

## **NCF Data Protection Policy**

(This policy applies to all staff and volunteers of the Norfolk Cricket Foundation Limited)

### **1 Introduction**

1.1 The purpose of this policy is to enable the Norfolk Cricket Foundation (“the Foundation”) to:

- comply with the law in respect of the data it holds about individuals;
- follow good practice;
- protect its clients, staff, volunteers and other individuals
- protect itself from the consequences of a breach of its responsibilities.

### **2 Brief introduction to data protection legislation**

2.1 Data protection legislation gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

2.2 The legislation works in two ways. Firstly, it states that anyone who processes personal data must comply with seven principles, which ensure:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation (ie adequate, relevant and not excessive)
- Accuracy
- Storage limitation
- Security
- Accountability

2.3 The second area covered by the legislation provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

### **3 Policy statement**

3.1 The Foundation will:

- comply with both the law and good practice
- respect individuals’ rights
- be open and honest with individuals whose data is held
- provide training and support for staff and volunteers who handle personal data, so that they can act confidently and consistently

3.2 The Foundation recognises that its overriding priority under the legislation is to avoid causing harm to individuals and respect their right to privacy. Information about staff, volunteers and others whose personal data it holds will therefore be used fairly, securely and not disclosed to any person unlawfully.

3.3 The legislation also aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are respected. In addition to being open and transparent, the Foundation will seek to give individuals as much information as is possible over what data is held and how it is used.

3.4 The Foundation is the Data Controller and is registered under the legislation. All processing of personal data will be undertaken in accordance with the data protection principles.

3.5 This policy applies to all members of staff and volunteers. It is non-contractual and does not form part of any employment contract, casual worker agreement or any other contract for the provision of services. However, those contracts contain provisions requiring compliance with data protection legislation.

#### 4 Definitions

4.1 The Data Subject means any living identified or identifiable person about whom the Foundation hold personal data. This includes:

- employees and other contracted workers– current and past
- volunteers
- job applicants
- donors and sponsors
- players and parents
- providers of services and goods.
- users of goods and services
- club officials

**Collectively referred to as “data subjects”.**

4.2 Processing means any use made of personal data including:

- obtaining and retrieving
- holding and storing
- making available within or outside the Foundation
- printing, sorting, matching, comparing, destroying.

4.3 The Data Controller is the legal ‘person’, or organisation, that decides why and how personal data is to be processed. The data controller is responsible for complying with the data protection legislation.

4.4 The Data Processor - the data controller may get another organisation to be their data processor, in other words to process the data on their behalf. There should be a written contract with the data processor who must have appropriate security and maintain a written record of processing activities carried out on behalf of the Foundation. Occasionally, the Foundation acts as a data processor and will also observe these requirements.

4.5 Personal Data is any information relating to a data subject who can be identified either from that data alone or from other data in the Foundation's possession. Personal data can be factual (eg a name, address or date of birth) or it can be an opinion about that person, their actions or behaviour.

4.6 Special Categories of Personal Data means personal data revealing racial or ethnic origin , political opinions, religious or philosophical beliefs or trade union membership, genetic data, biometric data, data concerning the physical or mental health of a data subject or data concerning their sex life or sexual orientation.

## 5 Responsibilities

5.1 The Foundation's Trustees recognise their overall responsibility for ensuring that the Foundation complies with its legal obligations.

5.2 Each of the Foundation's employees and volunteers who handles personal data will comply with the Foundation's arrangements for handling personal data to ensure that good data protection practice is established and followed.

5.3 All staff and volunteers are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.

5.4 Significant breaches of this policy will (where appropriate) be handled under the Foundation's disciplinary procedures.

## 6 Confidentiality

6.1 Because confidentiality applies to a much wider range of information than data protection, the Foundation has in place a separate Confidentiality Policy.

## 7 Security

7.1 The Foundation will protect any recorded information on data subjects against unauthorised or unlawful processing and accidental loss by taking appropriate technical and organisational measures. This means that so far as is reasonably practicable personal data will be

- Kept in locked cabinets and drawers
- Protected by appropriate technological measures such as encryption and passwords
- Destroyed confidentially or deleted as soon as it is no longer needed.

7.2 Notes regarding personal data of clients should be shredded or destroyed.

7.3 The Foundation will take reasonable steps to ensure that staff and volunteers will only have access to personal data where it is necessary for them to do so.

