

Great Britain Karate Association



GDPR / DATA PROTECTION POLICY

Policy Type:	Statutory.
Author:	GBKA Safeguarding Officer.
Approved By:	GBKA Executive Committee.
Revision Status & Date:	Initial 20-Dec-23
Review Date:	Two years from revision date.

1. Introduction:

1.1. Great Britain Karate Association collects personal information about students and its Instructors. GBKA may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly, securely and in accordance with the General Data Protection Regulation (GDPR) and other related legislation.

1.2. The GDPR applies to all computerised data and manual files that come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable by a specific criterion.

1.3. This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation and will be reviewed and updated as necessary every twelve months.

2. Personal Data:

2.1. 'Personal data' is information that identifies an individual. This includes information that would identify an individual because of any special knowledge that they have or can obtain. A sub-set of personal data is known as 'special category personal data'. This special category data is information that reveals:

2.1.1. Race or ethnic origin.

2.1.2. Political opinions.

2.1.3. Religious or philosophical beliefs.

2.1.4. Trade union membership.

2.1.5. Physical or mental health.

2.1.6. An individual's sex life or sexual orientation.

2.1.7. Genetic or biometric data for the purpose of uniquely identifying a natural person.

2.2. Special Category Data is given special protection, and additional safeguards apply if this information is to be collected and used.

2.3. Information relating to criminal convictions shall only be held and processed where there is legal authority to do so. For example, if asked for information regarding all female employees, and you only have one female employee, this would be personal data.

2.4. Great Britain Karate Association does not intend to seek or hold Special Category Data (previously known as sensitive personal data) about Instructors / Volunteers or students except where GBKA has been notified of the information, or it comes to Great Britain Karate Association's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Instructors or students are under no obligation to disclose to Great Britain Karate Association their race or ethnic origin, political or religious beliefs, whether they are a trade union member, or details of their sexual life.

3. Data Protection Principles:

3.1. The six data protection principles as laid down in the UK GDPR are followed at all times:

3.1.1. Personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met.

3.1.2. Personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes.

3.1.3. Personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed.

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

3.1.5. Personal data processed for any purpose(s) shall not be kept in a form which permits identification of individuals for longer than is necessary for that purpose / those purposes.

3.1.6. Personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3.2. In addition to this, Great Britain Karate Association is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law (as explained in more detail in paragraphs 7 and 8 below).

3.3. Great Britain Karate Association is committed to complying with the principles in 3.1 at all times. This means that GBKA will.

3.3.1. Inform individuals about how and why we process their personal data through the privacy notices which we issue.

3.3.2. Be responsible for checking the quality and accuracy of the information.

3.3.3. Regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held in accordance with the data retention policy.

3.3.4. Ensure that when information is authorised for disposal it is done appropriately.

3.3.5. Ensure appropriate security measures to safeguard personal information whether it is held in paper files (Locked Cabinet) or on our computer system (One Drive) and follow the relevant security policy requirements at all times.

3.3.6. Share personal information with others only when it is necessary and legally appropriate to do so.

3.3.7. Set out clear procedures for responding to requests for access to personal information known as subject access requests.

3.3.8. Report any breaches of the UK GDPR in accordance with the procedure in paragraph 9 below.

4. Conditions for Processing Fairly, Lawfully and in a Transparent Manner:

4.1. The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given.

4.2. The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regards to entering into a contract with the individual, at their request.

4.3. The processing is necessary for the performance of a legal obligation to which we are subject.

4.4. The processing is necessary to protect the vital interests of the individual or another.

4.5. The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

5. Use of personal data by Great Britain Karate Association:

5.1. Great Britain Karate Association processes personal data on students, Instructors and volunteers. In each case, the personal data must be processed in accordance with the data protection principles as outlined in paragraph 3.1 above.

Students:

5.2. The personal data held regarding students includes contact details, assessment / examination results, attendance information, any relevant medical information, and photographs.

5.3. The data is used in order to support the students, to monitor and report on their progress and to provide appropriate pastoral care, together with any other uses normally associated with this provision in an educational environment.

