



**SCOTTISH
ROWING**



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Data Protection Policy

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A Company Limited by Guarantee, Registered in Scotland No. SC357505



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1. Introduction

As individuals, we want to know that personal information about ourselves is handled properly, and we and others have specific rights in this regard. In the course of its activities, Scottish Rowing will collect, store and process personal information, and it recognises that the correct and lawful treatment of this information will maintain confidence in the organisation and will provide for successful operations.

The types of personal information that Scottish Rowing may be required to handle include information about:

- current, past and prospective employees, officers, Board and committee members, volunteers, Scottish Rowing representatives, advisers, consultants, contractors and agents;
- members (of Scottish Rowing, member clubs, regional and specialist associations) and, where applicable, their guardians;
- athletes registered as members of National Programmes who represent Scotland competitively at a national level;
- those individuals who have undertaken training or qualifications through Scottish Rowing or partner organisations;
- trainers, coaches and physios registered with Scottish Rowing;
- umpires registered with Scottish Rowing;
- suppliers and sponsors;

and others with whom it communicates.

The personal information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Data Protection Act 2018 (the **Act**) and other regulations. The Act imposes restrictions on how Scottish Rowing may process personal information, and a breach of the Act could give rise to criminal and civil sanctions as well as bad publicity.

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2. Scope of the Policy

This policy sets out Scottish Rowing's rules on data protection and specifies how Scottish Rowing will comply with the eight data protection principles contained in the Act. These principles specify the legal conditions that must be satisfied in relation to the obtaining, handling, processing, transportation and storage of personal information.

Observance of this policy is a condition of employment and therefore any employees, in addition to all others who obtain, handle, process, transport and store personal information including board and committee members, volunteers, Scottish Rowing representatives, advisers, consultants, contractors and agents will adhere to the rules of the policy.

Any breach of the policy will be taken seriously and may result in disciplinary action. Negligent or deliberate breaches could also result in personal criminal liability.

Any employee, Board or committee member, volunteer, Scottish Rowing representative, adviser, consultant, contractor or agent who considers that the policy has not been followed in respect of personal information about themselves or others should raise the matter with the Data Protection Compliance Officer appointed by Scottish Rowing in the first instance.

3. Definitions

The Act is a complex law and uses technical terminology. It is important that these terms are understood. They are explained below and used throughout this policy.

Data is recorded information whether stored electronically, on a computer, or in certain paper-based filing systems.

Data subjects for the purpose of this policy include all living individuals about whom Scottish Rowing holds personal data. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.

Data controllers are the people or organisations who determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the Act. Scottish Rowing is the data controller of all personal data used in its activities and undertakings. There can be more than one data controller in respect of the same information. For example, in addition to Scottish Rowing, a member club may also be a data controller.

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Data users include employees whose work involves using personal data. Data users have a duty to protect the information they handle by following Scottish Rowing's Data Protection and Security Policies at all times.

Data processors include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition but it could include board and committee members, volunteers, Scottish Rowing representatives, advisers, consultants, contractors and agents who handle personal data on Scottish Rowing's behalf, for example where Scottish Rowing has a volunteer inputting a new member's details onto its system.

Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in the possession of Scottish Rowing). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal). It can even include a simple e-mail address. It is important that the information has the data subject as its focus and affects the individual's privacy in some way. Mere mention of someone's name in a document does not constitute personal data, but personal details such as someone's contact details, participation details or details of any medical condition would still fall within the scope of the Act.

Processing is any activity that involves use of the data, including simply viewing the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties (even partner organisations).

Sensitive personal data comprises information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be processed under strict conditions, including a condition requiring the express permission of the person concerned.

4. Data Protection Principles

Anyone processing personal data must comply with the eight principles of good practice.

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These provide that personal data must be:-

1. Processed fairly and lawfully.
2. Processed for limited purposes and in an appropriate way.
3. Adequate, relevant and not excessive for the purpose.
4. Accurate.
5. Not kept longer than necessary for the purpose.
6. Processed in line with data subjects' rights.
7. Secure.
8. Not transferred to people or organisations situated in countries without adequate protection.

i. (1) Fair and Lawful Processing

The Act is intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject must be told, in a data protection notice, who the data controller is (in this case Scottish Rowing and, if applicable, a member club), the purpose for which their data is to be processed by Scottish Rowing, and the identities of anyone to whom the data may be disclosed or transferred (Appendix A). In addition, the data protection notice must be given to the data subject at the time the data is obtained and where the personal data is obtained from a third party source e.g. a member club, the data protection notice must be provided as soon as practical after that data is processed. If a member club has consent from an individual to share their personal data with Scottish Rowing then Scottish Rowing need not tell the individual again. The data protection notices must be prominent and legible and included at every point of collection of personal data.

