



## **Llandegfedd Sailing Club Data Protection Operational Procedure**

Llandegfedd Sailing Club (LLSC) is committed to maintaining good club governance and makes best efforts to comply with applicable regulations and obligations. This policy sets out its intent to comply with the Global Data Protection Regulations (GDPR) which will be effective and enforceable from May 2018.

This document aims to set out some guidance on best practice and operational guidelines to ensure that the club remains compliant with the GDPR.

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# 1. THE DATA PROTECTION ACT 1998, GLOBAL DATA PROTECTION REGULATIONS 2018

The data LLSC holds includes: members' names, addresses and contact details, next of kin details, governing body qualifications, event participant details and volunteer details and could include medical data, financial information including perhaps bank account details.

The Data Protection Act 1998 (DPA) places certain obligations on sports clubs who process individual's personal data. It regulates how personal information should be used and protects people from misuse of their personal details. Since we hold and use such information we need to know what our obligations are.

As a club we need to understand how the DPA and GDPR affects us. It is the law and non-compliance can lead to complaints being made to the Information Commissioners Office (ICO). If data is misused there could be a fine levied against the club.

The eight principles of the Data Protection Act state that data must be:

1. Processed fairly and lawfully
2. Processed for specified, lawful and compatible purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept longer than necessary
6. Processed in accordance with the rights of the individual
7. Processed with appropriate security
8. Not transferred abroad without an adequate level of protection

This document aims to help understand these principles so that we can work to them and avoid falling foul of the Act.

## 2. GENERAL DATA PROTECTION REGULATION (GDPR)

On the 25 May 2018 the General Data Protection Regulation (GDPR) will come in to force and replace the DPA. Some of the requirements within the DPA will remain, but there will be some changes.

Up to May 2018 clubs still have a legal requirement to meet the obligations with the DPA. Further guidance on the GDPR will be made available over coming months.

## 3. WHY THE ACT IS IMPORTANT

- It is the law
- It is designed to protect information about ourselves
- Non-compliance can lead to complaints being made to the Information Commissioners Office – more information can be found at [www.ico.gov.uk](http://www.ico.gov.uk)

## 4. WHAT ARE THE EIGHT PRINCIPLES OF THE ACT?

**Personal data will be;**

**1. Processed fairly and lawfully**

Have a legitimate reason for collecting and using the data and tell the individual what you will be doing with their data.

**2. Processed for specified, lawful and compatible purposes**

Open about the reasons for obtaining personal data.

**3. Adequate, relevant and not excessive**

Hold sufficient personal data about an individual to do the job and not hold more information than is needed.

**4. Accurate and up to date**

Take reasonable steps to ensure the information is accurate and up to date.

**5. Not kept for longer than necessary**

Consider the purpose for why you hold the information and regularly review how long you keep the data.

**6. Processed in accordance with the rights of the individual**

The DPA gives certain rights to individuals. The main ones to note are – any individual has the right to view certain information that is held about them, the right to prevent the processing of their personal information and the right to say no to marketing information.

**7. Processed with appropriate security**

Be aware of how personal data and sensitive personal data is protected - lock filing cabinets, change passwords regularly on computers, password protect documents.

**8. Not transferred outside the European Economic Area without adequate protection**

Do not transfer outside of the EEA unless that country has adequate protection for personal and sensitive personal data.

More information about the eight principles can be found in Appendix C

## 5. TERMINOLOGY

Personal Data - Data which relate to a living individual who can be identified from the data. It includes information about living people, facts and opinions. It can be held electronically or on paper.

Sensitive Personal Data – Information containing facts or opinions about a living individual and relating to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs
- Trade Union Membership
- Health
- Sex life
- Criminal proceedings or convictions

Processing - Includes the actions of obtaining, recording, retrieval, consultation, holding, disclosing and using data

Data Subject - The living individual who the *Personal Data* relates to

Data Controller - A person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any *Personal Data* are, or are to be, processed

Data Processor - In relation to *Personal Data*, means any person (other than an employee of the *Data Controller*) who processes the data on behalf of the *Data Controller*.

## 6. WHAT DO WE NEED TO DO TO COMPLY?

- Adopt a data protection statement for the club – See Appendix A

*Statement to be available for download from LLSC website*

**Ensure any forms that collect Personal Data (i.e. club membership form, event registration form, training forms etc.) include the data protection statement**

- Ensure all records are kept securely and up to date – i.e. locked away, password protected documents on computers

*Paper records are to be kept to a minimum*

*Personal data files held on Dropbox must be kept in a folder with restricted access*

*Any committee member with access to personal data files and holding them on their own computer must ensure data is encrypted (e.g MS Word or MS Excel with a password as a minimum) and the computer has password protection*

*Any documents containing Personal Data that are sent by email should use a form of encryption or password protection. (email is insecure.) Any password should be sent via a different transport mechanism, such as word of mouth or mobile Text Message, WhatsApp etc.*

*The appointed data protection officer to be responsible for ensuring all online registration tools and storage facilities are compliant*

*In the case of event entries then any person who has not entered an event in consecutive years should have their name removed from the list*

