

# DATA PROTECTION GUIDANCE FOR ORGANISATIONS

## Data Protection

This note has been produced to help organisations to meet their legal obligations concerning the collection and use of personal data provided by people taking part in activities. It sets out the key aspects of relevant legislation and offers practical advice on how these relate to the provision of sports activities.

### The Data Protection Act 1998

The Data Protection Act 1998 sets out the key principles for managing data linked to a specific person. The guidelines below will help you to collect and analyse the data in line with the principles of the Data Protection Act (DPA). Not only is compliance with the DPA a legal requirement, there are good management reasons for doing so, for example, using out of date or inaccurate data could result in complaints and failing to follow correct procedures when processing and storing information could have serious consequences.

### Principles of the Data Protection Act 1998

There are eight data protection principles. Personal data shall be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in line with your rights;
- **Kept securely**; and
- Not transferred to other countries outside the European Economic Area (EEA) without adequate protection.

Note: personal data covers any data that identifies a living individual person. Data covered in the Act includes electronic, manual and recorded data – anything which can identify an individual.

### Registration forms and surveys

Registration forms or surveys must contain a data protection clause, which should include the name of the organisation collecting the data and state the purpose(s) for which the information will or may be used. Here is an example below:

Thank you for signing up for this activity. Your answers are confidential. We *(insert here the name of your organisation)* will find this personal data useful for monitoring the success of our programmes, to help in planning future activities for *(insert)*, and we would like to be able to send you details of any *(insert)* opportunities that may be of interest. We will not pass this information to any third party or use it for any other purpose. We will collect and process all personal data in line with the Data Protection Act 1998.

The example above states the possibility of personal data including contact details being used for two purposes: to invite people to take part in a survey and to provide

information about further sports opportunities. You should allow people to opt out of being contacted for either or both of these purposes by including this or similar wording and tick boxes:

<i>If you do not want to take part in any future survey, please tick here</i>	<input type="checkbox"/>
<i>If you do not want to receive information about other X opportunities, please tick here</i>	<input type="checkbox"/>

### **Club membership forms**

When someone signs up to register with a club, set of activities, it is reasonable to assume that they will expect to be contacted from time to time with internal communications, and that overall membership numbers and other aggregated information may be reported externally to the sport national governing body, therefore a membership form does not automatically need to have an “opt out option” tick box. It is good practice, however, for membership forms to include a brief explanation of how any personal data that is requested may be used. It is a requirement to state clearly if any personal information provided is to be shared with a third party in a way that enables the individual to be identified, for example with contact details.

### **Storing and using contact details**

Only use contact details for the purposes set out in the data protection statement. If you carry out a survey, responses should be kept separate from names and addresses. All personal data must be kept securely and should not be stored any longer than is necessary.

### **Databases – notifying the Information Commissioner’s Office**

The Information Commissioner’s Office (ICO) is the UK’s independent authority set up to promote access to official information and to protect personal information. If you are collecting personal information and holding it electronically or manually, as well as following the eight principles of the DPA you may be required to notify the ICO. In general, not-for-profit organisations are exempt from this requirement. You can phone the ICO helpline on 01625 545745 to check whether you need to notify. There is a standard £35 annual administration fee for notification. Further guidance can be found in the ICO’s guide ‘Getting it right’.

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/practical\\_application/getting\\_it\\_right\\_a\\_brief\\_guide\\_to\\_data\\_protection\\_for\\_smes.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/getting_it_right_a_brief_guide_to_data_protection_for_smes.pdf)

### **Surveys**

If you carry out a survey it is good practice to follow Market Research Society Guidelines and you must comply with the Data Protection Act 1998 (and any revisions). The key points are:

- Any data collected is only for the stated purpose.
- Any personal data is held securely.
- Keep contact details up-to-date.
- Any data with personal identifiers should only be held for up to one year.
- Data held without personal identifiers can be held indefinitely.

Further information is available from the Market Research Society:

<http://www.mrs.org.uk>