



## **GDPR Data Protection Policy**

## GDPR Data Protection Policy

### 1. Introduction

This Policy sets how the English Volleyball Association Limited (t/a Volleyball England) (“the Organisation”) will comply with its data protection obligations and seek to protect the rights of its staff, members, participants and business contacts (“data subjects”) in respect of their personal data under the General Data Protection Regulation (“the Regulation”).

The Regulation defines “personal data” as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

The Regulation also addresses “special category” personal data (also known as “sensitive” personal data). Such data includes, but is not necessarily limited to, data concerning the data subject’s race, ethnicity, politics, religion, trade union membership, genetics, biometrics (if used for ID purposes), health, sex life, or sexual orientation.

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein must be followed at all times by the Organisation, its employees, volunteers, sub-contractors, outsourced service providers or other parties working on behalf of the Organisation.

The Organisation is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

This policy is complimentary to, and should be read in conjunction, with our Data Retention Policy and our Privacy Policy – both of which can be accessed here [*or include a hyperlink for each*] – and which contain further information regarding the protection of personal information in those contexts. All three policies are referred together as the “Data Policies”.

Failure by staff, volunteers, sub-contractors, outsourced services providers, or other parties working with the Organisation to comply with the Data Policies may lead to disciplinary action under our procedures and Code of Conduct.

### 2. The Data Protection Principles

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. All personal data must be:

- a) processed lawfully, fairly, and in a transparent manner in relation to the data subject;
- b) collected for specified, explicit, and legitimate purposes only and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken

to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;

- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Regulation in order to safeguard the rights and freedoms of the data subject;
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **3. Lawful, Fair, and Transparent Data Processing**

3.1 The Regulation seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The Regulation states that processing of personal data shall be lawful if at least one of the following applies:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary to protect the vital interests of the data subject or of another natural person;
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

3.2 Sensitive personal information is sometimes referred to as 'special categories of personal data' or 'sensitive personal data'. The Organisation may, from time to time need to process sensitive personal information. We will only do so if we have a lawful basis for doing so or one of the special conditions for processing sensitive personal information applies.

3.3 The Organisation's Privacy Policy sets out the types of sensitive personal information that the Organisation processes, what it is used for and the lawful basis for the processing.

### **4. Adequate, Relevant and Limited Data Processing**

The Organisation will only collect and process personal data which is accurate, adequate,

relevant and proportionate for the purpose for which it was obtained. Personal data obtained for one purpose should generally not be used for unconnected purposes unless the individual has been informed of such purpose, and where required given their consent, or would otherwise reasonably expect the data to be used in this way

## 5. **Accuracy of Data and Keeping Data Up To Date**

The Organisation shall ensure that all personal data collected and processed is kept accurate and up-to-date. The accuracy of data shall be checked when it is collected and at regular intervals thereafter. Where any inaccurate or out-of-date data is found, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

Individuals may ask the Organisation to correct personal data relating to them which they consider to be inaccurate in accordance with Part 12 of this Policy.

## 6. **Timely and Secure Processing**

The Organisation shall not keep personal data for any longer than is necessary in light of the purposes for which that data was originally collected and processed. When the data is no longer required, all reasonable steps will be taken to erase it without delay. The Organisation shall ensure that all personal data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. In each case this shall be in accordance with the Organisations' Data Retention Policy – available here *[include link]*.

## 7. **Accountability**

7.1 The Organisation's data protection officer is Stewart Dunne, Chief Operating Officer.

7.2 The Organisation shall keep written internal records of all personal data collection, holding, and processing, which shall incorporate the following information:

- a) The name and details of the Organisation, its data protection officer, and any applicable third-party data controllers;
- b) The purposes for which the Organisation processes personal data;
- c) Details of the categories of personal data collected, held, and processed by the Organisation; and the categories of data subject to which that personal data relates;
- d) Details (and categories) of any third parties that will receive personal data from the Organisation;
- e) Details of any transfers of personal data to non-EEA countries including all mechanisms and security safeguards;
- f) Details of how long personal data will be retained by the Organisation; and
- g) Detailed descriptions of all technical and organisational measures taken by the Organisation to ensure the security of personal data.