*Membership records are to be updated and verified annually. Any member not renewing by 31<sup>st</sup> December of that membership year should have their details removed from any records*

- Inform any associated body such as the RYA of any relevant changes to the Personal Data that is held e.g. names, addresses, contact details - this is normally done via annual renewals but should ideally be done any time Personal Data is changed

*We generally do not pass data to other bodies such as the Royal Yachting Association but if we are required to do this then we must ensure they are informed of any personal data updates*

- Ensure that only nominated club officials have access to Personal Data and understand how to comply with the Act

*Access to personal data shall be limited to nominated people. Full membership records will only be available to the membership secretary and those who have a need for data. This will include those delegated to run the OD roster, Training Principal. Subsets will be required by the Treasurer (to reconcile payments) and the Social and MARCOMS teams to communicate with our members. The webmaster may have access to membership data for the purposes for maintaining the systems and linking the appropriate sections to the Club Web Site*

*In the case of event entries such as Open Meetings, CYRCs then personal data should only be available to Event director, membership secretary and Training teams if relevant. Race officers require some details, such as name, boat number, club etc*

*Any paper entry forms or membership forms should have details uploaded into an electronic format and then paper subsequently destroyed securely*

*Where personal details are required for health and safety purposes (ie details for Training sessions) then only relevant information should be shared and held by the lead Coach or Senior Instructor*

*Where data has to be retained for any reason, such as maintaining a copy of issued Training Qualifications, the data should be minimised to the greatest reasonable extent.*

- Do not disclose – written or verbal – any Personal Data for any member to anyone other than a nominated club official

*All enquiries for personal details must be forwarded to be handled by the membership secretary and/or commodore. If a committee member requires personal details to complete their club duties they must be fully aware of this document and the club data protection policy.*

- Ensure that for any emails that are sent to more than one individual, email addresses are BCC'd (blind copied)

*All broadcast communications to the membership should be done by using an email group for example "[members@llandegfedd.org.uk](mailto:members@llandegfedd.org.uk)" or via alternative means to the same end .*

*Communication to committee members should be done via [committee@llandegfedd.org.uk](mailto:committee@llandegfedd.org.uk)*

*Emails to a group of members should be done by using the BCC feature. If there are likely to be multiple emails to that group then a new group email address can be set up quickly through a request to the club webmaster.*

*An exception has to be made for the use of "Social Media", where members are encouraged to interact. Here, they have voluntarily signed up to the Application's Terms and Conditions, for example with Facebook, Yahoo email Groups etc. In this case, as a minimum, they will have to share email addresses or usernames. Llandegfedd Sailing Club is not in this case the "data processor" for such data, even the club's name is attached to the group.*

- Consider the adoption of a Data Protection Policy

*See appendix B as a copy of the club data protection policy*

- Register with the Information Commissioners office each year, unless your club is exempt. You can check if your club is exempt at <https://ico.org.uk/for-organisations/register/self-assessment/>. If you use CCTV on your club facilities, e.g. outside your club hut, you will need to register.

*The club does not use CCTV*

*A check on the above website would indicate that the club is exempt from requiring registration*

## 7. KEY CONTACTS

For further information about Data Protection visit the Information Commissioners Office at

[www.ico.gov.uk](http://www.ico.gov.uk)

A committee member will be the appointed data protection officer and contact details will be posted on our website at [www.llandegfedd.org.uk](http://www.llandegfedd.org.uk)

In addition, any enquiries can be sent to the Commodore via email at [Commodore@llandegfedd.org.uk](mailto:Commodore@llandegfedd.org.uk)

## APPENDIX A - DATA PROTECTION STATEMENT

This statement should be used by the club on the membership form and event entry forms. It will show members and event participants what the club will do with the data that it holds about them and will allow members to consent to this use.

*Llandegfedd Sailing Club (LLSC) will use your personal data for the purposes of your involvement in club activities. I understand that by submitting this form I am consenting to receiving information about the club by post, email/MMS, online or phone. Your data will not be shared with any third party and the principles of the Data Protection Act 1998 and Global Data Protection Regulations 2018 will be adhered to.*

## APPENDIX B - LLANDEGFEDD SAILING CLUB DATA PROTECTION POLICY

Our data protection policy sets out our commitment to protecting personal data and how we implement that commitment with regards to the collection and use of personal data.

### **We are committed to:**

- Ensuring that we comply with the eight data protection principles, as listed below
- Meeting our legal obligations as laid down by the Data Protection Act 1998 and Global Data Protection Regulations 2018
- Ensuring that data is collected and used fairly and lawfully
- Processing personal data only in order to meet our operational needs or fulfil legal requirements
- Taking steps to ensure that personal data is up to date and accurate
- Establishing appropriate retention periods for personal data
- Ensuring that data subjects' rights can be appropriately exercised
- Providing adequate security measures to protect personal data
- Ensuring that a nominated club officer is responsible for data protection compliance and provides a point of contact for all data protection issues
- Ensuring that all club officers are made aware of good practice in data protection
- Providing adequate training for all staff responsible for personal data
- Ensuring that everyone handling personal data knows where to find further guidance
- Ensuring that queries about data protection, internal and external to the club, are dealt with effectively and promptly
- Regularly reviewing data protection procedures and guidelines within the club