For personal data to be processed lawfully, certain specific conditions have to be met. These include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interests of the data controller or the party to whom the data is disclosed. When sensitive personal data are being processed, additional conditions must be met. For example, information concerning a person's health, sex life, political opinions, race, ethnicity or religious beliefs can only be held where the individual has given explicit consent for this or in certain other limited circumstances, for example where Scottish Rowing is required by employment law to process

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such sensitive information. In most cases the data subject's explicit consent to the processing of such data will be required.

(2) Processing for Limited Purposes

Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected, which may include, but is not limited to,

- a. collating data to produce statistics which will be supplied to, amongst others, government agencies,
- b. researching, developing and managing new and existing programmes and projects for the strategic development of rowing and for promoting rowing generally,
- c. communicating with individuals about their membership and/or their involvement in programmes, projects, competitions, courses and other activities, and
- d. providing information to individuals about matters related to rowing activities, rowing administration and its sponsors, or for any other purposes specifically permitted by the Act.

This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

(3) Adequate, Relevant and Non-Excessive Processing

Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

(4) Accurate Data

Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken to check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be securely destroyed.

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(5) Timely Processing

Personal data should not be kept longer than is necessary for the purpose. This means that data should be destroyed or erased from Scottish Rowing's systems when it is no longer required. Information which is held for historical or statistical purposes (such as competition results) can be held indefinitely. Although details of previous members should not be held indefinitely, anonymised information about members (i.e. information which does not identify specific individuals) is not regarded as personal data and can be held indefinitely.

(6) Processing in Line with Data Subjects' Rights

Data must be processed in line with data subjects' rights. Data subjects have a right to:-

- a. Request access to any data held about them by a data controller.
- b. Prevent the processing of their data for direct-marketing purposes.
- c. Ask to have inaccurate data amended.
- d. Prevent processing that is likely to cause damage or distress to themselves or anyone else.
- e. Make a request to have personal data erased (“right to be forgotten”) subject to the conditions set out in the act.

(7) Data Security

Scottish Rowing will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may apply to the courts for compensation if they have suffered damage from such a loss.

The Act requires Scottish Rowing to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Personal data may only be transferred to a third-party data processor if they agree to comply with those procedures and policies, or if they put in place adequate measures himself.

Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:-

- a. **Confidentiality** means that only people who are authorised to use the data can access it.

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- b. **Integrity** means that personal data should be accurate and suitable for the purpose for which it is processed.
- c. **Availability** means that authorised users should be able to access the data if they need it for authorised purposes. Personal data should therefore be stored on the Scottish Rowing central file system instead of individual PCs.

Security procedures include:-

- a. **IT.** All IT systems are password protected which allows only authorised personnel access to personal data and are managed in line with the Scottish Rowing IT Policy. Data sharing agreements/clauses should be in place where 3rd parties are acting as data processors.
- b. **Secure lockable desks and cupboards.** Desks and cupboards are kept locked if they hold confidential information of any kind and can only be accessed by certain individuals. (Personal and financial information and safeguarding data is always considered confidential.)
- c. **Methods of disposal.** Paper documents should be shredded.
- d. **Equipment.** Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended. Personal information or other commercially sensitive information must not be taken offsite on laptops or other portable devices which are not encrypted.

(8) **International Transfers**

- ii. Personal data should not be transferred to a country outside the United Kingdom unless the country to which the personal data is being transferred provides adequate safeguards. In many cases this will necessitate the data subject consenting to the personal data being transferred.

5. **Dealing with Subject Access Requests**

Data subjects can raise a Subject Access Request in respect of data that an organisation holds concerning them. The Act allows a month to comply with this request and there is normally no charge although there is a right to refuse or charge for requests that are manifestly unfounded or excessive. Data subjects can request information to be supplied electronically in a commonly used format rather than in printed form. If a request is refused the individual must be told the reason for refusal.

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6. Dealing with requests to be forgotten

Under the Act, subject to certain conditions being met, an individual has the right to have their data erased. If such a request is received from an individual, Scottish Rowing as the Data Controller, must assess the request in the context of the personal data that is held and the needs that exist to retain data including legal, commercial, contractual and other factors. In some circumstances, whilst it will be possible to erase some data it may not be possible to erase all data about an individual due to these considerations.

7 Review and operation of policy

This policy will be reviewed annually or more frequently should circumstances require to maintain its currency and relevance with periodic reports to the Scottish Rowing Board on the implementation and operation of the policy.

Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Chief Operating Officer.

