English Schools' Football Association

General Data Protection Regulation Guidance 2018

This guidance is prepared from the legal advice provided by Wright Hassall LLP and Muckle LLP, with thanks to them for their guidance.

General Data Protection Regulations (GDPR)

On 25th May 2018, the laws which govern how and why data about individuals can be collected, stored and used, changes. If your Association collects personal data (for example, player/parent/volunteer names, addresses, contact numbers; player health and injury records; historic records of previous player achievements) you will need to check that you are compliant with the new legislation. Realistically, for Associations like ours, this will require disciplined record keeping which must be founded on an understanding of the principles of the legislation. This guide gives a basic outline of those principles/regulations.

What is personal data?

Data is information. Personal data is information relating to an individual who can be identified from that information – so names, location data, telephone numbers, addresses, membership numbers all constitute personal data. Additionally, any information you hold about player medical conditions (for example, noting that a player uses an asthma inhaler) is considered to be sensitive personal data and has increased regulation about its use.

How do we fulfil our responsibilities under the GDPR?

In order to comply with the legislation, you need to make sure you collect **only** the information you need about any individual, that you store it securely, that you use it only for the purposes for which it has been collected, and that you destroy it securely when you no longer need it. You need to be completely transparent about all of these matters. Legally, a "**Data Controller**" has this responsibility: realistically this is likely to be something you've simply done as a matter of practicality, but you should now make sure now that a Committee of your Association takes responsibility for considering what information you need to have. This could simply be a minuted discussion confirming you need to hold player names and contact details, volunteer details and parental contact details, for example, if this is the limit of the information you collect, but the Data Controller will need to make sure that the detail and the spirit of the law is considered. Use the checklist overleaf to prompt you to think about your current arrangements, and then use Table 1 as a guide for fulfilling your responsibilities from now on. Templates for consent are also provided in this guide.

"**Data Processors**" collect, record, store, use and destroy the data your Association holds. It is unlikely that our Associations have single individuals responsible for this so it is important that anyone who needs access to personal data knows how to use it, store it and delete it. Again, the checklist and Table 1 overleaf will help.

GDPR Checklist – What to do first

Task	Your notes
Check what personal data you hold. The obvious categories are included on the previous page in this guidance, but you may well have others. Do you keep records of complaints, for example? They will undoubtedly hold personal information. What about past playing records? Do you have anyone's bank details for paying expenses? Or reimbursing fees paid in the event of error?	
Where do you get this data from? Is it in electronic or paper format? Who collects it?	
Do you send this information on to anyone else? If so, who and how?	
For each set of data you collect, what do you tell people about your reasons for collecting it?	
Identify your legal basis for collecting this data?	*Technically you need to understand the lawful basis for collecting your data, and then declare it. There are six lawful reasons for collecting data: for our Associations, our lawful basis is known as "legitimate interest". We couldn't set up and run football teams without personal contact details: in order to provide our service, this is essential information or information in the "legitimate interest" of our activity*
Why do you hold this data?	
How do you make sure the data is securely stored?	
How do you dispose of data you no longer need?	

Table 1 – Fulfilling Data Controller and Processor Responsibilities

Legal responsibility	The legalese	Hints and tips
Fair, lawful and transparent processing	Personal data must be processed lawfully, fairly and in a transparent manner	The lawful basis for our Associations' data capture is one of "legitimate interests", as per the data protection checklist. Tell people this by creating privacy notices, templates for which are provided at the end of this guide. Get consent to holding data for each of the purposes you are using it for.
Purpose	Personal data may only be collected for specified, explicit and legitimate purposes and must not be further processed in a manner that is incompatible with these purposes	Tell people in your privacy guide why you are asking for their information (eg, for contact details, so that we can contact you with organisational arrangements for XXXX Association's football calendar: for questions regarding player health, so that we can ensure that appropriate welfare arrangements are in place when participating in XXXX's activities): then, use it **only** for the purposes you have stated. Ensure that personal details are accompanied by a statement of consent by the individual concerned – a declaration that they consent to you using the data for the purposes noted will suffice. Bear in mind that if you list multiple uses for data, then individuals can refuse permission for any single use you have defined, so you need to ensure that they know that, and that your processes allow it. Please remember that the GDPR does not prohibit you from sharing appropriate information with statutory authorities in the event of certain legislative processes e.g. criminal or safeguarding investigations.
Minimisation	Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which those data are processed.	On the checklist, you've asked yourselves why you hold data & the answers to this question will help you here. Why, for example, do you need players' addresses? Will you be writing to them or going to their home as part of the organisation of your football? If not, why do you need their address? It is fine to collect this information if you need it: however, having it "just in case" is not a lawful basis for data capture.

