



Data Protection Policy

Policy information	
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1. Introduction

- 1.1 Under current legislation in the UK on data protection, almost all charities should have a Data Protection Policy. This Data Protection Policy is an internal statement of how the charity protects the personal data it processes. The purpose of our data protection policy is to explain how our charity complies with these principles.
- 1.2 Personal data is data that relates to a living individual who can be identified from that data (or from that data and other information in or likely to come into our possession). That living individual might be an employee, player, volunteer or supplier and that personal data might be written, oral or visual (e.g. CCTV).
- 1.3 Ayrshire Tigers Powerchair Football Club SCIO (herein after referred to as “the Charity”) is committed to complying with data protection law and to respecting the privacy rights of individuals. The policy applies to all of our coaches, volunteers, players and Trustees.
- 1.4 This Data Protection Policy (“Policy”) sets out our approach to data protection law and the principles that we will apply to our processing of personal data. The aim of this Policy is to ensure that we process personal data in accordance with the law and with the utmost care and respect.
- 1.5 The main themes of the Data Protection Laws are:
 - 1.5.1 good practices for handling personal data;
 - 1.5.2 rights for individuals in respect of personal data that data controllers hold on them; and
 - 1.5.3 being able to demonstrate compliance with these laws.
- 1.6 Processing is widely defined under data protection law and generally any action taken by us in respect of personal data will fall under the definition, including for example collection, modification, transfer, viewing, deleting, holding, backing up, archiving, retention, disclosure or destruction of personal data, including CCTV images.
- 1.7 Data protection law is a complex area. This Policy has been designed to ensure that you are aware of the legal requirements imposed on you and on us and to give you practical guidance on how to comply with them. This Policy also sets out the consequences of failing to comply with these legal requirements. However, this Policy is not an exhaustive statement of data protection law nor of our or your responsibilities in relation to data protection.
- 1.8 The EU General Data Protection Regulations (GDPR) now form part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018). The main provisions of this apply, like the GDPR, from 25 May 2018, and also link to relevant sections of the GDPR itself, to other Information Commissioner’s Office (ICO) guidance and to

guidance produced by the EU’s Article 29 Working Party (now the European Data Protection Board [EDPB]). After Brexit the UK will adopt laws equivalent to these Data Protection Laws.



- 1.9 We are a small charity holding just a small amount of non-sensitive data on a small number of people. In the considered opinion of the Trustees the scope and nature of the personal data held by the Charity is not sufficient to warrant the appointment of a Data Protection Officer. Accordingly, no Data Protection Officer has been appointed.
- 1.10 The Trustees understand and accept their responsibility under the EU General Data Protection Regulation (GDPR) to hold all personal data securely and use it only for legitimate purposes with the knowledge and approval of the data subjects. A data subject is an individual about whom the Charity holds personal data i.e. a player.
- 1.11 By the following operational policies and procedures the Trustees undertake to uphold the principles and requirements of the GDPR in a manner which is proportionate to the nature of the personal data being held by the Charity. The policies are based on the Trustees' assessment, in good faith, of the potential impacts on both the Charity and its data subjects of the personal data held by the Charity being stolen, abused, corrupted or lost.
- 1.12 The Charity is the Data Controller for the purposes of the EU General Data Protection Regulations (GDPR). The Charity is required to comply with the GDPR and undertakes to do so. The Charity Secretary is the Data Processor.
- 1.13 In summary, data protection law requires each data controller to:
- 1.13.1 only process personal data for certain purposes;
 - 1.13.2 process personal data in accordance with the 6 principles of 'good information handling' (including keeping personal data secure and processing it fairly and in a transparent manner);
 - 1.13.3 provide certain information to those individuals about whom we process personal data which is usually provided in a privacy notice, for example you will have received one of these from us as one of our Workers;
 - 1.13.4 respect the rights of those individuals about whom we process personal data (including providing them with access to the personal data we hold on them); and
 - 1.13.5 keep adequate records of how data is processed and, where necessary, notify the ICO and possibly data subjects where there has been a data breach.
- 1.14 We believe that protecting the privacy of our staff and players and regulating their safety through data management, control, and evaluation is vital to organisation and individual progress. The Charity is committed to processing data in accordance with its responsibilities under the GDPR.
- 1.15 The Charity collects personal data and processes it in order to support football development, monitor and report on player and staff progress. This policy applies to all personal data processed by the Charity.
- 1.16 The Charity collects and uses certain types of personal information about the following categories of individuals:



- 1.16.1 employees;
 - 1.16.2 Trustees and other volunteers involved in governance of the Charity;
 - 1.16.1 players of the club and other clubs
 - 1.16.2 coaches, Trustees, and committee members of other powerchair football clubs
 - 1.16.3 service providers such as banking services
 - 1.16.4 other individuals such as Trustees of other charitable trusts who come into contact with the Charity.
- 1.17 The Charity will process this personal information in the following ways:
- 1.17.1 collect the full names, email addresses, addresses and other necessary contact details such as telephone numbers of all categories of individuals listed in clause 1.16 above which shall be held and controlled for the legitimate processing of such data to ensure effective communications in the reasonable undertaking of the charities objectives, namely the advancement of powerchair football in Ayrshire.
 - 1.17.2 undertake other processing when required to comply with any statutory and other legal obligation.
- 1.18 This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the GDPR and other related legislation. It will apply to information regardless of the way it is used or recorded and applies for as long as the information is held.

