

## Commonwealth Games England Data Subject Rights Policy

### Introduction

In order to comply with the requirements of the legal framework of data protection in the UK, which confers a number of defined rights onto the owners of personal data, the data subjects, Commonwealth Games England (CGE) has created this policy. The policy details how CGE will ensure that it services the rights of the data subjects as they arise during the course of its business. The data subject rights are

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure (“right to be forgotten”)
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be profiled or subject to automated decision making
- The right to withdraw consent

Not every data subject will have the level of UK GDPR awareness required to allow them to be specific about which right they are seeking to exercise. Part of this policy will therefore include exploratory or confirmatory questioning to allow CGE to react in the most appropriate manner.

### Scope

This policy applies to:

- The head office of CGE, and any permanent or temporary satellite offices including home working.
- All staff of CGE regardless of their physical working location, including volunteers, secondees and team leaders.
- All contractors, suppliers and other people working on behalf of CGE

It applies to all such data subject requests across all the personal data that the company holds, regardless of subject matter or storage medium.

### Responsibilities

Everyone in the organisation has a part to play in the execution of any data subject’s right under data protection legislation, specifically:

- The board of Directors, supported by its operating committees, is ultimately responsible for ensuring that CGE meets its legal obligations. As such they must ensure that adequate resources are made available to support this policy, including specialist external expertise where required.

- The Chief Executive is responsible for reviewing, updating, and amending this policy as required as the business and legislative framework develop over time.
- The Chief Financial Officer will act as the focal point for the execution of the individual action streams that arise from the implementation of this policy in the day-to-day business of CGE. The detailed action protocols are laid out in the individual rights sections.

The Chief Financial Officer will maintain a central log and record of all data subjects' rights requests, associated correspondence (including identity verification) and the resolution reached.

- All members of CGE community (employees, secondees and volunteers) are responsible for understanding the individual data subjects' rights, being able to recognise a subject rights requests and for notifying the Chief Financial Officer without delay when such a request is made of the business.

## **Specific Subjects' Rights Policies**

For additional guidance on all Subjects' Rights, see <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

### **1. The Right to be Informed**

#### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can ask for information on how CGE collects and processes personal data.

The question can be raised verbally, by e-mail, by social media or other form of written communication.

#### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay

The Chief Financial Officer will, either personally or through a nominated member of the management team,

- Notify the data subject in writing (preferably by e-mail) of the location of CGE's Privacy Policy on the company's website
- The Privacy Policy contains all the information required to answer the request and deal with the execution of the data subject's rights in this matter

Employees can also ask, but in this case the information is already contained in their contract of employment, so employees should seek any further clarification directly from the Chief Financial Officer.

### **2. The Right of Access**

#### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can ask for information on, or a copy of, their personal data processed by CGE.

The question can be raised verbally, by e-mail, by social media or other form of written communication.

#### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer (at all times supported by dialogue and liaison with the board, specialist external resources, if required, and further supported by members of the management team as and when required) will

- Take reasonable steps to fully confirm the identity of the data subject. Given the nature of this request personal data should only be released to a data subject whose identity has been confirmed as being the owner of the personal data (see appendix 1).
- Correspond with the data subject in order to clarify their requirements
  - Do they simply require a confirmation of processing (what is being processed and why)?
  - Do they require copies of information being processed?
  - If they require copies, is it all information or a subset?
  - Any other reasonable method of agreeing the scope of the request, always recognising that the data subject has the full right of requesting access to everything if they so wish

Note that the data subject has many subsidiary rights under this general right of access. They can ask for

- The purposes of the processing
- What personal data is being processed
- Who has received the data, and where are they (inside the UK or outside)
- Is there any automated decision-making being undertaken?
- Clarification of their other rights
- Once the requirements have been clarified, use the administrative tools in Office 365 and other CGE systems (including hard copy files) if required in order to put an order of magnitude on the scale of the request (i.e. how many documents / records / e-mails)
- If the request can be completed within the one-month timescale the process of collecting and collating the data pack (or preparing a document confirming specific processing) will commence immediately
- If the scale of the request is such that it cannot be completed within one month of the receipt of the original request, immediately begin discussions with the data subject to agree a reasonable extension in the timescale for release. In the meantime, the process of collecting and collating the data pack will commence immediately
- Once the raw data pack is collated, it will need to be reviewed and all other data subjects' personal data redacted to ensure that no other data subjects' rights are infringed by the release of the finalised data pack.
- The final redacted data pack will be checked by another separate member of the management team to ensure that all personal data (other than that belonging to the data subject making the request) is adequately redacted
- The final pack will be reviewed by the Chief Financial Officer, then once approved it will be shared (using appropriately secure methods such as OneDrive) with the data subject

