



**Compliance**

**with the**

**Data Protection Act**

**for**

**Clubs and Societies**

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A Brief Guide

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## What is the “Data Protection Act” about ?

The Data Protection Act 2002 (the “DPA”) aims to promote high standards in the handling of personal data, in accordance with the eight principles of good data handling, by **all** sections of the community and, thereby protect an individual’s right to privacy.

The DPA applies to **anyone** holding information about **living** individuals in electronic format or in some cases on paper.

They must follow the eight data protection principles on good data handling.

These principles say personal information must be:

- Fairly and lawfully processed
- Processed for specified purposes
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Not kept for longer than is necessary
- Processed in line with the rights of the individual
- Kept secure
- Not transferred to countries outside the EEA unless there is adequate protection for the information

As a club or society (“club”) you are likely to hold information on your members, employees or other members of the public. These people are the **data subjects**. You are the **data controller** as you hold the information and process it for your use. The data subjects are permitted by law to request that you provide them with the information you hold on them. This is called a subject access request and there are rules regarding how you respond to such a request.

## Why should I comply with the DPA?

It makes good business sense, for example:

- Sending out a mailing from an out-of-date or inaccurate record will not only frustrate some of your members but also cost you money and waste your time.
- Good information handling can enhance your club’s reputation by increasing member and employee confidence in you.
- Good information handling will reduce the risk of a complaint being made against you.

It is the law, and if you fail to process information in line with the data protection requirements, and an individual suffers damage as a result, then that person is entitled to seek compensation from you through the courts.

## **What happens if I don't comply?**

Your club's reputation and finances could be affected.

Many people contact the Data Protection Supervisor (the "Supervisor") with enquiries about the way their information is handled. In some cases the Supervisor will undertake an investigation on their behalf to whether particular processing is compliant with the DPA.

- This may result in an enforcement action being taken against you to force you to comply with the DPA.
- The individual may also seek compensation from you through the courts for any damage caused.

Remember too that failure to notify or renew your notification on an annual basis, unless you are exempt from notifying, is one of the criminal offences under the DPA, punishable by a fine.

## **Do I need to notify?**

Most clubs do not need to notify, and can claim an exemption, although you must still comply with the law.

You will be required to notify:

- If your club holds health records.
- If you have coaches who have been through a vetting procedure.
- If you have a CCTV system.

## **What does it cost?**

Most clubs will be exempt from the fee if they are run on a "not for profit" basis. For those clubs that fall outside of this description, the current fee is £40 per annum on notification.

## **What if someone asks for their information ?**

If you receive a subject access request you must respond to it promptly and in any case within 40 days of receipt. You should send the individual a copy of the personal information you hold on them and certain details of your processing.

You can charge them a fee of up to £10 for responding to a request.

There are some circumstances where personal information need not be supplied, and there are also circumstances where information about other people need not be given. Please contact the DPA Supervisor's office if you have any queries.

## **A quick “How to comply” checklist**

Being able to answer “yes” to all these questions means you are well on the way to being compliant. Some issues may still need further advice, in which case please contact us.

### **Customer Care**

- Do the people whose information is held know that it is held and what it is going to be used for?
- Is this information really needed?
- Is it accurate and up to date?
- Is it deleted or destroyed when it has no further use?
- Is it held on a strict “need to know” basis?
- Who is going to see it, especially if it is going on a website?
- Do users know if it is OK to pass the information on to someone else and to whom?
- Is it held securely?

### **Compliance with the DPA**

- Does the club need to notify and if so, is it up to date?
- Does the club have notices up advising people that it has CCTV?
- Do other users understand their duties and responsibilities under the DPA?
- Does the club have a policy for dealing with data protection issues?

### **How to get help and advice**

- The Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF
- The Notification Department by e-mail and website:

[\*\*notification@ico.gsi.gov.uk\*\*](mailto:notification@ico.gsi.gov.uk)

OR [\*\*www.dataprotection.gov.uk\*\*](http://www.dataprotection.gov.uk)