2. About this Policy

- 2.1 This Policy is to help the Charity deal with data protection matters internally. This document should be kept with other policies and a copy should be given (or made available) to all staff, Trustees, volunteers and others who come into contact with personal data during the course of their involvement with the Charity.
- 2.2 This policy also sets out our policy for the retention, storage and destruction of records relating to child welfare concerns or concerns about possible risk posed by employees/volunteers.
- 2.3 In your official capacity with the Charity, you may process personal data on our behalf and we will process personal data about you. We recognise the need to treat all personal data in an appropriate and lawful manner, in accordance with the GDPR.
- 2.4 Correct and lawful treatment of this data will maintain confidence in the Charity, and protect the rights of players and any other individuals associated with the Charity. This Policy sets out our data protection responsibilities and highlights the obligations of the Charity, which means the obligations of our employees, Trustees, volunteers, players, and any other individual or organisation acting for or on behalf of the Charity.



- 2.5 You are obliged to comply with this policy when processing personal data on behalf of the Charity, and this policy will help you to understand how to handle personal data.
- 2.6 The Charity Trustees will be responsible for ensuring compliance with this Policy. Any questions about this Policy or data protection concerns should be referred to the Board of Trustees.
- 2.7 All members of the Charity are responsible for data protection, and each person has their role to play to make sure that we are compliant with data protection laws.
- 2.8 We process personal data for administrative and management purposes. Our purpose for holding this personal data is to be able to contact relevant individuals on Charity business (or administer the terms of their employment), and our legal basis for processing your personal data in this way is the contractual relationship we have with you. We will keep this data for 6 months after the end of your official relationship with the Charity, unless required otherwise by law and / or regulatory requirements. If you do not provide your personal data for this purpose, you will not be able to carry out your role or the obligations of your contract with the Charity.
- 2.9 All the key definitions under GDPR can be found [here](#).
- 2.10 The Charity Secretary shall take responsibility for the Charity's ongoing compliance with this policy.
- 2.11 This policy will be updated as necessary to reflect best practice, or amendments made to the GDPR, and shall be reviewed every 2 years.

3. What is personal data?

- 3.1 Data will relate to an individual and therefore be their personal data if it:
 - 3.1.1 identifies the individual. For instance, names, addresses, telephone numbers and email addresses;
 - 3.1.2 its content is about the individual personally. For instance, medical records, credit history, a recording of their actions, or contact details;
 - 3.1.3 relates to property of the individual, for example their home, their car or other possessions;
 - 3.1.4 it could be processed to learn, record or decide something about the individual (or this is a consequence of processing). For instance, if you are able to link the data to the individual to tell you something about them, this will relate to the individual (e.g. salary details for a post where there is only one named individual in that post, or a telephone bill for the occupier of a property where there is only one occupant);
 - 3.1.5 is biographical in a significant sense, that is it does more than record the individual's connection with or involvement in a matter or event which has no personal connotations for them. For instance, if an individual's name appears on a list of attendees of an organisation meeting this may not relate to the individual and may be more likely to relate to the company they represent;



- 3.1.6 has the individual as its focus, that is the information relates to the individual personally rather than to some other person or a transaction or event he was involved in. For instance, if a work meeting is to discuss the individual's performance this is likely to relate to the individual;
 - 3.1.7 affects the individual's privacy, whether in their personal, family, organisation or professional capacity, for instance, email address or location and work email addresses can also be personal data;
 - 3.1.8 is an expression of opinion about the individual; or
 - 3.1.9 is an indication of our (or any other person's) intentions towards the individual (e.g. how a complaint by that individual will be dealt with).
- 3.2 Information about companies or other legal persons who are not living individuals is not personal data. However, information about directors, shareholders, officers and employees, and about sole traders or partners, is often personal data, so business related information can often be personal data.
- 3.3 Examples of information likely to constitute personal data:
- 3.3.1 Names together with email addresses or other contact details;
 - 3.3.2 Job title and employer (if there is only one person in the position);
 - 3.3.3 Video - and photographic images;
 - 3.3.4 Information about individuals obtained as a result of Safeguarding checks;
 - 3.3.5 Medical and disability information;
 - 3.3.6 CCTV images;
 - 3.3.7 Financial information and accounts (e.g. information about expenses and benefits entitlements, income and expenditure).

