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**DATA PROTECTION POLICY**

### Introduction

The General Data Protection Regulations (GDPR) came into effect on 25th May 2018. This legislation built on the Data Protection Act 1998 (DPA, hereafter referred to as ‘the Act’) which was passed in order to implement the European Directive on data protection and applies to all personal data which is held either electronically or in a manual filing system. The Act commenced on 1st March 2000 with most of its provisions becoming effective on 24th October 2001.

Angling Scotland is committed to a policy of protecting the rights and freedoms of individuals with respect to the processing of their personal data and to full compliance with the Act. Angling Scotland will therefore follow procedures that aim to ensure that all elected office bearers and volunteers who have access to any personal data held by or on behalf of the organisation, are fully aware of and abide by their duties and responsibilities under the Act.

### Statement of policy

In order to operate efficiently, Angling Scotland has to collect and use certain information about people such as individual members, sporting participants, organisational volunteers and others, defined as data subjects in the Act. Such data must only be processed in accordance with this policy which sets out the purposes for which the Angling Scotland holds and processes personal data. Any breach of the policy may result in Angling Scotland, as the Data Controller, being liable in law for the consequences of the breach. All personal information held must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

Angling Scotland regards the lawful and correct treatment of personal information as very important to its successful operation and to maintaining confidence between Angling Scotland, its members and sportscotland. Angling Scotland will ensure that it treats personal information lawfully and correctly.

To this end Angling Scotland fully endorses and adheres to the General Data Protection Regulations effective from 25th May 2018.

## Principles

Under the GDPR, the data protection principles set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

1. “processed lawfully, fairly and in a transparent manner in relation to individuals;
2. collected for specified, explicit and legitimate purposes 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;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are 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 GDPR in order to safeguard the rights and freedoms of individuals; and
6. 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.”
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 a 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.

Article 5(2) requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

The GDPR defines both personal data and sensitive personal data.

**Personal data**

The GDPR applies to ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – eg key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.

**Sensitive personal data**:

#### The GDPR refers to sensitive personal data as “special categories of personal data” (see Article 9).

#### The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Examples are as follows;

* race;
* ethnic origin;
* politics;
* religion;
* trade union membership;
* genetics;
* biometrics (where used for ID purposes);
* health;
* sex life; or
* sexual orientation.

#### Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing.

#### Handling of personal data and sensitive personal data

Angling Scotland will, through appropriate management and the use of strict criteria and controls

ensure that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals;

b) collected for specified, explicit and legitimate purposes 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 they are processed;

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are 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 are 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 GDPR in order to safeguard the rights and freedoms of individuals; and

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.

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling.

In addition, Angling Scotland will ensure that:

* There is someone with specific responsibility for data protection in the organisation;
* Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
* Everyone managing and handling personal information is appropriately trained to do so;
* Everyone managing and handling personal information is appropriately supervised;
* Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
* Queries about handling personal information are promptly and courteously dealt with;
* Methods of handling personal information are regularly assessed and evaluated;
* Performance with handling personal information is regularly assessed and evaluated;
* Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All elected officers are to be made fully aware of this policy and of their duties and responsibilities under the Act.

All elected officers within Angling Scotland will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

* Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
* Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
* Individual passwords should be such that they are not easily compromised.

## Status of the Policy

The policy has been approved by a meeting of Angling Scotland Executive Board held on 12thMarch 2018 and any breach will be taken seriously and may result in appropriate action. Breach of this policy will constitute behaviour which brings the sport and Angling Scotland into disrepute.

## Responsibilities of Committee Members and Data Users

All participants involved in Scottish Angling, including those involved in the organisation of the sport have a responsibility to ensure compliance with the Act and this Code, and to develop and encourage good information handling practices, within their areas of responsibility. All users of personal data within Scottish Angling have a responsibility to ensure that they process the data in accordance with the eight Principles and the other conditions set down in the GDPR.

In accordance with Angling Scotland Corporate Governance and Risk Management Policy, the Board will perform periodic audits to ensure compliance with this Policy and the GDPR to ensure that this policy remains up-to-date.

## Handling of Personal Data by Constituent Clubs

The use of personal data by clubs is governed by the following

* A club should only use personal data for an Association-related purpose with the knowledge and express consent of an appropriate member of the Angling Scotland Board.
* The use of Association-notified personal data by clubs should be limited to the minimum consistent with the achievement of Association objectives. Wherever possible data should be de-personalised so that clubs are not able to identify the subject.

The Angling Scotland policy stated above, and the regulations, are based on the principle that clubs must only use personal data under the guidance of Angling Scotland. A breach of these regulations is an offence under Angling Scotland discipline policy.

## Right of Access to data

The Act gives data subjects a right to access personal data held about them by Angling Scotland. Angling Scotland will seek to take an approach (where appropriate) which facilitates access to their personal data without them having to make formal subject access requests under the Act, whilst acting within the Data Protection Principles. A record must be kept of all requests for access to personal data.

All formal subject access requests must be responded to within the terms laid down by the Act and must be notified to the Data Protection Officer as soon as they are received. Any cases of doubt as to whether a request for access to personal data is a subject access request under the Act must be referred to the Data Protection Officer without delay.

## Retention of Data

Personal data must only be kept for the length of time necessary to perform the processing for which it was collected. This applies to both electronic and non-electronic personal data. Angling Scotland policy is that all personal information holdings are to be reviewed annually in March. Furthermore, personal data relating to individual members is only to be retained for a period of 6 months after their current membership expires.

### Data Transfer

When personal data is transferred internally the recipient must only process the data in a manner consistent with Angling Scotland’s Notification and the original purpose for which the data was collected.

Personal data can only be transferred out of the European Economic Area under certain circumstances. The Act lists the factors to be considered to ensure an adequate level of protection for the data and some exemptions under which the data can be exported. Information published on the Web must be considered to be an export of data outside the EEA.

### Data Security

All Angling Scotland users of personal data must ensure that all personal data they hold is kept securely. They must ensure that it is not disclosed to any unauthorised third party in any form either accidentally or otherwise.

## Data Protection Officer

Angling Scotland Ltd Administrator is registered with the Information Commissioner as the Data Controller for the Organisation but responsibility for Data Security rests with the Board of Directors. Questions related to day to day matters on the operation of the policy and the Act can be dealt with by the Angling Scotland Administrator who is also the Angling Scotland Data Protection Officer.

Further information: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)