



Berkshire Cricket

DATA PROTECTION POLICY

(Data Protection, Record Keeping, Retention, Security & Safe Storage of Records)

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POLICY STATEMENT

Berkshire Cricket is committed to the protection of the rights and freedoms of individuals in accordance with the provisions of the Data Protection Act 1998 (the Act). We will comply fully with the requirements of the Act and will follow procedures which aim to ensure that all persons who have access to any personal data held by or on behalf of Berkshire Cricket are fully aware and abide by their duties and responsibilities under the Act. We will ensure that all personal information is handled and dealt with properly, however it is collected, retained, or used; on paper, in computer records or recorded by any other means. Accurate, proportionate records are kept ensuring a good framework of support and supervision for volunteers and employees, and to comply with employment, charity, and company legal requirements.


To operate efficiently, Berkshire Cricket collects and uses information about its staff and about people with whom it works. These may include current, past, and prospective employees, volunteers, trustees, and donors. Those parties, employees, coaches and volunteers are made aware that the Foundation retains a record of contact or work with them and that they can request access to records held about them.

In accordance with the principles of the Act, Berkshire Cricket ensures that the Information Commissioner’s Office (ICO) is notified of the scheme’s data processing activities. All staff and volunteers that have access to personal data will be required to adhere fully to the Act in carrying out their Berkshire Cricket roles.

PROCEDURES

The Act relates to the processing of personal data and sensitive personal data, which must be processed in accordance with the eight data protection principles. Processing is a wide-ranging activity that includes obtaining, recording, holding or storing personal data and carrying out any operations on it such as adaption, alteration, use, disclosure, transfer, erasure and destruction.

Personal data is data which relates to an individual who can be identified from those data or from those data and other information which is in the possession of, or is likely to come in the possession of, the organisation and includes any expression of opinion about an



individual. It includes information relating to an individual's name, date of birth, address and photographs.

Sensitive personal data is defined as personal data consisting of information as to racial or ethnic origin, political opinion, religious or other beliefs, trade union membership, physical or mental health condition, sexual life and criminal proceedings or convictions. Sensitive personal data has even greater conditions for processing and normally to process the information it will be necessary to have the explicit consent of the individual.

DATA PROTECTION PRINCIPLES

The Act stipulates that anyone processing personal data must comply with eight principles of good practice. These principles are legally enforceable and the principles require that personal information must be:

- Fairly and lawfully processed.
- Obtained for specified purposes and not processed in a manner incompatible with those purposes.
- Adequate, relevant and not excessive for the purposes for which it is processed.
- Accurate and kept up to date.
- Not kept for longer than necessary for the purposes.
- Secure.
- Not transferred to countries without adequate protection.
- Processed in accordance with the data subject's rights.

In line with The Act, Berkshire Cricket will:

- Appoint a data protection officer as the designated person with special responsibility for data protection in Berkshire Cricket. This role belongs to the Berkshire Cricket Administrator.
- Ensure that personal and sensitive information is processed lawfully and fairly and will be managed through appropriate management and systems
- Observe fully the conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purpose for which the information is used
- Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with legal requirements
- Ensure the quality of information used meets the requirements?
- Ensure the information is held for no longer than is necessary
- Ensure that the rights of people about whom information is held can be fully exercised under the Act. These include the right to be informed that processes are being undertaken, the right to access one's personal information, the right to prevent processing in certain circumstances and to correct, rectify, block or erase information that is regarded as wrong information.
- Ensure that everyone managing and handling personal information understands that they are responsible for following good data protection practice and is appropriately trained to do so
- Ensure that personal information collected or used is secure.

The Responsibilities of Employees

All employees are required to:

- Familiarise themselves with the provisions of the Act and ensure that they understand their responsibilities under the Act in relation to personal information they may process in their role.
- Ensure that they seek guidance from their manager if he or she is unclear as to the application of the Act.
- Attend regular training in relation to data protection (provided by the ECB)
- Ensure that any information they provide about their employment is accurate and up to date.
- Ensure that personal data collected or used is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:
- Paper files and other records or files containing personal or sensitive data are kept securely.
- Personal data held on computers or computer systems is protected by secure passwords which should be such that they are not easily compromised.
- Personal information is not disclosed either orally or in writing or via web pages or by any other means accidentally or otherwise to an unauthorised third party.
- Inform Berkshire Cricket of any changes to information that they have provided, e.g., changes of address, either at the time of appointment or subsequently.

If an employee discloses personal data in breach of the principles set out in the Act, he/she may be committing a criminal offence and he/she may be subject to disciplinary action.