4. The Data Protection Principles

- 4.1 We as a Charity commit to follow the six data protection principles as laid down in the GDPR and the Data Protection Act 1998 at all times:
- 4.1.1 personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met;
 - 4.1.2 personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes;
 - 4.1.3 personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed;
 - 4.1.4 personal data shall be accurate and, where necessary, kept up to date;



- 4.1.5 personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose/those purposes; and
- 4.1.6 personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.
- 4.2 In addition to this, the Charity is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law.
- 4.3 The Charity is committed to complying with the principles in 4.1 at all times. This means that the Charity will:
 - 4.3.1 inform individuals as to the purpose of collecting any information from them, as and when we ask for it;
 - 4.3.2 be responsible for checking the quality and accuracy of the information;
 - 4.3.3 regularly review the records held to ensure that information is not held longer than is necessary.
 - 4.3.4 ensure that when information is authorised for disposal it is done appropriately;
 - 4.3.5 ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security policy requirements at all times;
 - 4.3.6 share personal information with others only when it is necessary and legally appropriate to do so;
 - 4.3.7 set out clear procedures for responding to requests for access to personal information known as subject access requests; and
 - 4.3.8 report any breaches of the GDPR.
- 4.4 The GDPR contains provisions intended to enhance the protection of children's personal data and to ensure that children are addressed in plain, clear language that they can understand. Transparency and accountability are important where children's data is concerned and this is especially relevant when they are accessing online services. However, in all circumstances the Charity will carefully consider the level of protection that we are giving that data.
- 4.5 The Charity will seek to raise children's (and their parents') awareness of data protection risks, consequences, safeguards and rights by:
 - 4.5.1 telling them what we are doing with their personal data;
 - 4.5.2 being open about the risks and safeguards involved; and
 - 4.5.3 letting them know what to do if they are unhappy.

This will also enable them to make informed decisions about what personal data they wish to share.



5. Collecting & Processing Personal Data

- 5.1 The Charity collects a variety of personal data commensurate with the variety of purposes for which the data are required in the pursuit of its charitable objects.
- 5.2 All personal data will be collected, held and processed in accordance with the relevant Data Privacy Notice provided to data subjects as part of the process of collecting the data.
- 5.3 Virtually anything we do with personal data is processing including collection, modification, transfer, viewing, deleting, holding, backing up, archiving, retention, disclosure or destruction. So even just storage of personal data is a form of processing. We might process personal data using computers or manually by keeping paper records.
- 5.4 Examples of processing personal data might include:
 - 5.4.1 Using personal data to correspond with members;
 - 5.4.2 Holding personal data in our databases or documents; and
 - 5.4.3 Recording personal data in personnel or member files.
- 5.5 According to the GDPR, organisations must provide people with a privacy notice that is: In a concise, transparent, intelligible, and easily accessible form. Written in clear and plain language, particularly for any information addressed specifically to a child or vulnerable person.
- 5.6 The Data Privacy Notice provided to data subjects will detail the nature of the data being collected, the purpose(s) for which the data are being collected and the subjects rights in relation to the Charity's use of the data and other relevant information in compliance with the prevailing GDPR requirements.
- 5.7 In the case that the data are not obtained directly from the data subject, the Privacy Notice will be provided within a reasonable period of the Charity having obtained the data (within one month), **or**, if the data are used to communicate with the data subject, at the latest, when the first communication takes place; **or** if disclosure to another recipient is envisaged, at the latest, before the data are disclosed.

6. Privacy Impact Assessment

6.1 Trustees' Data

The volume of personal data is very low – less than 15 individuals. The sensitivity of the data is low-moderate: the most sensitive data being date of birth, previous names and previous addresses; The risk of data breach is small as the data are rarely used, with the majority of the data being held for a combination of legal obligation and legitimate interest.

Overall impact: LOW

6.2 Volunteers'/Members' Data

The volume of personal data is low – less than 15 individuals. The sensitivity of the data is low: the most sensitive data being an e-mail address; The risk of data breach is small – primarily the accidental disclosure of names & e-mail addresses.



Overall impact: LOW

6.3 Supporters' & Enquirers' Data

The volume of personal data is low-moderate.

The sensitivity of the data is low: the most sensitive data being an e-mail address; The risk of data breach is small – primarily the accidental disclosure of names & e-mail addresses.

Overall impact: LOW

7. Requesting Data

7.1 Players have a right under the Data Protection Act to request information that the Charity has collected about them by the Charities data processor.

7.2 A parent/guardian can request to see their child's development record from the coaching team in writing.

7.3 The Charity will not collect or process the personal data of any player under the age of 16 without parental consent. This request for consent will include a full explanation about the type of information that will be taken and how it will be used, as well as an explanation of the parents' and player's right to refuse or withdraw their consent.

8. Responsibilities of Charity Trustees

8.1 The Charity Trustees have overall responsibility for ensuring that the Charity complies with its legal obligations under the GDPR.

