

Property of the British Aikido Board

**BAB Membership / Association  
Guidelines for Data Protection**

**Version 2.0**

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# 1 Executive Summary

- 1.1 The BAB Data Protection Officer (BAB DPO) has spent a considerable amount of time in negotiation with the Offices of the Data Protection Registrar (oDPR), now known as the Information Commission (IC). The BAB DPO came to a consensus with the oDPR in August 2000 and the following statements apply:
- The BAB as an organisation **must register**.
  - The **majority** of BAB Associations will be exempt from registration.
  - Those not exempt **must** either be already registered or must register by the 31<sup>st</sup> March 2001,
  - Those Associations already registered under the Act may be exempt from renewal if they meet the exemption clauses in the BAB Data Protection Act Working Practices,
  - New Associations joining after January 2002 must be covered either by exemption or registration within 6 months of joining the BAB and cannot be a full member without doing so.
- 1.2 As part of the agreement, each BAB Association taking the exemption route is required either to provide to the BAB the processes by which they hold and regulate data and complete DPA Form 3. This is to ensure that the data types held and the way in which the data is handled meets the criteria for proper data handling.
- 1.3 **REMEMBER:** Exemption from registration is **not** the same as exemption from the law. The fact that Associations are exempt from registration and the governing body is not - does not mean that the Associations are exempt from the law. On the contrary, The Associations **MUST** comply with the law and can be audited at any time by the IC to ensure that they are abiding with the law. By the Association stating that it is willing to be exempt from registration that it understands the rules, will abide by the limitations as defined in the guidelines and will seek advice from the BAB if matters arise that are outside the BAB Guidelines. It also means that the Association **will be liable** if it fails to meet its obligations to its members or to members of the public.
- 1.4 Please note: an Association cannot be a full member of the BAB unless it has met its legal obligations as detailed by this document.
- 1.5 The BAB Data Protection By-Laws and Working Practices have been compiled to ensure that the BAB and its Members meet the Data Protection obligations as agreed with the IC.
- 1.6 If changes occur to any of these documents, they will be modified and re-issued as necessary.

## 2 Reasoning Behind the Decisions

### 2.1 Introduction

- 2.1.1 The BAB had great concerns over the new Data Protection Act (DPA) that was released in 1998 and came into effect in April of 2000. The BAB Executive committee decided to co-opt someone to act as BAB Data Protection Officer (BAB DPO) and after a considerable amount of time, this position was given to the author of this document.
- 2.1.2 The author has spent a considerable amount of time reading up on the new Act specifically because there have been significant changes between the new Act and the previous one. After some meetings with members of the oDPR, an initial brief was presented to the BAB in January 2000, where it was agreed that all Associations would complete a form registering a person from each Member Association to act as the Association Data Protection Officer (ADPO) for that Association.
- 2.1.3 It is important that the distinction be made between registration and adherence. A Company, public body, club or association (body) may have to register with the IC depending on a rather complicated set of criteria. If they do register, the registration process is very convoluted. If exemption is shown and the body is not required to register, this does **not** mean that the body is exempt from the law. The body must still follow the law and have in place the processes to handle data properly. They simply do not have to complete complicated paperwork and pay an annual fee.
- 2.1.4 The BAB DPO has been in close contact initially with the oDPR and now with the IC. Up to the 14<sup>th</sup> of September 2000, it was still on the cards that all Associations and the BAB itself would have to register separately. Confusion was caused by a small number of Association representatives ignoring the request of the BAB DPO and contacting the oDPR directly and getting advice based on information given that was incomplete.

### 2.2 The Solution (Associations)

- 2.2.1 The solution that was arrived at covers the specific data fields and uses of that data held within this document as detailed in Section 3. Please be aware that if you have other uses not detailed in this document or other data fields, you should approach the BAB DPO as a matter of the utmost urgency.
- 2.2.2 All Associations that meet the criteria **are exempt from registration**. Any Association that is not exempt and is not currently registered **must register**.
- 2.2.3 Associations already registered may not require registration any more, although this is most unlikely. Those that still require registration do not need to register until their existing registration expires or 23<sup>rd</sup> October 2007 (whichever is the soonest).
- 2.2.4 **If your Association is already registered under the Act, please refer to Section 5.**
- 2.2.5 Each ADPO must read Section 3 of this document carefully to confirm they are eligible for exemption. Once this has been confirmed, he/she must ensure that the stipulated requirements are in place and have been distributed within their Association. Finally, each Association Head and ADPO must sign a form of compliance indicating that the above has been addressed and is in place and return it to the BAB DPO.
- 2.2.6 The question to be asked is "Why all the panic: why all the dire doom and gloom only to be told we're exempt?". The answer is simple. When the Data Protection Act 1998 Act was originally released, virtually all the exemptions were removed from the Act in order to allow the Act to follow the European version closely. (Due to pressures placed on the

relevant government departments, some of these exemptions have now been re-instated). Although the “Small Clubs & Societies” exemption was not re-instated, the wording was made in such a way that the “not for profit” exemption can apply.

