WHAT IS GENERAL DATA PROTECTION REGULATION (GDPR)?

This new legislation builds on the Data Protection act and comes into force in the UK on 25 May 2018 and will exist post-Brexit.

Scout Groups, Districts, Counties, Areas, Regions, Countries and The Scout Association Headquarters collect and process lots of personal data on the young people, adult volunteers and staff. This could be anything from names, addresses, telephone numbers right through to more sensitive data such as religion, ethnicity and disabilities. As a result, it's important that all Scout Groups, Districts, Counties, Areas, Regions and Countries are aware of the new legislation and comply with it.

This information sheet is an introduction to the GDPR and offers insight into how the changes may affect your local Scouting practices.

There are many key terms that are in the GDPR and used throughout this document. These are listed and explained below:

- **Personally Identifiable Information (PII) or personal data** – Any information that can be used to identify an individual. This information could be names, addresses, telephone numbers or more sensitive information such as religion, ethnicity and disabilities.
- **Data subject** – This is an individual. For Scout Groups, Districts, Counties, Areas, Regions and Countries this could be young people, adult volunteers, parents and guardians and any staff employed locally.
- **Data controller** - This is the owner and user of the gathered personal data. This is anybody gathering and retaining PII data, such as the Scout Group, District, County, Area, Region or Country.
- **Data processor** – This is a company or individual who processes the information on behalf of the controller. This could be The Scout Association UK Headquarters, Compass or your choice of online third-party system and even the Scout Groups, Districts, Counties, Areas, Regions and Countries themselves.
- **Lawful processing** – The legitimate reason for holding and processing PII data, such as it being necessary to protect the vital interests of the young person.
- **Subject Access Request (SAR)** – This is a request from an individual to the Scout Group, District, County, Area, Region or Country to find out what information you hold on them. They also have the right to request that you change or permanently remove any details that you hold on them.
- **Breach** – This is the loss of information. This could come from a hacker or physically losing files/folders.
- **Data Protection Officer (DPO)** – Representative for data protection duties, this role is to be defined and the details will be presented in the Scout GDPR pack due to be sent to all members in March 2018.

Marketing Advertising for new members could include: • **events** • **email campaigns** • **canvassing**	It needs to be clear who you are marketing to and the **lawful processing** you are using as grounds to contact them. This needs to be evidenced as either: • **consent** – they opted-in • **non-digital** – physical event/canvassing • **legitimate interest** – your use of the data is necessary and is not overridden by their interests or fundamental rights. *On Balance it's more positive for them than negative.*

Wanting to join Potential new members and/or their parents or guardians communicate with you via: • **email or other electronic means** • **face-to-face** • **Young Person/Adult Information Form**	When communicating with a potential member, parent or guardian, they are **consenting** to the communications, but care needs to be taken to keep these communications private, especially when **PII** is shared, such as in the **Young Person/Adult Information Form**, where some parts will be classed as **sensitive data.** **By way of a receipt of this information confirm they have given consent for further communications whilst members of the Scouts.**

Information Forms The Young Person/Adult Information Form is used to capture information about a young person or potential volunteer in order to begin the joining/appointment process, this could be via: • **email** • **web form** • **paper form**	The Young Person/Adult Information Form may be the first data capture exercise for a new member. The form must state: **The purpose** - What you are going to do with the form and the data. **Timeframe -** How long you will hold onto the data (delete or securely destroy when no longer required). The data collected must be: **Limited** - It only includes what you need **Kept secure** - Special care taken in storing. **By way of a receipt of this information confirm they have given consent for further communications whilst members of the Scouts.**

Active Members The young person, parent/guardian or adult volunteer are now active within the Scout Group, District, County, Area, Region or Country.	The young person, parent/guardian or volunteer's data will be stored in a filing system such as excel sheets on local laptops, online record keeping systems and/or paper-based records. During this period, you need to consider: **Third party processors** that are holding data on your behalf, such as online record keeping systems or cloud storage systems. **Accuracy** of date. Is it kept up-to-date? **Data flows** ie. where, how and who is the data passed to.