5.4. Great Britain Karate Association may make use of limited personal data (such as contact details) relating to students, and their parents or carers for fundraising, marketing or promotional purposes and to maintain relationships with students of the Organisation, but only where consent has been provided to this.

5.5. In particular Great Britain Karate Association may:

5.5.1. Transfer information to any association, society or club that is set up for the purpose of maintaining contact with students or for fundraising, marketing or promotional purposes relating to GBKA but only where consent has been obtained first.

5.5.2. Use photographs of students in accordance with each clubs photograph policy.

5.6. Any wish to limit or object to any use of personal data should be notified to the President in writing. Notice will be acknowledged by GBKA in writing. If, in the view of the Safeguarding / Data Protection Officer, the objection cannot be maintained, the individual will be given written reasons why GBKA cannot comply with their request.

Workforce:

5.7. The personal data held about Instructors will include contact details, information relating to DBS checks, and photographs.

5.8. Great Britain Karate Association may pass information to other regulatory authorities, where appropriate, and may use names and photographs of Instructors in publicity and promotional material.

5.9. Instructors should note that information about disciplinary action may be kept for longer than the duration of the sanction. Although treated as "spent" once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.

Information Relating to DBS Checks:

5.10. DBS checks are carried out on the basis of Great Britain Karate Association's legal obligations in relation to the safeguarding requirements (which will include personal data relating to criminal convictions and offences) is further processed in the substantial public interest, with the objective of safeguarding children.

Other Individuals:

5.11. Great Britain Karate Association may hold personal information in relation to other individuals. Such information shall be held only in accordance with the data protection principles and shall not be kept longer than necessary.

Security of Personal Data:

5.12. Great Britain Karate Association will take reasonable steps to ensure that instructors will only have access to personal data as necessary for them to carry out their duties. GBKA will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

6. Disclosure of Personal Data to Third Parties:

6.1. The following list includes the most usual reasons that Great Britain Karate Association will authorise disclosure of personal data to a third party:

6.1.1. For the prevention or detection of crime.

6.1.2. For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings).

6.1.3. For the purpose of obtaining legal advice.

6.1.4. To publish the results of gradings or other achievements of students of Great Britain Karate Association.

6.1.5. To disclose details of a student's medical condition where it is in the student's interests to do so and there is a legal basis for doing so, for example for medical advice, insurance purposes or to organisers of trips.

The legal basis will vary in each case but will usually be based on explicit consent, the vital interests of the student or reasons of substantial public interest (usually safeguarding the child or other individuals).

7. Confidentiality of Student Concerns:

7.1. Where a student seeks to raise concerns confidentially with an instructor and expressly withholds their agreement to their personal data being disclosed to their parents or carer, GBKA will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where GBKA believes disclosure will be in the best interests of the student or other students. Please also refer to Great Britain Karate Association Safeguarding policies. Disclosure for a safeguarding purpose will be lawful because it will be in the substantial public interest.

8. Subject Access Requests:

8.1. The individual's full subject access right is to know:

- Whether personal data about him or her are being processed.
- The purposes of the processing.
- The categories of personal data concerned.
- The recipients or categories of recipient to whom their personal data have been or will be disclosed.
- The envisaged period for which the data will be stored or where that is not possible, the criteria used to determine how long the data are stored.
- The existence of a right to request rectification or erasure of personal data or restriction of processing or to object to the processing.

- The right to lodge a complaint with the Information Commissioner's Office.
- Where the personal data is not collected from the individual, any available information as to their source.

8.2. Anybody who makes a request to see any personal information held about them by GBKA is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.2).

8.3. All requests should be sent to the Data Protection Officer within 3 working days of receipt and must be dealt with in full without delay and at the latest, within one month of receipt.

8.4. Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Data Protection Officer must, however, be satisfied that:

8.4.1. The child or young person lacks sufficient understanding; and;

8.4.2. The request made on behalf of the child or young person is in their interest.

8.5. Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances, GBKA must have written evidence that the individual has authorised the person to make the application and the Data Protection Officer must be confident of the identity of the individual making the request and of the authorisation by the individual to whom the request relates.

