

The data protection legislation imposes certain obligations on all controllers and processors. These include the requirement to maintain an entry in the register of controllers and processors and complying with the data protection principles and the rights of individuals.

Entry in the register of controllers and processors

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 “controller” and an entry in the register of controllers and processors may be required if the club uses automated means 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 or for the administration of its own 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 controllers and processors, 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 registration is on the website.

Compliance with the data protection principles

Clubs must comply with the data protection principles, irrespective of whether an entry in the register of controllers and processors is required or not.

The principles can be found in Article 5 of the Applied GDPR and are:

1. Lawfulness, fairness and transparency
2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality

There is an overarching principle of accountability, and controllers must be able to demonstrate how they comply with the principles.

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

Compliance with the rights of individuals

Individuals have many rights under the data protection legislation; one of the most commonly exercised is the right of access to personal data.

This right can be exercised at any time and includes a right of access to all information about the person. This extends to any correspondence, emails, CCTV and any other information, whether that is held electronically or otherwise. This right requires controllers to provide that individual with a copy of their personal data within a strict timeframe.

Comprehensive guidance on complying with subject access requests, and other rights exercised by individuals, is on the website.

Advertising and marketing to members

The data protection legislation provides individuals' with rights in respect of direct marketing, by whichever means that marketing is communicated.

If the club sends direct marketing to named individuals by email, or SMS, then it must also comply with the Unsolicited Communications Regulations 2005 (UCR).

In brief the UCR require an individual to have opted in to receiving marketing by such means, be provided with a means to opt out with each communication and the club must ensure it is identified in the communication.

Further Guidance on "Direct Marketing" is on the website.

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