Keeping up to data

TO THE multiple skillset that the successful freelance journalist must already rely on we must add another: being a better “data controller”.

A new Regulation from the EU will sharpen the teeth of our liability for the data we hold on other individuals. We are responsible for safeguarding that data and using it responsibly.

The General Data Protection Regulation (GDPR) comes into force on 25 May. It could have a significant effect on freelance workloads and the NUJ is preparing detailed advice for members. In a step towards producing it, London Freelance Branch in February held a discussion led by Freelance editor Mike Holderness.

He explained that everybody holding personal information must keep it “under lock and key, with good password protection”, on all devices and backups, and up-to-date. As Mike said: “This is about data, not computers. Records on paper must be physically under lock and key.”

Individuals seeking to find out what is held on them can already make “subject access requests” to see it, and to know what use we are going to make of it. But they don’t necessarily have to be told.

The good news is that journalism is exempt from this requirement, provided we reasonably believe it to be in the public interest – which might not cover everything that journalists do. Mike warned that “a record of a star leaving a nightclub the worse for wear at 3am” may not qualify for the exemption.

If you do supply information, you must “redact” it to protect other people if the documentation contains information on them.

We are likewise free of the duty to periodically delete all data no longer in use; it is recognised that journalists may well need to go back to old contacts from years ago if a subject comes up. It is though, Mike said, a good idea to be able to show that you keep your data up-to-date.

If freelances run mailing lists for their work, they must secure the explicit permission of everybody to be on those lists.

As data controllers, we are also, as sole operators, the “data protection officers” responsible for implementing the requirements that do apply, such as preserving and checking the data, and notifying the authorities if things go wrong.

If there is a “breach” of your data – if your phone or laptop is stolen or seized by immigration offices, for instance – you must inform the Information Commissioners’ Office (ICO). Mike conceded he did not.

A few clues for EU nationals post-Brexit

THERE’S more clarity on what will happen to our EU national colleagues living in the UK after Brexit – and to our many members who are UK nationals working in the EU – after the end of the transitional arrangements that will follow Brexit.

There’s detail in December’s Joint Report from the Negotiators of the European Union and the United Kingdom Government and there’s much more, with links, at www.londonfreelance.org/fl/1801brex.html – and there have since been “clarifications” by UK ministers.

EU nationals “legally resident” in the UK by the “specified date” of 29 March 2019, and UK nationals living in other EU countries on that date, will, ministers currently say, automatically meet the criteria for permanent residence in those countries.

While it’s not stated in the document, EU nationals need to have been “legally resident” in the UK since 29 March 2014. They will have two years from 29 March 2019 to complete their application for a “residency document” and permanent residence, which they keep as long as they don’t leave the country for more than five years. Family members (broadly defined) can join them.

Applications procedures for EU nationals registering for permanent residence will include “short, simple, user-friendly” online application forms, will cost no more than £75 and will, it is claimed, take two weeks.

Citizens of other EU member states will have the same rights to benefits and healthcare and pensions entitlement that they enjoy now. Current EU Directives guaranteeing equal treatment of the “self-employed” and “economically inactive” will still apply.

A subsequent open letter from Prime Minister Theresa May to “our” EU citizens assured them: “I want you to stay,” adding that “right now, you do not have to do anything at all.” We’re waiting to see whether lawyers would agree.

There’s a promise that “domestic legislation will be enacted” to give EU citizens in the UK and UK citizens in the EU the same rights they have now. But the UK Parliament can later repeal the promised legislation, with “national laws” replacing EU directives in the UK from 2027.