Accuracy	Personal data must be accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate are either erased or rectified without delay	Tell people in your privacy notice, when you ask for their information, that they need to keep you updated of any changes, and tell them how they do so
Retention	Personal data must be kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed	Having thought about why you need personal information, you'll now know the point at which you no longer need it. If you've stated that, for example, contact details are necessary to manage the football calendar, then when the football calendar concludes, you will no longer need that personal information. You will almost certainly wish to keep a historic archive of your players, so you'll need their names for this, and this is entirely permissible, but other contact details wouldn't be necessary for this purpose, for example. Be aware that individuals have the right to ask to see all of the information you hold about them, and if they do, you will need to respond to such "subject access requests" within 40 days of receipt. Bear in mind that these requests require you to share **all** information you have, so if players are referenced in committee meetings, or in annual reports or on the website, this needs to be included in your response to the individual concerned.
Security	Personal data must be processed in a manner that ensures appropriate security of those data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical and organisational measures	Who could see the sets of personal detail you hold? Do they need it to fulfil their roles? If not, they shouldn't have it. If so, they need to be able to store it securely. Think about electronic records – if they are in a smart phone then that is likely to be protected by your phone's security measures (passwords/codes, thumbprints etc): if on a PC, then password protection will probably be in place. If in hard copy, where is it stored and how is unauthorised access prevented? What's the back up if hard copies are destroyed, and how secure is the back up?There are stronger regulations in place if you want to share contact details with, for example, a third party (such as a sponsor, in exchange for their investment). If this applies to you, then please contact the ESFA's CEO (andrea.chilton@schoolsfa.com) to arrange a discussion about your individual case.

Accountability	The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles	Use this guidance to think about how you collect, hold and use personal details, and how you destroy records no longer needed. Make sure you protect your records and do not share them with others without consent, which needs to be freely and explicitly given (it's no longer acceptable to ask people to "tick this box if you wish to opt out of our correspondence" – it has to be the other way around). Make sure that those providing information actively give their consent to you using it for the stated purpose. Take extra care with sensitive data such as health records. Be transparent about why you need information and what you do with it. As you develop future plans, think about these requirements and how you will embed them into your activity. Be as open as you can about why you collect the data and the arrangements in place, as described here, to process data. **SAY WHAT YOU DO, AND THEN DO WHAT YOU SAY.**

This guide is not intended to be a detailed legislative update, but provides basic guidance for compliance with the new regulations. General queries can be referred to the ESFA's CEO but any complex matter or individual dispute may need your Association to take recourse to specific legal advice. Further training is available from many law firms, should Associations wish to develop their expertise and the Sport and Recreation Alliance (https://www.sportandrecreation.org.uk), of which the ESFA is a member, recommends individual legal practices for sports-specific advice.

Annex 1

EXAMPLE DATA PRIVACY NOTICES

Example Privacy Notices

In completing the data checklist, you will have identified what data you collect and therefore which of these privacy notices apply to your Association. Each is an example, and must be customised to fit your activity and how you organise yourselves. For example, the "Association Members" statement claims that members have been asked for consent to use their contact details for the purposes of planning, organising, administering, celebrating and governing schools' football. If you say it, then you have to have done it: otherwise, seek appropriate consent at the same time as publicising your privacy notice. References are also made to websites, cookies and google analytics in the templates, so again, use them where they are appropriate to your Association. If you use information for purposes other than those listed in the examples, then add them in. If there are statements in the notices which you can't currently accommodate, think about how to do so quickly and easily, or remove the references, if you care confident you can do so without falling foul of the regulations

Say what you do, and then do what you say.

