

# Privacy and Data Protection Policy

Version 2

## 1 Introduction

The Scout Association (TSA) takes the protection of privacy and personal data very seriously. Hence it has introduced:

- a) A Privacy and Data Protection Policy, with key responsibilities listed as rules, in its Policy, Organisation and Rules (POR), in the May 2018 edition (POR May 2018);
- b) A Data Protection Policy, external to but referenced from POR May 2018.

These are referred to jointly in this Winchester District Policy as the 'TSA Data Protection Policy'.

The TSA Data Protection Policy sets out the Scout Association's approach to protecting personal data in compliance with:

- a) The EU General Data Protection Regulation "GDPR", Regulation (EU) 2016/679 of 27 April 2016;
- b) The UK Data Protection Act 2018;

and also explains people's legal rights in relation to how their personal data is processed.

It is important to note that local Districts and local Scout Groups:

- a) Are independent charities and are Data Controllers in their own right;
- b) Are directly responsible for any personal data they process; and
- c) Are directly responsible, therefore, for ensuring that they comply with their responsibilities under both the law and the rules of the Scout Association.

The District may update this policy from time to time in minor respects. It will make sure that any substantial or significant changes will be notified to members and associate members directly

## 2 Purpose of this Data Protection Policy and what it covers

This policy:

- a) Relates to the Winchester District of the Scout Association ('the District' in this policy);
- b) Sets out the District's approach to protecting personal data; and
- c) Explains people's rights in relation to how the District may process personal data;
- d) Only addresses the changes in policy from the TSA Data Protection Policy that relate those policies to local circumstances;
- e) Follows the section numbering of TSA Data Protection Policy from Section 5 onwards.

This policy does not apply to the processing of personal data in association with any of the Groups in the District unless the Group has passed a resolution to apply the principles and processes of this policy as its own policy.

In the event of any conflict then the TSA Data Protection Policy or its successors take precedence over this policy.

## 3 Agreement of data controllers and data processors to abide by this policy

Many people within the District act as data controllers and data processors. This includes leaders, commissioners, supporters, administrators and committee members in District roles and also those in Group roles supporting District activities and management. They are therefore both data controllers and data processors. These people are empowered to decide the purposes and methods of processing personal data and carry it out subject to complying with the TSA Data Protection Policy and this Policy.

All adult members and associate members of TSA have signed the Applicant Declaration on the Adult Information Form<sup>1</sup> confirming that they agree to abide by the policies and rules of The Scout Association. With respect to data protection these are:

- a) The TSA Data Protection Policy as identified above; and
- b) This policy.

Hence all adult members and associate members have agreed to abide by these policies for the processing of personal data in association with the District.

Initially, this presumes that all data processors and data controllers operating on behalf of the District are adult members or associate members of TSA. In practice, the key data processors and data controllers are adult members or associate members of TSA and it is required under Section 8 of the TSA Data Protection Policy that:

- a) Before sharing personal data with other people or organisations, [the data processors and data controllers] must ensure that [the recipient people or organisations] are GDPR compliant;
- b) [Appropriate] rights of access [are] allocated to users depending on their need to access personal or confidential information;
- c) [No person] should have access to personal or confidential information unless [they] need it to carry out [their] role.

For clarity, there are occasions where it is appropriate to share personal data with other people including young (non-adult) members of TSA and non-members involved in activities (e.g. parents); in such cases the adult member or associate member sharing the personal data must ensure that the person receiving it is fully aware of and will adhere to the requirements for only keeping it private, only using it for the purpose intended and destroying, it or returning it, at the end of the period for which it was provided.

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<sup>1</sup> Or an older version of this form.

## 4 Non-registration with the Information Commissioner's Office

The District is not registered with the Information Commissioner's Office. This is not required<sup>2</sup> as the District:

- a) Only processes information necessary to establish or maintain membership or support;
- b) Only processes information necessary to provide or administer activities for people who are members of the organisation or have regular contact with it;
- c) Only holds information about individuals whose data it needs to process for this exempt purpose; and
- d) The personal data processed is restricted to personal information that is necessary for this exempt purpose.

This non-registration shall be reviewed if any changes are made to the type of information being processed. It is noted that this specifically includes the installation of CCTV monitoring and recording at any of its premises, events or otherwise.

## 5 What type of personal data do we collect and why?

### 5.1 Adults

For adults there are no changes or additions to Section 5 of The Data Protection Policy, referenced from POR, May 2018.