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Appendix 1 **Scottish Rowing Data Retention Policy**

This Data Retention Policy sets out the length of time that data will be retained by Scottish Rowing in line with the General Data Protection Regulations (GDPR).

Different types of data are kept for different periods of time depending on the nature of the data and the need to maintain records in order to comply with legislation, requirements to report to government and other relevant authorities and the needs of the organisation to effectively administer rowing in Scotland.

The specific periods for which data will be kept are set out in the Appendix 1 to this policy however the general principles applied are:

- Where an individual is a member of Scottish Rowing data will be kept for 6 years after the cease to be a member with some limited information archived indefinitely.
- Where Scottish Rowing holds information about an individual's training or qualifications as part of their membership information, the data about the individual including the training they have completed and/or qualifications they have been awarded will be kept for 3 years after they cease to be a member.
- There is a legal responsibility to keep company records, (including HR records and financial records) in line with legislation currently in force.
- There is a need to keep sufficient records for insurance purposes for claims that might arise. Due to the fact that those under the age of 18 have additional time in which to make an insurance claim (3 years after the point at which they reach the age of 18 under the Limitation Act 1980) records concerning incidents that could give rise to an insurance claim will be kept for the appropriate period of time.
- There is justification to keep data relating to event/competition results and winners of The Scottish Rowing Awards as part of the record of the Scottish Rowing's records and archives.

Please see table below for a full list of the data which will be stored and the relevant period of retention.

Destruction of data will take place at least annually after the periods set out in the table below have been reached.

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Area	Data/Document	Retention Period
Membership	Membership records	Reviewed after 6 years. Limited information retained indefinitely.
Correspondence	Membership correspondence	6 years
Events	Risk assessments and Safety Management Plan	6 years
Events	Event entries	1 year
Events	Event results sheets	Permanently
Events	Outreach and come and try	1 year
Training and Qualifications	Training, Qualification and Roles records	3 years
Finance	Accounting documents and records	7 years
Governance	Board minutes	Permanently
Governance	List of board members	Permanently
Governance	Committee minutes	Permanently
Governance	List of committee members	Permanently
Governance	Declarations of interest	Permanently
Governance	Health & Safety records	Permanently
Governance	Organisation charts	Permanently
Statutory reporting	Annual Report	Permanently
Statutory reporting	Annual Accounts	Permanently

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Area	Data/Document	Retention Period
Historic records	Volunteer award winners	Permanently
Complaints & Investigations	Complaints received and investigations carried out (non-safeguarding)	5 years
Complaints & Investigations	Complaints received/investigations into safeguarding concerns	25 years
Complaints & Investigations	Grievances and hearings	5 years
HR	Staff personnel records	6 years after employment ceases
HR	Staff appraisal record	6 years after employment ceases
HR	Payroll records	6 years after employment ceases
HR	Pension records	6 years after employment ceases
HR	Employee benefit records	6 years after employment ceases
HR	Accident reports	6 years after last entry or end of investigation if later
HR	Wages and salary records	6 years plus the current year
HR	Overtime records/authorisation	6 years plus the current year
HR	Expense accounts/records	6 years plus the current year
HR	Statutory Maternity Pay records, calculations or other medical evidence	3 years after the end of the tax year in which maternity period ends
HR	Sickness records	3 years after the end of each tax year for Statutory Sick Pay purposes

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Area	Data/Document	Retention Period
HR	Applications for jobs- where the candidate is unsuccessful	6 months after notifying unsuccessful candidate
HR	Redundancy details, calculations of payments, refunds	6 years after employment ceases
Insurance	Insurance Policy documents	6 years after lapse
Insurance	Insurance Claims correspondence	3 years after settlement
Insurance	Employer's Liability insurance certificates	40 years
Insurance	Incident Reports that could give rise to an insurance claim	3 years after the point at which all those named in the incident report have reached the age of 18
Buildings, plant and engineering	Deeds of title	Permanently or 6 years after disposal
Buildings, plant and engineering	Leases	15 years after expiry
Buildings, plant and engineering	Plans of buildings, planning consents, building certifications	Permanently or until 6 years after property is disposed of
Performance	Performance data associated with each athlete	Until athlete retires from performance sport - then data anonymised
Performance	Medical records	Until athlete leaves the programme

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Appendix B : Examples of Databases Maintained by and for Scottish Rowing

- Personnel records, including the Board and key volunteers.
- Club contacts.
- Register of Coaches.
- Umpires List.
- Membership database.
- Course attendees.
- Event volunteers.
- Scotland Team members.
- Scottish Rowing performance programme athletes
- Race entry system
- Accredited Scottish Rowing Centre users.

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