8.2 To assist with our compliance with GDPR we will need our Trustees to comply with the terms of this policy and the data protection principles as follows:

8.2.1 please ensure that you only process data in accordance with our transparent processing as set out in our Privacy notice;

8.2.2 please only process personal data for the purposes for which we have collected it (i.e. if you want to do something different with it then please speak to the Charity Secretary first);

8.2.3 please do not ask for further information about players and / or members and / or staff and / or volunteers without first checking with the Secretary;

8.2.4 if you are asked to correct an individual's personal data, please make sure that you can identify that individual and, where you have been able to identify them, make the relevant updates on our records and systems;

8.2.5 please comply with our retention periods listed in our Privacy Notice and make sure that if you still have information which falls outside of those dates, that you delete/destroy it securely;

8.2.6 please treat all personal data as confidential. If it is stored in electronic format then please consider whether the documents themselves should be password protected or whether your personal computer is password protected and whether you can limit the number of people who have access to the information. Please also



consider the security levels of any cloud storage provider (and see below). If it is stored in hard copy format then please make sure it is locked away safely and is not kept in a car overnight or disposed of in a public place;

- 8.2.7 if you are looking at using a new electronic system for the storage of information, please talk to the Charity Secretary first so that we can decide whether such a system is appropriately secure and complies with GDPR;
- 8.2.8 if you are planning on sharing personal data with anybody new or with a party outside the Local Authority or SPFA structure then please speak to the Charity Secretary before doing so.
- 8.2.9 if you receive a subject access request (or you think somebody is making a subject access request for access to the information we hold on them) then please tell the Charity Secretary as soon as possible because we have strict timelines in which to comply;
- 8.2.10 if you think there has been a data breach (for example you have lost personal data or a personal device which contains personal data or you have been informed that a coach has done so, or you have sent an email and open copied all contacts in) then please speak to the Charity Secretary who will be able to help you to respond.

9. Responsibilities of Charity Employees and Volunteers

- 9.1 All employees and volunteers should be required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work for the Charity.

10. Conditions for Processing in the first Data Protection Principle

- 10.1 The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given;
- 10.2 The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regard to entering into a contract with the individual, at their request;
- 10.3 The processing is necessary for the performance of a legal obligation to which we are subject;
- 10.4 The processing is necessary to protect the vital interests of the individual or another;
- 10.5 The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us;
- 10.6 The processing is necessary for a legitimate interest of the Charity or that of a third party, except where this interest is overridden by the rights and freedoms of the individual concerned. More details of this are given in the Privacy Policy Notice.



11. Disclosure and Sharing of Personal Data

- 11.1 The Charity may receive requests from third parties (i.e. those other than the data subject, the Charity, advisers and service providers) to disclose personal data it holds about players, volunteers etc. This information will not generally be disclosed unless one of the specific exemptions under the GDPR which allow disclosure applies, or where disclosure is necessary for the legitimate interests of the third party concerned or the Charity.
- 11.2 Examples of Third Parties we may be asked to disclose personal data we hold to would be the SPFA, SFA, and other member clubs of the SPFA.
- 11.3 All requests for the disclosure of personal data must be sent to the Charity Secretary who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of the requesting third party before making any disclosure.
- 11.4 Under no circumstance will the Charity share with, sell or otherwise make available to Third Parties any personal data except where it is necessary and unavoidable to do so in pursuit of its charitable objects as authorised by the Data Controller.
- 11.5 Whenever possible, data subjects will be informed in advance of the necessity to share their personal data with a Third Party in pursuit of the Charity's objects.
- 11.6 We may share personal data with third parties or suppliers for the services they provide, and instruct them to process our personal data on our behalf as data processors. Where we share data with third parties, we will ensure we have a compliant written contract in place incorporating the minimum data processor terms as set out in the GDPR, which may be in the form of a supplier's terms of service.
- 11.7 Before sharing personal data with a Third Party the Charity will take all reasonable steps to verify that the Third Party is, itself, compliant with the provisions of the GDPR and confirmed in a written contract. The contract will specify that:
- The Charity is the owner of the data;
 - The Third Party will hold and process all data shared with it exclusively as specified by the instructions of the Data Controller;
 - The Third Party will not use the data for its own purposes;
 - The Third Party will adopt prevailing industry standard best practice to ensure that the data are held securely and protected from theft, corruption or loss;
 - The Third Party will be responsible for the consequences of any theft, breach, corruption or loss of the Charity's data (including any fines or other penalties imposed by the Information Commissioner's Office) unless such theft, breach, corruption or loss was a direct and unavoidable consequence of the Third Party complying with the data processing instructions of the Data Controller.



