

Badminton England - Data protection Guidance for clubs and counties.

This leaflet is intended to provide general guidance for clubs and counties with respect to data protection. It does not however capture all of the data protection requirements that clubs and counties are legally obliged to comply with, nor should this leaflet be in any way regarded as a substitute for clubs and counties reviewing and understanding the data protection legislation that they are subject to.

This leaflet represents Badminton England's interpretation and summary of key parts of the law only. Whilst Badminton England has taken reasonable care to ensure that the information contained in this leaflet is accurate, being a summary it is not comprehensive and does not cover all circumstances. Badminton England cannot accept responsibility for any errors or omissions contained in this leaflet and clubs and counties are advised not to place any reliance on anything contained in this leaflet. Should the contents of this leaflet give rise to any queries, members are advised to carry out their own research and, if necessary, to take independent legal advice.

Some important things to remember when processing personal data:

1. If you are a Data Controller, you must register with the Information Commissioner's Office ("**ICO**") before you process any personal data.
2. If you are unsure of anything then do not proceed, always check. Either through Badminton England or via any of the websites given at the end of the document.
3. If you "process" personal data belonging to any individual (whether in Badminton or not), you should only do so for the purpose(s) for which the data was originally obtained and you should not pass it on to anyone else.
4. "Processing" is very broadly defined under the Data Protection Act 1998 ("**DPA**"). It includes obtaining, recording, holding, using, disclosing and erasing personal data. In reality, this means that any activity involving personal data will be considered "processing".
5. If you are communicating with, or hold information on anyone under the age of 18 years then extra measures of security must be considered. See additional notes below.

The Data Protection Act (1998)

The DPA controls how personal information can be processed by organisations, businesses and government. Everyone has to follow 8 strict data protection 'principles', which state that personal data must:

1. be processed fairly and lawfully;
2. be obtained only for one or more specified and lawful purposes and must not be further processed for purposes other than those for which it was originally obtained;
3. be used in a way that is adequate, relevant and not excessive;

4. be accurate and kept up to date;
5. not be kept longer than necessary;
6. be processed in line with the rights of data subjects (i.e. the people to whom the personal data belongs) under the DPA;
7. be kept secure, including the implementation of appropriate technical and organisational measures to protect personal data from unauthorised or unlawful processing, accidental loss, destruction or damage; and
8. not be transferred to countries outside the European Economic Area unless that country has adequate provisions in place to protect personal data.

Why is data protection important for Badminton England, Counties & Clubs?

Our members trust us with their personal data and likewise clubs and counties have access to personal data too. We have a moral and a legal responsibility to protect the personal data of our members and colleagues in Badminton.

What is personal data? What is sensitive personal data?

Personal data is defined in section 1 of the DPA as data which relates to a living individual who can be identified from that information or from that information and other information which is in the possession of, or is likely to come into the possession of, the data controller. A person's name, address and phone number are all examples of personal data.

Sensitive personal data is defined in section 2 of the DPA and includes information relating to a person's ethnic origin, political beliefs, mental and/or physical health or sexual orientation. As a general rule, sensitive personal data requires an extra level of thought and care in terms of how you store and process the information.

Clubs and counties should also consider how they keep information such as bank details and information on children under the age of 16 years.

Marketing & communications – General principles.

If you wish to use personal data that you hold to send information to members regarding Badminton or club activities and events, please read the following regarding different methods of communication. Best practice is to simply check with every individual whether and via what method they are happy to be contacted and to ensure that you stick to this.

Sending emails / text messages. A club or county can only send emails and text messages when an individual has expressly consented to be contacted in this way. Consent can be obtained using a tick box on a website or on a membership form, or it can be confirmed through the correct use of the REACTOR system offered through Badminton England. By using information through REACTOR it is already clear on a person's membership record whether they wish to be contacted, and if so how. All club and county administrators must be clear on who they may contact and how. Before sending emails and text messages, you may need to download information from the system and apply some filters, for example removing contact details of young players or of players who do not wish to be contacted.

When sending a group email always ensure you use the BCC function as a matter of good practice and always ensure there is an option on the email for the recipient to be able to unsubscribe from future communications.

Phone calls. A club can make an unsolicited phone call without consent provided the call is not automated but must not call any number registered with the Telephone Preference Service ("TPS"). Before making any unsolicited calls, clubs and counties should therefore check all telephone numbers against the TPS register to see if an individual has expressed a wish not to be contacted by phone.

Again, use of information directly from the REACTOR club / county wizard will help resolve the issue of consent as it will be clear on the system how people have agreed to be contacted. If an individual who a club or county has called in the past later registers their telephone number with TPS, the club or county should not make any more marketing calls to them, as registering with the TPS acts a general opt-out from receiving any marketing calls (even if the individual in question has not objected to receive calls in the past).