## 8. **Privacy Impact Assessments**

The Organisation shall carry out Privacy Impact Assessments when and as required under the Regulation. Privacy Impact Assessments shall be overseen by the Organisation's data protection officer and shall address the following areas of importance:

- 8.1 The purpose(s) for which personal data is being processed and the processing operations to be carried out on that data;

- 8.2 An assessment of the necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed;
- 8.3 An assessment of the risks posed to individual data subjects; and
- 8.4 Details of the measures in place to minimise and handle risks including safeguards, data security, and other measures and mechanisms to ensure the protection of personal data, sufficient to demonstrate compliance with the Regulation.

## 9. **The Rights of Data Subjects**

The Regulation sets out the following rights applicable to data subjects:

- a) The right to be informed;
- b) The right of access;
- c) The right to rectification;
- d) The right to erasure (also known as the 'right to be forgotten');
- e) The right to restrict processing;
- f) The right to data portability;
- g) The right to object;
- h) Rights with respect to automated decision-making and profiling.

Data subjects should see the Privacy Policy for further information. Any data subject wishing to exercise any of the above rights should contact the Organisation's data protection officer.

## 10. **Keeping Data Subjects Informed**

- 10.1 The Organisation shall ensure that the following information is provided to every data subject when personal data is collected:
  - a) Details of the Organisation including, but not limited to, the identity of its Data Protection Officer;
  - b) The purpose(s) for which the personal data is being collected and will be processed and the lawful basis justifying that collection and processing;
  - c) Where applicable, the legitimate interests upon which the Organisation is justifying its collection and processing of the personal data;
  - d) Where the personal data is not obtained directly from the data subject, the categories of personal data collected and processed;
  - e) Where the personal data is to be transferred to one or more third parties, details of those parties;
  - f) Where the personal data is to be transferred to a third party that is located outside of the European Economic Area (the "EEA"), details of that transfer, including but not limited to the safeguards in place (see Part 22 of this Policy for further details concerning such third country data transfers);
  - g) Details of the length of time the personal data will be held by the Organisation (or, where there is no predetermined period, details of how that length of time will be determined);
  - h) Details of the data subject's rights under the Regulation;

- i) where applicable, details of the data subject's right to withdraw their consent to the Organisation's processing of their personal data at any time;
- j) Details of the data subject's right to complain to the Information Commissioner's Office (the 'supervisory authority' under the Regulation);
- k) Where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it;
- l) Details of any automated decision-making that will take place using the personal data (including but not limited to profiling), including information on how decisions will be made, the significance of those decisions and any consequences.

10.2 The information set out above in Part 10.1 shall be provided to the data subject at the following applicable time:

10.2.1 Where the personal data is obtained from the data subject directly, at the time of collection;

10.2.2 Where the personal data is not obtained from the data subject directly (i.e. from another party):

- a) If the personal data is used to communicate with the data subject, at the time of the first communication; or
- b) If the personal data is to be disclosed to another party, before the personal data is disclosed; or
- c) In any event, not more than one month after the time at which the Organisation obtains the personal data.

## 11. Data Subject Access

11.1 A data subject may make a subject access request ("SAR") at any time to find out more about the personal data which the Organisation holds about them. The Organisation is normally required to respond to SARs within one month of receipt (this can be extended by up to two months in the case of complex and/or numerous requests, and in such cases the data subject shall be informed of the need for the extension).

11.2 All subject access requests received must be forwarded to the Organisation's data protection officer.

11.3 The Organisation does not charge a fee for the handling of normal SARs. The Organisation reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

## 12. Rectification of Personal Data

12.1 If a data subject informs the Organisation that personal data held by the Organisation is inaccurate or incomplete, requesting that it be rectified, the personal data in question shall be rectified, and the data subject informed of that rectification, within

one month of receipt the data subject's notice (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).