Data in Transit

There may be occasions when it is necessary for sensitive and personal data to be taken outside of the office. This includes data in all formats including, but not limited to paper or electronic storage (PC's tablets, laptops and removable storage media - i.e. USB memory sticks, PDA's, or any form of networking equipment). All employees are personally responsible for taking reasonable and appropriate precautions to ensure that all sensitive and confidential data taken outside of the office is secure.

It is not possible to be prescriptive in this policy and procedure as to the action which should be taken to ensure security as there may be different situations where data may be taken out of the office. It will be necessary for everyone taking data out of the office to assess the security measures needed for every situation and make considered judgements in terms of how they handle data whilst delivering their service. If in any doubt seek support from their line manager. Any data loss must be reported immediately to the employee's line manager who will assess the situation and impact and agree the necessary action with the Data Protection Officer.

Contractors

All contractors who are users of personal information supplied by Berkshire Cricket will be required to confirm in writing that they will abide by the requirements of the Data Protection



Act regarding all Berkshire Cricket information provided and/or accessed via but not limited to paper or electronic storage. Contractors will be required to ensure that they and all their staff who have access to personal data held or processed for, or on behalf of Berkshire Cricket are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Contractors will be required to return all data at the end of their contract.

Subject Access

Berkshire Cricket recognises that under the Act any person whose personal data is held by Berkshire Cricket has a right to request access to their personal data. Such a request is known as a “Subject Access Request.”

An employee may request details of personal information which Berkshire Cricket holds about him or her. If an employee would like a copy of any of the information held on him or her they should notify their line manager. If an employee believes that any information held on them is incorrect or incomplete, then they should write to their manager as soon as possible setting out the information which they believe needs correction.

A person (other than an employee) whose personal information Berkshire Cricket holds, or who believes Berkshire Cricket may hold, may make a Subject Access Request in writing, to the Chair of Trustees, for a copy of the information held on him or her. Berkshire Cricket will respond to all requests for personal information within one (1) calendar month of the request. Berkshire Cricket can delay the start date by (i) requesting the individual provides proof of ID (if reasonable), or (ii) asking for clarifications if the individual has requested everything or been unclear.

Confidential References

Copies of confidential references about employees written by Berkshire Cricket will not be provided in response to Subject Access Requests, as provision of copies of such references are exempted under the Act.

Confidential references about employees received by Berkshire Cricket are not exempted. Berkshire Cricket will make reasonable attempts to gain consent from referees prior to release. If consent cannot or will not be given, Berkshire Cricket will permit release, if satisfied that to do so would not prejudice the interests of the referee.

Notification to the Information Commissioner

Berkshire Cricket will notify as appropriate the Information Commissioner of its processing of personal data and ensure the updating of the information, if there has been a serious breach of Data Protection.

Record Keeping & Retention Procedure (See Appendix A for record retention periods)

- All records are held securely; Staff, Volunteer and Trustee records are confidential, kept in accordance with Berkshire Cricket guidance and stored in a locked filing cabinet. It is explained at interview/induction that a record is maintained about them, that they have the right to request access to it.
- Electronic files are kept securely, are password protected and regularly backed up
- Files are kept in accordance with Berkshire Cricket guidance and are kept up to date by staff.

Staff files

- Selection and appointment information, absence, sickness and accident records will be retained in line with the Berkshire Cricket Record Retention Periods specified in Appendix A of this policy and will be shredded when the appropriate date is reached.
- A written record of each appraisal meeting with the member of staff is made and signed by the line manager and the member of staff. The member of staff retains one copy, the other is stored in the appropriate section of the personnel file.
- When the member of staff leaves, the personnel file will be retained and destroyed in strict accordance with the Berkshire Cricket Record Retention Periods specified in Appendix A of this policy.
- Berkshire Cricket complies with the requirements of company law by retaining required records in strict accordance with the Record Retention Periods specified in Appendix A of this policy and will be shredded when the appropriate date is reached.
- Berkshire Cricket complies with the Statement of Recommended Practice (SORP) in relation to its financial record keeping and reporting; and all financial records are retained in strict accordance with the Berkshire Cricket Record Retention Periods specified in Appendix A of this policy.
- Berkshire Cricket stores insurance policies and employer's liability insurance certificates securely and in strict accordance with the Berkshire Cricket Record Retention Periods specified in Appendix A of this policy.
- Berkshire Cricket stores documents relating to the ownership or leasehold of premises securely and in line with Berkshire Cricket Record Retention Periods specified in Appendix A of this policy

Safe storage and handling of disclosure information

General Principles

As an organisation undertaking DBS checks to help assess the suitability of applicants for positions of trust, Berkshire Cricket complies fully with legislative procedures and recommended codes of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure Information. Berkshire Cricket also complies with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information.