Automated calls are more heavily regulated and can only be made by clubs and counties to individuals who have expressly consented to receiving calls of this nature. All automated calls must give the identity of the caller, and a contact address or free phone number.

Mailshots. A club can send a mailshot (i.e. advertising material sent via post) without consent as long as the recipient hasn't opted out of receiving this type of marketing communication. Before sending mailshots, clubs and counties should check addresses against the Mail Preference Service ("MPS") to check whether any would-be recipients have expressly opted out of receiving communication in this way. Clubs and counties should also clearly identify themselves in any mailshots that are sent.

Communication with young people.

There is no clear cut legislation with regard to a minimum age that adults may communicate with children to obtain data from them. Indeed while in sport we consider that a child is a child until they are aged 18 years, many other areas of a young person's life introduce different ages at which they are able to open a social media account, drive a car or even get married and all of these are below the age of 18 years old. Badminton England wishes to balance its safeguarding responsibilities alongside the empowerment agenda and requests that all communication which involves data gathering is done via their parents until they are at least 16 years old. This age is reasonably considered by Badminton England to strike a balance between the protection of children and their capacity to make decisions regarding their own (and other people's) data.

Clubs and counties are therefore asked to ensure that they adhere to this in all communication with young people and their families.

Please note that anyone under the age of 19 years should still be considered a junior member and information, for example a club membership form, should be completed by their parents even if the individual is aged 16 or 17.

Cookies on Club and County Websites

Cookies on a website track the behaviour of visitors, the pages they view for example. You will no doubt have seen a cookie statement on websites you visit. Before using cookies, you will need to discuss this with your website administrator. If you control a website which uses cookies, you must ensure that you obtain visitors' consent to the use of cookies. More information on cookies is available from <http://www.aboutcookies.org> and from the ICO's website at: https://ico.org.uk/news/latest_news/2011/~media/documents/library/Privacy_and_electronic/Practical_application/cookies_guidance_v3.pdf

Implementing positive data protection and security in your club / county.

As already stated, by using the REACTOR system there is already inbuilt a level of security in that the member details are usually correct and the necessary permissions have been sought to enable communication. However there may be occasions when some form of personal data is stored on computer devices or found in paper-based documents (such as membership forms).

In which case consider the following to improve your club / county systems:

1. Audit and review your forms / systems

- Identify all personal data collection processes that you operate and consider who has access to this information and how you hold it. Look at the wording on all forms and ensure you include the ability for people to opt out or opt in (as appropriate) of receiving certain forms of marketing, clear information on why you require their information and what you intend to do with it (including any third parties that you intend to share personal data with).
- Ensure you delete information on people who are no longer members or where you have no reason to keep their information.
- Ensure you update information regularly, at least once a year check and update all member's details that you hold.

Here is a workable example of wording on a Senior club membership form:

Club membership form sample wording – SENIORS (over 18 years)

The information which you provide in this form and any other information obtained or provided during the course of your application will be used solely for the purposes of administering your **club application / league membership / other (complete where and how you will use the information)** and registering you as a Senior Player Member with Badminton England.

The data will not be shared with any other third party for marketing or commercial purposes without firstly obtaining your specific consent.

I am happy for **name of club** to send me information about the club, its activities and events by the following methods:

Email SMS and recorded call Post Telephone

Add any other ways in which you may wish to use the information, for example if you wish to pass information onto 3rd parties.

Junior Members Form

As already noted, extra caution should be taken with information on young people and for anyone aged under 18 years, a junior membership form should be used. A sample form is available on the safeguarding pages of the BE website: www.Badmintonengland.co.uk/safeguarding

In this case, the parents are expected to sign their consent to information being retained and for adherence to any club documents, for example signing up to Codes of Conduct and club rules.

2. Tighten up on general security

- Consider who has access to your information systems and ensure that these are password protected and that a robust firewall is in place.
- Ensure that any mobile devices that are used to send and receive emails are also password protected.
- Encrypt any electronic documents that contain personal information which would cause damage or distress if it were lost, stolen or otherwise leaked.
- If holding paper documents ensure they are locked in a cupboard or drawer and only people entitled to view the details have a key.
- Reassure fellow club members that you do take the protection of their details seriously and listen to any concerns / queries they may have.
- Ensure that any paperwork which contains personal details which is no longer required, is destroyed using a shredder and not just placed in the waste.

Data Protection Case Studies / scenarios for Badminton.

Remember the overriding principle – If you "process" personal data belonging to any individual (whether in Badminton or not), you should only do so for the purpose(s) for which the data was originally obtained and you should not pass it on to anyone else. Please also consider extra precautions in holding / requesting information on players aged under 18 years, and again for players aged under 16 years.