12.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification of that personal data.

### 13. Erasure of Personal Data

13.1 Data subjects may request that the Organisation erases the personal data it holds about them in the following circumstances:

- a) It is no longer necessary for the Organisation to hold that personal data with respect to the purpose for which it was originally collected or processed;
- b) Where applicable, the data subject wishes to withdraw their consent to the Organisation holding and processing their personal data;
- c) The data subject objects to the Organisation holding and processing their personal data (and there is no overriding legitimate interest to allow the Organisation to continue doing so) (see Part 16 of this Policy for further details concerning data subjects' rights to object);
- d) The personal data has been processed unlawfully;
- e) The personal data needs to be erased in order for the Organisation to comply with a particular legal obligation.
- f) The personal data is being held and processed for the purpose of providing information society services to a child.

13.2 Unless the Organisation has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).

13.3 In the event that any personal data that is to be erased in response to a data subject request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

### 14. Restriction of Personal Data Processing

14.1 Data subjects may request that the Organisation ceases processing the personal data it holds about them. If a data subject makes such a request, the Organisation shall retain only the amount of personal data pertaining to that data subject that is necessary to ensure that no further processing of their personal data takes place.

14.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

### 15. Data Portability

15.1 The Organisation processes personal data using automated means.

- 15.2 Where data subjects have given their consent to the Organisation to process their personal data in such a manner or the processing is otherwise required for the performance of a contract between the Organisation and the data subject, data subjects have the legal right under the Regulation to receive a copy of their personal data and to use it for other purposes (namely transmitting it to other data controllers, e.g. other companies).
- 15.3 To facilitate the right of data portability, the Organisation shall make available all applicable personal data to data subjects in the following formats:
- a) In writing
  - b) Electronically via email
- 15.4 Where technically feasible, if requested by a data subject, personal data shall be sent directly to another data controller.
- 15.5 All requests for copies of personal data shall be complied with within one month of the data subject's request (this can be extended by up to two months in the case of complex requests in the case of complex or numerous requests, and in such cases the data subject shall be informed of the need for the extension).

## 16. **Objections to Personal Data Processing**

- 16.1 Data subjects have the right to object to the Organisation processing their personal data based on legitimate interests (including profiling), direct marketing (including profiling), etc.
- 16.2 Where a data subject objects to the Organisation processing their personal data based on its legitimate interests, the Organisation shall cease such processing forthwith, unless it can be demonstrated that the Organisation's legitimate grounds for such processing override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.
- 16.3 Where a data subject objects to the Organisation processing their personal data for direct marketing purposes, the Organisation shall cease such processing forthwith.
- 16.4 Where a data subject objects to the Organisation processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under the Regulation, 'demonstrate grounds relating to his or her particular situation'. The Organisation is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

## 17. **Automated Decision-Making**

- 17.1 In the event that the Organisation uses personal data for the purposes of automated decision-making and those decisions have a legal (or similarly significant effect) on data subjects, data subjects have the right to challenge to such decisions under the Regulation, requesting human intervention, expressing their own point of view, and obtaining an explanation of the decision from the Organisation.
- 17.2 The right described in Part 17.1 does not apply in the following circumstances:
- a) The decision is necessary for the entry into, or performance of, a contract between the Organisation and the data subject;
  - b) The decision is authorised by law; or

- c) The data subject has given their explicit consent.

## 18. Profiling

Where the Organisation uses personal data for profiling purposes, the following shall apply:

- a) Clear information explaining the profiling will be provided, including its significance and the likely consequences;
- b) Appropriate mathematical or statistical procedures will be used;
- c) Technical and organisational measures necessary to minimise the risk of errors and to enable such errors to be easily corrected shall be implemented; and
- d) All personal data processed for profiling purposes shall be secured in order to prevent discriminatory effects arising out of profiling (see Parts 20 and 21 of this Policy for more details on data security).

