

DATA PROTECTION

British Gliding Association



There are two parts to the current Data Protection Legislation

- Notification and registration with the Information Commissioner
- Compliance with the principles of the Data Protection Act

The Data Protection Act as legislation is designed to protect the individual and to be helpful.

DATA PROTECTION



Principles

If your Club holds information about individuals, it is a data controller and must comply with the 'principles'. There are eight principles put in place by the Data Protection Act 1998 to make sure that information is handled properly.

These state that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to countries without adequate protection.

By law data controllers have to keep to these principles.

The issues surrounding the Data Protection Act can be discussed by telephoning the 'Data Protection Help Line' 01625 545 745. In essence, if your Club holds information about individuals, it has a duty of care to those individuals. Quite simply, if you ask yourself how you would like information about you to be shared (or not) in the same situation, you probably won't go far wrong. The key is to be open and transparent and remove opportunities for misinterpretation. Ask yourselves what your Club tells people about what their information will be used for. There may need to be a review of this information to make sure that people giving their details to the Club are under no illusion as to exactly what their information is going to be used for, or how long it will be kept.

Useful information on the website www.ico.gov.uk:

- 'Notification Handbook' and on-line assessment of an organisation's need to notify
- 'Small Business Guidance'
- 'Charities and Marketing Practice' under 'Good Practice Notes'
- 'Quick Guide to Employment Practice Code' for those gliding clubs who employ staff
- 'CCTV guidance' for any clubs who have pan and tilt CCTV

You can also sign up to register to receive email updates on the subject.

Advice:

1. Read the website
2. Review the 8 principles, what sort of information your Club holds and why
3. Phone the advice line 01625 545 745
4. Work out whether your Club needs to notify
5. Take the relevant action; documenting both the action taken and the reasons for taking it

Notification

Once compliance with the Data Protection Principles has been established, Committees should review whether the Club ought to 'notify' the Information Commissioner by registering. This needs to be done on an annual basis; the fee is currently £35 per year.

Not registering when you should is a criminal offence.

Question: How does a Club know whether it needs to notify?

In general, not-for-profit organisations don't need to register. However, this general principle is undermined by different exemptions, including the holding of information for educational purposes. Gliding clubs, in general, carry out training (education?). The BGA is not qualified to pass comment on whether a particular gliding club should or shouldn't register.

The Information Commissioners Office have a very helpful website on the subject at www.ico.gov.uk where specific guides can be found. On their home page, click the link 'Notify' (on the right hand side of the page) to find an on-line assessment and a 'Notification Handbook'. The Standard Business Purposes aren't so relevant to gliding, but follow the rest of it.

There is also the option to notify voluntarily. At £35pa, this may be a worthwhile option.