

DATA PROTECTION POLICY



INTRODUCTION

This policy is to ensure that Basketball England complies with the requirements of the General Data Protection Regulation, Data Protection Act 2018, and associated guidance and Codes of Practice issued under the legislation.

SCOPE

The Information Policy applies to information in all forms including, but not limited to:

- Hard copy or documents printed or written on paper;
- Information or data stored electronically, including scanned images;
- Communications sent by post/courier or using electronic means such as email, fax or electronic file transfer;
- Information or data stored on or transferred to removable media such as tape, CD, DVD, USB storage device or memory card;
- Information stored on portable computing devices including mobile phones, tablets, cameras and laptops;
- Speech, voice recordings and verbal communications, including voicemail;
- Published web content, for example intranet and internet;
- Photographs and other digital images.

This policy is Basketball England's main information governance policy and addresses:

- Data Protection (including rights and complaints)
- Information Asset Management

Information security, Security incident reporting and Acceptable use are addressed in separate policies.

Personal data will be processed in accordance with the requirements of GDPR and in compliance with the data protection principles specified in the legislation.

Basketball England has notified the Information Commissioner's Office that it is a Data Controller and has appointed a Data Protection Officer (DPO). Details of the DPO can be found here:

LAURA MIDDLETON

NSC, GATE 13, ETIHAD CAMPUS, ROWSLEY ST, MANCHESTER, M11 3FF

SAFEGUARDINGBASKETBALL@BASKETBALLENGAND.CO.UK

TEL: 0300 600 1170

The DPO is a statutory position and will operate in an advisory capacity. Duties will include:

- Acting as the point of contact for the Information Commissioner's Office (ICO) and data subjects;
- Facilitating a periodic review of the corporate information asset register and information governance policies;
- Assisting with the reporting and investigation of information security breaches
- Providing advice on all aspects of data protection as required, including information requests, information sharing and Data Protection Impact Assessments; and
- Reporting to Board Members on the above matters

INFORMATION ASSET REGISTER

The DPO will advise Basketball England in developing and maintaining an Information Asset Register (IAR). The register will include the following information for each asset:

- An individual information asset identification number;
- The owner of that asset;
- Description and purpose of the asset;
- Whether there is a privacy notice published for that asset;
- Format and location of the asset;
- Which officers (job titles/teams) have routine access to the information;
- Whether there are any data sharing agreements relating to the information and the name of that agreement,
- Conditions of data processing;
- Details of any third parties contracted to process the information;
- Retention period for the asset

The IAR will be reviewed annually and the Finance and Business Manager will inform the DPO of any significant changes to their information assets as soon as possible.

INFORMATION ASSET OWNERS

An Information Asset Owner (IAO) is the individual responsible for an information asset, understands the value of that information and the potential risks associated with it. Basketball England will ensure that IAO's are appointed based on sufficient seniority and level of responsibility.

IAO's are responsible for the security and maintenance of their information assets. This includes ensuring that other members of staff are using the information safely and responsibly. The role also includes determining the retention period for the asset, and when destroyed, ensuring this is done so securely.

TRAINING

Basketball England will ensure that appropriate guidance and training is given to the relevant staff and volunteers on access to information procedures, records management and data breach procedures. Individuals will also be made aware and given training in relation to information security.

Basketball England will maintain a 'training schedule' which will record when employees have completed Data Protection training and when a refresher is due to be completed.

Basketball England will ensure that any third party contractors have adequately trained their staff in information governance by carrying out the appropriate due diligence.

PRIVACY NOTICES

Basketball England will provide a privacy notice to data subjects each time it obtains personal information from or about that data subject. Our main privacy notice will be displayed on the Basketball England website in an easily accessible area.

A privacy notice for employees will be provided at commencement of their employment with Basketball England. Privacy notices will be cleared by the DPO prior to being published or issued. A record of privacy notices shall be kept on Basketball England's Information Asset Register.

INFORMATION SHARING

In order to efficiently fulfil our duty as the National Governing Body for Basketball in England it is sometimes necessary for the Basketball England to share information with third parties. Routine and regular information sharing arrangements will be documented in our main privacy notice (as above). Any adhoc sharing of information will be done in compliance with our legislative requirements.

