

ENGLAND NETBALL



Data Protection Policy

Responsible Officer		Data Protection Lead
Group Owner		England Netball Board
Date Created / Modified		November 2023
Version		1.1
Review Date		November 2025
Applicable for	<p>This policy is mandatory.</p> <p>This policy applies to those who <u>process personal data</u> (both terms as defined in the UK General Data Protection Regulation) for or on behalf of England Netball including: employees, volunteers, casual and temporary workers, directors and officers, external organisations employed as processors and any external organisations or individuals with whom England Netball shares or discloses personal data. The policy also applies where England Netball is a joint data controller or where relevant, acts as a processor for another controller.</p>	
Summary	<p>This policy defines the intention and direction of England Netball as formally approved by the Board of Directors for managing compliance with the UK General Data Protection Regulation, the Data Protection Act 2018 and other data protection legislation.</p>	

Data Controller: England Netball, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF

Data Protection Lead: dataprotection@englandnetball.co.uk

Central Location of Data Protection Resources and Records: [S:\Data Collection & Protection](#)

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1. Purpose

- 1.1 The policy allocates organisational roles and responsibilities and identifies in overall terms the structure of policies, procedures and practices that are the mechanisms through which compliance with data protection legislation is planned, executed, measured and reported.

2. Scope

- 2.1 Unless otherwise stated, this policy applies to all personal data processed by England Netball in whatever form including by automated means (computerised), as part of a filing system or in an unstructured manual format.

3. Article 4 Definitions

- 3.1 The terms used in this policy have the meanings attributed to them in Article 4 of the UK General Data Protection Regulation and in the Data Protection Act 2018.

4. Leadership statement by the Chief Executive Officer and Board of Directors of England Netball

- 4.1 England Netball is committed to compliance with data protection legislation and the achievement of best practice in the protection of the “rights and freedoms” of data subjects whose information England Netball collects and processes.
- 4.2 England Netball achieves compliance with these requirements by adhering to this policy.
- 4.3 On a quarterly basis, the Board of Directors will receive a data protection report from the Data Protection Lead which will include reporting on data protection developments, risks and incidents for the reporting period. Any significant data protection issues that arise will be reported to the Board of Directors immediately.
- 4.4 On a bi-annual basis, the Board of Directors reviews this policy based on the Data Protection Lead’s bi-annual review of the effectiveness of this policy to ensure that:
 - 4.3.1 Its approach to privacy is fully aligned with the strategic direction of the organisation, its stakeholder expectations and the regulatory environment;
 - 4.3.2 The resources required to effectively operate the processes described in this policy are available;
 - 4.3.3 The approach to data protection is fully integrated into England Netball’s business processes, in particular in relation to risk and performance management;
 - 4.3.4 The objectives of this policy are being achieved and that data protection is a key element in continuous improvement; and
 - 4.3.5 The importance of compliance with data protection requirements and best practice is communicated appropriately and understood across the organisation.
- 4.5 The report referred to at point 4.3 shall include a bi-annual review of:
 - 4.5.1 changes in external and internal issues that are relevant to data governance;
 - 4.5.2 performance in respect of this policy and compliance with data protection procedures, including trends in:

- Nonconformities and corrective actions;
 - Monitoring and measurement results; and
 - Audit results.
- 4.5.3 records of procedural reviews;
- 4.5.4 results of technology upgrades and/or replacements where relevant to data protection;
- 4.5.5 formal requests for assessment by regulatory bodies;
- 4.5.6 complaints handling; and
- 4.5.7 security incidents/breaches that have occurred.