7.4 Staff and volunteers may only share personal data with other staff and volunteers if there is business need to do so in order to properly perform their roles and responsibilities to the

Foundation.

7.5 The Foundation will take reasonable steps to ensure that personal information is not accessible by unauthorised persons.

7.6 Where the Foundation uses third-party service providers to process personal data on its behalf, it will implement appropriate measures through its contracts with those providers to ensure the security of personal data shared with them. Staff and volunteers may only share personal data with third-party service providers and others where this has been authorised by or on behalf of the Foundation and provided appropriate security arrangements are in place.

## 8 Data Recording and storage

8.1 The Foundation has several databases holding basic information about data subjects. The data back-ups are kept separately and securely.

8.2 The Foundation will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- The database system is reviewed and re-designed, where necessary, to encourage and facilitate the entry of accurate data.
- Data on any individual will be held in as few places as necessary, and all staff and volunteers will be discouraged from establishing unnecessary additional data sets.
- Effective procedures are in place so that all relevant systems are updated when information about any individual changes.
- Staff and volunteers who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.
- Data will be corrected if it is shown to be inaccurate.

8.3 The Foundation stores archived paper records of data subjects securely in the office.

## 9 Access to data

9.1 All data subjects have the right to request access to all information stored about them. Any subject access requests will be handled by the Foundation within the required time limit.

9.2 Subject access requests must be in writing. All staff and volunteers are required to pass on anything which might be a subject access request to the Foundation's Cricket Development Director without delay.

9.3 All those making a subject access request will be asked to identify any other individuals who may also hold information about them, so that this data can be retrieved.

9.4 Where the individual making a subject access request is not personally known to the Cricket Development Director their identity will be verified before handing over any

information.

- 9.5 The required information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.
- 9.6 The Foundation will provide details of information to service users who request it unless the information may cause harm to another person.
- 9.7 Staff have the right to access their file to ensure that information is being used fairly.
- 9.8 The Foundation will endeavour to ensure that all personal data held by it is accurate. Individuals must notify the Foundation of any changes to information held about them so this can be recorded. A data subject has the right to request that inaccurate information about them is removed or corrected.
- 9.9 A child or young person may authorise a person with parental responsibility for them to request access to information held about them. In such circumstances the Foundation must have written evidence of the authorisation. The Foundation will also exercise its judgment on the extent to which it is appropriate to grant access to the authorised person.
- 9.10 Where a child or young person does not have sufficient understanding to make their own request a person with parental responsibility may do so on their behalf. However, before access is granted the Foundation will satisfy itself that the child or young person lacks sufficient understanding and that the request is in the interests of the child or young person.
- 9.11 The Foundation will only allow a child or young person to access their personal data if it reasonably believes they understand the nature of their request.
- 9.12 Certain personal data is exempt from the right to access. This includes confidential references given by the Foundation. Confidential references given to the Foundation are also exempt although they can be disclosed if that would not identify the source of the reference or the referee has given consent or where disclosure is reasonable in all the circumstances.
- 9.13 Normally, the Foundation will not charge for providing a copy of personal data. However, they may do so if they consider the request is manifestly unfounded or excessive, particularly if it repeats a request to which the Foundation have already responded. Any fee charged will be based on the Foundation's administrative costs in providing the personal data.
- 9.14 The Foundation is entitled to refuse requests for access in cases where the request is manifestly unfounded or excessive.

## 10 Lawfulness and fairness

- 10.1 The Foundation will ensure that it only processes personal data fairly and only where there is a legal basis for doing so. Before a processing activity starts for the first time, and

then periodically while it continues, it will review the purpose of the processing activity, and ensure that it falls within one or more of the lawful bases for processing.

10.2 When determining whether the reason for processing is that it is in the Foundation's legitimate interests to do so, it will assess whether these interests outweigh any legitimate interest of the data subject in not processing the data, and keep that assessment under review. In this respect, it is the Foundation's view that their processing of personal data (except where carried out for marketing purposes) is usually required either for the Foundation's legitimate interests in developing and administering cricket in Norfolk or to meet their contractual or other legal obligations.

10.3 When relying on consent as the lawful basis for processing, the Foundation recognises that this requires the data subject to have given a positive statement, active opt-in or clear affirmative action; that the consent must specifically cover the purposes of the processing and the types of processing activity; and that it must be as easy to withdraw consent as to give it.

