

Date policy ratified: 15 March 2018

Date of Review: November 2017

Owner: Board/LH



## **Data Protection Policy**

### **1. Introduction**

This policy applies to the United Kingdom Boccia Federation (known as Boccia UK in this policy) and any regions and branches it may have now or in the future, and all employees and volunteers working on behalf of Boccia UK. The policy has been approved by the Board of Directors of Boccia UK, who will review it for its currency and applicability every three years. It is maintained on behalf of the Board by the Company Secretary, who serves as the organisation's Data Protection Officer.

The purpose of this policy is to enable Boccia UK to:

- Comply with the Data Protection Act 1998, the forthcoming General Data Protection Regulation (GDPR) (in force 25 May 2018) and any associated legislation in respect of the data it holds about individuals;
- Comply with all NGB obligations in the UKS EIS Data Protection Protocol (see Appendix 1) and the Athlete Agreements (Appendix 2);
- Follow good practice;
- Protect Boccia UK's supporters, staff and other individuals
- Protect Boccia UK from the consequences of a breach of its responsibilities.

### **2. What is personal information?**

This policy applies to all information collected and held by Boccia UK relating to identifiable individuals. Data protection law regulates information about identified or identifiable individuals known as personal information. It is a concept broadly interpreted by regulators and the courts so that even if in some instances we don't know a person's name we still have to treat information about them as personal information.

### **3. Principles**

Compliance with data protection law means we have to comply with certain principles. We set these out below.

Boccia UK undertakes that:

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- We will be transparent with individuals when we collect and use their personal information. This means that we will need to provide individuals with a privacy notice informing them of why we are collecting their personal information
- Processed fairly and lawfully – lawfulness in this regard means being able to rely on at least one of the conditions set out below:
  - With the consent of the individual
  - If it is necessary for a contract involving the individual
  - To meet a legal obligation
  - To protect the individual's 'vital interests'
  - In connection with Government or other public functions
  - In Boccia UK's 'legitimate interests', provided the individual's interests are not infringedFairness means that the use of the individual's personal information must be within their expectations and such use must be fair to them.
- Processed for one or more specified and lawful purposes, and not further processed in any way that is incompatible with the original purpose
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purpose for which it is being used
- Processed in line with the rights of individuals
- Kept secure with appropriate technical and organisational measures taken to protect the personal information
- Not transferred outside the European Economic Area (the European Union member states plus Norway, Iceland and Liechtenstein) unless there is adequate protection for the personal information being transferred

#### 4. **Approach to compliance**

In respect of personal information Boccia UK will:

- Comply with both the law and good practice
- Respect the rights of individuals
- Be open and honest with individuals whose personal information is held
- Insofar as is practical, provide training and support for staff and volunteers who handle personal information, so that they can act confidently and consistently

Boccia UK recognises that its first priority under data protection rules is to use personal information in a way that avoids causing harm to individuals. In the main this means:

- Keeping personal information securely in the right hands, and
- Holding good quality personal information.

Secondly, data protection rules aim to ensure that the legitimate concerns of individuals about the ways in which their personal information may be used are taken into account. In addition to being open and transparent, Boccia UK will seek to give individuals as much choice as is possible and reasonable over what personal information is held and how it is used.

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## **5. Risks**

Boccia UK has identified the following potential key risks, which this policy is designed to address:

- Breach of confidentiality (personal information being given out inappropriately)
- Insufficient clarity about the range of uses to which personal information will be put — leading to individuals being insufficiently informed
- Failure to offer choice about personal information use when appropriate
- Breach of security by allowing unauthorised access
- Failure to establish efficient systems of managing changes to volunteers, leading to personal information being out of date
- Harm to individuals if personal information is not up to date
- Insufficient clarity about the way sessional workers' or volunteers' personal information is being used, e.g., given out to general public.
- Failure to offer choices about use of contact details for staff, volunteers, sessional workers or branch officers
- Data processor (i.e. service provider) contracts

## **6. Roles and Responsibilities**

Overall responsibility for ensuring compliance with this policy and with the legal requirements of data protection lies with the Boccia UK Board of Directors. It has delegated operational management of the policy to the Boccia UK Company Secretary, who has responsibility for:

- Briefing the Board on its data protection responsibilities
- Reviewing data protection and related policies
- Advising other staff on data protection issues
- Ensuring that data protection induction and training takes place
- Handling subject access requests
- Approving unusual or controversial disclosures of personal information
- Approving contracts with data processors/ service providers

Employees and volunteers with responsibility for managing activity areas, branches or regions within Boccia UK will be required to read, understand and accept any policies and procedures that relate to the personal information they may handle in the course of their work. Such policies and procedures will be provided during employee induction processes, and annexed to the staff handbook. Informal training and education will be provided through the medium of meetings and supervisions.