## **2.3 The Solution (BAB)**

- 2.3.1 The BAB as an Governing Body **has** registered. The BAB will only be able to deal with Associations that are either Registered under the Act or have followed the process for exemption as detailed in Section 2.2.
- 2.3.2 The BAB must ensure that new members are either exempted or registered before they can become full voting members.

### 3 Eligibility for Exemption

#### 3.1 Introduction

3.1.1 There are a number of issues that have to be addressed in this area. The Data Fields discussed are ones that have been applied to the model discussed with the IC. The BAB DPO has attempted to cover all eventualities. It is not a requirement that all Associations hold every one of these fields. Please note that reasons are given as to why your Association may find it useful to hold certain data.

3.1.2 Following the Data Fields is the list of Data Protection Principles (Section 3.3). These need to be understood before proceeding on to a set of questions (Section 3.4). By following the questions in Section 3.4, each association will be able to identify what steps they need to follow.

#### 3.2 Data Fields

3.2.1 The following Data Fields have been discussed:

Student Name (Surname, First Name, Initials) **Required**  
Date of Birth (a requirement if under 18 or concession) **Required (will be required for Child Protection)**  
Status (Employed / Concession [eg unemployed, retired, student] / Child) **Dependant on Association: refer to paragraph 3.2.2**  
Ethnicity **Dependant on Association: refer to paragraph 3.2.2**  
Sex (Male/Female) **Dependant on Association: refer to paragraph 3.2.2**  
Address **Required**  
Contact Telephone Number **Dependant on Association**  
Emergency Contact Name **Required (Health & Safety- duty of care)**  
Emergency Contact Telephone Number **Required (Health & Safety- duty of care)**  
Club Information **Dependant on Association**  
Known Ailments that may affect Practice **Required (Health & Safety- duty of care)**  
Authorisation Name, Date and Signature of Practitioner or Parent/Legal Guardian if a minor **Required**  
Association Membership Number **Dependant on Association**  
BAB Insurance Number **Required**

3.2.2 Some fields such as Sex and Ethnicity may seem a little obscure. However, if at some stage your Association plans to apply for a lottery grant, it may help to show the diversity within your Association.

3.2.3 It is important that the person filling in the registration form be aware for what purpose the details are being sought. It is recommended that, on the reverse of the registration form be a simple breakdown explaining why some fields are mandatory and for what purpose the data is requested.

#### 3.3 Data Protection Principles

3.3.1 There are eight Data Protection Principles that must be complied with:

1. Data shall be fairly and lawfully processed
2. Data shall be processed for limited purposes
3. Data shall be adequate, relevant and not excessive
4. Data shall be accurate

5. Data shall not be kept longer than necessary
6. Data shall be processed in accordance with the rights of the data subject
7. Data shall be secure
8. Data shall not be transferred to countries outside the EEA without adequate protection.

### 3.4 Compliance Questions

3.4.1 There now follows a table (Table 1) that lists a set of questions. The table is self-evident. The notes that follow try to explain the reasoning behind each question and may point to some helpful documentation either being drafted currently or already being available.

Question No	Question	Answer YES	Answer No
Q1	Does your Association have an ADPO?	Refer to note 1 then proceed to Q2	Nominate one, refer to note 1, then proceed to Q2
Q2	Does your Association handle any Personal Data other than the fields mentioned or does your Association pass the Personal Data to anyone other than the BAB?	Contact BAB DPO directly.	Proceed to Q3
Q3	Does your Association handle it's own Insurance?	<b>You must register. Stop here.</b>	Proceed to Q4
Q4	Does your Association have a Web Page?	Refer to note 2 then proceed to Q5	Proceed to Q5
Q5	Do you have a membership form of some sort?	Refer to note 3 then proceed to Q6	Refer to note 4 then proceed to Q6
Q6	Do you have procedures for deleting obsolete records (people who are no longer members)?	Refer to note 5 then proceed to Q7	Refer to note 6 then proceed to Q7
Q7	Do you restrict the access to Personal Data? Is your Personal Data Held securely?	Refer to note 7 then proceed to Q8	Refer to note 8 then proceed to Q8
Q8	Do you have a procedure whereby persons can request access to their data?	Refer to note 9 then proceed to Q9	Refer to note 10 then proceed to Q9
Q9	Has your Association DPO and Association Head filled in a Data Protection Acceptance Form stating that you meet all the criteria detailed above	Refer to note 11	Refer to note 12