- The Third Party will not share the data, or the results of any analysis or other processing of the data with any other party without the explicit written permission of the Data Controller;
 - The Third Party will securely delete all data that it holds on behalf of the Charity once the purpose of processing the data has been accomplished.
 - The Charity does not, and will not, transfer personal data out of the EU.
- 11.8 We may share personal data we hold if we are under a duty to disclose or share an individual's personal data in order to comply with any legal obligation, or in order to enforce or apply any contract with the individual or other agreements; or to protect our rights, property, or safety of our employees, players, other individuals associated with the Charity, SPFA or others.
- 11.9 Under no circumstances will the Charity disclose personal information or data without written and fully informed consent:
- 11.9.1 that would increase the risk of significant harm to the child or anyone else's physical or mental health or condition.
 - 11.9.2 indicating that the child is or has been subject to child abuse or may be at risk of it to anyone other than the statutory agencies, where the disclosure would not be in the best interests of the child.
 - 11.9.3 recorded by the player in a medical examination.
 - 11.9.4 that would allow another person to be identified or identifies another person as the source, unless the person is an employee or player has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited/redacted so that the person's name or identifying details are removed.
 - 11.9.5 in the form of a reference given to another club or Charity.
- 11.10 The following list includes the most usual reasons that the Charity will authorise disclosure of personal data to a third party:
- 11.10.1 to give a confidential reference relating to a current or former employee;
 - 11.10.2 for the prevention or detection of crime;
 - 11.10.3 for the assessment of any tax or duty;
 - 11.10.4 where it is necessary to exercise a right or obligation conferred or imposed by law upon the Charity;
 - 11.10.5 for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
 - 11.10.6 for the purpose of obtaining legal advice;



11.10.7 for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress); and

11.10.8 any investigation by a statutory authority or regulator.

12. Security of Personal Data

12.1 The Charity will take reasonable steps to ensure that Trustees, and third party advisers and service providers will only have access to personal data where it is necessary for them to carry out their duties. All such persons will be made aware of this Policy and their duties under the GDPR. The Charity will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

12.2 We will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

12.3 We have proportionate procedures and technology to maintain the security of all personal data.

12.4 Personal data will only be transferred to another party to process on our behalf (a data processor) where we have a GDPR-compliant written contract in place with that data processor.

12.5 We will maintain data security by protecting the confidentiality, integrity and availability of the personal data.

12.6 Our security procedures include:

12.6.1 **Methods of disposal.** Paper documents should be shredded. Digital storage devices should be physically destroyed.

12.6.2 **Equipment.** Screens and monitors must not show personal data to passers-by, and should be locked when unattended. Excel spreadsheets will be password protected.

12.6.3 **Personal Devices.** Anyone accessing or processing the Charities personal data on their own device, must have and operate a password only access or similar lock function, and should have appropriate anti-virus protection. These devices must have the Charities personal data removed prior to being replaced by a new device or prior to such individual ceasing to work with or support the Charity.

13. Subject Access Requests

13.1 Anybody who makes a request to see any personal information held about them by the Charity is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure.



- 13.2 A subject access request must be made in writing. The Charity may ask for any further information reasonably required to locate the information.
- 13.3 All requests should be sent to the Charity Secretary within 3 working days of receipt, and must be dealt with in full without delay and at the latest within one month of receipt.
- 13.4 Any individual may appoint another person to request access to their records. In such circumstances the Charity must have written evidence that the individual has authorised the person to make the application and the Secretary must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- 13.5 Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- 13.6 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.
- 13.7 All files must be reviewed by the Secretary before any disclosure takes place. Access will not be granted before this review has taken place.
- 13.8 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

Exemptions to Access by Data Subjects

- 13.9 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

How to Deal with Subject Data Requests

- 13.10 Individuals may make a formal request for information we hold about them. Anyone who receives such a request should forward it to the board/committee immediately, and where
- 13.11 necessary escalated to the SPFA/SFA for guidance. Nobody should feel bullied or pressured into disclosing personal information.
- 13.12 When receiving telephone enquiries, we will only disclose personal data if we have checked the caller's identity to make sure they are entitled to it.



14. Other Rights of Individuals

14.1 The Charity has an obligation to comply with the rights of individuals under the law, and takes these rights seriously. The following section sets out how the Charity will comply with the rights to:

14.1.1 object to processing;

14.1.2 rectification;

14.1.3 erasure; and

14.1.4 data portability.

Right to object to processing

14.2 An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest where they do not believe that those grounds are made out.

14.3 Where such an objection is made, it must be sent to the Charity Secretary within 2 working days of receipt, and the Secretary will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.

14.4 The Secretary shall be responsible for notifying the individual of the outcome of their assessment within 20 working days of receipt of the objection.

Right to rectification

14.5 An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Secretary within 2 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

14.6 Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data, and communicated to the individual. The

14.7 individual shall be given the option of a review under the complaints procedure, or an appeal direct to the Information Commissioner.

14.8 An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

Right to erasure

14.9 Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:



- 14.9.1 where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;
 - 14.9.2 where consent is withdrawn and there is no other legal basis for the processing;
 - 14.9.3 where an objection has been raised under the right to object, and found to be legitimate;
 - 14.9.4 where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met);
 - 14.9.5 where there is a legal obligation on the Charity to delete.
- 14.10 The Secretary will make a decision regarding any application for erasure of personal data, and will balance the request against the exemptions provided for in the law. Where a decision is made to erase the data, and this data has been passed to other controllers, and/or has been made public, reasonable attempts to inform those controllers of the request shall be made.

