

GUERNSEY DARTS



ASSOCIATION
(2010)

Data Protection Policy

First Edition – 26th June 2020

Data Protection Policy

The Guernsey Darts Association (2010) holds data on both members of its staff and members of the general public. The Guernsey Darts Association (2010) is registered as a “Data Controller” under the *Data Protection (Bailiwick of Guernsey) Law 2017*, which requires its staff to behave professionally when handling data. The Guernsey Darts Association (2010) could possibly face legal action if the Law is breached and staff should be aware that breaches may lead to disciplinary action being taken against them.

2 WHEN DOES THE LAW APPLY?

It applies when personal data is stored on a computer or in a manual filing system which enables an individual’s record to be found by a search. It applies not only to databases, but to anything carried in an email or a memorandum which has been typed on a word processor. It would not apply to a handwritten note unless that note was then put into a file indexed with either that person’s name or some other form of personal identification (e.g. a membership number). It is worth remembering that even “deleted” computer files can often be retrieved and almost any document can be searched for a name. Art, journalism, research and statistics are amongst a small number of special cases where the law does not always apply. Information which is already published (i.e. in the phone book) can also be exempt.

3 WHAT IS PERSONAL DATA?

Personal data is any information about a person who can be identified from the data, for example their name, address or photograph. So an anonymous survey is not covered by the Law, but a CCTV camera image is. Anything which we do with that data is known as “processing” it.

4 WHAT IS SENSITIVE PERSONAL DATA?

Sensitive personal data relates to the racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, the committing of offences etc. This can only be recorded by the Guernsey Darts Association (2010) where, for instance, the subject has given specific consent or if there is any legal obligation to do so.

5 THE EIGHT PRINCIPLES OF DATA PROTECTION AND HOW THE GUERNSEY DARTS ASSOCIATION (2010) COMPLIES

(a) Data must be processed fairly and lawfully.

People must know, or be able to assume, that we are processing information about them (i.e. if they fill in a form or send in a letter or email). We should not collect information by underhanded means or use it for unlawful purposes.

(b) Personal data must be obtained only for one or more specified purposes.

We can only use data for the purposes we set out when we collected it. So, if we collect address lists to allow us to send newsletters we cannot automatically pass these on to third parties etc.

(c) Data must be adequate, relevant and not excessive.

We should record only what we need to record. If we do not need to know a person’s date of birth, then we must not record it. It may be however that we need to make some records of

sensitive personal data in order to do our jobs properly – for example a participant’s medical information.

(d) Data must be accurate and up to date.

Inaccurate data wastes our time and the time of the members of the Association whom we serve. It can cause offence – for example, continuing to write to someone who is deceased or invoicing someone who has already paid. Errors can open the way to identity theft and fraud. So, we need to keep data up to date and purge old, redundant information.

(e) Data must be retained for no longer than is necessary.

Data files must be reviewed periodically and data not needed should not be kept. Retention for six years is a useful rule of thumb unless the records are of long-term value, but some records should be deleted immediately, e.g. someone resigning from a mailing list or the CV sent with a speculative job enquiry. Specific details on Guernsey Darts Association (2010) timeframes for retaining information can be found in the section which is entitled “Retention of Data and Sharing of Data”.

(f) Data must be processed in accordance with the rights of data subjects.

The rights of our data subjects include having access to their personal data (see below). We should also avoid causing damage or distress – e.g. by publishing names without having obtained that person’s consent in advance. We must take care with any direct marketing, as this can be construed as junk mail or spam email.

(g) Data must be kept secure.

This does not just mean keeping files secure under lock and key, but also that data is protected against being destroyed or corrupted, that there are backups, that passers-by cannot read computer screens, that access passwords are changed periodically, that discarded data is disposed of appropriately, and that only people who are properly authorised to do so either see or use the data. The “leaking” of information to any person outside the Guernsey Darts Association (2010) may be taken as breaking this principle. You should take great care when sending any data as email attachments and forwarding emails with large “cc” lists which give away other people’s email addresses. All paper which includes personal data should be shredded. Care should be taken when carrying data on laptop computers, data disks or pen drives; at the end of their useful lives these items should be disposed of by IT professionals, which will ensure that they are properly erased.