Employees and volunteers will accept responsibility for compliance with these policies and procedures within the area which they manage. Significant breaches of these policies and procedures will be considered a disciplinary matter, to be handled in accordance with Boccia UK's disciplinary procedures.

## **7. Security**

This section of the policy only addresses security issues relating to personal information. It does not cover security of any head office building, business continuity or any other aspect of security.

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Boccia UK has identified the following risks:

- Personal information passing between the Boccia UK head office and branches or mailing houses could go astray or be misdirected;
- Staff or volunteers with access to personal information could misuse it;
- Sessional workers or, more likely, volunteers could continue to be sent information after they have stopped working for Boccia UK, if their records are not updated promptly;
- Poor web site security might give a means of access to personal information about individuals once individual details are made accessible on line;
- Staff may be tricked into giving away personal information, either about supporters or colleagues, especially over the phone, through “social engineering”.

These risks will be managed by:

- Ensuring that employees and volunteers are fully informed of this policy and understand its provisions, and their responsibilities within it
- Treating all significant breaches of this policy as a disciplinary matter, to be handled in accordance with Boccia UK’s disciplinary procedures
- Constantly maintaining up-to-date records of members and voluntary workers
- Ensuring that all desk computers, laptops and internal networks are password-protected, and that passwords are not divulged to any unauthorised person. All portable mobile devices should be encrypted.
- Not disclosing personal information — especially over the telephone — unless they are sure that they know who they are disclosing it to, and that they are authorised to have it;
- Backing up data on a daily basis, and ensuring that back-up files are stored in a secure location.

## **8. Data recording and storage**

Boccia UK will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- ICT systems will be designed, where possible, to encourage and facilitate the entry of accurate personal information;
- Personal information on any individual will be held in as few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets;
- Effective procedures will be in place so that all relevant systems are updated when personal information about any individual changes;
- Employees or volunteers who keep more detailed personal information about individuals will be given additional guidance on accuracy in record keeping.

Boccia UK will establish retention periods for at least the following categories of data and this shall be set out in our Data Retention Policy and Schedule:

- Employees
- Volunteers

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- Contracted workers
- Athletes

## **9. Rights of Individuals**

Under data protection rules, individuals have rights to control how their personal information is used. This includes the right to access personal information, right to rectification, right to erasure, right to restriction of processing, right to data portability, right to object and right not to be subject to a decision based on automated processing in certain circumstances. In some instances, Boccia UK does not have to comply with the right asserted by the individual because, for instance, Boccia UK is required to retain personal information due to a legal obligation it is under.

If we receive a request from an individual relating to our use of their personal information, such requests must be directed to and handled by the Boccia UK Company Secretary. All employees and volunteers are required to pass on anything which might be a subject access request to the Company Secretary without delay.

All those making a request will be asked to identify any branches or sessional workers who may also hold personal information about them, so that this personal information can be more easily retrieved.

Where the individual making a request is not personally known to the Company Secretary and we have reasonable doubts concerning their identity, we must verify their identity before handing over any personal information.

We will provide a response to a request within one month of receipt of the written request from the individual and we may extend the time period by two further months where necessary due to the complexity and number of requests. Any required personal information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.

Any subsequent request which is made to correct personal information in the event that it is faulty, will be addressed immediately, or at any rate as soon as is practicable.

## **10. Transparency**

Boccia UK is committed to ensuring as far as is reasonable and practicable that in principle individuals are aware that their personal information is being processed and:

- For what purpose it is being processed;
- What types of disclosure are likely; and
- How to exercise their rights in relation to their personal information.

