

The Data Protection Act 2002 (the Act) imposes certain obligations on all data controllers. These include the requirement to maintain an entry in the register of data controllers and compliance with the data protection principles and the rights of individuals.

### **Entry in the register of data controllers**

A club or society ("club") is likely to hold information on individuals, such as members, suppliers, employees or other members of the public. This includes, for example, membership records, personnel records and CCTV recordings. These individuals are 'data subjects' and information relating to them is their 'personal data'.

The club is a "data controller" and an entry in the register of data controllers may be required if the club uses automated equipment for processing personal data. This includes any form of computerised documentation or correspondence, email, databases, etc. If the only reason for processing personal data is for the club's own accounts and records, advertising and marketing its own goods and services or for the administration of any staff, then an entry will not be required. However, a register entry will be required if other processing, such as CCTV, or vetting, occurs.

It is an offence to process personal data without an entry in the register of data controllers, unless an exemption from that requirement applies.

A register entry, if required, should be made, and maintained, in the name of the club and further guidance on notification and the registration process is available on the website.

### **Compliance with the Data Protection Principles**

Clubs must comply with all the data protection principles when processing personal data, irrespective of whether an entry in the register of data controllers is required or not.

These principles say personal data must be:

- Fairly and lawfully processed
- Processed for specified purposes
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Not kept for longer than is necessary
- Processed in line with the rights of the individual
- Kept secure
- Not transferred to countries outside the EEA unless there is adequate protection for the information

Further guidance on the data protection principles is available on the website.

## **Compliance with the rights of individuals**

Individuals have many rights under the Act; two of the most commonly exercised, the right of access to personal data and the right to object to direct marketing, are explained briefly below.

### **The right of access to personal data**

The right of access to personal data can be exercised at any time by the individual. A written request, called a “subject access request”, can be made and could extend to any records, correspondence, emails or CCTV images, about that individual. This right requires data controllers to supply that individual with their personal data in permanent form within a strict timeframe.

Comprehensive guidance on dealing with a “subject access request”, and the other rights, is available on the website.

### **The right to object to direct marketing**

Individuals have a right to object to direct marketing in whatever form it is sent – this could be by mail, phone, email, fax, sms etc.

You must ensure that club members, and other persons, know whether you are going to send them marketing, or promotional material and what media will be used, and give them the opportunity to tell you whether they wish to receive marketing from you or not.

The rules about marketing vary depending on the media you use. Full guidance about direct marketing is available on the website.