2014

Data Protection Policy

basketballscotland

Louise Burke

Approved by Executive Board on

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Data Protection Policy

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1 CONTACT

If you have queries, please contact the following:

Louise Burke, Head of Operations

Louise.burke@basketball-scotland.com / (0131) 317 4647

2 POLICY STATEMENT

basketballscotland is committed to safeguarding the privacy of its employees, customers, suppliers and all other individuals, in accordance with the Data Protection Act 1998 (the Act). **basketball**scotland will take all necessary steps to implement this policy.

It is the policy of **basketball**scotland to ensure that all relevant statutory requirements are complied with and that **basketball**scotland's internal procedures are monitored periodically to ensure compliance.

basketballscotland will implement and comply with the eight Data Protection Principles contained in the Act which promote good conduct in relation to processing personal information. These principles are:

Personal data shall be processed fairly and lawfully.

Personal data shall be obtained only for one or more specified and lawful purpose, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Personal data shall be accurate and, where necessary, kept up to date.

Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

Personal data shall be processed in accordance with the rights of data subjects under the Act.

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction or damage to, personal data.

Personal data shall not be transferred to a country or 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.

basketballscotland has a responsibility to ensure that personal data dealt with in the course of **basketball**scotland's business is handled in accordance the Act and reasonable steps will be taken by all concerned to ensure this duty is observed.

basketballscotland will consult with its employees periodically to ascertain what measures should be taken to increase awareness of data protection issues and to ensure that all necessary measures are taken to make this policy effective.

basketballscotland will take such measures as may be necessary to ensure the proper training, supervision and instruction of all relevant employees in matters pertaining to data protection and to provide any necessary information.

basketballscotland will monitor on an on-going basis compliance by third party processors of **basketball**scotland's data in accordance with the provisions of the Act.

3 RESPONSIBILITY

Data protection is a responsibility shared by all employees of **basketball**scotland. It is expected that employees familiarise themselves with and observe at all times **basketball**scotland's rules and procedures relating to data protection, the Data Protection policy statement and any additional instructions which may be issued from time to time.

The person having overall responsibility for data protection within **basketball**scotland will be the Data Protection Compliance Officer, details of who can be obtained from the CEO.

Each manager and supervisor will have responsibility for data protection matters in his/her own immediate area of work.

It is the responsibility of each employee to ensure that all personal data provided to **basketball**scotland is accurate and updated when appropriate.

basketballscotland's Data Protection Committee will continually review data security arrangements, monitor the risk of exposure to major threats to data security, review and monitor security incidents, and establish and implement initiatives to enhance data security.

4 PROCESSING PERSONAL DATA

basketballscotland may collect and process any information that it receives via email or social networking tools such as Twitter and Facebook

basketballscotland will hold personal data about its employees in its manual and automated filing systems. Personal data may be processed for the purposes of:

a) salary administration
b) health administration
c) training and appraisal including performance records
d) disciplinary and grievance records
e) marketing of products and services to employees
f) where the nature of an employee's employment may make it necessary, or desirable for the benefit of **basketball**scotland, personal information relating to that employee may be disclosed for marketing and/or PR purposes and in connection with the performance of that employee's duties.

In certain circumstances **basketball**scotland is required to obtain the consent of employees to process their personal data. From time to time, **basketball**scotland will also need to process sensitive personal data about its employees. Such data is broadly defined as including details of an individual's ethnic or racial origins, political opinions, religious or other beliefs, trade union membership, physical or mental health, or data relating to the commission (or alleged commission) of any criminal offence or convictions. The explicit consent of employees is needed to process this data.[i]

The consent of employees to the processing of their personal data will have been obtained by **basketball**scotland prior to the commencement of an employee's employment or as part of **basketball**scotland's on-going data protection compliance. Employees will be informed where data needs to be processed for additional purposes, and employees will be informed of:

a) the purpose or purposes for which the data is intended to be processed; and;
b) the identify of **basketball**scotland's nominated representative.

5 SECURITY OF DATA

Employees who are required, as part of their job description to process personal data about employees, or customers will receive training and guidance on the security of data to ensure that all data is processed fairly and lawfully.[ii] However, **basketball**scotland expects all of its employees to be aware of the basic principles as set out in this policy. In particular employees should be aware of the following:

a) All personal data held by **basketball**scotland must be treated as strictly confidential
b) Personal data must not be disclosed to anyone outside **basketball**scotland unless the individual concerned has consented [in writing] to such disclosure, or the Data Protection Compliance Officer has provided a specific instruction to do so
c) Personal data must be kept secure at all times. Personal data must not be left unattended unless it has been placed in a secure location. Relevant employees will be advised by the Data Protection Compliance Officer of the physical security of arrangements to be adopted appropriate to the level of confidentiality of the personal data concerned
d) Personal data must not be copied (whether on computer, media, photocopies, computer print outs, or otherwise) without documented authorisation from the CEO
e) Personal data must not be removed or transferred from **basketball**scotland's premises (whether on computer media, in hard copy form, or otherwise) without documented authorisation from the CEO.

It is the responsibility of all employees to report **all** security breaches, or suspected security breaches, relating to unauthorised access to, or disclosure of personal data, to the CEO.

Breach of these guidelines may lead to disciplinary action and depending on the seriousness of the breach, may lead to summary dismissal. Breach of these guidelines may also constitute a criminal offence.

6 RIGHTS OF EMPLOYEES

The Act allows employees to find out what information is held about themselves on computer and in some paper records. If an employee wishes to obtain a copy of his or her personal data held by **basketball**scotland, they must make a written request to the CEO who will deal with the request in accordance with the Act.

7 GENERAL

If you have any questions, comments or suggestions in relation to data protection you should contact the CEO.

[i] If the contract of employment and/or letter of consent refers to complying with **basketball**scotland's data protection policies, where the policies change a notice can be issued to that effect, rather than obtaining separate consents. Where consent is required, it must be **freely given**. An employer cannot coerce an employee to give his/her consent. The Contract of Employment has appropriate clauses that seek to obtain consent for the processing of personal and sensitive data.

This policy document is not a short cut to obtaining consent. If an employee refused to give consent, or withdrew his/her consent, their employment may not be feasible. An employer may be able to argue that such an employee has frustrated the contract. Alternatively, an employer may wish to discipline/dismiss an employee because he/she refused to give consent. Care must be taken if such an approach is adopted and the client must be warned of the potential consequences of such action ie; this may be considered to be coercion and the employee may complain to the Data Protection Commissioner (who has extensive powers, including naming and shaming 'offenders'). If an employer dismisses an employee in these circumstances, the Tribunal would have to consider whether the request itself was reasonable and within the terms of the Act and then to consider whether the employers decision to treat the matter as one of, for example gross misconduct was within the band of reasonable responses etc. **Employers should always seek legal advice before taking disciplinary action in circumstances where an employee refuses to give consent to the processing of his/her personal data.**

[ii] Those individuals who process personal data will have wider responsibilities and these will have to be set out in an appropriate policy.