

Revised 03/2015

DATA PROTECTION GUIDANCE FOR SPORTIVATE STAKEHOLDERS

Data Protection

This note has been produced to help the providers of Sportivate activities to meet their legal obligations concerning the collection and use of personal data provided by people taking part in activities. It sets out the key aspects of relevant legislation and offers practical advice on how these relate to the provision of sports activities.

Sport England

The Data Protection Act 1998 divides organisations processing personal data into Data Controllers and Data Processors. Data Controllers decide how the personal data is going to be used and Data Processors process the data on the instructions of the Data Controllers. Sport England is the Data Controller for Sportivate and personal data should only be processed in accordance with Sport England's instructions.

In addition, some deliverers may want to collect information about participants on their own behalf. This would make the deliverers Data Controllers of this information so we have included some Data Protection advice for you in the 'Additional advice for deliverers' section of this guidance.

The Data Protection Act 1998

The Data Protection Act 1998 sets out the key principles for managing data linked to a specific person ("personal data"). This includes electronic, manual and recorded data. The guidelines below will help you to collect and analyse the data in line with the principles of the Data Protection Act (DPA). Not only is compliance with the DPA a legal requirement, there are good management reasons for doing so, for example, using out of date or inaccurate data could result in complaints and failing to follow correct procedures when processing and storing information could have serious consequences.

Principles of the Data Protection Act 1998

There are eight data protection principles. Personal data shall be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in line with your rights;
- **Kept securely;** and
- Not transferred to other countries outside the European Economic Area (EEA) without adequate protection.

If you would like to know more about the data protection principles please use the following link:

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

Registration forms and surveys

To comply with the “fair and lawful” principle above, it is important to tell individuals why you are collecting their personal data and obtain their consent to use it in this way.

Registration forms or surveys must contain a data protection statement which should be “readily accessible” to the individual. If the form or survey is not electronic, the statement should be separate from the form and given to the individual. It should include contact details for the “data controllers” (any organisations which will be using that information)

There is a ‘Sportivate Data Protection Note’ for participants. It should be printed out and made available alongside the ‘Sportivate Participant Registration Form’ at Sportivate sessions. Both of these can be found in the downloads section of the Sportivate portal.

If a young person is under 14 years of age or the young person may not, for any reason, understand the form, the form should be drawn to the attention of the parent or carer.

Storing and using Sportivate personal information

Deliverers will collect participants’ personal information via the participant registration form.

The participant registration form should be completed by every Sportivate participant. It is essential that deliverers work with participants (and their parents/carers if appropriate) to ensure participant registration forms are completed accurately. A key question is question 8 (11-15 year olds) and question 7 (16-25 year olds). This question establishes the activity levels of Sportivate participants and accurate answers will help Sport England effectively monitor Sportivate.

The participant registration form includes contact details and personal information about participants, some of which will be sensitive personal data (ethnicity etc.). This means that deliverers should take particular care to ensure this hard copy information is kept securely. Participant registration forms should not be left unattended and accessed by any unauthorised person. They should be kept in a secure location and securely destroyed when the Sportivate project has been completed. Information and data from the participant registration forms should be entered into the Sportivate portal as soon as possible after the first session of the Sportivate project. Log in passwords for the Sportivate portal should never be shared between individuals.

County Sport Partnerships (CSPs) will have access to anonymised data for research purposes. This will be via raw data exports from the Sportivate portal into Excel spreadsheets. CSPs should store these raw data exports securely by password protecting the Excel spreadsheets. Hard copy print outs of these raw data exports should not be left unattended and accessed by any unauthorised person. They should be kept in a secure location and securely destroyed when their purpose has been completed.

CSPs will also have access to contact details. Contact details may be used to verify the authenticity of participants and, where the participant has consented, to inform participants about other sporting opportunities.

There will be occasions where deliverers are unable to enter participant details onto the portal and CSPs and/or providers will be issued with ‘inputter logins’ in order to fulfil this function. This information must be kept separate from the anonymised data and not downloaded/compared with that data. Sport Structures will have access to contact details and participants’ personal data so that they can carry out research on behalf of Sport England, which will include contacting participants, where the participant has consented to this. Survey results must be anonymised i.e. the results must be kept separate from the names and contact details of participants.

