



GDPR Guidance for Digitisation

This GDPR guidance has been created to help you prepare for when digitisation is enabled in your area. The Bikeability Trust has worked with data protection specialists Hope & May to ensure that the guidance and resources we are providing you meet data protection legislation requirements.

During the digitisation process, each party acts as a data controller in accordance with the UK GDPR definition Art. 4(7) except where The Bikeability Trust may act as a data processor where other parties may access the electronic systems provided for by the Trust via the instructor app or Link database.

To prepare for digitisation, you must

1. Complete and upload a controller to processor data sharing agreement template to Link.

As a data controller, it is **your responsibility** to have a data sharing agreement in place with The Bikeability Trust in their role of **data processor**. This approach reduces the risk for each party and ensures the responsibility for processing activities lies with each respective party.

To support you, we have created a controller to processor data sharing agreement template, which you may [download and use](#). You can also use your own agreement if you prefer.

Please upload your completed agreement to Link, [using these instructions](#), prior to being onboarded.

You may also find the following helpful:

1. Watch our GDPR video

Data protection specialists Hope & May have created a fifteen minute video to explain the basic principles of GDPR and how it applies to digitisation.

This video includes a summary of data protection laws in the UK, an explanation of data controller and data processors, as well as guidance on consent, retention of data and safeguarding.

Watch the video here: [YouTube video](#).

2. Read our GDPR FAQs

We have put together a comprehensive list of GDPR related questions and answers which we hope you will find helpful.



We recommend that you take time to read these as they explain data protection and security in more detail. The [Information Commissioner's Office](#) is a useful resource for any questions about GDPR.

Read the FAQs here: [GDPR FAQs](#).

3. Review your organisation's privacy notice and data protection impact assessment

It is a legal requirement that any organisation that processes personal data must have a [privacy notice](#) and complete a [data protection impact assessment](#) (DPIA). It is your responsibility to review your privacy notice and DPIA, and ensure that they are up to date.

For reference, The Bikeability Trust's privacy notice can be found [on our website](#). This has been updated to include usage of the instructor app.

Our DPIA can be shared upon request. Please email contactus@bikeability.org.uk.

4. Create controller to controller data sharing agreements with schools

It is your responsibility to have controller to controller data sharing agreements with the schools you work in. To support you, we have created a [controller to controller data sharing agreement template](#), which you may download and use. You can also use your own agreement if you prefer. This does not need to be uploaded to Link, as this is for your records only.

The Roles of Data Controller and Data Processor

The law specifically defines different parties and the role they play when personal data is gathered and processed for any given purpose. Broadly, there are two roles and a party (any organisation including a sole trader or partnership) must understand which it is before any personal data is processed.

With reference to the Digitisation Data Sharing Role diagram (below), you will note that Bikeability Trust acts as both a processor and controller as defined as follows:

A **data controller** is a party that determines why data is processed, what data may be gathered, the purpose for the processing activity, how long it may be retained and who it may be shared with. A controller of data must be registered with the [Information Commissioner's Office \(ICO\)](#), have a policy and be responsible for all personal data it may use to achieve any given purpose it has identified.

A **data processor** is a party that processes data but only because it has been instructed to do so by another organisation acting as a data controller. It may only process the data in accordance with the instructions it has received. Typically, these instructions will be in an agreement. It does not need a data protection policy to guide it as the instruction provides the



guidance. It may also be a data controller but for a different purpose. For example, The Trust is a data controller for most of its activities, but for the purposes of providing access to the app, it is a data processor providing services to the training providers and instructors which include secure access to the personal data of children.