## 19. Personal Data

The personal data that may be collected, held, and processed by the Organisation may include the following:

- a) Employee records –
  - 19.1.1 Applications for job vacancies. ;
  - 19.1.2 For the duration of any employment to ensure employment laws in force and good HR practise is followed;
  - 19.1.3 Bank & Payroll details are held to ensure the company complies with the relevant laws;
- b) Member records –
  - 19.1.4 The Organisation needs to deliver its articles and use personal information relation to those playing, administering, organising, coaching, governing and officiating all forms of Volleyball in England. To this end personal data is held as stated within the Organisation's Data Retention Policy.
- c) Supplier records –
  - 19.1.5 In the course of carrying out its business the Organisation holds and retains data of a number of suppliers in the delivery of its daily business and holds not only the record of the businesses but also that of key individuals within who are primarily responsible for products and services it purchases.
- d) Partner records –
  - 19.1.6 In the course of carrying out its business the Organisation holds and retains data of a number of partners in the delivery of its daily business and holds not only the record of the partner but also that of key individuals within who are primarily responsible for supporting the company and providing advocacy.

## 20. Data Protection Measures

The Organisation shall use appropriate technical and organisational measures to keep personal information secure, and in particular to protect against unauthorised or unlawful processing

and against accidental loss destruction or damage. It shall ensure that all its employees and, where appropriate, its volunteers, sub-contractors, outsourced services providers, or other parties working on its behalf use relevant measures when working with personal data. The measures may include:

- a) making sure that, where possible, emails containing personal data are encrypted;
- b) where any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it should be securely deleted and disposed of. Hardcopies should be shredded, and electronic copies should be deleted securely.;
- c) Personal data may be transmitted over secure networks only;
- d) Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself should be deleted. All temporary files associated therewith should also be deleted;
- e) Where Personal data is to be sent by facsimile transmission the recipient should be informed in advance of the transmission and should be waiting by the fax machine to receive the data;
- f) Where Personal data is to be transferred in hardcopy form it should be passed directly to the recipient or, where appropriate, sent using Royal Mail 1<sup>st</sup> class recorded delivery.
- g) No personal data may be shared informally and if an employee, volunteer, sub-contractor or other party working on behalf of the Organisation requires access to any personal data that they do not already have access to, such access should be formally requested from the Data Protection Officer.
- h) All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet or similar;
- i) No personal data may be transferred to any employees, volunteers, sub-contractors, or other parties, whether such parties are working on behalf of the Organisation or not, without the authorisation of the Data Protection Officer.
- j) Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, volunteers, sub-contractors or other parties at any time;
- k) If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it;
- l) No personal data should be stored on any mobile device (including, but not limited to, laptops, tablets and smartphones), whether such device belongs to the Organisation or otherwise without the formal written approval of a manager and, in the event of such approval, strictly in accordance with all instructions and limitations described at the time the approval is given, and for no longer than is absolutely necessary.
- m) No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to sub-contractors, or other parties working on behalf of the Organisation where the party in question has agreed to comply fully with the letter and spirit of the Data Policies and of the Regulation (which may include demonstrating to the Organisation that all suitable technical and organisational measures have been taken);

- n) All personal data stored electronically should be backed up regularly with backups stored onsite on the Organisation's servers. All backups should be encrypted;
- o) All passwords used to protect personal data should be changed regularly and should not use words or phrases that can be easily guessed or otherwise compromised. All passwords must contain a combination of uppercase and lowercase letters, numbers, and symbols. All software used by the Organisation is designed to require such passwords;
- p) Under no circumstances should any passwords be written down or shared between any employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation, irrespective of seniority. If a password is forgotten, it must be reset using the applicable method. IT staff do not have access to passwords;
- q) Where personal data held by the Organisation is used for marketing purposes, it shall be the responsibility of the Data Protection Officer to ensure that no data subjects have added their details to any marketing preference databases including, but not limited to, the Telephone Preference Service, the Mail Preference Service, the Email Preference Service, and the Fax Preference Service. Such details should be checked regularly.