Events Scouting events are held frequently involving young people and adult volunteers. These can be: • sectional activities in a meeting place • events or nights away These events can require further data gathering, such as activity or nights away information and health forms completed by parents/guardians and adult volunteers.	When further data gathering is being completed you need to consider: • **purpose** – what are you going to do with it • **limit** – it only includes what you need • **retention** – delete when no longer required • **secure** – special care taken in storing This activity should consider what data you already have on file and only capture what is necessary. Consider deleting the forms and data after the event has completed, but bear in mind any post event actions, such as illness or injury requiring HQ incident forms.
Collection of sensitive data Young person and adult volunteer information is presented to The Scout Association periodically to allow for statistical analysis. This may include: • religion • ethnicity	Transfer of personal data of any kind needs to be handled with care, especially with details considered **sensitive**, such as ethnicity and religion. In all cases the purpose of the transfer should be well understood and documented with techniques such as **anonymising** the data being used. Typically this information when passed up the scout chain is anonymised, but be aware identities maybe derived when the samples are low. (A single female cub in a pack of 15).

Register At every meeting or event, the leader in charge is obliged for safety reasons to take a register of those attending the session.	Registration of those attending each meeting is good practice from a safety perspective. What this highlight is the importance of the following: • **accurate** data on members • maintaining a log of attendees but retaining a high level of data protection, such as the use of digital data as opposed to paper records and **minimised** data purely for attendance

Communications A requirement of being an adult volunteer in Scouting is to keep young people, parents/ guardians and other adult volunteers updated. These are updates about weekly meetings, upcoming events and general Scout Group, District, County, Area, Region or Country news.	Communication to the young people, parents/guardians or adult volunteers is essential for the effective operation of a Scout Group, District, County, Area, Region or Country. The GDPR recognises these types of communications and categorises them as **necessary** to fulfil your role. However, this communication should only be for the purposes of the Scout Group, District, County, Area, Region or Country and not for further advertising, unless the person receiving the communication has specifically **opted-in**. Keep it simple and only communicate Scouting and activities limited to non-commercial youth opportunities which follow scouting principles.

Moving on When a young person gets to a certain age, they go through the Moving On process to the next section. In most situations, they will have a new section leader. The young person can also leave Scouting at any point.	When data is being transferred from one person (section leader) to another, care needs to be taken in the transfer and receipt. In addition, the data being transferred needs to be **accurate** and **minimised**. If at any time a young person wishes to leave Scouting, their data should be deleted fully if not required for further purposes. All **personal data** should have a defined and appropriate **retention period.**
Data breach It may occur that personal data is disclosed externally accidently or removed from the Scout Group, District, County, Area, Region or Country via malicious means. Members and parents/guardians may exercise the rights they have over their data.	In the event of a **breach**, via malicious means or through accidental disclosure, the **data controller** is obligated to do the following: • report the **breach** to the DPO – For Croydon – Richard Goad. • complete an ICO data protection breach notification form - https://ico.org.uk/for- organisations/report-a-breach/personal- data-breach/

Subject Access Request	In the event that a member or parent/guardian asks for their data to be **deleted, updated** or **disclosed,** the **data controller** has 30 days to complete the request if it is not deemed **excessive.**
Members and parents/guardians may exercise the rights they have over their data.	
Data Security The data we hold must be kept securely.	- Ensure your PC, Tablet and Phone are password or PIN protected. Facial and fingerprint recognition are also fine. - Use Strong passwords and PINs – do not pass to others - Use Cloud storage for sensitive data. - This will have additional password protection - Check your online providers GDPR policies. E.g. email provider, cloud storage provider, OSM or other online services. - Avoid paper-based records – keep paper securely – ideally locked

THE SCOUT GDPR PACK .

Duty of care for the security of data lies with everybody that gathers, handles or receives personal data. The Scout Group, District, County, Area, Region or Country Executive Committee has overall responsibility for making sure that they comply with legal requirements, including data protection legislation.

The Scout Association is working with a consulting partner, Black Penny Consulting. Together we will be issuing a GDPR pack which will give the Scout Group, District, County, Area, Region or Country an easy to follow guide on how to document processes and best practices to follow. This GDPR pack will help guide adult volunteers on how to handle the data of the young people they are responsible for and the adult volunteers in their Scout Group, District, County, Area, Region or Country.

The GDPR pack will be delivered to all members in March and will include:

- presentation pack detailing the GDPR legislation
- a step-by-step guide on how to fill out the documentation
- pre-populated registers documenting the data types and lawful processes for collection, storage and use of data
- guides on how to handle SARs and breaches
- a guide on how to maintain compliance
- a FAQ fact sheet

This information is provided as guidance only and is not exhaustive. It does not supersede, amend or negate the provisions of the GDPR or any other applicable data protection legislation. For more detailed or specific guidance please go to: https://ico.org.uk/for-organisations/