DATA PROTECTION IMPACT ASSESSMENTS (DPIAS)

Basketball England will conduct a data protection impact assessment for all new projects involving high risk data processing as defined by GDPR. This assessment will consider the privacy risks and implications of new projects as well as providing solutions to the identified risks.

The DPO will be consulted at the start of a project and will advise whether a DPIA is required. If it is agreed that a DPIA will be necessary, then the DPO will assist with the completion of the assessment, providing relevant advice.

RETENTION PERIODS

Retention periods will be determined by any legal requirement, best practice or national guidance, and lastly the organisational necessity to retain the information. In addition IAOs will take into account the Limitation Act 1980, which provides timescales within which action may be taken for breaches of the law, when determining retention periods.

Please see separate retention schedule for specific details.

DESTRUCTION OF RECORDS

Retention periods for records are recorded in the Basketball England's IAR. When a record reaches the end of its retention period the IAO will arrange for the records, both electronic and paper to be destroyed securely. Provisions to destroy paper information securely include cross cutting shredders and confidential waste bins.

Advice in regards to the secure destruction of electronic media will be sought from relevant IT support.

A record should be retained of all files destroyed including, where relevant:

- File reference number,
- Description of file,
- Date of disposal,
- Method of disposal,
- Officer who destroyed record

THIRD PARTY DATA PROCESSORS

All third party contractors who process data on behalf of Basketball England must be able to provide assurances that they have adequate data protection controls in place to ensure that the data they process is afforded the appropriate safeguards. Where personal data is being processed, there will be a written contract in place with the necessary data protection clauses contained.

Relevant senior leadership may insist that any data processing by a third party ceases immediately if it believes that that third party has not got adequate data protection safeguards in place. If any data processing is going to take place outside of the EEA then the Data Protection Officer must be consulted prior to any contracts being agreed.

REQUESTS FOR INFORMATION UNDER THE GDPR- SUBJECT ACCESS REQUESTS

Requests under this legislation should be made to the Head of HR and Governance.

Any member of staff may receive a request for an individual's personal information. Whilst GDPR does not require such requests to be made in writing, applicants are encouraged where possible to do so; applicants who require assistance should seek help from Basketball England. Requests will be logged within 48 hours and acknowledged within 7 days.

We must be satisfied as to your identity and may have to ask for additional information such as:

- Valid Photo ID (driver's licence, passport etc);
- Proof of Address (Utility bill, council tax letter etc);
- further information for Basketball England to be satisfied of the applicant's identity;

Only once Basketball England is satisfied of the requestor's identity and has sufficient information on which to respond to the request will it be considered valid. We will then respond to your request within the statutory timescale of One Calendar Month.

Basketball England can apply a discretionary extension of up a further Two Calendar Months to comply with the request if the requested information would take a considerable amount of time to collate, redact, and prepare for disclosure due to either the complexity or voluminous nature of the records. If we wish to apply an extension we will firstly seek guidance from our DPO, then inform the applicant of the extension within the first calendar month of receiving the request. This extension period will be kept to a minimum and will not be used as a way of managing workloads. In very limited cases we may also refuse a request outright as 'manifestly unreasonable' if we would have to spend an unjustified amount of time and resources to comply.

Should we think any exemptions are necessary to apply we will seek guidance from our DPO to discuss their application.

DATA SUBJECT RIGHTS

As well as a right of access to information, data subjects have a series of other rights prescribed by the GDPR including:

- Right to rectification
- Right to erasure
- Right to restrict processing
- Rights in relation automated decision making and profiling

All requests exercising these rights must be in writing and forwarded to the Head of HR and Governance who will acknowledge the request and respond within One Calendar Month. Advice regarding such requests will be sought from our DPO.

A record of decisions made in respect of the request will be retained, recording details of the request, whether any information has been changed, and the reasoning for the decision made.

COMPLAINTS

Complaints in relation to Subject Access will be handled through our existing procedures. Any individual who wishes to make a complaint about the way we have handled their personal data should contact the DPO on the address provided.

GENERAL

Laura Middleton, Safeguarding and Compliance Manager and DPO will be responsible for evaluating and reviewing this policy.