A coach is setting up a Badminton academy in his county and emails all his Badminton contacts to ask them to send details of any young players under the age of 16 years to him so he can contact them about his new club.

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This is poor practice and there are a number of issues to consider here. His request is not a reasonable one and anyone replying with contact details of young people is breaching both safeguarding guidelines and data protection. The model way for the coach to obtain details is shown below.

The coach emails his Badminton contacts as before (ensuring of course that his contacts have agreed to be contacted this way!) and any junior Badminton club main contacts (they must be adult contacts). This email must be written and sent using the BCC option, i.e. all email addresses must be hidden from each other. The request must state for what purpose he is making contact, i.e. to set up an Academy, and he must ask that his email is forwarded by the clubs to their own club contacts (adults only) It is then for the adults / parents to reply to the original coach with details of their children if they wish to be part of this Academy system. Individual club contacts may or may not choose to pass this communication on depending on the agreements they have with their members in terms of communication. It may be that simply listing the information of the proposed Academy on a club website is the preferred club option. N.B All communication must remain through the parent of the young person and the Academy lead in the first instance.

A club coach wishes to advertise a summer camp to players (under 18) that come to her regular weekend sessions and emails parents of players on the club database to promote the sessions.

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This is fine as long as the parents who will receive the email have opted-in to receiving marketing information via email. The only potential issue may be if a young person has left the club and their details have not been deleted from the coaching / club database (as this may indicate that a club is in breach of the 4th and 5th data protection principles to keep personal data up to date and to not keep it for longer than is necessary). It is important therefore that member details are updated every season to ensure that you are not holding old personal details. N.B always make sure email communications are sent using the BCC function, also add how you are using contact details onto membership forms and revisit this information every season.

A county coach wishes to promote county junior or adult squad trials and emails her Badminton contacts, asking them to send information onto their contacts.

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This is fine as the coach is not asking for people to send anyone else's details in to her. She must ensure that the BCC function is used and that the email is clear in what she wishes people to do with the information, ie reply directly to the coach, she must also be certain that her contacts are happy to be contacted in this way in the first place. Do not ask for contact details which relate to other people whether they are adults or young people and beware of mass emails out which could include contact details of both adults and children. Club & county contacts should also be aware of the contact details that they have and whether potential recipients wish for communication such as this to reach them.

A county coach is running a coach development workshop for club coaches and wishes to advertise the course to all coaches in the county. The coach asks the county coaching co-ordinator for the contact names of all coaches in the county so he can send information directly to them.

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Under no circumstances can the county coaching coordinator hand over details of coaches in the county unless he has express permission to do so, for example if contact details are on a publicly visible website where coaches are advertising their services. The coaching coordinator may send the communication on behalf of the county coach and ask that individual coaches contact the organiser.

A Club Chair posts a newsletter to all club members at the end of each season.



This is fine as long as the individuals who will receive the newsletter have opted-in to receiving marketing information via email (if the newsletter is sent electronically) or as long as the individuals who will receive the newsletter have not opted-out of receiving marketing information via post (if the newsletter is sent by post). It makes sense for the club membership form to state who is holding their personal information and who else on the committee may have access to it. One club contact will have access to member details through the REACTOR system operated by Badminton England. Ensure that people have the contact details of the person who sent the newsletter and it is clear how they can ask not to receive any further information in this way, respect member's wishes in terms of communication.

An event organiser uses the contact details of entrants to her 2013 event and sends them all application forms for her 2014 event.



You need to proceed with caution here as you should have already asked people if they are happy for their contact details to be used for the purposes of sending information about forthcoming events and the manner in which they are happy to receive this information. If information about forthcoming events will be sent by post, make sure that application forms contain a statement that personal details will be kept and used to contact individuals about forthcoming events and that there is an option for people to opt-out of receiving communications of this nature. If information about forthcoming events will be sent via email, you will need to obtain individuals' express consent to receive information in this way before anything can be sent. If you are not sure then don't assume. Instead send the information to people who you know wish to receive it and encourage them to distribute appropriately. Also use club and county websites.

Further reading

Read and understand the Badminton England Data Protection Policy and abide by the principles therein, available from www.Badmintonengland.co.uk.

Use the BE wizard to use and access the details of your club and county members and contact the BE membership team in the event of any queries. membership@Badmintonengland.co.uk

Information Commissioners Officer: www.ico.gov.uk

Sport and Recreation Alliance information on Data Protection:

<http://www.sportandrecreation.org.uk/smart-sport/resources/it-and-data/data-protection>

How to write a Privacy Policy for your website and information on Cookies:
<http://www.aboutcookies.org>