Usage

Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Storage, Access & Handling

Berkshire Cricket will ensure that DBS original disclosure certificates or copies of such certificate are not kept longer than the 6 months' period specified within the Berkshire Cricket Record Retention Periods specified in Appendix A of this policy.

Where a copy of an original document is kept for the allowed 6 months' period it should be kept separately and securely, in a lockable, non-portable storage cabinet with access strictly controlled and limited to those who are entitled to see it as part of their duties. However, notwithstanding the above, Berkshire Cricket will keep the following on the employee/volunteer file:

- a record of the date of issue of a Disclosure
- the name of a subject
- the type of Disclosure requested
- the position/purpose for which the Disclosure was requested
- the unique reference number of the Disclosure
- details of disclosure information
- the details of the recruitment decision taken

Every subject of a CRB check will be made aware of the existence of the relevant Code of Practice and a copy will be available on request.

Legislation requires that Disclosure Information should only be passed to those who are authorised to receive it during their duties. The scheme recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. A record will be maintained of all those to whom disclosures or Disclosure Information has been revealed.

Retention

Please refer to the Record Retention Periods in Berkshire Cricket below.

Disposal

After retention periods as detailed below (see record retention table) have lapsed disclosure information will be immediately and suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure Information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

Any matter revealed in a Disclosure will be discussed with the person seeking the position before withdrawing a conditional offer of employment or deciding that a prospective volunteer (including trustees) is not suitable for volunteering for Berkshire Cricket. Having a criminal record will not necessarily bar an applicant from working with Berkshire Cricket. This will depend on the nature of the position and the circumstances of the offences disclosed.

Appendix A

Record Retention Periods in Berkshire Cricket

Employment

In general, the personnel file should be retained for 6 years, but need only contain sufficient information to provide a reference. Copies of any reference given should be retained for 6 years after the reference request.

Exception: if an allegation has been made about the member of staff or trustee the personnel record should be retained until they reach the normal retirement age or for 10 years, if that is longer.

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| Application form: | The duration of employment, shred when employment ends |
| <i>Exception:</i> With the same exception as detailed below | |
| References received: | May destroy 1 year after received, otherwise shred at end of employment. |
| Sickness records: | 3 years, i.e., at the end of employment, the previous 3 year's records will be in the file, assuming they have been employed for at least that period. |
| Annual leave records: | 2 years |
| Unpaid leave/special leave records: | 3 years |
| Records relating to an injury or accident at work: | 12 years |
| References given/information to enable a reference to be provided (including sickness records): | 6 years from end of employment. |
| Recruitment and selection material: | 6 months after decision |
| Disciplinary records: | 6 years after employment ends |
| Trustee files: | 6 years after standing down as trustee. |
| <i>Exception:</i> With the same exception as detailed for a volunteer below | |
| Staff files: | The staff file is retained for 12 months after the employee ceases to be a Berkshire Cricket employee. Sufficient information to provide a reference may be retained. |
| <i>Exception:</i> if an allegation has been made about the employee, the file should be retained until the individual would have reached normal retirement age or for 10 years, if that is longer. | |
| CRB/DBS checks: | Documented record of each as received and satisfactory (or otherwise) then destroy securely in compliance with CRB/DBS guidance. |

Disclosure Information

Potential employee: Disclosure Information will not be kept for any longer than is necessary once a decision has been made about a potential applicant.

Normally this will be for up to a period of six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure Information for longer than six months, the scheme will consult the DBS about this and will give consideration to the Data Protection Act. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

A record will be maintained of all those to whom disclosures or Disclosure Information has been revealed.

Course Attendees

Records will be kept in line with the third party / ECB bookings systems which have been used.

Financial Records

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| Financial records: | 6 years |
| Payroll and tax information: | 6 years |

Corporate

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| Employers Liability Certificate: | 40 years |
| Insurance policies: | Permanently |
| Certificate of Incorporation: | Permanently |
| Minutes of Board of Trustees: | Permanently |
| Memorandum of Association: | Original to be kept permanently |
| Articles of Association: | Original to be kept permanently |
| Variations to the Governing Documents: | Original to be kept permanently |
| Statutory Registers: | Permanently |
| Membership records: | 20 years from commencement of membership register |
| Rental or Hire Purchase Agreements: | 6 years after expiry |
| Other | |
| Deeds of Title: | Permanently |
| Leases | 12 years after lease has expired |
| Accident books: | 12 years from the date of the last recorded accident, see also records of injuries/accidents at work, above |
| Health & Safety Records: | 12 years |