Examples are provided for:

- Your member schools
- Your rep team players and their parents (schools are responsible for how they provide you with and look after their player data in the event of participating in your competitions)
- Your volunteers

You may wish to combine these statements into one, given the common ground, but in the interests of transparency the ESFA national office will be using targeted versions.

Once you have customised the appropriate versions, publish them prominently on your website (if you have one) or pass them directly to those individuals whose information you hold.

If you have arrangements whereby you wish to share contact details with third parties who could gain commercially from having the data you hold (e.g. sponsors or advertisers), please contact andrea.chilton@schoolsfa.com to arrange an individual discussion about your circumstances.

Remember to think about other places where you need to make your data processing arrangements clear – for example, if you have a complaints policy, then you need to state the point at which the record of the complaint will be disposed – immediately after you no longer need the information.

Any queries? Email andrea.chilton@schoolsfa.com

Privacy Notice: Association Members

Please read this privacy notice carefully to see how XXXXXX will treat the personal information that you provide. This information is collected so that we can effectively and efficiently organise our activities for our members and so is sought under the "legitimate interests" basis outlined in the General Data Protection Regulations (GDPR) legislation.

Your Data:

Why we need it, what we use it for and when we no longer need it

In order to ensure that the Association's football calendar of activity is delivered, your contact details (including your name, school name and address, telephone number, email address) are held in the Association's digital records and are published in the Association Handbook/Regulations/Competition guidance. Your information will be used solely for the purpose of planning, organising, administering, celebrating and governing schools' football and will be made available only to those who need it for this purpose. You will have been asked at the point of providing that information whether you are happy for it to be used for this purpose: if you don't think you have given your consent, or if you are unsure about any aspect of this, please contact:

Name:

At: *email or postal address*

You can withdraw your consent for all or any of these data uses at any time after you have given consent, by outlining your preferences in writing to the contact above.

At the end of each playing season, your data will be retained as part of the Association's archive. You will also be invited to update your information for the following season. Should any of your details change at any point, or should you wish for your details to be removed, please contact:

Name:

At: *email or postal address*

and the records will be amended accordingly without delay.

Using our Website:

When you visit our website, we may also collect, process and use information about you and your use of the site (which may not personally identify you), such as the how you arrived at our site. Such information may be collected through "traffic data" and may involve the use of cookies, IP addresses or other codes. You can block cookies by activating this option in your internet browser. Our website uses google analytics to understand how our customers navigate through our site and what sections they visit. The website many contain links to other sites. Please be aware that we are not responsible for the privacy practices of these sites.

You can find more about cookies by visiting www.Allaboutcookies.org

Accessing your Information

If you wish to access the information we hold about you, you can do so by submitting a “subject access request” to the Association by writing to:

Name:

At:

Please mark your correspondence “Subject Access Request” and we will respond within 40 days.

Any queries?

Any other queries relating to your information and how we use it should be directed to:

Name:

At:

Privacy Notice: Rep Player Parents/Carers/Guardians

Please read this privacy notice carefully to see how XXXXXX will treat the personal information that you provide. This information is collected so that we can effectively and efficiently organise our activities for our members and so is sought under the "legitimate interests" basis outlined in the General Data Protection Regulations (GDPR) legislation.

Your Data:

Why we need it, what we use it for and when we no longer need it:

1 You:

In order to ensure that the Association's football calendar of activity is delivered, your contact details (including name, telephone number, email address) are held in the Association's digital records and shared only with those with a legitimate interest in the activities below.

Your information will be used solely for the purpose of planning, organising, administering, celebrating and governing schools' football and will be made available only to those who need it for this purpose. You will have been asked at the point of providing that information whether you are happy for it to be used for this purpose: if you don't think you have given your consent, or if you are unsure about any aspect of this, please contact:

Name:

At: *email or postal address*

You can withdraw your consent for all or any of these data uses at any time after you have given consent, by outlining your preferences in writing to the contact above.

We will retain your information until your son/daughter ceases playing with the Association. After that, your contact details will be deleted, unless you expressly ask us to keep in touch.

2 Your child:

Information about your son/daughter will be collected so that:

- Our records hold their names, contact details and next of kin/emergency contact details;
- We can report on and celebrate individual participation and team achievements;
- We can provide appropriate medical and/or welfare precautions for players;
- We can use imagery in publicity, subject to appropriate consents and safeguards;
- An archive of players can be retained, in the interests of the Association's history;
- We can keep in touch with players after their time with the Association, if you permit us to do so.