Right to restrict processing

- 14.11 In the following circumstances, processing of an individual's personal data may be restricted:
- 14.11.1 where the accuracy of data has been contested, during the period when the Charity is attempting to verify the accuracy of the data;
 - 14.11.2 where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure;
 - 14.11.3 where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim;
 - 14.11.4 where there has been an objection made under 14.2 above, pending the outcome of any decision.

Right to portability

- 14.12 If an individual wants to send their personal data to another organisation they have a right to request that you provide their information in a structured, commonly used, and machine readable format. If a request for this is made, it should be forwarded to the Secretary within 2 working days of receipt, and the Secretary will review and revert as necessary.

15. Fair and Lawful Processing

- 15.1 This Policy aims to ensure that our data processing is done fairly and without adversely affecting the rights of the individual.



- 15.2 Lawful processing means data must be processed on one of the legal bases set out in the GDPR's Data Protection Laws. When special category personal data is being processed, additional conditions must be met.
- 15.3 For the processing of ordinary personal data in our organisation these may include, among other things:
- 15.3.1 the data subject has given their consent to the processing (perhaps on their membership application form or when they registered on the club's website).
 - 15.3.2 the processing is necessary for the performance of a contract with the data subject (for example, for processing membership subscriptions).
 - 15.3.3 the processing is necessary for compliance with a legal obligation to which the data controller is subject (such as reporting employee PAYE deductions to the tax authorities); or
 - 15.3.4 the processing is necessary for the legitimate interest reasons of the data controller or a third party (for example, keeping in touch with members, players, participants about competition dates, upcoming fixtures or access to club facilities).

16. Processing for Limited Purposes

- 16.1 The Charity collects and processes personal data. This is data we receive directly from an individual and data we may receive from other sources.
- 16.2 We will only process personal data for the purposes of the Charity as instructed by the committee, or the SPFA, or as specifically permitted by the GDPR. We will let individuals know what those purposes are when we first collect the data or as soon as possible thereafter.

17. Consent

- 17.1 One of the lawful bases on which we may be processing data is the individual's consent.
- 17.2 An individual consents to us processing their personal data if they clearly indicate specific and informed agreement, either by a statement or positive action.
- 17.3 Individuals must be easily able to withdraw their consent at any time and withdrawal must be promptly honoured. Consents should be refreshed every season.
- 17.4 Explicit consent is usually required for automated decision-making and for cross-border data transfers, and for processing special category personal data. Where children are involved then the consent must be in writing from the parent/guardian.
- 17.5 Where consent is our legal basis for processing, we will need to keep records of when and how this consent was captured.
- 17.6 Our Privacy Notice sets out the lawful bases on which we process data of our players and members.



18. Special Category Data

- 18.1 Special category data under the Data Protection Laws is personal data relating to an individual's race, political opinions, health, religious or other beliefs, trade union records, sex life, biometric data and genetic data.
- 18.2 Under Data Protection Laws this type of information is known as special category data and criminal records history becomes its own special category which is treated for some parts the same as special category data. Previously these types of personal data were referred to as sensitive personal data and some people may continue to use this term.
- 18.3 To lawfully process special categories of personal data we must also ensure that either the individual has given their explicit consent to the processing or that another of the following conditions has been met:
- 18.3.1 the processing is necessary for the performance of our obligations under employment law;
 - 18.3.2 the processing is necessary to protect the vital interests of the data subject. The ICO has previously indicated that this condition is unlikely to be met other than in a life or death or other extreme situation;
 - 18.3.3 the processing relates to information manifestly made public by the data subject;
 - 18.3.4 the processing is necessary for the purpose of establishing, exercising or defending legal claims; or
 - 18.3.5 the processing is necessary for the purpose of preventative or occupational medicine or for the assessment of the working capacity of the employee.
- 18.4 To lawfully process personal data relating to criminal records and history there are even more limited reasons, and we must either:
- 18.4.1 ensure that either the individual has given their explicit consent to the processing; or
 - 18.4.2 ensure that our processing of those criminal records history is necessary under a legal requirement imposed upon us.
- 18.5 We would normally only expect to process special category personal data or criminal records history data usually in a Human Resources context [and also in the context of our [members/athletes/coaches/volunteers etc.] for [insert details e.g. monitoring performance, drug and alcohol testing, health and safety requirements, safeguarding checks, etc.].]

19. Notifying individuals

- 19.1 Where we collect personal data directly from individuals, we will inform them about:
- 19.1.1 the purpose(s) for which we intend to process that personal data;
 - 19.1.2 the legal basis on which we are processing that personal data;



- 19.1.3 where that legal basis is a legitimate interest, what that legitimate interest is;
 - 19.1.4 where that legal basis is statutory or contractual, any possible consequences of failing to provide that personal data;
 - 19.1.5 the types of third parties, if any, with which we will share that personal data, including any international data transfers;
 - 19.1.6 their rights as data subjects, and how they can limit our use of their personal data;
 - 19.1.7 the period for which data will be stored and how that period is determined;
 - 19.1.8 any automated decision-making processing of that data and whether the data may be used for any further processing, and what that further processing is.
- 19.2 If we receive personal data about an individual from other sources, we will provide the above information as soon as possible and let them know the source we received their personal data from;
- 19.3 We will also inform those whose personal data we process that we, the Charity, are the data controller in regard to that data, and which individual(s) in the Charity are responsible for data protection.

