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Data Protection: The Legal Framework

Gill Hunter & Nicola Barnett





Gill Hunter

Partner and Head of Commercial Team

18 years legal experience

T: 0191 211 7944

M: 07701 030 222

gill.hunter@muckle-llp.com

@legalrockchic



Nicola Barnett,

Solicitor, data protection practitioner

Previously in-house data protection officer

T: 0191 211 7992

M: 07889 536 310

nicola.barnett@muckle-llp.com

Aims and Objectives

- General understanding of the data protection regime in the UK
- Ability to recognise data protection issues in your organisation
- Ability to take appropriate action or seek appropriate help
- Ability to signpost clubs and leagues where appropriate



Topics to cover

- Background to the Act
- Basic principles
- Principle 7 – data security
- Data sharing
- Subject access requests
- Social media
- New Regulation



Data Protection Act 1998 - context

Deals with 'personal data' and was brought in primarily to deal with the use of the internet and electronic information. It implements the EU Data Protection Directive. Since then:

- Technological/Commercial developments
- Privacy awareness heightened
- Consumer-driven environment
- Social Media



Data Protection Act 1998

- Terminology:
 - data subject
 - processing
 - data controller
 - data processor
 - personal data
 - sensitive personal data
- Notification
- ICO – www.ico.org.uk



Data protection principles

1. Processed fairly and lawfully
2. Processing for specified and lawful purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept for longer than necessary
6. Processing in accordance with the rights of data subjects
7. Appropriate and technical and organisational measures – data security
8. Transfers outside the EEA



DATA PROCESSING

Principle 7

- Data security – no magic formula
- Appropriate & proportionate
- Data processors
- Data breaches can take many forms
- Technical and organisational



Data sharing - challenges

- The ICO data sharing code of practice
 - One-off vs ongoing
 - Consent
 - Security
 - Contractual arrangements
 - What does this mean for you?
- 
- The background of the slide features a dark teal world map. Overlaid on the map are several glowing white lines that originate from a laptop in the bottom right corner and curve upwards and outwards, connecting to various circular nodes across the globe. The nodes are also glowing and some have a lens-like effect. The overall aesthetic is futuristic and digital.

Subject Access Requests (1)

- Common problem – often contentious
- ICO code of practice <https://ico.org.uk/>
- Basic obligations on you
 - tell requestor whether information is held
 - give a description of data/reasons/sources
 - provide a copy of data (subject to exemptions)
- Can currently charge £10 plus ID
- 40 days to comply



Subject Access Requests (2)

- Exemptions - apply with care, guidance is available
- Negotiations with the requestor
- Management information
- Legal advice
- Third party data



Subject Access Requests (3)



Social Media (1)

- Social Media is extremely widespread and is used as a method of personal communication
- It is a useful tool but employers and employees should be careful:
 - Mark Davidson
 - Nyanza Roberts
- Cases turn on specific facts – see *Walters v Asda-Stores*

Case study 1

- Ensure Social Media is managed correctly
- Use correct tone of voice for your club
- Ensure policies are in place to protect your club

Case study 2

- Importance to use correct tone of voice
- Think before you post
- Or suffer the consequences



Case study 3

- Anything related to work should fall under the policy
- Reflection on the club and/or employees
- Risk can be great due to quick circulation



Social Media (2)

- What can employers do to reduce risk?
- Have clear, proportionate policies in place
- Support employees in adhering to policies, where appropriate
- Put sufficient controls in place for “official” social media feeds
- Apply policies and enforcement consistently



Social Media (3)

- Social media outside the organisation
 - comments by season ticket holder on fan forums
 - third party comments



Data Protection Regulation

- New European legislation incoming
- LIBE Committee voted an amendment on 21 October 2013, including:
 - Enforcement and fines
 - Applies to non-EU organisations
 - Appointment of data protection officers (DPOs)
 - Compliance procedure
 - Data protection ‘seals’



Key Actions

- Be aware – understand what you've got and how you use it
- Check notification (www.ico.org.uk)
- Appoint a DPO where appropriate and train
- Set clear policies
- Provide training on policies and obligations
- Data sharing – check legalities
- Data processing – check contracts
- Data cleansing and updating



Dealing with issues

- www.ico.org.uk
- **County FA helpline:** Tel: 08448 240 432
Email: Countylegalhelp@TheFA.com
- www.muckle-llp.com/resources/county-football-associations
- **Gill Hunter:** 0191 211 7944
- **Nicola Barnett:** 0191 211 7992





Any Questions?

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