



# **Consultation on Revisions to MRS Fair Data Principles**

**October 2018**



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### **1. About Fair Data**

Fair Data is an accreditation launched by MRS in January 2013 to show which companies handle their customers' personal data fairly. A Fair Data company must meet the [10 Fair Data principles](#).

It is a recognisable consumer facing trust mark that enables consumers to make educated choices about their personal data. When consumers interact with a Fair Data organisation, they have confidence that their information is safe.

The principles encompass statutory data protection principles plus additional requirements which provide a more transparent and ethical personal data framework. The Fair Data principles provide for additional compliance requirements relating to areas such as staff training, the procurement process and the supply chain. These are practical requirements which can help to ensure a robust organisational approach to data protection

### **2. About the Consultation**

MRS is consulting on revised principles for the Fair Data Trust mark. Revisions have been made to the existing principles to reflect the pace of reform and changes in data protection frameworks. The changes also seek to ensure that the principles are able to keep pace with the speed and progress of technological development and data use.

Additionally, in order to support compliance with the principles we have now incorporated a measurement checklist. This checklist provides clearer and more detailed information on the documentation that will be required for audit and/or review of the application.

The proposals are set out in more detail in the following documents

- Revised Fair Data Principles September 2018
- Revised Fair Data Principles - Explanatory Note and examples of supporting evidence
- Fair Data Glossary

*All of the documents are available online [here](#).*



### 3. Key changes

The proposed revisions cover changes to the content of the principles and the process for audits and accreditation of organisations as discussed below.

#### 3.1 Changes to the Fair Data Principles

The Fair Data principles have been revised to reflect national and international developments in best practice in ethics and privacy including the revised data protection framework under the EU General Data Protection Regulation 2016 (GDPR).

The principles have been expanded from 10 principles to 12 principles to:

- include new Fair Data principles that address the need for organisations to include privacy by design and default
- incorporate the importance of strengthened accountability and documentation requirements
- reflect strengthened data subject rights such as the right of an individual to port their personal data
- broaden the categories of persons covered by moving from a focus on customers to a focus on individuals

The discussion below explains the new key concepts that are addressed in the revised principles.

##### *Data protection by design and default*

Data protection by design and default means that all data collection exercises must be proactively designed and conceptualised in the most privacy enhancing way. This needs to be done by embedding privacy in organisational practices, policies and procedures and can include:

- Limiting access to personal data – Ensure that only those who need access to data are granted access privileges.
- Minimising data collection – Limit data collection to the data required for the research project/exercise.
- Retaining personal data for reasonable but generally short periods – establish appropriate retention period(s), advise clients as to what the retention period is and periodically review and revise limits.

Alongside these organisational processes, technical safeguards and design systems of any IT architecture need to embed privacy. This must include data protection impact assessments (DPIA's) for applicable projects. DPIAs have a vital role to play in a privacy compliance programme as they allow identification of potential privacy issues at an earlier and less costly stage. They also reduce the risks and increase of awareness of privacy and data protection with staff members throughout organisations.



### *Accountability*

Accountability requires that data controllers and data processors are responsible for, and are able to demonstrate compliance with the data protection principles. It requires research organisations to put in place appropriate technical and organisational measures and to be able to demonstrate what they did and its effectiveness.

Accountability measures include:

- Use of data protection impact assessments for high risk processing
- Appropriate documentation including internal records of processing activities
- Mandatory data breach notification regime
- Appointment of data protection officer
- Data mapping, the process of identifying, understanding and mapping out the data flows of an organisation is a valuable process to support privacy compliance and underpin accountability.

### *Data subject rights*

Strengthened data subject rights include a new right to data portability. This is the right to request that personal data be provided in usable, transferable format to allow data to move between platforms or suppliers. It applies to data collected by consent or contract

*The revised principles have been mapped to the GDPR data protection principles in the Revised MRS Fair Data Principles document which is available online [here](#).*