20. Adequate, relevant and non-excessive processing

- 20.1 We will only collect personal data that is required for the specific purpose notified to the individual.
- 20.2 You may only process personal data if required to do so in your official capacity with the Charity. You cannot process personal data for any reason unrelated to your duties.
- 20.3 The Charity must ensure that when personal data is no longer needed for specified purposes, it is deleted or anonymised.

21. Accurate data

- 21.1 We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at the start of each season. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

22. Timely processing

- 22.1 We will not keep personal data longer than is necessary for the purpose(s) for which they were collected.
- 22.2 We will take all reasonable steps to destroy or delete data which is no longer required, as per our Privacy Notice.



23. Processing in line with data subjects' rights

- 23.1 As data subjects, all individuals have the right to:
- 23.1.1 be informed of what personal data is being processed;
 - 23.1.2 request access to any data held about them by a data controller;
 - 23.1.3 object to processing of their data for direct-marketing purposes (including profiling);
 - 23.1.4 ask to have inaccurate or incomplete data rectified;
 - 23.1.5 be forgotten (deletion or removal of personal data);
 - 23.1.6 restrict processing;
 - 23.1.7 data portability; and
 - 23.1.8 not be subject to a decision which is based on automated processing.
- 23.2 The exercise of these Rights may be made in writing, including email, and also verbally and should be responded to in writing by us (if we are the relevant data controller) without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We must inform the individual of any such extension within one month of receipt of the request, together with the reasons for the delay.
- 23.3 Where the data subject makes the request by electronic form means, any information is to be provided by electronic means where possible, unless otherwise requested by the individual.
- 23.4 If we receive the request from a third party (e.g. a legal advisor), we must take steps to verify that the request was, in fact, instigated by the individual and that the third party is properly authorised to make the request. This will usually mean contacting the relevant individual directly to verify that the third party is properly authorised to make the request.
- 23.5 There are very specific exemptions or partial exemptions for some of these Rights and not all of them are absolute rights. However the right to not receive marketing material is an absolute right, so this should be complied with immediately.
- 23.6 Where an individual considers that we have not complied with their request e.g. exceeded the time period, they can seek a court order and compensation. If the court agrees with the individual, it will issue a Court Order, to make us comply. The Court can also award
- 23.7 compensation. They can also complain to the regulator for privacy legislation, which in our case will usually be the ICO.
- 23.8 In addition to the rights discussed in this document, any person may ask the ICO to assess whether it is likely that any processing of personal data has or is being carried out in compliance with the privacy legislation. The ICO must investigate and may serve an



“Information Notice” on us (if we are the relevant data controller). The result of the investigation may lead to an “Enforcement Notice” being issued by the ICO. Any such assessments, information notices or enforcement notices should be sent directly to our Trustees from the ICO.

23.9 In the event of a Worker receiving such a notice, they must immediately pass the communication to our Trustees.

23.10 The Charity is aware that not all individuals’ rights are absolute, and any requests regarding the above should be immediately reported to the Trustees, and if applicable escalated to the SPFA for guidance.

24. Data breach

24.1 Any breaches of this Policy will be viewed very seriously. All members must read this Policy carefully and make sure they are familiar with it. Breaching this Policy is a disciplinary offence and will be dealt with under our Disciplinary Procedure which is detailed in our Charity constitution.

24.2 If you know or suspect that a personal data breach has occurred, inform the Trustees immediately, who may need to escalate to the SPFA/SFA as appropriate. You should preserve all evidence relating to a potential personal data breach. This self-reporting will be taken into account in assessing how to deal with any breach.

24.3 Also if you are aware of or believe that any other member is not complying with Data Protection Laws and/or this Policy you should report it in confidence to the Trustees. Our Whistleblowing Procedure will apply in these circumstances and you may choose to report any non-compliance or breach through our confidential whistleblowing reporting facility.

24.4 In the case of a breach of personal data, we may need to notify the applicable regulatory body and the individual.

24.5 In the event of any data breach coming to the attention of the Data Controller the Trustees will immediately notify the Information Commission’s Office.

24.6 In the event that full details of the nature and consequences of the data breach are not immediately accessible the Trustees will bring that to the attention of the Information Commissioner’s Office and undertake to forward the relevant information as soon as it becomes available.

24.7 In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Charity shall promptly assess the risk to people’s rights and freedoms.

24.8 Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is discovered, to the Charity Secretary.

