

INTRODUCTION

Personal data is vital to allow Clubs to effectively manage their relationships with all people involved with the Club. However, it is important to balance this with the need to respect the privacy of individuals and to keep their information safe.

Clubs will, inevitably, process the personal data of a number of people including members, staff, and volunteers and this means you are obliged to meet the requirements of data protection laws. These laws are changing soon and the new rules (the 'General Data Protection Regulation' or 'GDPR') will come into effect on 25 May 2018.

The GDPR increases the sanctions and fines that can be imposed for improper processing of personal data which, along with the reputational damage that your Club and the sport as a whole may suffer, is something we all wish to avoid.

The changes to GDPR gives your Club the opportunity to assess its practices and to clean up any databases it holds.

This Guide provides an outline of the key responsibilities a legal entity (such as your Club) has under the GDPR when processing personal data.

This is a summary Guide only. It does not include a full list of the things you have to do to satisfy the rules and is not legal, financial or commercial advice. It is provided merely to give you an introduction to some of the things your Club must do to comply with the GDPR. The England and Wales Cricket Board (ECB) is not liable for the actions taken as a result of this Guide and you should take your own advice before making any decisions or acting on the content. The Information Commissioner (the 'ICO') has published guidance and can give you extra support (see <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/> for more information).

KEY REQUIREMENTS

Every club is required to abide by the key Data Protection Principles. They require that personal data are:

1.
 - a) **processed fairly, lawfully and transparently**
 - b) **collected for specified, explicit and legitimate purposes**
 - c) **adequate, relevant and limited**
 - d) **accurate and, where necessary, kept up to date**
 - e) **kept for no longer than is necessary**
 - f) **processed in a manner that ensures appropriate security of the personal data**

You should also have evidence that your systems and process comply with the GDPR.

2.

The Club is responsible for and must be able to demonstrate compliance with the above principles.

More information on the principles can be found here:

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

General Points

To process personal data, your Club will need to rely on one of the conditions listed within the legislation. It may be that your Club will be reliant on receiving the data subject's consent to process their data. If you need explicit consent, this must be an opt-in decision, and in the case of children, your privacy policy must be easily understood for that age group. Your Club must also be clear and transparent to its data subjects about what personal data is being collected, how it will be used and must communicate this to the data subject in advance. The GDPR expands the information that must be included in a privacy notice and makes the obtaining of valid consent more complicated. You will not be able to use pre-ticked boxes and will need to give individuals the ability to change their minds at a later date.

If you already have privacy and consent notices in place, it is highly likely that they will need to be amended to comply with the new rules.

Data security must be an important consideration with any existing or new systems and processes. It is strongly advised that you step up security of these. If you believe that you or someone at your Club may have breached any of the new rules, you must notify the ICO within 72 hours of being made aware of the breach.

Your Club must also ensure that the personal data it holds is kept safe and up-to-date. It is advised that you set and maintain your own policy for keeping data and that you make suitable provisions for the deletion or destroying of data securely that is no longer required.

If you use service providers, you will have to ensure your contracts include suitable data protection provisions. In some cases, you will be using systems that are provided and operated by the ECB (such as play-cricket). The ECB is making its own arrangements to ensure that these systems comply with the GDPR, so these should not be a priority for your club.

Rights of Individuals

Data subject rights will become stronger under GDPR and some new ones are created. The following are rights given to individuals under the GDPR:

1. **The right to be informed**
2. **The right of access**
3. **The right to rectification**
4. **The right to erasure**
5. **The right to restrict processing**
6. **The right to data portability**
7. **The right to object**
8. **Rights in relation to automated decision making and profiling**

It is the responsibility of your Club to ensure it is able to meet all data subject rights. Further guidance from the ICO is available here:

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/>

KNOW YOUR CLUB

To ensure all data protection obligations are met (including creating transparent privacy notices and policies), you must first know what personal data is collected (and from whom), and how it is processed and stored by your Club. Attempt to answer the following questions so you understand exactly where your data is and identify potential risks:

- What information do you collect and why do you need that information?
- What do you tell people when you collect it?
- On what legal basis have you collected it?
- Where and how do you store that data?
- What do you do with it?
- When is it deleted?

The training of the staff and volunteers at your Club is very important. They must be aware of the data protection laws and their responsibilities to ensure your Club complies with them. In the event of a serious incident, the ICO will want to see evidence that your Club has the appropriate measures in place to mitigate these risks.

Use the ICO website and advice helpline to seek further guidance on how to make sure that you comply with the data protection laws (www.ico.org.uk). There are some useful checklists on the ICO website designed to help organisations understand the issues (<https://ico.org.uk/for-organisations/resources-and-support/data-protection-self-assessment/>).

CONCLUSION

Data protection can often be viewed as a scary, complicated issue which leads to many organisations trying to avoid it, especially at those small organisations staffed by volunteers, but it doesn't need to be. The implementation of the GDPR is an opportunity for Clubs to manage their data more effectively (and lawfully) whilst being more efficient in its use. You can use the following steps as a starting point on becoming compliant with the GDPR:

1. **Nominate** someone at the Club to be responsible for your Club's compliance
2. **Understand** what personal data you collect and why, who you share it with and how long you need to keep it for
3. Make sure you can **legally justify** having each item of personal data
4. Amend your **privacy notices** and privacy policies
5. Update your **consent** requests to be opt-in rather than opt-out
6. **Encrypt** personal data in any electronic devices and when sending it to anyone electronically e.g. setting up password protection for any spreadsheets that contain personal information
7. Make sure you can satisfy **requests for access** within a month and can comply with other rights of individuals
8. Make sure you **maintain records** to demonstrate that you comply with the rules
9. Make sure you **train** your staff and volunteers to follow the new law and your processes

10. Get **help** from your own professional advisers or the Information Commissioner's Office (www.ico.org.uk). The Commissioner's Office has also setup a helpline for small businesses which you may find useful. The telephone number is 0303 123 1113, option 4.

With preparation and good practice, your Club should be able to demonstrate to the ICO, your members, staff and volunteers that you are a trustworthy Club and deals with individuals transparently and with care, which in turn should help build a relationship of trust with these individuals. This should result in your Club providing more value to its members and, in turn, aid your Club on its journey.