5. Staff Responsibilities for Data Protection

- 5.1 England Netball's Chief Executive Officer is the strategic lead for data protection and compliance with data protection legislation. The CEO, Company Secretary and the Data Protection Champion Board member act as the primary point of contact for the Data Protection Lead for liaison with the Board of Directors on a day-to-day basis. The Data Protection Lead reports directly to the whole Board of Directors formally on a quarterly basis and as and when necessary.
- 5.2 Information assets are identified in an Information Asset Register which is maintained by the Data Protection Lead. The Information Asset Owner has primary operational responsibility for compliance with data protection legislation and good practice in respect of assigned information assets.
- 5.3 Information Asset Owners are individuals who are responsible for a discrete business area. Their role is to understand what personal data are used in their business area, how it is used, why it is held, for how long, and who has access to it and why. As a result, they are able to understand and address risks to the data and the organisation. The Information Asset Owners are responsible for the management of the lawful processing of data for their business areas as well as ensuring the safeguarding of such data.
- 5.4 Where the nature of England Netball's business is such that personal data are processed as part of a single business process across a number of separate hierarchical business units then, on the recommendation of the Data Protection Lead, responsibility for the business process as a whole may be assigned to an Information Asset Owner.
- 5.5 The Board of Directors and Information Asset Owners are assisted in their compliance tasks by the Data Protection Lead.
- 5.6 The Data Protection Lead:
- 5.6.1 liaises with the regulatory authority (ICO) and oversees the operation of England Netball's Security Incident / Personal Data Breach Notification Procedure;
 - 5.6.2 is responsible for administering the Data Subject Rights Procedure, responding to complaints about the exercise of data protection rights and obligations, reporting with recommendations for management action, where necessary;
 - 5.6.3 provides advice on data protection by design principles and comments on Privacy Impact Assessments undertaken by the responsible Information Asset Owner(s) as defined in England Netball's Data Collection and Data Protection Impact Assessment procedures;

- 5.6.4 **con**venes and Chairs regular meetings of the Data Protection Steering Group on at least a bi-annual basis, with the minutes of such meetings promptly reported back to Information Asset Owners and the CEO.
- 5.7 The Head of People has operational responsibility for compliance with data protection policies and best practice in relation to HR policies and procedures including recruitment and retention. In liaison with the Data Protection Lead, the Head of People is responsible, through the staff performance management process, for ensuring that training needs analysis is undertaken in respect of all posts and that appropriate data protection awareness and training is provided, measured and reported.
- 5.8 The **Head** of Digital Infrastructure and Data has lead operational responsibility for compliance with data protection legislation and best practice for information security in respect of England Netball's IT estate (this function has been outsourced to a third-party IT delivery service). The responsibilities are set out in more detail in the Information Security Policy.
- 5.9 All employees are responsible for complying with the law and respecting confidentiality and the privacy of individuals including their colleagues, customers, suppliers and other stakeholders. Data protection responsibilities of employees are defined in this policy and supporting procedures and reinforced through regular awareness raising and training.
- 5.10 England Netball defines specific training and awareness requirements in relation to specific roles and employees of England Netball. Information Asset Owners should ensure that employees handling information assets under their control have been issued with appropriate instructions concerning information handling and have undertaken the relevant training identified through the performance management process.
- 5.11 The England Netball Employee Privacy Policy located on the England Netball intranet identifies the information about employees that the organisation is required to hold about them and the lawful grounds for processing that information. The HR Business Partner is responsible for collecting this information and updating it on a regular basis. Individual employees of England Netball are responsible for ensuring that any personal data they supply is accurate.

6. Commitment and Accountability for Compliance with Data Protection Principles

- 6.1 England Netball processes personal data in accordance with the data protection principles defined in Article 5 of the UK GDPR as described below and demonstrates compliance with those principles, the requirements of data protection legislation and good practice by applying the Data Protection Procedures.

7. Data Protection by Design and Default and Risk Management

- 7.1 England Netball recognise that the processing of personal data may pose a potential risk to the "rights and freedoms" of data subjects whose information England Netball collects and processes in accordance with the UK GDPR. England Netball's approach to risk management in relation to the processing of personal data is detailed in the Information Risk Procedure.
- 7.2 England Netball analyses, quantifies and documents all data protection related risks within the Data Protection Risk Register. An overall risk assessment and any significant risks will be included in the Corporate Risk Register.