*Table 1 – Questions for eligibility for exemption*

Note 1. Obtain and complete the form “BAB Data Protection Form 1: Identification of the Association Data Protection Officer” from the BAB DPO or BAB Secretary and return to the BAB DPO as soon as possible.

Note 2. The only problem with Web pages is that the data held on a web page is visible outside the European Union and therefore can fall foul of the 8<sup>th</sup> Data Protection Principle (refer to Section 3.3). The way to avoid this is actually quite simple. Public domain information (eg leisure centre telephone numbers & addresses etc) can be published without problem. If you wish to publish personal details of, for instance, a contact for a particular club (eg a name and telephone number) you must receive a signed authorisation stating what information can be published and the fact that the person is aware that the data can be seen outside the EU. An example form is given at Annex A. In addition, a data handling procedure should exist detailing how these forms are held, by whom (eg the Association Web Administrator [no need to name the person]), how the data is kept accurate and how obsolete data is deleted. Once the data handling procedure exists and the Association is working to it you may move on to Question 5.

- Note 3. The membership form must have an authorisation statement and signature area. Refer to the example included at Annex B. Ensure your data handling procedure explains the lifecycle of the forms and detailing how the data is held secure. These forms **must** be held while that person is registered as a practising member irrespective of whether the data has been transcribed to a computer. Minors (under 18) must have the form signed by a parent or legal guardian. Once the data handling procedure is in place and the Association is working to it you may move on to Question 6.
- Note 4. You **must** have a membership form. Return to Question 5: that membership form must conform to the information detailed in Note 3.
- Note 5. Ensure your data handling procedure clearly states at which point the data is archived and at which point the data is erased. Please state what data is erased (paper, computer etc). Proceed to Question 7.
- Note 6. You must have a data handling procedure detailing how data is removed from your systems. Create one and return to Question 6.
- Note 7. Computer systems must be password protected. Databases must also be password protected. Paper records must be locked away in a cupboard or filing cabinet. It is recommended that this be mentioned in your data handling procedure. Continue to Question 8.
- Note 8. If you do not do this, you are in trouble. This breaches the 7<sup>th</sup> Data Protection Principle (refer to Section 3.3). Correct this and return to Question 7.
- Note 9. Remember that, by law, any request made in writing must be complied with within 30 days. Make sure your procedure states this and continue to Question 9.
- Note 10. Your data handling procedure must include this information. Create one and return to Question 8.
- Note 11. Send the completed form “BAB Data Protection Form 3: Association DPA Registration Exemption” to the BAB DPO, keeping a copy for your own records.
- Note 12. This form is critical, as it is the point where you take on the legal onus to abide by the law. **Failure to sign this means that your data could be held illegally and therefore the BAB would not be able to process your data.** The BAB has a 12 month window for new Associations during which they must have completed and returned a BAB DPO Form 3 or BAB DPO Form 4.

## **4 Data Handling Procedure**

### **4.1 Introduction**

- 4.1.1 Throughout Section 3.4, reference is made to a data handling procedure. This document will be the key for each and every Association.
- 4.1.2 It would be nice to write one document and let each Association take a copy as their own but, sadly, this is not possible. Every Association handles their data in different ways. A guide to writing a Data Handling Procedure exists and is known as the “BAB - Association Data Handling Guidelines for Data Protection”.

## **5 Actions Specific To BAB Associations Already Registered**

### **5.1 Renewal of Registration**

- 5.1.1 Registration renewal will take place before 1<sup>st</sup> April 2007 or when your current registration expires.
- 5.1.2 The IC at Wilmslow, Cheshire have created a transition template allowing existing registered Associations a fast-track path to registration under the new Act.
- 5.1.3 For this reason, it is best to deal directly with the IC when they contact you concerning your renewal. There is absolutely no worries between now and your expiry. **However**, If you feel that you no longer need to be registered, as you feel you could be exempted, contact the BAB DPO directly, who will advise you as to how to proceed.

