

Data Protection: The Legal Framework

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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:



- Privacy awareness heightened
- Consumer-driven environment
- Social Media



Data Protection Act 1998

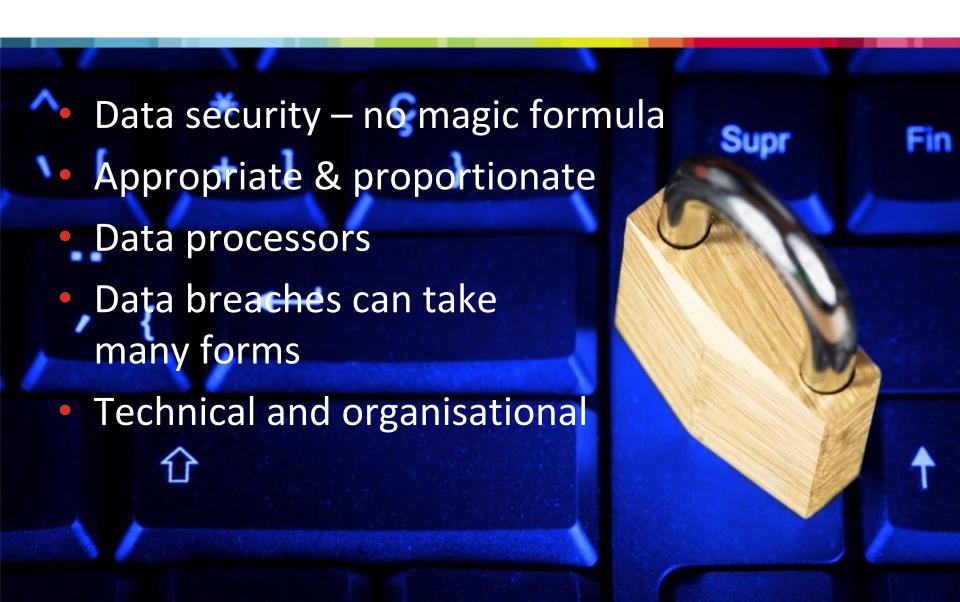


Data protection principles

- 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
- Appropriate and technical and organisational measures data security
- 8. Transfers outside the EEA



Principle 7



Data sharing - challenges

 The ICO data sharing code of practice One-off vs ongoing Consent Security Contractual arrangements What does this mean for you?

Subject Access Requests (1)

Complai

- 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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