

# GDPR AND THE LAA



By Steve Slater

A bit of a different *CEO Chat* this month, as instead of an update on my charging around some great Strut events, or even my comments on our lobbying against airfield closures or airspace constraints, I've focused in on something closer to home, namely how LAA HQ stores all our personal information and the implications of the new *General Data Protection Regulations (GDPR)*. I know it sound a bit dull, compared with some of the more exciting stuff – after all we'd all likely be far happier flying or fixing our aeroplanes – but do bear with me, this new legislation affects every one of us....

## SO WHAT IS GDPR?

From the end of May, the Light Aircraft Association (LAA), as an organisation which holds personal data in the form of membership and aircraft ownership information, is required to comply with new legislation, in the form of the *EU General Data Protection Regulations*. These are designed to ensure more robust security and increased transparency in the use of personal data.

The LAA's existing systems and databases were designed to be fully compliant with the old *Data Protection Act 1998*, therefore, most of our approach to compliance remains valid under the *GDPR*. However, the *GDPR* places new specific legal obligations on the LAA. For example, we're now required to maintain records of all personal data processing activities. We have a legal liability if we're responsible for a breach of confidential member data and our members have a right to request sight of the data we hold on them, how it's used and, if necessary, ask it's removed from our database.

## OUR OVERALL POLICY

The LAA holds personal data from members and data linked to aircraft built or operated by members. We only hold data when there's a justifiable need to do so and will remove data if it's no longer required.

The LAA has robust security systems to protect data and information, and will promptly inform anyone affected should any breach occur. Finally, and most importantly, the

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LAA will not circulate any personal information to any third parties without prior consent.

## THE DATA WE HOLD

We currently hold data which is pertinent to the *GDPR* in six main areas:

### 1 Member Data

Obviously, we need to hold details such as your name, address, contact number and email addresses, in order to maintain contact and ensure that you receive member services, including this magazine. We also hold data on your age, and the type and duration of your membership.

If you've elected to pay your subscription via *Standing Order*, we also hold your bank details. We don't normally hold 'paper' files these days – all records are held on a secure 'remote' membership database, one which can only be accessed by authorised staff with a password. If you own an aircraft then your membership data, name, address, etc, is linked to information on your machine held on the LAA Engineering database.

If you don't renew your membership, we'll hold your details for five years, in case you wish to rejoin and retain your old number. We also hold details of any correspondence sent and received. All credit card details are destroyed immediately upon completion of any transaction.

### 2 Engineering Data

We hold details for every aircraft in the LAA fleet, both by type and by registration, in the latter case linked from the aircraft ownership database to the member database. This includes lists of *Permit* renewal dates and information, airworthiness status, repairs, modification and repair applications, correspondence sent and received.

This information is held both electronically and as hard copy in a locked, secure archive. There's a legal requirement for us to hold aircraft files for CAA and AAIB scrutiny. The Engineering Administrators also process bank details for fees and transactions.

### 3 Transactional Data

Details of any payments you make to the LAA are held electronically and, in some cases, as hard copy. This includes records of membership fees paid, *Permit* renewal payments, training courses fees and merchandise sales.

Records of sales transactions are held for one year, in case we have to answer queries or offer refunds. All credit card details are immediately removed following any transaction.

### 4 Inspector Records

Information is held by the Chief Inspector on LAA Inspectors: name, address, age, qualifications, contact numbers and email addresses, inspection approval categories, reports on reviews and competency assessments. Again, there's a requirement to hold these linked to aircraft files for CAA and AAIB scrutiny.

### 5 NPPL Data

We hold information processed on behalf of the CAA for the *National Private Pilot Licence* scheme. Name, address, contact numbers and emails addresses, and applicant age. As part of the licensing process, we need to share details of payments with the CAA.

### 6 Employee Information

Of course, we also hold details and working records for our members of staff, contractors and some volunteers. This is accessible only to senior personnel and the LAA *Staff*

*Handbook* sets out the terms of access to staff members' own records.

Please also note that every LAA staff and Board member holds personal information which comes under the jurisdiction of the *GDPR*, in the form of emails. Staff and Board members are been reminded in *Codes of Conduct* that all correspondence and address details held remain confidential, and all emails issued should contain a standard confidentiality notice.

In addition to information held at LAA HQ, LAA Member Clubs and Struts will also hold information, such as member data, which will require *GDPR* compliance. The LAA is briefing these organisations accordingly.

#### PRIVACY

All members, by completing their application, have effectively agreed to the use of their name and address, exclusively by the LAA, to ensure they receive benefits including *Light Aviation* magazine.

We fulfill the terms of the *GDPR* in having a lawful basis for processing this data, which is held on our database for the duration of their membership. In the case of lapsed membership, the data is held for a further five years to allow lapsed members to more easily rejoin. Deceased members' records are removed after two months.

Engineering data held on members will be held longer, as we have a requirement to hold records linked to aircraft to meet the

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needs of organisations such as the CAA and the AAIB.

You'll see new privacy notices on any form requiring member input. These will confirm that “*personal data submitted may be stored electronically but will only be used in relation to the application, or to support the safety of any aircraft to which it relates. Statutory obligations excepting, personal data will not be passed on to third parties without your permission.*”

#### INDIVIDUAL'S RIGHTS

The *GDPR* includes the following rights for individuals: The right to be informed; the right of access; the right to rectification; the right to erasure; the right to restrict processing; the right to data portability; the right to object; and the right not to be subject to automated decision-making, including profiling.

We do not operate any data-profiling processes. Upon request, we'll provide a

member with the data that we hold on them – if requested, in electronic format. Individuals will have the right to have their personnel data deleted where they believe it's being held without a practical or lawful basis. The CEO will make any final decisions about deletion or release of information.

We also acknowledge that individuals have a right to seek access to information held on LAA databases. We will comply with any such request within the new, statutory one-month period. However, we can refuse or charge for requests that are manifestly unfounded or excessive.

#### CHILDREN

There is a requirement to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity. This may be pertinent if Struts or LAA YES are holding information on individuals under the age of sixteen.

A briefing on this will be included in a Safeguarding briefing that's being forwarded to LAA Struts and YES.

#### BREACHES OF DATA

LAA systems, using remote off-site servers separated from direct member access, already fulfill the *GDPR*'s recommended 'privacy by design' approach. Should we become aware of any personal data breach, we will notify any member as rapidly as it's feasibly possible. ■

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