- 7.3 All processing of personal data and special category personal data is recorded within the Information Asset Register (IAR). Information Asset Owners are responsible for ensuring that assets which they are responsible for are updated and maintained. The Data Protection Lead is responsible for periodically reviewing the IAR for accuracy and authenticity along with recording any privacy or processing risks within the Data Protection Risk Register.
- 7.4 England Netball upholds the principles of data protection by design and default. Any new processing activities involving personal data are subject to a screening process that establishes whether a Data Protection Impact Assessment (DPIA) is required as specified in the Data Protection Impact Assessment (DPIA) Procedure, which specifies that a full Data Protection Impact Assessment shall be undertaken where there is a high risk to the rights and freedoms of data subjects. Additionally, a DPIA will be required when using new technology which might be perceived as being privacy intrusive.
- 7.5 England Netball recognises that children merit special protection with regard to their personal data, as they may be less aware of how the processing may affect them and how to protect themselves and exercise their rights particularly in relation to marketing and profiling. It is England Netball's policy to require parental or guardian consent to process personal data of any child under the age of 14.

8. Fair, Lawful and Transparent Processing

- 8.1 England Netball processes personal data in a fair, lawful and transparent manner meaning:
- 8.2 Transparent
 - 8.2.1 Through provision of its Privacy Policy at the time that information is collected England Netball ensures that no personal data are collected from a data subject without the information required by Article 13 of the UK GDPR being communicated to the data subject. Likewise, where personal data have not been collected direct from the data subject, England Netball ensures that the information required by Article 14 of the UK GDPR is communicated to them by publishing the Privacy Policy on its website.
 - 8.2.2 The Privacy Policy requires that the information communicated to data subjects is concise, easily accessible and easy to understand, that clear and plain language is used and that, where appropriate, visualisation is used. Particular consideration is given to any processing addressed to children or vulnerable adults so that they can easily understand what is being communicated to them.
 - 8.2.3 The Privacy Policy also ensures that where personal data are collected directly from data subjects, transparency information is normally provided to them in the same way. Where the data processed is sensitive or the intended use is unexpected or will have a significant effect on them or be shared in ways they would not normally expect, the transparency information will be actively brought to their attention.
 - 8.2.4 England Netball maintains a record of processing activities within the IAR. The IAR contains a section which requires information pertaining to the source of data being collected. Within this section, England Netball ensures that the data subject has been issued with a Privacy Policy appropriate to the processing being undertaken.
 - 8.2.5 The Data Protection Lead has an important role to play in promoting and advising on best practice in transparency.

8.3 Fair

- 8.3.1 England Netball understands that fairness is about maximising data subjects' autonomy and choice about how and whether their personal data are used. For this to happen data subjects are never misled to any extent about how their data will be used and they are given clear and unbundled choices where processing is voluntary and made fully aware of the risks, rules, safeguards and rights attached to that processing and how to exercise their rights in relation to such processing.

8.4 Lawful

- 8.4.1 Through its Data Collection Procedure, England Netball ensures that no data collection activities are undertaken or commissioned without an Article 6 lawful basis for processing having been identified and, in the case of special category personal data, additionally an Article 9 lawful basis, and with reference to the relevant schedules within the Data Protection Act 2018.
- 8.4.2 The relevant Information Asset Owner shall, in all cases, obtain the advice of the Data Protection Lead on the lawful grounds for processing and ensure that processing complies with all relevant policies.

