety procedures, should an accident occur on-site, so that the relevant individuals elected as emergency contacts can be notified.

The information provided on the visitor forms will be kept safe and secure for the duration of the excavation, after which the information will be destroyed.

### **3.4: Who do we share the information with?**

The information provided by visitors is not transferred to any other member of the group, visitor to the site, or to any third party (except to medical professionals in the event of an accident on-site). Only members of the Committee have access to visitors’ personal information.

Any important medical information regarding a visitor, that is brought to the attention of a Committee member, shall be handled with discretion. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency involving the individual on-site.

### **3.5: Medical information**

Any important medical information regarding a visitor or volunteer on-site, that is brought to the attention of a Committee member, shall be handled with discretion. Dissemination of this information to any other representative of AiM will only be done so in the event of an emergency.



This information shall not be passed on to any third party, except to medical professionals in the event of an accident on-site.

### **3.6: Withdrawing, amending, and updating personal information**

It is the responsibility of the individual to ensure that the information held on them is up-to-date, and to inform the group of any changes to the information provided on the visitor form. Any changes to personal information, or requests to revoke personal information, should be addressed to either the Secretary or Membership Secretary of AiM, who will act as the Data Protection managers for the group. Requests to revoke the information that the group holds on an individual will be addressed within one month of the request and are free of charge.

### **3.7: Requesting personal information**

An individual can request the information that the group holds on them at any point. This information must be provided to the individual within one month of the request being made, and is free of charge. Any requests for information held on a member should be addressed to either the Secretary or Membership Secretary of AiM, who will act as the Data Protection managers for the group.

### **3.8: Photographs**

Photographs will be taken during excavations for advertisement purposes, and to record the progress of excavations. If an individual does not consent for these pictures to be used on the AiM website, Facebook page, and/or any advertising leaflets/posters, the individual should tick the relevant box on the membership form, an example of which is shown below:

*“The individual should be made aware that photographs will be taken during excavations for advertisement purposes, and to record the progress of excavations. If you **DO NOT CONSENT** for these pictures to be used on the AiM website, Facebook page, and/or any advertising leaflets/posters, please tick this box: ”*

This information shall only be passed on to the Secretary and Membership Secretary, who will ensure that the individual is not shown in any pictures distributed in any form, as these members of the Committee are responsible for the creation of online and physical advertisements and online pages.

## **4. Privacy Policy of the AiM website (Via the host Jimdo.com)**

For advertising and promotional purposes AiM has created a website for the organisation. The AiM website is hosted by Jimdo.com, who use cookies on their website. Upon visiting the AiM website (<https://archaeologyinmind.jimdo.com>), the user will be notified with the following message:

*“This website uses cookies. Cookies improve the user experience and help make this website better. By continuing to use the site, you agree to our cookie policy.”*

The Jimdo Privacy Policy reads as follows:

*“reCAPTCHA*

*We use the reCAPTCHA service provided by Google Inc. (Google) to protect your submissions via internet submission forms on this site. This plugin checks if you are a person in order to prevent certain website functions from being (ab)used by spam bots (particularly comments). This plugin*

*query includes the sending of the IP address and possibly other data required by Google for the Google reCAPTCHA service. For this purpose your input will be communicated to and used by Google. However, your IP address is previously truncated by Google within member states of the European Union or in other states which are party to the agreement on the European Economic Area and is, as such, anonymized. Only in exceptional cases is a full IP address transmitted to a Google server in the United States and truncated there. On behalf of the operator of this website, Google will use this information to evaluate your use of this service. The IP address provided by reCaptcha from your browser shall not be merged with any other data from Google.*

*This data collection is subject to the data protection regulations of Google (Google Inc.). For more information about Google's privacy policy, please*

*visit: <https://www.google.com/intl/en/policies/privacy/>*

*By using the reCAPTCHA service, you consent to the processing of data about you by Google in the manner and for the purposes set out above.”*

AiM do not have access to any of the cookies that result from the use of the website. The group do not post any personal information about any of the members or site visitors to the website. Any photographs uploaded to the website only contain individuals that have consented to their photograph being taken and used. Should an individual object to a photograph, or want it removed, they should ask the Secretary, or Membership Secretary (who are in charge of the online website content), who will remove the photograph as soon as possible.

## **5. Privacy Policy of the AiM Facebook page**

For advertising and promotional purposes AiM has created a Facebook page for the organisation.

This page is hosted by Facebook, who use cookies on their website. Upon visiting the AiM Facebook page (<https://en-gb.facebook.com/ArchaeologyinMind/>), the user will be notified with the following message:

*“To help personalise content, tailor and measure ads and provide a safer experience, we use cookies. By clicking on or navigating the site, you agree to allow to us to collect information on and off Facebook through cookies. Learn more, including about available controls...”*

By following the available link (<https://www.facebook.com/policies/cookies/>) more information about how Facebook uses cookies can be obtained.

AiM do not have access to any of the cookies that result from the use of the Facebook page. The group do not post any personal information about any of the members or site visitors to the Facebook page. Any photographs uploaded to the Facebook page only contain individuals that have consented to their photograph being taken and used. Should an individual object to a photograph, or want it removed, they should ask the Secretary, or Membership Secretary (who are in charge of the online Facebook page content), who will remove the photograph as soon as possible.