### **5.2 BAB Requirements**

- 5.2.1 The BAB requires formal confirmation that your Association is registered under the Data Protection Act 1998.
- 5.2.2 Please obtain and complete the form "BAB Data Protection Form 4: Association Registered with the Data Protection Registrar" from the BAB DPO or BAB Secretary and return to the BAB DPO as soon as possible.
- 5.2.3 Whenever your registration with the IC is renewed, please complete and forward a replacement Form 4 to the BAB DPO.

## 6 Actions Specific To The BAB

### 6.1 Introduction

6.1.1 The BAB as an organisation **has registered**. The reasoning behind this requirement to register is convoluted but the main reason is we deal with data deemed **personal** from Member Associations.

6.1.2 As the BAB is getting all of it's data from affiliated Associations, it must have confirmation that the Associations have informed their membership that the BAB is being passed the Data, hence the need for forms:

“BAB Data Protection Form 3: Association DPA Registration Exemption”, and/or

“BAB Data Protection Form 4: Association Registered with the Data Protection Registrar”

6.1.3 The Act is complicated to say the least. The “Notification Handbook” released (after revision) by the IC in August 2000, is the guide by which one registers. Because of the complexity of even this guide, additional information was sought in person by the BAB DPO of the IC.

6.1.4 The new UK Act is written to comply with the European Community Data Protection Act. As the people in Brussels clarify issues, the UK guides and guidelines change. The BAB DPO checks the IC website on a regular basis to identify if any minor amendments affect either the BAB or it's Members. In addition, the BAB DPO has to square a number of circles: interaction of Data Protection vis a vis Health and Safety, Child Protection etc.

### 6.2 Notification Format – An Introduction

6.2.1 Notification takes two distinct parts:

- Part 1:
  - Data Controller Name & address,
  - Contact details,
  - General description of the types of processing.
- Part 2:
  - Security Statement,
  - Statement of Exempt Processing,
  - Fees,
  - Declaration.
- With the exception of one of these areas, the form is simple and straightforward. However, “General description of the types of processing” is a minefield. This process description includes the **Purposes** for which personal data is processed. For each purpose the following have to be addressed::
  - The **Data Subjects** about whom data is held,
  - The **Data Classes**,
  - The **Recipients** of that data.

### 6.3 Identification of Paperwork to Complete for the IC

6.3.1 There are five **Purposes** for which we should register. This means a lot of work. The breakdown of **Purposes**, the **Data Subjects**, **Data Classes** and **Recipients** are now detailed:

### **Purpose 1: Staff Administration**

#### **Data Subjects**

S100 – Staff including volunteers, agents, temporary and casual workers  
S105 – Relatives, guardians and associates of the data subject

#### **Data Classes**

C200 - Personal Details

#### **Recipients**

R400 – Data subjects themselves

#### **Transfers**

T500 – None outside the European Economic Area

### **Purpose 2: Advertising, marketing and public relations**

#### **Data Subjects**

S101 – Customers and clients  
S103 – Members or supporters  
S104 – Complainants, correspondents and enquirers

#### **Data Classes**

C200 - Personal details  
C205 – Goods or services provided

#### **Recipients**

R400 – Data subjects themselves

#### **Transfers**

T500 – None outside the European Economic Area

### **Purpose 3: Accounts and records**

#### **Data Subjects**

S101 – Customers and clients  
S102 – Suppliers  
S103 – Members or supporters

#### **Data Classes**

C200 – Personal details  
C204 – Financial details  
C205 – Goods or services provided

## **Recipients**

R400 – Data subjects themselves  
R406 – Employees and agents of the data controller  
D408 – Suppliers, providers of goods or services

## **Transfers**

T500 – None outside the European Economic Area

## **Purpose 4: Administration of Membership Records**

### **Data Subjects**

S103 – Members or supporters

### **Data Classes**

C200 – Personal details

### **Recipients**

R400 – Data subjects themselves  
R404 – Education, training establishments and examining bodies  
R406 – Employees and agents of the data controller  
Free text – Organisation Governing Body

### **Transfers**

Free Text – Web Site discloses subset of limited number of Data Subject details specifically authorised by the said Data Subjects

## **Purpose 5: Insurance Administration**

### **Data Subjects**

S103 – Members or supporters

### **Data Classes**

C200 – Personal details

### **Recipients**

R400 – Data subjects themselves  
Free text – Insurance companies

### **Transfers**

T500 – None outside the European Economic Area

6.3.2 The definition of some of these categories is confusing. We do not have staff, nor do we administer them. Yet the IC classifies all voluntary workers as staff and they are administered (by themselves).