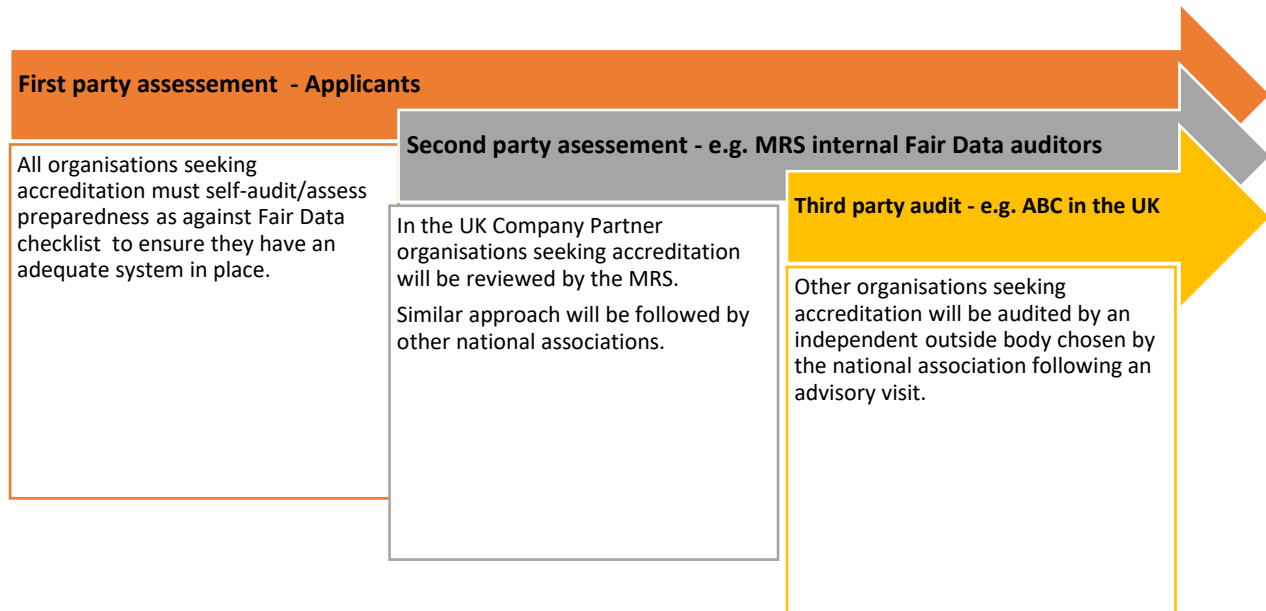
## **3.2 Audit and Accreditation Process**

The audit and accreditation process, includes both first party assessment (undertaken by the applicant) and second party assessment or third party audit (undertaken by persons independent of the applicant) to review and assess compliance with the principles. This approach is illustrated in Table 1 overleaf.

In the UK all applicants for the Fair Data scheme receive advice from MRS regarding the Fair Data requirements. MRS Company Partners, as organisations that have already signed up corporately to the MRS Code of Conduct and are therefore committed to the Fair Data principles, can automatically become accredited as a Fair Data organisation.

For all other organisations an initial advisory visit by MRS is required. Only if an advisory visit has a satisfactory outcome, can organisations undertake first party assessment to the Fair Data principles. Within the first year such organisations must also undertake an independent third party audit to verify adherence to the principles. The audit must be undertaken by MRS's approved audit and assessment body. Only those organisations that pass the audit may continue to use the Fair Data mark.

Table 1: Fair Data Assessments and Audits



This accreditation system remains largely unchanged however additional guidance is provided in the measurement checklist to assist organisations in meeting all the audit requirements. However in light of the role of second and third party audits it is important to recognise that there remains an obligation on the organisation to ensure that the policies are adhered to and kept under continuous review to ensure that they are fit for purpose and in line with legal and ethical requirements. Fair Data accreditation assists in ensuring compliance, but does not certify that an organisation is fully compliant with the data protection framework.

### 3.3 Fair Data Checklist

A new Fair Data Checklist will be developed that reflects the revised principles and provides more detailed information on the evidence and documentation required for assessment with the new framework.

### 3.4 Transitional Arrangements

The new Fair Data principles will be published by 1 April 2019.

It is expected that the new principles will then come into effect after a twelve month transition period. During the transition period certified organisations will need to adopt their processes to the new requirements to ensure that they adhere to the revised principles. New organisations seeking accreditation will be assessed against the revised Fair Data Principles from the date that the principles are approved and published.



#### **4. Consultation process**

We are seeking views on the revised Fair Data principles from partner associations, accredited Fair Data organisations and other interested organisations. We also welcome views from other interested stakeholders.

This consultation will run until 30 November 2018. Responses should be submitted by post or email by no later than 5 pm (UK time) on Friday 30 November 2018 and should be sent to:

MRS Fair Data Consultation  
The Old Trading House  
15<sup>th</sup> Northburgh Street  
London  
EC1V 0JR

Or email: [fairdata@mrs.org.uk](mailto:fairdata@mrs.org.uk)

We are happy to receive comments on all or only part of the proposals. Please provide reasons and any supporting information or evidence. We will incorporate feedback during the consultation period following which we will plan to publish a final version of the Fair Data principles by end of January 2019. This will be published on the Fair Data website and communicated to all those who responded or expressed an interest in the consultation.

#### ***Data Protection Statement***

*Any personal data you provide to us in responding to this consultation will be processed by the MRS, as controller, in line with data protection legislation. This legislation is the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. Our privacy policy is available here: [https://www.mrs.org.uk/privacy\\_policy](https://www.mrs.org.uk/privacy_policy)*