



SCOTTISH GYMNASTICS

DATA PROTECTION POLICY

SCOTTISH GYMNASTICS

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Page 1 of 10

Table of Contents

| | |
|--|-----------|
| 1. Points of Contact for this Policy | 4 |
| 2. Purpose of Data Protection Policy | 4 |
| 3. Overview of the Data Protection Act 1998 | 5 |
| 4. Confidentiality and Security | 6 |
| 5. Ownership of Data | 6 |
| 6. Obtaining, Recording, Using and Disclosing | 7 |
| 7. Data Subjects Rights | 8 |
| 8. Training | 9 |
| 9. Security | 9 |
| 10. Related Guidance | 10 |
| 11. Compliance – Related Legislation | 11 |
| 12. Definitions | 11 |

Scottish Gymnastics Association
Data Protection and Freedom of Information

1. Points of Contact for this Policy

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2. Purpose of Data Protection Policy

2.1 Scope

It is the obligation of Scottish Gymnastics to ensure compliance with the Data Protection Act 1998. The Information Commissioner, who oversees compliance and promotes good practice, requires all data controllers who process personal data to be responsible for their processing activities and comply with the eight data protection principles of "good information handling".

These are:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
 - (a) At least one of the conditions in Schedule 2 is met, and
 - (b) In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.

7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Data Protection law and policy aims to ensure that individual's rights and freedoms are protected. Using personal data to abuse, discriminate or deny access to services is unlawful. Scottish Gymnastics is committed to ensuring that personal data that it holds is used fairly and lawfully in a non-discriminatory manner.

This policy applies to all personal data held by Scottish Gymnastics. It encompasses manual/paper records and personal data electronically processed.

Companies and organisations will hold information of a personal nature about people. If this information is collected or entered wrongly, is out of date or is mixed up with someone else's personal data, it could cause complications. A number of problems could occur as a result of this, such as being refused credit, unfairly refused a job or even arrested in error because of a mistake being made to the personal information held.

3. Overview of the Data Protection Act 1998

3.1 Overview

The Data Protection Act 1998 gives individuals the right to see information about them held by companies and organisations. In certain circumstances they may have the information corrected or erased, or they may even be able to prevent the processing of their personal data. If a Data Controller causes an individual damage or distress as a result of non-compliance, they could claim compensation. The Board is classed as a Data Controller and could be prosecuted for any serious offences that may be committed.

The Data Protection Act 1998 is not optional. It is mandatory and there can be harsh penalties imposed for non-compliance with the Act. In a Scottish Court fines can be unlimited and all organisations processing personal data can be affected.

3.2 How this impacts on employees of Scottish Gymnastics and its Subsidiaries

The obligations outlined in this policy apply to all those who have access to personal data held by Scottish Gymnastics, whether Board members, employees, agency staff, elected members (or other public representatives), trustees, employees of associated organisations or volunteers. It includes those who work at home or from home or have remote or flexible patterns of working.

Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or is deliberately acting outside of their recognised responsibilities may be subject to Scottish Gymnastics HR disciplinary procedures, including dismissal where appropriate, and possible legal action liable to prosecution. All individuals permitted to access personal data in line with their work duties must agree to comply with this policy and agree to undertake any relevant training that may be appropriate to the job/position being undertaken.

As well as Scottish Gymnastics, individual employees can also be prosecuted for unlawful action under the Act. Upon summary conviction, fines of up to £5,000 could result if employees process information about other people without their consent or proper authorisation from Scottish

Gymnastics. Upon conviction or indictment the fine can be unlimited. Employees could be committing an offence by sharing information with other employees who do not need to be told that information in order to carry out their legitimate gymnastics duties.

4. Confidentiality and Security

4.1 Confidentiality and Security

Personal data is confidential and confidentiality must be preserved in compliance with the Data Protection Principles as defined in the Data Protection Act 1998. Confidential information can be the most valuable asset of a business and employees will automatically have duties to their employers to ensure that confidential information is not knowingly or recklessly misused.

- Manual files (paper records) – access must be restricted solely to relevant staff and stored in secure locations (e.g. lockable cabinets), to prevent unauthorised access.
- Computer systems will be configured and computer files created with adequate security levels to preserve confidentiality. Those who use Scottish Gymnastics' computer equipment will have access only to the data that is both necessary for the work they are doing and held for the purpose of carrying out that work. A Statement of Access document should be completed to identify who is authorised, what they are authorised to see.
- Personal data will be disclosed only to the data subject and other organisations and persons who are pre-defined as notified recipients within Scottish Gymnastics' Register Entry held within the Chief Executive's office. At certain times it may be required that personal data is disclosed under one of the exemptions within the Data Protection Act 1998. If there is a requirement for this an audit trail will need to be kept to provide accurate records of any disclosures of personal data.
- Preventing abuse and discrimination, Scottish Gymnastics processes sensitive personal data (as defined in the Act) on employees and services users. Scottish Gymnastics will have regard to its various diversity policies to ensure that if instances of abuse or discrimination occur, appropriate action is taken.