When carrying out surveys, Sport Structures will follow Market Research Society Guidelines and comply with the Data Protection Act 1998 (and any revisions). The key points are:

- Any data collected is only for the stated purpose.
- Any personal data is held securely.
- All staff with access to the data are appropriately trained.
- Keep contact details up-to-date.
- Any data with personal identifiers should only be held for up to one year.
- Data held without personal identifiers can be held indefinitely.

Further information is available from the Market Research Society: <http://www.mrs.org.uk>

Research results will be passed to Sport England in anonymised form.

All organisations will ensure that contact details are kept secure. They should not be downloaded from the portal.

If any organisation is considering using contact details for any purpose other than those stated above, please speak to your contact at Sport England.

All personal data collected on behalf of Sport England should be stored for a period of 3 months from the close of the programme and then destroyed. Anonymised data may be kept beyond that period.

Additional advice for deliverers

Club membership forms

When someone signs up to be a member of club it is reasonable to assume that they will expect to be contacted from time to time with internal club communications, and that overall membership numbers and other aggregated information may be reported externally to the sport national governing body, therefore a membership form does not automatically need to have an “opt out option” tick box. It is necessary, however, for membership forms to include a brief explanation of how any personal data that is requested may be used. It is a requirement to state clearly if any personal information provided is to be shared with a third party in a way that enables the individual to be identified, for example with contact details. Opt-in boxes should be included where:

- information is to be shared with a commercial operator; or
- where the club posts information about individuals on its website such as photos, races won, team membership etc.

Databases – notifying the Information Commissioner’s Office

The Information Commissioner’s Office (ICO) is the UK’s independent authority set up to promote access to official information and to protect personal information. If you are collecting personal information and holding it electronically or manually, as well as following the eight principles of the DPA you may be required to notify the ICO. In general, not-for-profit organisations are exempt from this requirement. You can phone the ICO helpline on 0303 1231113 to check whether you need to notify. There is a standard £35 annual administration fee for notification.

Further guidance can be found at:

<https://ico.org.uk/for-organisations/register/>

Vulnerable Adults

Definition – All adults aged 18 or over who are or may be in need of community services by reason of mental or other disability, age or illness and who are, or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation (No Secrets document, 2000).

It is good practice to have available other information about the activity/programme/evaluation for a named (by the vulnerable adult) parent/carer. You may also have been given additional information about the individual by a parent/carer. Remember that consent must also be gained from the individual (or parent/carer on their behalf) before using or passing on information about them to a third party.

Appendix 1

Data Protection Statement for Sportivate Participants

You completed a registration form today for a Sportivate project where you gave us:

- some information about you/your child (age, ethnicity etc); and
- your/your child's contact details (email address and mobile phone number etc).

The Sportivate project is run by Sport England and this information was collected on our behalf. If you have any questions about how Sport England is using your information, would like to know what information we have about you or have a complaint, please contact dataenquiries@sportengland.org

How Sport England will use the information about you

The information about you will be used to:

- monitor the success of our programmes; and
- help us plan for future sports activities.

We will pass on the statistical results to other organisations as well but will ensure that you cannot be identified from these statistics.

How we will use your contact details

Your/your child's contact details will be used to:

- ***Invite you to take part in surveys conducted by consultants working on behalf of Sport England***

We will not do this if you indicated that you do not want your details to be passed on to Sport England. If you would like any further information about this, you can contact: dataenquiries@sportengland.org

We will not do this if you indicated that you do not want your/your child's details to be used in this way.

- ***Let you know about sporting activities that may be of interest to you***

Your/your child's contact details will be shared with County Sport Partnerships so that they can tell you about other sports activities in your area. We will not do this if you indicated that you do not want your details to be used in this way.

- ***Tell you about products from our partners***

We will only do this if you agree that our partners can contact you.

Thank you for taking part in Sportivate.