10.4 The Foundation will keep clear records of all consents received from data subjects.

10.5 The Foundation also recognises that stricter rules apply to the processing of special categories of personal data, which in the Foundation's case is most likely to be medical information.

10.6 The Foundation will ensure that it only processes personal data for the purpose or purposes specified to the data subject when the data was collected unless the data subject has been informed of the new purpose and the terms of this policy are otherwise complied with.

## 11 Transparency

11.1 The Foundation will ensure that data subjects are aware that their data is being processed and

- for what purpose it is being processed;
- what types of disclosure are likely.

11.2 To this end, the Foundation has prepared and will keep up to date a Data Privacy Notice that is concise, transparent, intelligible, easy to access and in clear and plain language. This Notice contains the following information

- the purposes for which we process personal data
- the legal bases for processing personal data
- the bases on which we share personal data
- the period for which we retain the various types of personal data we hold
- the rights of data subjects under data protection legislation.

11.3 The Foundation's Data Privacy Notice will be publicised in the following ways:

- Staff: in the staff terms and conditions
- Clients: when they request services
- Via the Foundation's website.

## 12 Consent

12.1 Consent will normally not be sought for most processing of information about staff. However, staff details will only be disclosed for purposes unrelated to their work for the Foundation (e.g. financial references) with their consent.

12.2 Information about volunteers will be made public according to their role, and consent will be sought for (a) the means of contact they prefer to be made public, and (b) any publication of information which is not essential for their role.

12.3 Otherwise, consent is generally required for the disclosure of personal information to third parties (including the use of photographs) unless the processing is necessary for the legitimate interests of the individual concerned; for the Foundation to exercise its rights or meet its obligations; for the prevention or detection of crime; for the assessment of a tax or duty; for the purpose of legal proceedings; or (in certain circumstances) for research, historical or statistical purposes.

12.4 In the case of those under the age of 18, the Foundation will in most cases rely on parental or guardian consent to process their data unless, given the nature of the processing in question and the minor's age and understanding, it is unreasonable in all the circumstances to rely on the consent of the parent or guardian. Parents and guardians should be aware that in such situations they may not be consulted.

12.5 Special category data about data subjects (including health information) will be held only with the knowledge and consent of the individual or parent / guardian if a minor.

12.6 Consent should be given in writing, although occasionally it may not be practicable to do so. In these cases verbal consent will always be sought to the storing and processing of data.

12.7 The Foundation acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions where the Foundation has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

## 13 Destruction and erasure

13.1 All personal data must be reviewed before it is destroyed or erased (either pursuant to its retention policy or in response to a request from a data subject) in order to determine whether there are any special circumstances that mean destruction or erasure should be delayed.

13.2 Personal data which is no longer required will be permanently erased from the Foundation's IT systems or securely and effectively destroyed.

#### 14 Direct marketing

14.1 The Foundation will from time to time wish to send out information (usually electronically) that

- promotes any Foundation services and events;
- promotes other sponsored events and other fundraising exercises;
- seeks donations and other financial support.

14.2 In this respect, the Foundation is subject to certain rules when carrying out marketing activities. In particular, a data subject's prior consent is required for electronic direct marketing. There is a limited exception which allows for the sending of marketing texts and e-mails if we have obtained their contact details in the course of a sale to an existing "customer", we are marketing similar products or services to them and we gave that person an opportunity to opt out of marketing when first collecting their details and in every subsequent message.

14.3 If a data subject objects to direct marketing, it is essential that this is actioned in a timely manner and their details should be suppressed as soon as possible. The Foundation will also retain sufficient information to ensure that marketing preferences are respected in the future.

14.4 Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.

#### 15 Staff training and acceptance of responsibilities

15.1 All staff who have access to any kind of personal data will be given copies of this Data Protection Policy and Confidentiality Policy as part of their induction process. All staff will be expected to adhere to all these policies and any associated procedures.

#### 16 Complaints

16.1 If an individual believes that the Foundation has not complied with this Policy or acted in accordance with data protection legislation they should utilise the Foundation's complaints procedure.

16.2 If the individual is still not satisfied they may make representations to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

#### 17 Policy review

17.1 The policy will be reviewed by the Foundation's Trustees every two years. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

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