### **Data protection principles**

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
4. Personal data shall be accurate and, where necessary, kept up to date
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998 and Global Data Protection Regulations
7. Appropriate technical and organisational measures shall be taken against unauthorised and unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

Adopted on 11 February 2018

**Signed on behalf of the Club by the Commodore** \_\_\_\_\_

**Name** A J Howard

**Date** 11 February 2018

## APPENDIX C - FULL EXPLANATION OF THE EIGHT DATA PROTECTION PRINCIPLES

### **First Principle** [Processed fairly and lawfully]

Personal Data shall be processed fairly and lawfully and in particular, shall not be processed unless

- At least one of the conditions of Schedule 2 is met, and
- In the case of sensitive Personal Data, at least one of the conditions of schedule 3 is also met.

#### **Schedule 2**

- The Data Subject has given consent
- The processing is required to meet a legal obligation
- It is required for the performance of a contract
- It is necessary to protect the vital interests of the individual; carry out public functions
- It is necessary to pursue the legitimate interests of the Data Controller or third parties.

#### **Schedule 3**

- Explicit consent of the Data Subject
- To comply with the employers legal duty
- To protect the vital interests of the Data Subject or another person
- Carried out by certain not for profit bodies
- In legal proceedings
- To exercise legal rights
- To carry out public functions
- For medical purposes
- For equal opportunities monitoring
- As specified by order.

### **Second Principle** [Processed for specified, lawful and compatible purposes]

Personal Data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with purpose or those purposes.

### **Third Principle** [Adequate, relevant and not excessive]

Personal Data shall be adequate, relevant and not excessive in relationship to the purpose for which they are processed.

### **Fourth Principle** [Accurate and up to date]

Personal Data shall be accurate and, where necessary, kept up to date.

### **Fifth Principle** [Not kept longer than necessary]

Personal Data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

### **Sixth Principle** [Processed in accordance with the rights of the individual]

Personal Data shall be processed in accordance with the rights of Data Subjects under the DPA & GDPR.



**Data Subject Rights:**

- To subject access
- To prevent processing
- To prevent processing for direct marketing
- In relation to automated decision-making
- To rectification, blocking, reassurance and destruction
- To ask the Information Commissioner to assess whether the DPA or GDPR has been contravened
- To compensation

The three most important and relevant ones to clubs:

**To subject access**

An individual who makes a written request and pays a fee is entitled to be:

- Told whether any Personal Data is being processed;
- Given a description of the Personal Data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- Given a copy of the information comprising the data; and
- Given details of the source of the data (where this is available).

**To prevent processing**

- An individual has a right to object to processing only if it causes unwarranted and substantial damage or distress. If it does, they have the right to require an organisation to stop (or not to begin) the processing in question.
- So, in certain limited circumstances, you must comply with such a requirement. In other circumstances, you must only explain to the individual why you do not have to do so.

**To prevent processing for direct marketing**

- An absolute right - individuals have the right to prevent their Personal Data being processed for direct marketing. An individual can, at any time, give you written notice to stop (or not begin) using their Personal Data for direct marketing. Any individual can exercise this right, and if you receive a notice you must comply within a reasonable period.

**Seventh Principle** [Processed with appropriate security]

Appropriate technical and organisation measures shall be taken against unauthorised or unlawful processing of Personal Data and against accidental loss or destruction of, or damage to, Personal Data.

**Eighth Principle** [Not transferred abroad without an adequate level of protection] Personal Data shall not be transferred to a country or territory outside the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of Data Subjects in relation to the processing of Personal Data.

## APPENDIX D – DATA USAGE AUDIT

The following table sets out the data collected and used in the operation of LLSC.

Data Collected	Purpose	How Collected	Where is it stored	Who has access	Action to be taken
Full membership records	Obtain membership details	Online via WebCollect secure site forms Paper forms (to be phased out)	WebCollect website Details Accessible to membership sec and others via HTTPS	Membership Secretary WebMaster <b>Limited Access</b> ; Treasurer, Training Principal, OD Roster, Social, MARCOMS teams	Ensure all emails containing Personal Data are deleted
Open Meeting entry details	Track entries Retain for marketing future LLSC events	Online on WebCollect / Paper forms	WebCollect	Event Director, subsets to Race Committee	Entries over 2 years old to be removed
Sailor's name, phone number and next of Kin details	For Health and safety purposes, in case of accidents	Extracted from membership list	WebCollect	Event Leader	Ensure paper copies are deleted after the event is finished
Trainee's medical details if the club needs to know.	For Health and safety purposes, In case of accidents. Trainees are more prone to accidents and may need support and First Aid	Online on WebCollect / Paper forms	WebCollect	Training Principal, Senior Instructor/Coach	Ensure paper copies are deleted after the event is finished
Training records and certificates awarded	The club may be the only source to be able to re-issue certificates	Online on WebCollect / Paper forms	Training Principal's computer plus a back-up	Training principal and Chief Instructor/SI	Retain and back up for maximum of 10 years