Sensitive Personal Data consists of the following information as to:

- The racial or ethnic origin of the data subject
- Their political opinions
- Their religious beliefs or other beliefs of a similar nature
- Trade union membership
- Physical or mental health condition
- Sexual life
- Commission or alleged commission of any offence
- Any proceedings for any offence committed or alleged to have been committed

5. Ownership of Data

5.1 Ownership of Data

Each Scottish Gymnastics department is responsible for the personal data that it holds. This responsibility also extends to personal data that is processed by a third party on behalf of Scottish Gymnastics. The departments will hold a record of all processing activities, containing personal data,

whether paper based or electronic. Where required, the department will provide the necessary information to the Chief Executive's Team in order to facilitate the notification of the data with the Information Commissioner.

Internal notification is the process by which Scottish Gymnastics keeps a check of processing activities in terms of the personal data it holds. This process is currently undertaken by the Chief Executive's department who have the responsibility of ensuring Scottish Gymnastics' Register Entry with the Information Commissioner is kept accurate and up to date. **Failure to do this is a criminal offence.**

6. Obtaining, Recording, Using and Disclosing

6.1 Processing

Each of these activities comes within the definition of processing. Processing in relation to personal data means carrying out any of the processing activities "on the data".

Any activity/operation performed on personal data – whether held electronically or manually, such as obtaining, recording, holding, disseminating or making available the data, or carrying out any operation on the data.

This includes organising, adapting, amending and processing the data, retrieval, consultation, disclosure, erasure or destruction of the data. (It is difficult to envisage any activity which does not amount to processing).

All processing of personal data will comply with the Data Protection Principles as defined in the Data Protection Act 1998. In the situation where a third party processes data, the third party will be required to act in a manner which ensures compliance with the Data Protection Act 1998 and have adequate safeguards in place to protect the personal data.

6.2 Recording and using the data

Data will only be processed for the purpose for which it was collected and should not be used for additional purposes without the consent of the data subject.

Scottish Gymnastics will endeavour to inform all individuals, via the website and on-line members' area portal, of why their personal data is being collected. In line with the first data protection principle all information will be collected fairly and lawfully and processed in line with the purpose for which it has been given. Scottish Gymnastics may need to hold and process information in order to carry out any statutory obligations, where this process takes place all personal data will be processed fairly and lawfully.

6.3 Obtaining

It is a requirement that any data collection forms used in order to collect personal data will contain a "fair obtaining" statement. The statement will need to be clearly visible and placed appropriately so the data subject (individual to whom the information relates) is fully aware of the intended uses of their personal data.

The information that would need to be supplied on a data collection form is as follows:

- The identity of the data controller or appointed representative/officer
- The purpose or purposes for which the information is intended to be processed
- Any foreseen disclosures of the information to be obtained; and
- Any further information in order to make the processing fair

It is also very important to remember that when collecting data via the telephone or face to face, the above information should also be made clear to the data subject before any processing of their personal data takes place.

6.4 Disclosing

Personal data must not be disclosed, except to authorised users, other organisations and people who are pre-defined as a notified recipient or if required under one of the exemptions within the Data Protection Act 1998.

7. Data Subjects Rights

7.1 The Right of Subject Access

A written request received by the CEO's department within Scottish Gymnastics from an individual wishing to access their rights under the provisions of the Data Protection Act 1998 is known as a Subject Access Request. Sections 7 to 9 of the Act gives an individual the rights to request access to any "personal data" that they believe may be held about them.

If it does hold the requested information, then it will provide a written copy of the information held about them and details of any disclosures which have been made.

The information requested will be provided promptly and in any event within 40 calendar days of receipt of the subject access request. If the information cannot be disclosed within the time period specified, the data subject will be kept fully informed of the process and given access to any personal data that may already have been gathered.

If the data subject believes that Scottish Gymnastics has not responded correctly and are not happy with Scottish Gymnastics' response to their concerns they are able to complain to the Chairman of the Board of Scottish Gymnastics.

7.2 Prevention of processing causing damage or distress

If an individual believes that Scottish Gymnastics is processing personal data in a way that causes them substantial unwarranted damage or substantial unwarranted distress, they can send a notice (data subject notice) to the data controller requesting, within a reasonable amount of time, the data controller to stop the processing.

7.3 Right to prevent processing for purposes of direct marketing

An individual is entitled to request (in writing) to Scottish Gymnastics to cease, or not to begin, processing their personal data for the purpose of direct marketing. When a data controller receives a written notice they must comply as soon as practically possible.

An individual has the right to apply to the Scottish Executive for an order if Scottish Gymnastics fails to comply with a written notice.

An individual is entitled, by written notice, to require Scottish Gymnastics to ensure that no decision, which significantly affects that individual, is based solely on the processing, by automatic means, of personal data of which that individual is the data subject.

7.5 Right to compensation

An individual who suffers damage, or damage and distress, as the result of any contravention of the requirements of the Act by Scottish Gymnastics, is entitled to compensation where Scottish Gymnastics is unable to prove that they had taken such care as was reasonable in all the circumstances to comply with the relevant requirement.