8.5 Data Processing purposes

- 8.5.1 Information Asset Owners ensure that personal data are not used for purposes other than those recorded within the Information Asset Register, except where an exemption applies in accordance with either Schedule 2 or 3 of the Data Protection Act 2018, and has been specified in the transparency information communicated to the data subject in accordance with Articles 13 and 14 of the UK GDPR as appropriate and recorded.
- 8.5.2 Where further processing of the personal data is compatible with the original purpose in accordance with Article 6(4) or is otherwise permitted by law, the relevant Information Asset Owner ensures that the required transparency information is communicated to the data subject.

8.6 Data Matching and Profiling

- 8.6.1 As with any other processing, the profiling or matching of personal data with other information to evaluate certain aspects of a natural person must comply with each of the data protection principles. England Netball does not currently perform any Data Matching or profiling that has legal or significant effect nor any automated decision making.
- 8.6.2 The rights of data subjects to object to profiling in its various forms are set out in the Data Subject Rights Procedure.

8.7 Data Adequacy and Minimisation

- 8.7.1 England Netball uses a minimum amount of personal data in its processing activities and at the same time ensures that the personal data it collects is adequate for the identified purpose and undertakes periodic reviews to ensure that personal data remain relevant and adequate.
- 8.7.2 Information Asset Owners must ensure that personal data collected is fit for purpose and that no unnecessary, irrelevant or unjustifiable personal data are collected or created either directly or indirectly through the data processing activities they are responsible for and/or engage in. Information Asset Owners must do this in respect of new or altered processing by undertaking a Data Protection Impact Assessment in accordance with the Data Protection Impact Assessment Procedure.

- 8.7.3 The Data Protection Lead provides advice regarding the justification for personal data collected or created and ensures that data collected is reviewed on a periodic basis, providing regular feedback to the Data Protection Steering Group.

8.8 Data Quality

- 8.8.1 England Netball recognises that personal data must be accurate and where necessary kept up-to-date and that where personal data are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay, in accordance with the Data Subject Rights Procedure.
- 8.8.2 Information Asset Owners must ensure that personal data for which they are responsible are accurate and where necessary up-to-date. Information Asset Owners ensure that all employees are aware of the importance of accurate and up-to-date personal data and have read and understood the data protection procedures and undertaken any identified training.
- 8.8.3 Data subjects' right to rectification and complaint are important ways in which the accuracy of personal data can be challenged and corrected, and the Data Subject Rights Procedure provides for how claims for inaccuracy are dealt with and how any measures taken in consequence are recorded and reported. England Netball employees or those working on behalf of England Netball must rectify data immediately upon validation of a rectification request. England Netball will periodically review the data within its possession to ensure the accuracy of data.
- 8.8.4 The Data Subject Rights Procedure identifies how processors and third parties are informed about inaccurate or out-of-date information that has been corrected.
- 8.8.5 Taking a risk-based approach to data protection and performing Data Protection Impact Assessments ensures that issues of data quality and accuracy are taken into account when new processing is initiated or when existing processes are periodically reviewed.

8.9 Data Retention

- 8.9.1 Through its Retention Procedure and Schedule, England Netball ensures that it does not retain personal data for any longer than is necessary for legal or regulatory reasons or for its legitimate organisational purposes and ensures timely and appropriate disposal at the end of data's useful life through risk assessed measures such as erasure or anonymisation.
- 8.9.2 Where personal data are to be transferred for long-term preservation (for example where it is of value for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes) England Netball ensures that appropriate technical and organisational measures safeguard the rights and freedoms of the natural person.

8.10 Confidentiality, Integrity and Security

- 8.10.1 England Netball ensures that any personal data that it processes or commissions the processing of are processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- 8.10.2 Any personal data breach that does occur is managed in accordance with the Security Incident / Personal Data Breach Procedure.