### 5.2 Employees

TSA Employees working in the District are employed by the Hampshire County of TSA and their data is protected as laid down in the County's policies.

### 5.3 Network Scouts

Network Scouts are adults

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<sup>2</sup> Criteria identified from the Information Commissioners Internet website <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment> on Sunday 2nd September 2018.

## 5.4 Youth members and volunteers

In addition to the information on adults addressed by Section 5 of the TSA Data Protection Policy, the District also records information about young people. The information we may hold about young people includes the following:

- a) Name and contact details
- b) Age/date of birth
- c) Details of any health conditions
- d) Ethnicity
- e) Disciplinary information
- f) Details of dependents
- g) Records relating to the time for which they were members
- h) Length and periods of membership (and absence from membership)
- i) Record of attendance at events including nights away, hikes, time on the water and similar activities
- j) Details of training received and awards/badges gained
- k) Details of experience, qualifications, occupations and skills
- l) For young people employed in the same manner as adults, the list of information held about adults also applies
- m) Name and contact details of parents/guardians
- n) Information of parents/guardians/associated adults' experience, qualifications, occupations and skills where provided by the parents/guardians/associated adults that may assist in delivering a quality programme (note that where parents/guardians/ associated adults are registered directly with TSA then their data is addressed under the provisions for adults)

## 5.5 Data storage

Within the District:

- a) Adults' information is stored on Compass, the Scout Association's adult database;
- b) Young persons' information is stored on Online Scout Manager (OSM), a commercially available database management system specifically designed to store information about young people in TSA;

- c) Adult members and associate members may take copies of this information and process it in support of the District's business on a temporary basis and subject to the provisions for data protection;
- d) If a need arises to store any personal data that cannot be readily or clearly stored in Compass or OSM then the District Executive shall be informed of the type of data, the reason for storage and the means of storage. Examples include the allocation of a line manager in accord with POR but not made available by Compass or the recording of a condition on role approval.

## 5.6 Data passed to other organisations

The District passes data to other organisations in order to deliver its legitimate purposes. These are:

- a) The Duke of Edinburgh's Award organisation - in passing the essential information to this organisation the District assumes that the Duke of Edinburgh's Award organisation is a responsible organisation that takes on the responsibility for the data passed.
- b) Other third-party organisations that need the data in order to provide activities in accordance with acceptable safety standards - in this case the data processor passing the information to the third party must ensure that the third party is committed to processing the data in line with the legal requirements (This can be seen as an extension to Rule 9.9 Use of External Centres and Instructors)

## 6 Conditions for collecting personal data

No changes or additions to Section 6 of The Data Protection Policy, referenced from POR May 2018.

## 7 Keeping personal data secure

In addition to Section 6 of The Data Protection Policy, referenced from POR, May 2018, it is noted that many volunteers process relevant data in locations that, while entry-controlled, are not restricted to adult members or associate members. Such locations include family houses and computers with family access. In such situations, the data processor is required to ensure the principles are satisfied. This is likely to require:

- a) Password protection of access to databases including Compass and OSM at the point of entry to the database website itself rather than the machine used to access it;
- b) Closing the access to such databases when leaving the access point unattended;
- c) Password protection of files containing relevant information;
- d) Closing such files when leaving the access point unattended;
- e) Each data processor providing the District with an email address that can only read by the data processor themselves.

## 8 Responsibilities

Within the District, the District Executive Committee is responsible for ensuring that adequate data protection systems are in place in respect of the processing of personal data on behalf of the District. To this effect, the District Executive Committee is responsible for:

- a) Making sure that this data protection policy is up to date;
- b) Obtaining advice, as required, for people acting as its data processors and data controllers on data protection issues;
- c) Dealing with complaints about the District's use of personal and sensitive personal data;
- d) Reporting to the ICO if the District does not keep to any regulations or legislation

The individual Groups are responsible for ensuring that adequate data protection systems are in place for their respective Group.

## 9 Data Retention

No changes or additions to Section 9 of the TSA Data Protection Policy.

## 10 Rights to accessing and updating personal data

No changes or additions to Section 10 of the TSA Data Protection Policy.

## 11 Subject access requests

No changes or additions to Section 11 of the TSA Data Protection Policy.

## 12 Further information and contacts

Subject access requests for data held by the District should be made to the District Commissioner at [dc.winchester@scouts-hants.org.uk](mailto:dc.winchester@scouts-hants.org.uk).

If you have any queries about anything set out in this policy or about your own rights, please the District Commissioner at the above email address.