7.6 Dealing with inaccuracy

A data subject may apply to the Scottish Executive for an order requiring Scottish Gymnastics to rectify, block, erase or destroy such data relating to that data subject as are inaccurate together with any other personal data relating to the data subject which contains an expression of opinion which the Scottish Executive finds is based on the inaccurate data.

8. Training

8.1 Training

It is Scottish Gymnastics' policy that all employees who hold or process personal data receive the appropriate training in order to comply with the Data Protection Act 1998.

Data Protection training is a crucial element of staff awareness. Staff need to be aware of their obligations relating to any personal data they process as part of their duties. Failure to adhere to the eight data protection principles can lead to serious problems and prosecution.

9. Security

9.1 The nature of information and its security

Scottish Gymnastics is committed to implementing BC ISO/IEC 17799: 2005 Code of Good Practice for Information Security Management. This standard is the minimum benchmark required by the Data Protection Act.

There are three key points we need to understand and have clearly in mind when thinking about information security.

"Information exists in many forms; printed or written on paper, stored electronically, transmitted by post or electronic means, shown on films or spoken in conversation."

"Information Security Management is a combination of management, technological and organisational measures that must be taken to prevent unauthorised or unlawful processing or disclosure of data."

"We all have a part to play in making sure that our information assets are safe."

10. Related Guidance

10.1 Data Protection Guidance

Subject Access > Sections 7 to 9 of the Act gives individuals the right to request personal data relating to themselves the "data subject". Once received, Scottish Gymnastics must respond within 40 calendar days of receipt of the written request from the individual concerned.

The Data Protection Principles > The principles are the foundation on which the Act is set and data controllers need to comply with these principles in order to satisfy the legal requirements set out by the legislation.

The Exemptions > There are a number of exemptions within the Act and this guidance outlines what they are and when they can be relied on.

Disclosures > All Scottish Gymnastics staff processing personal data need to be aware of the correct procedure in terms of disclosing the data "fairly and lawfully".

Registration > The Information Commissioner maintains a public register of data controllers. Each register entry includes the name and address of the data controller and a general description of the processing of personal data by a data controller. Individuals can consult the register to find out what processing of personal data is being carried out by a particular data controller.

Notification > Is the process by which a data controller's details are added to the register. The Data Protection Act 1998 requires every data controller who is processing personal data to notify the Information Commissioner's office, unless they are exempt. The Chief Executive's department keeps an entry of all staff who process personal data for a number of different purposes.

Fair Processing of Personal Data > The first data protection principle states that "*Personal data shall be processed fairly and lawfully*". This guidance details how to go about collecting personal and sensitive data about individuals and gives examples of statements that can be used on data collection forms.

Seventh Principle > The seventh principle states that "Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, damage to, personal data". This guidance explains in further detail the principle itself and other relevant information relating to security of personal data.

Data Matching > Data matching is the computerised comparison of two or more sets of records with the main objective of searching for records relating to the same individual.

Flexible and Remote Access Code of Practice > This code of practice sets out to highlight some of the many potential dangers that individuals could be exposed to when accessing Scottish Gymnastics' information resources in a non-secure environment.

Information > Further information can be obtained by visiting the Information Commissioner's website at <https://ico.org.uk/>

11. Compliance – Related Legislation

11.1 Links to other associated legislation

The Freedom of Information Act 2000
The Children’s Act 1989
The Disability Discrimination Act 2005
The Human Rights Act 1998
The Environmental Information Regulations 2004
The Copyright, Patents and Design Act 1988
The Computer Misuse Act 1990
The Defamation Act 1996
The Electronic Communications Act 2000
The Regulation of Investigatory Powers Act 2000
The Re-use of Public Sector Information Regulations 2005
The Civil Contingencies Act 2004
Any other relevant legislation

12. Definitions

12.1 Definitions

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| Data > | Any information automatically processed or going to be automatically processed. This includes information contained within structured and unstructured manual files. |
| Personal Data > | Information relating to a living identifiable individual. |
| Sensitive Personal Data > | Information relating to an individual’s racial/ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal convictions or alleged offences. |
| Data Controller > | Scottish Gymnastics’ CEO’s department (i.e. natural person or legal body such as a business or public authority) decides the manner in which, and purpose for which, personal data are processed. |
| Data Subject > | An individual (member) who is the subject of the personal data/information. |
| Data Processor > | Member of Scottish Gymnastics staff who processes on behalf of the data controller under instruction. |
| Processing > | Any activity/operation performed on personal data – whether held electronically or manually, such as obtaining, recording, holding, disseminating or making available the data, or carrying out any operation on the data. This includes organising, adapting, amending and processing the data, retrieval, consultation, disclosure, erasure or destruction of the data. It is difficult to envisage any activity, which does not amount to processing. |
| Information Commissioner > | The Office of the Information Commissioner has responsibility for enforcement of the Act and also for the provision of information and advice on the Act. |