When your son or daughter ceases playing with the Association, we will:

- Retain their participation record for the archive (this will include names in programmes, awards ceremonies and other rolls of honour);
- Retain their contact details, so that we can keep you updated with any of the Association's activity which may continue to be of interest to you after you have left us, if you expressly ask us to;
- Confidentially destroy the remaining information about your son/daughter, giving particular regard to the security of health/welfare records

You and/or your child's personal information will not be shared with others beyond that described here unless the Association is legally obliged to do so under English law for statutory, legislative or regulatory purposes.

Updating your records

Should any of your details change at any point, or should you wish for your details to be removed during the season, please contact:

Name:

At: *email or postal address*

and the records will be amended accordingly without delay.

Using our website

When you visit our website, we may also collect, process and use information about you and your use of the site (which may not personally identify you), such as the how you arrived at our site. Such information may be collected through "traffic data" and may involve the use of cookies, IP addresses or other codes. You can block cookies by activating this option in your internet browser. Our website uses google analytics to understand how our customers navigate through our site and what sections they visit. The website many contain links to other sites. Please be aware that we are not responsible for the privacy practices of these sites.

You can find more about cookies by visiting www.Allaboutcookies.org

Accessing your information

If you wish to access the information we hold about you, you can do so by submitting a "subject access request" to the Association by writing to:

Name:

At:

Please mark your correspondence "Subject Access Request" and we will respond within 40 days.

Any queries?

Any other queries relating to your information and how we use it should be directed to:

Name:

At:

Privacy Notice: Rep Football Players

So that we can organise football matches for you, we need some information about you. We are asking your parent(s), carers or guardians a few questions about:

- Your name, school and age
- How best to get in touch with you
- Who looks after you and how to get in touch with them
- Whether you have any special needs for your health or welfare – if, for example, you need an inhaler, or other medication to make sure you can play safely

We are doing this so that:

- We can make sure those people who need to contact you can do so quickly and easily
- We can put your name on things like team lists or programmes
- We can keep a record of you taking part in XXXXX's football
- We can celebrate the achievements of you and your team mates
- We can look after you so that you enjoy your football safely, while staying healthy

We hope that you'll carry on playing with us for some time, but when you are ready to move on we will keep a record of your place in our teams, but we won't keep anything about your health, welfare or parents. We will also ask you if you'd like to hear about players who have followed in your footsteps, or about other District/County news, and if you do, we will keep your contact details too.

If you want to talk to anyone about this, the person who looks after you should be able to help, or you can always ask one of the people who organise your football and they will be able to tell you who to talk to, if it isn't them. In the meantime, please don't forget to let us know if you change anything about how we should contact you – for example, if you usually hear from us by text message, don't forget to tell us if you change your number!

Privacy Notice: Volunteers

Please read this privacy notice carefully to see how XXXXXX will treat the personal information that you provide. This information is collected so that we can effectively and efficiently organise our activities for our members and so is sought under the "legitimate interests" basis outlined in the General Data Protection Regulations (GDPR) legislation.

Your Data:

Why we need it, what we use it for and when we no longer need it:

In order to ensure that the Association's football calendar of activity is delivered, your personal details (including name, telephone number, email address) are held in the Association's computer records and are shared only with those with a legitimate interest in the activities below.

Your information will be used solely for the purpose of planning, organising, administering, celebrating and governing schools' football and will be made available only to those who need it for this purpose. You will have been asked at the point of providing that information whether you are happy for it to be used for this purpose: if you don't think you have given your consent, or if you are unsure about any aspect of this, please contact:

Name:

At: *email or postal address*

You can withdraw your consent for all or any of these data uses at any time after you have given consent, by outlining your preferences in writing to the contact above.

When you cease to volunteer for the Association, we will retain your name in our historic archive but will remove your contact details, unless you expressly ask to be kept in touch with the business of the Association.

We will collect and retain your bank details for the purposes of paying expenses necessarily incurred in the conduct of Association business, and will ensure that our e-security arrangements minimise risks to that information.