(h) Data must not be transferred outside the Bailiwick, without adequate protection having been put in place prior to any data transferal.

If any transfer is proposed the legal requirements for doing so should be studied in detail before any transfer of data is to take place.

6 THE RIGHTS OF DATA SUBJECTS

People have the right to request access to personal data held by them, subject to a few specified limitations, although there is currently no Law to regulate this in the manner of the *Freedom of Information Act 2000*, which is applicable in the United Kingdom with regard to these rights. This means that you must be careful about putting anything on file, on computer or into an email which

you would not want the subject to read. You may be required to fully explain any flags, codes or abbreviations used in the records.

If you receive such a request in writing; (this is known as a “subject access request”) then immediately refer the request to line management who will then advise on the correct procedure to follow. You must not withhold the request (as we have to respond to the request within 60 days). You must not destroy, alter or delete any records after receiving the request, as this would be in breach of the Law were one to be put into place on the Guernsey legislature. You must not inadvertently compromise other people’s rights in responding to any such request (i.e. if a record contains data relating to more than one person).

People have the right to be told what the data is being used for and to be able to object to its use if they do not like the explanation which has been given to clearly state the purpose of this use of said data. They can also object to receiving unsolicited marketing / promotional material.

(a) **Data Protection Statements**

Any form, web page etc that we design for the purpose of the collection of personal data should include a Data Protection Statement. This will state and set out who we are, what we intend to do with the data which the public is providing and who we will be sharing the data with. It may include “opt out” or “opt in” boxes to be ticked if necessary, e.g if people do not wish to receive marketing information.

(b) **The Rights of Staff**

Staff members have rights (once a Freedom of Information Law has been passed and placed on the Guernsey Statute book) to see files relating to them held by the Guernsey Darts Association (2010). There are certain exceptions to the kind of documents which must be released.

7 THE RETENTION OF DATA AND SHARING OF DATA

(a) **Data on Paper**

The following should be kept for six years and then destroyed:

- (i) Any “one off” programme paper applications / consent forms
- (ii) Accident / Incident paper Report Forms
- (iii) Completed paper registers
- (iv) Any other similar forms for programmes which are run by the Guernsey Darts Association (2010).

(b) **Electronic Data**

- (i) Any computer files containing personal information will be password protected.
- (ii) Personal information on computer files will be kept for the year of the programme / initiative and then for one further calendar year. After this time period has elapsed the files will be destroyed or de-personalised if needed to kept for statistics. E.g. for a

programme initiated in June 2020 the files will be deleted or de-personalised in January 2022.

(c) Information Sharing

- (i) Any Evaluation Forms and registers will be shared with those agencies and professionals who are present on the relevant occasions when evaluations are made and with those agencies with whom we work where the sharing of information is of benefit to all parties concerned. A paragraph denoting this practice will be included on the relevant consent forms. Personal information is not to be recorded on either Evaluation or Consent Forms.
- (ii) Any information which is shared is done in accordance with the Guernsey Darts Association (2010) Child Protection and Safeguarding Policy.

(d) Photographs

- (i) Photographs will be stored securely.
- (ii) Photographs will only be used and kept where consent has been gained, and for the purposes given.
- (iii) Photographs are taken and stored in line with the Guernsey Darts Association (2010) Child Protection and Safeguarding Policy.
- (iv) Photographs on personal devices should be either downloaded immediately or as soon as is possible, to a Guernsey Darts Association (2010) PC / Tablet (or other device) and permanently deleted from the personal device.
- (v) Photographs may be kept for the purpose of historical records and reviews, however there will be no references to individuals or personal information. Such photographs will be securely stored.