Individuals will generally be informed in the following ways:

- Employees, in the staff handbook
- Volunteers, in the volunteer support pack

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Standard statements will be provided to staff at the Boccia UK head office and to branches and regions for use on forms where personal information is collected.

Whenever personal information is collected, the number of mandatory fields will be kept to a minimum and individuals will be informed which fields are mandatory and why.

## 11. Consent

Consent is one of the conditions that can be relied upon in order for use of personal information to be lawful. In the majority of circumstances, we should not need to obtain consent from individuals in order to rely upon it as a condition for processing – in other words, we should be able to rely on another condition. Consent is a high standard under data protection law. To be valid, consent must be unambiguous, specific, informed and freely given. To be freely given, we must be able to demonstrate that individuals were not coerced to consent and they were free not to provide their consent or, if provided, are free to revoke their consent at any time.

Consent will normally not be sought for most processing of personal information about **employees** and **sessional workers**, with the following exceptions:

- Employee details will only be disclosed for purposes unrelated to their work for Boccia UK (e.g., financial references) with their consent;
- Sessional workers, or other staff working from home, will be given the choice over which contact details are to be made public.

Information about **volunteers** will be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.

Information about **members** and **supporters** will only be made public with their consent. (This includes photographs.)

Certain personal information is classified as sensitive personal information. This 'Sensitive' personal information about members and supporters (including health information) will be held only with the knowledge and consent of the individual.

For all of the above, any consent which is provided may be withdrawn, so long as this is done in writing – but not retrospectively, as there may be occasions when Boccia UK has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

## 12. Marketing

The law considers communications to be marketing in a very broad sense. In other words, most of the communications we send to our supporters will be marketing.

Boccia UK must treat the following unsolicited direct communications with individuals as marketing:

- Promoting any Boccia UK services or products; and

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- Promoting sponsored events and other fundraising exercises.

Whenever personal information is first collected which might be used for any marketing purpose, this purpose must be made clear to the individual, and we must collect consent for the use of their personal information for marketing purposes unless the law allows us to rely on opt out. For e-marketing we will obtain prior consent from individuals but must ensure that the consent is freely given, specific and informed and provided by a clear affirmative action e.g. ticking a box which is not pre-ticked. Individuals always have the right to opt-out of marketing.

### **13. Confidentiality**

Boccia UK employees and volunteers will often have access to confidential information which may include, for example:

- Personal information about individuals who are supporters or otherwise involved in the activities organised by Boccia UK
- Information about the internal business of Boccia UK
- Personal information about colleagues working for Boccia UK

Boccia UK is committed to keeping this personal information confidential, in order to protect people and Boccia UK itself. 'Confidential' means that all access to personal information must be on a need-to-know and properly authorised basis. Employees and volunteers must use only the personal information they have been authorised to use, and for purposes that have been authorised. They should also be aware that under data protection rules, unauthorised access to data about individuals can be a criminal offence.

Employees and volunteers must assume that personal information is confidential unless they know that it is intended by Boccia UK to be made public. Disclosing personal information to a third party such as a mailing house, or *vice versa* does not count as making it public, but Boccia UK must put in place a contract or receive other reassurances (as required by law) from the third party that the personal information will be adequately protected.

We must ensure that any disclosures to third parties of personal information are to third parties who have a legitimate right to receive the personal information e.g. UK Sport or EIS.

Employees and volunteers must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular you must:

- Not compromise or seek to evade security measures (including computer passwords);
- Be particularly careful when sending personal information between the UK office and branches;
- Not gossip about confidential information, either with colleagues or people outside Boccia UK;
- Not disclose personal information — especially over the telephone — unless you are sure that you know who you are disclosing it to, and that they are authorised to have it.

If in doubt about whether to disclose personal information or not, employees and volunteers should not guess, but instead should withhold the personal information while they check with an appropriate person whether the disclosure is appropriate.

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These confidentiality obligations continue to apply indefinitely to employees and volunteers after they have stopped working for Boccia UK.

Please note that if you suspect or know that personal information has been subject to a data security breach you must inform the Chair immediately since we may be required to notify the Information Commissioner's Office or the affected individuals about the data security breach.

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