Your personal information will not be shared with others beyond that described here unless the Association is legally obliged to do so under English law for statutory, legislative or regulatory purposes.

Updating your records

Should any of your details change at any point, or should you wish for your details to be removed during the season, please contact:

Name:

At: *email or postal address*

and the records will be amended accordingly without delay.

Using our website

When you visit our website, we may also collect, process and use information about you and your use of the site (which may not personally identify you), such as the how you arrived at our site. Such information may be collected through “traffic data” and may involve the use of cookies, IP addresses or other codes. You can block cookies by activating this option in your internet browser. Our website uses google analytics to understand how our customers navigate through our site and what sections they visit. The website many contain links to other sites. Please be aware that we are not responsible for the privacy practices of these sites.

You can find more about cookies by visiting www.Allaboutcookies.org

Accessing your information

If you wish to access the information we hold about you, you can do so by submitting a “subject access request” to the Association by writing to:

Name:

At:

Please mark your correspondence “Subject Access Request” and we will respond within 40 days.

Any queries?

Any other queries relating to your information and how we use it should be directed to:

Name:

At:

Annex 2

EXAMPLE STATEMENTS OF CONSENT

Example Statement of Consent

It is no longer acceptable to ask individuals to “opt out” if they don’t want you to use their personal data – the law now requires them to actively “opt in” and so your consent statements need to be changed to reflect this.

Overleaf are examples of consent declarations, which you may find helpful, but again, you must adapt them so that they reflect your arrangements. For example, you may wish to separate consent statements for volunteers who serve on committees and volunteers whose involvement is limited to coaching, if that is your model.

You must also make sure that the consent statements and the privacy notices match – for example, if you state in your privacy statement that you will destroy records at the end of the season, then the consent form needs to give you permission to hold the records for that season.

Please also remember that photographic imagery is also personal data and you will know that the ESFA has issued guidance on this matter separately, from our National Child Welfare Officers. A reminder that you can find that guidance on our website:

http://www.esfa.co.uk/childwelfare/

You may wish to combine the data protection consent statement with other consents you seek (for example, RESPECT declarations, behaviour codes and so on).

Please remember, that without these consents, you are not legally permitted to use the details you need to organise your activity, so work with parents, volunteers and Committee members to manage the information that you need.

Example GDPR declaration – parental consent

I have provided my email address / telephone number / mobile telephone number / postal address * to XXXXXX Association and in so doing consent for it to be used by Association officials/volunteers to contact me with regard to my son/daughter's involvement in football organised by Association.

I also give consent to you using the same contact details for related activities (e.g. such as awards ceremonies, meetings/briefings, consultations on future plans) organised by the Association.

I consent to you using any data I provide about my son/daughter for the purposes of the above activities.

I understand that at any point I can have all or any of my contact details removed from your records, and/or instruct you to cease to contact me for either or both of the reasons above, and that I have the right for that to happen quickly. I further understand that my data will be held until my son/daughter no longer plays football for XX Association, and immediately thereafter it will be confidentially destroyed unless I explicitly ask you to retain it so that I can be kept up to date with football and/or related activities of the Association.

I will update the Association in the event that any of these contact details change.

I have seen the Association's privacy notice and understand who to contact should any changes or queries arise.

Signature…….

* delete accordingly

Example GDPR declaration – volunteer consent

I have provided my email address / telephone number / mobile telephone number / postal address * to XXXXXX Association and in so doing consent for it to be used by Association officials/volunteers to contact me with regard to my involvement in football organised by Association.

I also give consent to you using the same contact details for related activities (e.g. such as awards ceremonies, meetings/briefings, consultations on future plans) organised by the Association.

I understand that at any point I can have all or any of my contact details removed from your records, and/or instruct you to cease to contact me for either or both of the reasons above, and that I have the right for that to happen quickly. I further understand that my data will be held until I cease to volunteer for the Association, and immediately thereafter it will be confidentially destroyed, unless I explicitly ask you to retain it so that I can be kept up to date with football and/or related activities of the Association.

I will update the Association in the event that any of these contact details change.

I have seen the Association's privacy notice and understand who to contact should any changes or queries arise.

Signature…….

* delete accordingly