- 8.10.3 All disclosures of personal data to other controllers are managed in accordance with the Data Sharing Procedure. The procedure provides for a Data Sharing Agreement in the case of ongoing disclosures. Ad-hoc disclosures requested in accordance with the exemptions provided at Schedules 3 and 4 of the Data Protection Act 2018 should be referred to the Data Protection Lead.
- 8.10.4 An Information Security Policy is maintained setting out specific procedures in relation to keeping personal data secure, confidential, and available and with integrity.
- 8.10.5 The Head of Digital Infrastructure and Data formulates the Information Security Policy in conjunction with the third-party responsible for the provision of IT Services and consults the Data Protection Lead in regard to it. The Data Protection Lead challenges the Information Security Policy when appropriate and reports any concerns and recommendations to the Board of Directors.
- 8.11 Training and Awareness
 - 8.11.1 England Netball ensures that employees and other workers are competent in and understand the data protection responsibilities assigned to them. Employees' data protection training requirements are established through their induction which will identify which training each employee requires to enable them to process personal data in accordance with the applicable procedures with particular emphasis on confidentiality and information security. All training is recorded.
 - 8.11.2 The Data Protection Lead ensures that the elements of the data protection training programme are kept up-to-date and in liaison with the HR Business Partner ensures that employees and other workers are kept up-to-date through appropriate awareness briefings.

9. Data Subjects' Rights

- 9.1 England Netball recognises the legal rights of the data subjects whose personal data it is processing or intends to process and ensures that appropriate information is provided to them advising them of their rights, and that policies and procedures are maintained to give effect to those rights.
- 9.2 The Data Subject Rights Procedure sets out the division of responsibilities and the general modalities for responding to data subject rights requests. It also includes a table indicating how the various rights apply in respect of the different lawful grounds for processing.
- 9.3 The Data Subject Rights Procedure highlights the following rights that individuals have in relation to their personal data:
 - Article 15 Right of access by the data subject
 - Article 16 Right of Rectification
 - Article 17 Right of Erasure
 - Article 18 Right to Restriction
 - Article 20 Right to Data Portability
 - Article 21 Right to Object to Processing
 - Article 22 Right to Object to Automated Decision Making, including Profiling
 - Article 77 Right to Lodge a Complaint with the Commissioner

10. Contractual Arrangements with Processors

- 10.1 In accordance with the requirement in Article 28 of the UK General Data Protection Regulation England Netball ensures through the Data Sharing Procedure and Appointing a Data Processor Procedure that only processors providing a sufficient guarantee of technical, physical and organisation security and subject to a written contract including specified terms are engaged.
- 10.2 The Data Sharing Procedure also provides that an assessment of appropriate security is undertaken as part of due diligence before any data processor is engaged and that where necessary, an audit of those security arrangements is conducted before entering into the contract.
- 10.3 The Data Sharing Procedure provides that primary responsibility for compliance with the procedure and with the Procurement Policy is allocated to the Information Asset Owner implementing the procurement and overseen by the Head of Digital Infrastructure and Data and the Data Protection Lead.
- 10.4 The Data Sharing Procedure and Decommissioning a Data Processor Procedure ensures that personal data is treated in compliance with UK GDPR Article 28.3(g) when a processor is decommissioned.

11. Transfers of Personal Data to Third Countries

- 11.1 All exports of data from within the European Economic Area (EEA) to non-EEA countries (referred to in the UK GDPR as 'third countries') are unlawful unless one or more of the provisions specified in Articles 44-50 inclusive of the UK GDPR applies. England Netball ensures compliance with these requirements through the Secure Transfer of Data Procedure.

12. Continuous Improvement and Independent Audit

- 12.1 England Netball ensures that there is a continuous cycle of internal audit of data protection risks. Priorities for audit are decided by the Data Protection Lead by reference to the Data Protection Risk Register and taking account of planned changes to systems and procedures. The audit programme explicitly includes any processing of high-risk personal data and addresses any non-conformance reports.
- 12.2 Audit results and management reviews contribute to a culture of continuous improvement in data protection. The Data Protection Lead assists in this by analysing data protection complaints, security breaches, Data Subject Access Requests and by horizon scanning technological and policy advances with colleagues across the organisation.