## 21. **Organisational Measures**

The Organisation shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- a) All employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation shall be made fully aware of both their individual responsibilities and the Organisation's responsibilities under the Regulation and under the Data Polices, and shall be provided with access to a copy of the Data Policies (which are available on the Organisation's website);
- b) Only employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by the Organisation;
- c) All employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation handling personal data will be appropriately trained to do so;
- d) All employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation handling personal data will be appropriately supervised;
- e) All employees and other parties working on behalf of the Organisation handling personal data should exercise care and caution when discussing any work relating to personal data at all times;
- f) Methods of collecting, holding and processing personal data shall be regularly evaluated and reviewed by the Organisation;
- g) The performance of those employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation handling personal data shall be regularly evaluated and reviewed;
- h) All employees, volunteers, sub-contractors, or other parties working on behalf of the Organisation handling personal data will be bound to do so in accordance with the principles of the Regulation and the Data Policies;

- i) All sub-contractors or other parties working on behalf of the Organisation handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of the Organisation arising out of the Data Policies and the Regulation;
- j) Where any sub-contractor or other party working on behalf of the Organisation handling personal data fails in their obligations under the Data Policies that party shall indemnify and hold harmless the Organisation against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

## **22. Transferring Personal Data to a Country Outside the EEA**

- 22.1 The Organisation may from time to time transfer ('transfer' includes making available remotely) personal data to countries outside of the EEA.
- 22.2 The transfer of personal data to a country outside of the EEA shall take place only if one or more of the following applies:
  - a) The transfer is to a country, territory, or one or more specific sectors in that country (or an international organisation), that the European Commission has determined ensures an adequate level of protection for personal data;
  - b) The transfer is to a country (or international organisation) which provides appropriate safeguards in the form of a legally binding agreement between public authorities or bodies; binding corporate rules; standard data protection clauses adopted by the European Commission; compliance with an approved code of conduct approved by a supervisory authority (e.g. the Information Commissioner's Office); certification under an approved certification mechanism (as provided for in the Regulation); contractual clauses agreed and authorised by the competent supervisory authority; or provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority;
  - c) The transfer is made with the informed consent of the relevant data subject(s);
  - d) The transfer is necessary for the performance of a contract between the data subject and the Organisation (or for pre-contractual steps taken at the request of the data subject);
  - e) The transfer is necessary for important public interest reasons;
  - f) The transfer is necessary for the conduct of legal claims;
  - g) The transfer is necessary to protect the vital interests of the data subject or other individuals where the data subject is physically or legally unable to give their consent; or
  - h) The transfer is made from a register that, under UK or EU law, is intended to provide information to the public and which is open for access by the public in general or otherwise to those who are able to show a legitimate interest in accessing the register.

## **23. Data Breach Notification**

- 23.1 All personal data breaches must be reported immediately to the Organisation's Data Protection Officer.
- 23.2 If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality,

discrimination, reputational damage, or other significant social or economic damage), the Data Protection Officer must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

23.3 In the event that a personal data breach is likely to result in a high risk (that is, a higher risk than that described under Part 23.2) to the rights and freedoms of data subjects, the Data Protection Officer must ensure that all affected data subjects are informed of the breach directly and without undue delay.

23.4 Data breach notifications shall include the following information:

- a) The categories and approximate number of data subjects concerned;
- b) The categories and approximate number of personal data records concerned;
- c) The name and contact details of the Organisation's Data Protection Officer (or other contact point where more information can be obtained);
- d) The likely consequences of the breach;
- e) Details of the measures taken, or proposed to be taken, by the Organisation to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

#### 24. **Implementation of Policy**

This Policy shall be deemed effective as of 25<sup>th</sup> May 2018. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

*Annual Review date: 1<sup>st</sup> April 2019 (policy will be re-evaluated in September 2018)*