6.3.3 The BAB DPO has negotiated a simplified agreement, which has been in place and has been successfully renewed on a number of occasions.

#### **6.4 Completion of the paperwork**

6.4.1 The BAB registration paperwork was completed by the 15<sup>th</sup> December 2000.

6.4.2 The fee is currently £35 per annum.

#### **6.5 Warning - The Problem**

6.5.1 The problem is simple. The BAB DPO, by signing the declaration on behalf of the BAB makes him/herself liable for any breach of the Act made by the BAB (not by the Associations).

6.5.2 The BAB DPO is not responsible for each and every part of the Executive. By having a Management Committee, the onus falls on each and every Officer (voted or co-opted) to ensure that their area is managed in accordance with the guidelines.

6.5.3 Roughly meaning, this requires a set of BAB Data Handling Procedures for each and every area of the BAB. These should be written/reviewed by the relevant BAB Officers on a regular basis.

6.5.4 It is not for the BAB DPO to police the Associations. The ADPO's should police their own Associations.

## **7 Conclusions**

### **7.1 Associations**

- 7.1.1 In comparison to the BAB itself, the Associations have it relatively easy. Those Associations already registered have to complete some forms and ensure that they abide by the law. Those not already registered have had the real hard work done for them: need to complete some forms and follow the guidelines to set up their own Data Handling Procedures.
- 7.1.2 The BAB DPO would appreciate it if all Associations would keep to their end of the agreement and manage their data properly. The Association must police itself, keep the BAB DPO apprised of any changes in Association DPO or any issues that they feel could contravene the Act.

## **A      **Annex A: Example Web Authorisation Form****

### **B.1      **Introduction****

B.1.1      Refer to the BAB Web site for copies of the Web form and Web Renewal form.

**Annex B: Example Membership Form**

<b>Personal Details:</b>		
Surname	Forename	Middle Initials
Date of Birth (required if child)	Membership Type	New / Renewal *
Status	Employed / Concession: [Unemployed, Retired or Student] / Child / Life Member *	
Address		
Post Code	Contact Telephone Number	
Emergency Contact Name	Emergency Contact Number	

<b>Club Details:</b>	Date started practising Aikido with this Association
Registered Association Club	

**Ailments:** Please give a brief description (if any):

**Data Protection Act**

It is a requirement of the Data Protection Act 1998 that persons give their written authorisation to have their details recorded. By signing the box below, you are allowing your personal details to be recorded both on the Association database and the British Aikido Board Database. These databases are NOT distributed to any other third party and are not used for non-Aikido related functions. Failure to sign below will mean you can not be a member of these Associations. For persons under the age of 18 please ensure a parent or legal guardian signs on your behalf.

Print Name	Signature	Date

<b>For Official Use Only:</b>		
Association Number:	BAB Licence Number	Expiry Date
Welcome Pack Issued (New Memberships Only):	Yes / No / Not Applicable *	
Data Logged:	Secretary	BAB Returns
	Yes / No	Yes / No

## Notes on the completion of the Membership Form

1. Students are reminded that, although every care is made to avoid injuries, these may occur. Please remember that Aikido is a Martial Art and is therefore classified as a contact sport.
2. All data supplied on this form will be used solely by the Association and the BAB for Aikido purposes only.
3. Boxes with a thick border **must** be filled in.
4. When given a choice (  ) circle the correct value or strike out all other choices other than the correct value.
5. Please write clearly (print in CAPITALS).
6. The "Date of Birth" **must** be supplied if the practitioner is under the age of 18.
7. "Emergency Contact Name" and "Emergency Contact Number" fields are required for health and safety purposes. Instructors have a duty of care to their students. This information will only be used in emergencies. In cases where the student is under the age of 18, this should be a parent or legal guardian.
8. "Ailments" consist of long-term injuries or illnesses that may affect your ability to practice, that may require specialist attention from the Instructor, or may affect the issuing of insurance.
9. Data Protection Act. You are entitled to see your records by requesting them in writing of the Association Data Protection Officer and by enclosing a stamped address envelope addressed to yourself. The address of the Data Protection Officer is available to your instructor / representative. The Association Data Protection Officer will respond to your request within 30 working days.
10. If the student is under the age of 18, the Data Protection Act signature box should be completed by a parent or guardian.