8.6. Access to records will be refused in instances where an exemption applies, for example, where information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

8.7. A subject access request must be made in writing unless reasonable adjustments are needed. Great Britain Karate Association may ask for any further information reasonably required to locate the information.

8.8. An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

8.9. All files must be reviewed by the Data Protection Officer before any disclosure takes place. Access will not be granted before this review has taken place.

8.10. Where all the data in a document cannot be disclosed, a permanent copy should be made, and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

9. Exemptions to Access by Data Subjects:

9.1. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

9.2. There are other exemptions from the right of subject access. If we intend to apply any of them to a request, then we will usually explain which exemption is being applied and why.

10. Other Rights of Individuals:

10.1. Great Britain Karate Association has an obligation to comply with the rights of individuals under the law and takes these rights seriously. The following section sets out how the Organisation will comply with the rights to:

10.1.1. Object to processing.

10.1.2. Rectification.

10.1.3. Erasure.

10.1.4. Data portability.

Right to Object to Processing.

10.2. An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest (grounds 4.5 above) where they do not believe that those grounds are adequately established.

10.3. Where such an objection is made, it must be sent to the Data Protection Officer within 2 working days of receipt, and the objection will be assessed to determine whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.

10.4. The Data Protection Officer shall be responsible for notifying the individual of the outcome of their assessment within fifteen working days of receipt of the objection.

Right to Rectification.

10.5. An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Data Protection Officer within 2 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

10.6. Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data and communicated to the individual. The individual shall be given the option of a review under the data protection complaints procedure, or an appeal direct to the Information Commissioner.

10.7. An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

Right to Erasure.

10.8. Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:

10.8.1. Where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed.

10.8.2. Where consent is withdrawn and there is no other legal basis for the processing.

10.8.3. Where an objection has been raised under the right to object and found to be legitimate.

10.8.4. Where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met).

10.8.5. Where there is a legal obligation on GBKA to delete.

10.9. The Data Protection Officer will make a decision regarding any application for erasure of personal data and will balance the request against the exemptions provided for in the law. Where

a decision is made to erase the data, and this data has been passed to other data controllers, and / or has been made public, reasonable attempts to inform those controllers of the request shall be made.

Right to Restrict Processing.

10.10. In the following circumstances, processing of an individual's personal data may be restricted:

10.10.1. Where the accuracy of data has been contested, during the period when GBKA is attempting to verify the accuracy of the data.

10.10.2. Where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure.

10.10.3. Where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim.

10.10.4. Where there has been an objection made under para 8.2 above, pending the outcome of any decision.

11. Breach of Any Requirement of the GDPR:

11.1. Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is / they are discovered, to the Data Protection Officer.

11.2. Once notified, the Data Protection Officer shall assess:

11.2.1. The extent of the breach.

11.2.2. The risks to the data subjects as a consequence of the breach.

11.2.3. Any security measures in place that will protect the information.

11.2.4. Any measures that can be taken immediately to mitigate the risk to the individuals.

11.3. Unless the Data Protection Officer concludes that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the Organisation, unless a delay can be justified.

11.4. The Information Commissioner shall be told:

11.4.1. Details of the breach, including the volume of data at risk, and the number and categories of data subjects.

11.4.2. The contact point for any enquiries (which shall usually be the Data Protection Officer).

11.4.3. The likely consequences of the breach.

11.4.4. Measures proposed or already taken to address the breach.

11.5. If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals then the Data Protection Officer shall notify data subjects of the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.

11.6. Data subjects shall be told:

11.6.1. The nature of the breach.

11.6.2. Who to contact with any questions.

11.6.3. Measures taken to mitigate any risks.

11.7. The Data Protection Officer shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Board and a decision made about implementation of those recommendations.

12. Contact:

12.1. If anyone has any concerns or questions in relation to this policy, they should contact Great Britain Karate Association's Data Protection Officer, via gbkarateassociation@gmail.com.