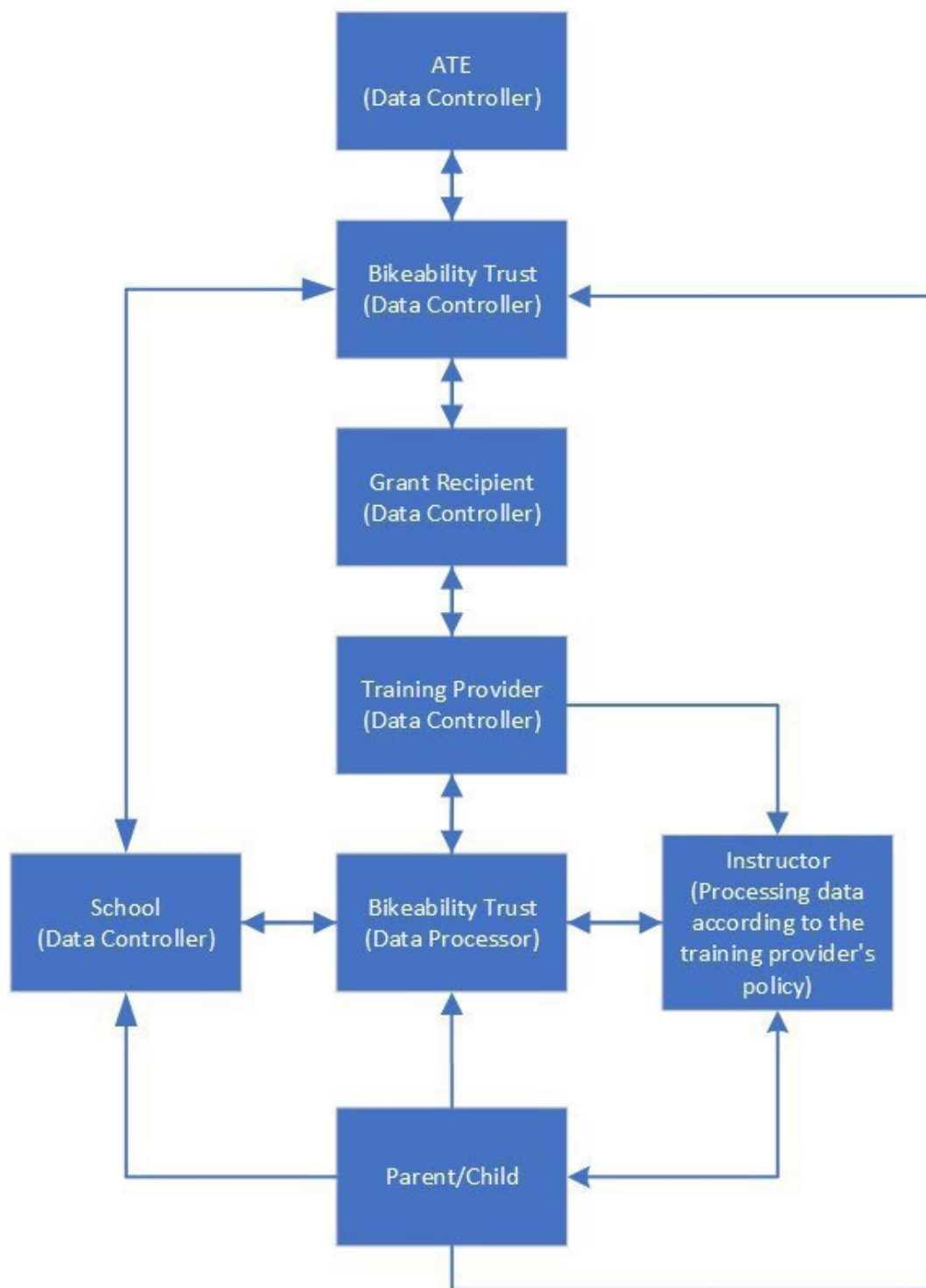
We have identified different roles where we make determinations or decisions about the data and where we don't. For example, where we store the data you upload to the App, we are not making any decisions, merely providing safe storage for you, and ensuring you can access the data you upload when required. In this way, we are a processor acting on your behalf as the data controller. However, where we may use the data to make determinations such as the effectiveness of the scheme, or for analytical or reporting purposes, we are the controller of the data. **A training provider will be a data controller.** For illustrative purposes only, an instructor who is a third party to a provider, is likely to be a data processor to the provider who will be the data controller. However, this can vary so if you are in doubt, you should take legal advice.

Where each party is a data controller they may process the data in accordance with their policy, the parties may also share such data with other controllers where it has established a clear purpose as defined in the diagram.

Each party must establish a lawful basis for processing the data. Such bases may be different depending upon the purpose that has been identified. There must also be a lawful basis to share the data with another party to the agreement.

A controller to processor agreement between the training provider and the Trust, should be in force. Where the Trust acts as a processor the UK GDPR Article 28 processor clauses should be included in the contractual agreement. A controller-to-controller data sharing agreement should also be in force between the training provider and school.

Digitisation Data Sharing Role Diagram





Flow Diagram Roles and Explanations

Data Processors

The Bikeability Trust

For the purposes of providing the Instructor App. The Bikeability Trust's responsibilities include securely storing the data uploaded and ensuring access to the data for all authorised parties. They do not determine what data is uploaded. In this case, they are the data processor who is working on behalf of the controller who use the Instructor App.

Instructors

Instructors are responsible for delivering Bikeability training and follow the instructions of the training provider, for example, the date training will be delivered. This makes the instructor a data processor. The associated training provider is responsible for making sure the instructor has appropriate instructions.

Data Controllers

Active Travel England

Active Travel England processes personal data to determine the outcome of the project. Information may be anonymised, this information is not applicable to the law.

The Bikeability Trust

The Bikeability Trust measures the progress of the project and determines the best way to achieve various objectives connected to the project.

Grant recipients

The grant recipient decides how to deliver the training and who will deliver it.

Training providers

The training provider decides how best to meet its obligations when delivering Bikeability training. Making these decisions make the training provider a data controller.

Schools

For the purpose of ensuring children and their parents/carers can access the course information. They may determine who attends the course and when.

Parents/Carers and Child Riders

The parent/carer and child rider are not subject to data protection law. They are neither a data controller or data processor. Any personal data they handle or share is referred to as "domestic" use. However, they do have UK GDPR information rights that all parties must uphold.