24.9 Once notified, the Secretary shall assess:



- 24.9.1 the extent of the breach;
 - 24.9.2 the risks to the data subjects as a consequence of the breach;
 - 24.9.3 any security measures in place that will protect the information;
 - 24.9.4 any measures that can be taken immediately to mitigate the risk to the individuals.
- 24.10 Unless the Secretary concludes that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the Charity, unless a delay can be justified.
- 24.11 The Information Commissioner shall be told:
- 24.11.1 details of the breach, including the volume of data at risk, and the number and categories of data subjects;
 - 24.11.2 the contact point for any enquiries (which shall usually be the Secretary or the Chair of the Trustees);
 - 24.11.3 the likely consequences of the breach; and
 - 24.11.4 measures proposed or already taken to address the breach.
- 24.12 If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals then the Secretary shall notify data subjects of the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.
- 24.13 Data subjects shall be told:
- 24.13.1 the nature of the breach
 - 24.13.2 who to contact with any questions; and
 - 24.13.3 measures to mitigate any risks.
- 24.14 The Secretary shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Trustees and a decision made about implementation of those recommendations.

Consequences of a Data Breach

- 24.15 There are a number of serious consequences for both yourself if you don't comply with Data Protection Laws which include:



- 24.15.1 **Disciplinary action:** If you are an employee, your terms and conditions of employment require you to comply with our policies. Failure to do so could lead to disciplinary action including dismissal. Where you are a volunteer, failure to comply with our policies could lead to termination of your volunteering position with us.
- 24.15.2 **Criminal sanctions:** Serious breaches could potentially result in criminal liability.
- 24.15.3 **Investigations and interviews:** Your actions could be investigated and you could be interviewed in relation to any non-compliance.
- 24.16 There are a number of serious consequences for the Charity if it doesn't comply with Data Protection Laws which include:
- 24.16.1 **Criminal sanctions and Fines:** Non-compliance could involve a criminal offence.
- 24.16.2 **Assessments, investigations and enforcement action:** We could be assessed or investigated by, and obliged to provide information to, the Information Commissioner on its processes and procedures and/or subject to the Information Commissioner's powers of entry, inspection and seizure causing disruption and embarrassment.
- 24.16.3 **Court orders:** These may require us to implement measures or take steps in relation to, or cease or refrain from, processing personal data.
- 24.16.4 **Claims for compensation:** Individuals may make claims for damage they have suffered as a result of our non-compliance.
- 24.16.5 **Bad publicity:** Assessments, investigations and enforcement action by, and complaints to, the Information Commissioner quickly become public knowledge and might damage our brand. Court proceedings are public knowledge.
- 24.16.6 **Loss of business:** Prospective members, participants, players, customers, suppliers and contractors might not want to deal with us if we are viewed as careless with personal data and disregarding our legal obligations.
- 24.16.7 **Use of management time and resources:** Dealing with assessments, investigations, enforcement action, complaints, claims, etc takes time and effort and can involve considerable cost.

25. Accountability

- 25.1 The Charity must implement appropriate measures to look after personal data, and is responsible for, and must be able to demonstrate compliance with the data protection principles.
- 25.2 The Charity must have adequate resources and controls in place to ensure and to document GDPR compliance, such as:



- 25.2.1 providing fair processing notice to individuals at all points of data capture;
- 25.2.2 training Trustees and volunteers on the GDPR, and this Data Protection Policy;
and
- 25.2.3 reviewing the privacy measures implemented by the Charity.

26. Changes to this policy

- 26.1 We reserve the right to change this policy at any time. Where appropriate, we will notify members by email.

27. Practical matters

- 27.1 Whilst you should always apply a common sense approach to how you use and safeguard personal data, and treat personal data with care and respect, set out below are some examples of dos and don'ts:
 - 27.1.1 Only disclose your unique logins and passwords to other Trustees.
 - 27.1.2 Never leave any items containing personal data unattended in a public place, e.g. on a train, in a café, etc and this would include paper files, mobile phone, laptops, tablets, memory sticks etc.
 - 27.1.3 Never leave any items containing personal data in unsecure locations, e.g. in car on your drive overnight and this would include paper files, mobile phone, laptops, tablets, memory sticks etc.
 - 27.1.4 Do encrypt and lock laptops, files, mobile devices and removable storage devices containing personal data away and out of sight when not in use.
 - 27.1.5 Do password protect documents and databases containing personal data.
 - 27.1.6 When in public place, e.g. a train or café, be careful as to who might be able to see the information on the screen of any device you are using when you have personal information on display. If necessary move location or change to a different task.
 - 27.1.7 Do not transfer personal data to any third party without prior written consent of the Chairperson.
 - 27.1.8 Notify the Trustees immediately of any suspected security breaches or loss of personal data.
 - 27.1.9 If any personal data is lost, or any devices or materials containing any personal data are lost, report it immediately to the Trustees.



28. Contact

28.1 If anyone has any concerns or questions in relation to this policy they should contact: The Charity Secretary – Annmarie Robertson

Declaration

Ayrshire Tigers Powerchair Football Club SCIO hereby adopts and agrees to abide by this policy.

SIGNED: *S Niven* DATE: 27/08/2020

NAME: Stuart Niven

POSITION: Club Chair