

Dear Sir/Madam,

August 2019

A reminder about privacy, data protection and confidentiality in relation to your role

We felt it appropriate to write to you, as the members of England Athletics, to offer some guidance relating to matters such as data protection regulation, principles around confidentiality and to reinforce the importance of adhering to established legal requirements and policies. We are often approached by our members on this subject and unfortunately on occasions we are required to intervene when things go wrong in this respect. With this in mind we wanted to issue this guidance to help inform and support our member clubs and bodies to understand their obligations.

Laws have changed recently affecting the way we protect personal data and respect the privacy of each and every individual. That is why we are writing to you to set out some simple reminders about how you, as a member of the England Athletics community can act in a fair, safe and legal way.

Further information on this subject, and a support email address, can be obtained by visiting the England Athletics website [here](#).

Please also be reminded that England Athletics affiliated clubs and organisations can benefit from a free legal helpline, which can include legal enquiries related to the topics discussed in this letter. Please [click here](#) for more details.

Confidentiality

If you're a committee member or prominent volunteer, a club director or trustee, a member of a Regional Council or a member of staff, you are under a duty of confidentiality in relation to the business and operations of your respective organisation. Failure to respect this duty of confidentiality could, for instance, be a breach of a contract your organisation has entered into, and, in every case, it will be a failure to uphold one of the key obligations of your role, so always be mindful of the sensitivity of information you receive and the context in which you receive it.

Some of the information you have access to or are otherwise privy to for the purpose of your role is likely to be confidential information. You should not therefore be sharing any information or discussing club/body matters (as the case may be) that may be confidential with anyone unless this is necessary and authorised by the proper procedures. This might include information you hear anecdotally or 'on the grapevine', contained in documents you are sent, or relating to matters or incidents discussed at your organisation's meetings, and, most certainly, confidential decisions to which you are a party. If you are in any doubt, you should always check whether information you receive is confidential and, if so, whether it is in the public domain or otherwise available and therefore not subject to restrictions.

If you are a volunteer, coach or official you will also, from time to time, be subject to obligations of confidentiality. You will have been made aware of these before, perhaps in your club's guidelines, during your training or induction or when familiarising yourself with the volunteer code of conduct.

Athletes, participants and members are expected to respect the privacy of others. If you are concerned by anything, perhaps that you have seen or heard, the correct person to discuss this with in the first instance is a member of your club's committee.

Defamation

Discussions take place all the time in different environments. Conversation (and gossip) may seem harmless but can in certain circumstances be harmful. Falsehoods or rumours can become defamatory if they are made with the intention of lowering the estimation of any person publicly and/or have malicious intent, or risk causing harm to a person's reputation or livelihood, or any other tangible damage. Individuals can be held personally liable for a civil claim for publishing defamatory material about a person, or for making defamatory, or slanderous, words or gestures.

Persons acting on behalf of their organisation in their official capacity could be responsible for a civil claim being made against that organisation, if their words or actions are found to be defamatory. We expect anyone acting on behalf of an organisation affiliated to England Athletics to lead by example and think carefully before discussing the affairs of others with anyone.

Data Protection

If your role or a task you are given as a volunteer involves handling an individual's personal information, in a paper or electronic format, perhaps their contact details or address; their date of birth; their health or medication information; or details of any special circumstances or incidents they have been involved in, this is personal data.

Not only is personal data confidential, any personal data being handled for club/body purposes is protected by data protection laws, including the General Data Protection Regulation, known as the 'GDPR'.

If personal data is shared, disclosed or otherwise used in a way that is not explicitly authorised in an instruction or in writing by a club/body then this is a possible breach of these laws and the club/body could be given a significant monetary fine, or otherwise subject to regulatory sanctions.

Personal data laws are strict, and failure to protect personal data could potentially mean a club/body has to be wound up and cease operating if it cannot pay the fine. If your club/body is an unincorporated association, individual management committee members could be personally liable for breaches of the data protection laws.

It is not permitted to use personal information for your own purposes, or for other non-club purposes. If you choose to do so this is a possible offence under the Data Protection Act 2018, and you could be personally prosecuted by the data protection regulator, the Information Commissioner's Office (ICO), and ordered to pay a fine and damages.

Over the past two years England Athletics has provided practical advice on GDPR and data protection including templates for clubs and other organisations to use. All the information that has been shared previously is accessible [here](#).

Valuing our community

England Athletics actively works to manage its risks and responsibilities, including its regulatory and legal obligations. It is for this reason the affiliation of new clubs/bodies has been brought under the remit of the England Athletics Membership Services.

Everybody who puts on their club colours or are otherwise carrying out their club/body responsibility is aware that anything they do reflects on our community, and any ill-advised actions they take could bring us and the sport we all love into disrepute.

We would like to thank all of our members for all you do to promote and protect athletics and running as the safe and welcoming sport that we have all built. Further information on these matters can be found [here](#) and if you have any questions about your role, we are always here to help.

Thanks again,

England Athletics Membership Services