### **3. The Right to Rectification**

#### **How to Recognise a Request**

Any data subject, regardless of their relationship with CGE, can ask for their personal data as processed by CGE to be corrected or updated.

The request can be raised verbally, by e-mail, by social media or other form of written communication.

It is expected that employee requests will be made directly to the Chief Financial Officer.

#### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay confirming the date on which the initial request was received

The Chief Financial Officer will, either personally or through a nominated member of the management team

- Take reasonable steps to fully confirm the identity of the data subject (see appendix 1).
- Request written confirmation of the changes being requested. Note that the data subject may refuse to do this.
- Ensure that the request is checked for reasonableness and accuracy, where possible
- Make the necessary amendments to the personal data
- Confirm to the data subject that the correction has been made
- If a problem arises with the request (e.g. the request is unverifiable or manifestly untrue) the Chief Financial Officer will enter dialogue with the data subject in order to resolve the situation as amicably as possible.

At the end of the process, the Chief Financial Officer will communicate any rectification carried out to each recipient external to CGE to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Chief Financial Officer will inform the data subject about those recipients, but only if the data subject requests it.

### **4. The Right to Erasure**

#### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can ask for their personal data processed by CGE to be erased. The request can be raised verbally, by e-mail, by social media or other form of written communication.

#### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer will (at all times supported by dialogue and liaison with the board, specialist external resources if required and supported by members of the management team) will

- Take reasonable steps to fully confirm the identity of the data subject. Given the nature of this request personal data should only be deleted for a data subject whose identity has been confirmed as being the owner of the personal data (see appendix 1).
- Use the administrative tools in Office 365 and other CGE systems as required (including hard copy files) in order to put an order of magnitude on the scale of the request (i.e. how many documents / records / e-mails)
- If the scale of the request is such that it cannot be completed within one month of the receipt of the original request, immediately begin discussions with the data subject so agree a reasonable extension in the timescale for deletion. In the meantime, the process of collecting and collating the data pack will commence immediately
- Once the raw data pack is collated, it will need to be reviewed to ensure that no other data subjects' rights are infringed by the deletion of the data in the pack. If damage to other data subjects' rights are likely from a simple deletion process, then a partial deletion / redaction to remove the personal data of the requestor will be planned
- Before the deletion / redaction process starts the revised pack will be reviewed to highlight all documents which cannot be deleted due to legal retention requirements as defined in the CGE Data Inventory. These documents will be listed, then collated and removed from the deletion / redaction pack.
- The requestor will be notified in writing that the data listed as being subject to legal retention will not be deleted. The notification will inform the requestor of their right to object to this as required by the ICO (see <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>), and also that all other data will be deleted, anonymised or redacted in line with legislative requirements
- The remaining data will be deleted, anonymised, or redacted using the administrative tools built into the company's business systems

At the end of the process, the Chief Financial Officer will communicate any erasure of personal data carried out to each recipient external to CGE to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Chief Financial Officer will inform the data subject about those recipients, but only if the data subject requests it.

## **5. The Right to Restrict Processing**

### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can ask for their personal data processed by CGE to be restricted in its processing.

The request can be raised verbally, by e-mail, by social media or other form of written communication.

### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer, either personally or through a nominated member of the management team will

- Take reasonable steps to fully confirm the identity of the data subject (see appendix 1)

- Correspond with the data subject to establish
  - Is the request for restriction in connection with another Data Subject Right?
  - If yes, can this be resolved without restricting processing?
  - If no, or if the data subject insists on restriction, then will the data subject accept erasure instead?
- If the situation can be resolved without restricting processing, take the necessary steps to do so (including documenting the agreement with the data subject)
- If the data subject will accept erasure as a satisfactory alternative, progress using the Right to Erasure policy
- If the data subject insists on restriction, then
  - Use the administrative tools in Office 365 and other CGE systems as required in order to put an order of magnitude on the scale of the request (i.e. how many documents / records / e-mails are involved)
  - If the scale of the request is such that it cannot be completed within one month of the receipt of the original request, immediately begin discussions with the data subject so agree a reasonable extension in the timescale for restriction. In the meantime, the process of collecting and collating the data pack will commence immediately
  - Once the raw data pack is collated, it will need to be reviewed to ensure that no other data subjects' rights are infringed by restricting the processing of the data in the pack. If damage to other data subjects' rights are likely from a simple restriction process, then a partial redaction to remove the personal data of the requestor will be implemented
  - Before the restriction / redaction process starts the revised pack will be reviewed to highlight all documents which cannot be changed due to legal retention requirements as defined in the CGE Data Inventory. These documents will be listed, then collated and removed from the pack.
  - The pack will then be uploaded to a secure file location accessible only by the Chief Financial Officer. The remaining data as stored in the source systems will be deleted, anonymised, or redacted using the administrative tools built into the company's business systems

At the end of the process, the Chief Financial Officer will communicate any restriction of processing carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Chief Financial Officer will inform the data subject about those recipients, but only if the data subject requests it.

## **6. The Right to Data Portability**

### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can ask for a copy of any of their personal data processed by CGE but only when they have directly provided the data in question.

The question can be raised verbally, by e-mail, by social media or other form of written communication.

### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

Given the nature of CGE's business, and the manner in which we interact with our data subjects, it is our judgement that requests under this right are highly unlikely. However, should such a request occur the Chief Financial Officer will proceed using the mechanism outlined in section 2, the Right to Access. However, the process will be limited to data which has been directly provided by the data subject.

## **7. The Right to Object**

### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can object to

- processing based on legitimate interests (including profiling)
- direct marketing (including profiling)

The objection can be raised verbally, by e-mail, by social media or other form of written communication.

### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer, either personally or through a nominated member of the management team will

- Take reasonable steps to fully confirm the identity of the data subject (see appendix 1)
- Correspond with the data subject to establish the exact nature of the objection i.e. what personal data is subject to the objection, and on what basis is the objection made

If the objection is about direct marketing activities, then those activities must be terminated immediately. There are no grounds for the company to resist or reject such an objection. The Chief Financial Officer will liaise with the marketing team to ensure that this is done as soon as possible.

If the objection is about other processing carried out on the basis of the legitimate interests of the company, then the Chief Financial Officer will collect as much detail as possible from the data subject on the reasons for the objection. These will be reviewed, if necessary discussed with external advisers, and

- If there is an overriding reason for processing to continue this must be detailed and communicated (in an appropriate form) to the data subject.
- If there is not an overriding reason for processing, then processing must cease immediately. The process laid down in section 4, the Right to Erasure, will be used to remove the data in question from the company's systems

## **8. Rights Related to Automated Decision Making and Profiling**

### **How to Recognise a Request**

Any member of the general public, regardless of their relationship with CGE, can object to being subject to a decision based on either an automated process or automated profiling.

The objection can be raised verbally, by e-mail, by social media or other form of written communication.

### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer, either personally or through the Support Service team, will confirm in writing to the individual that CGE does not undertake any form of automated decision making or individual profiling.

## **9. The Right to Withdraw Consent**

### **How to Recognise a Request**

Any member of the general public who has given consent to CGE to facilitate the processing of personal data can withdraw that consent at any time.

The withdrawal can be made raised verbally, by e-mail, by social media or other form of written communication.

### **How CGE will react to a Request**

Regardless of which member of the CGE team initially receives the request, they should:

- Confirm the name and contact details (preferably e-mail) for the data subject
- Pass the details on to the Chief Financial Officer by internal e-mail without delay, confirming the date on which the initial request was received

The Chief Financial Officer, either personally or through a nominated member of the management team will

- Take reasonable steps to fully confirm the identity of the data subject (see appendix 1)
- Correspond with the data subject to establish the exact nature of the withdrawal and what processing is affected

If there is an overriding reason for processing to continue this must be detailed and communicated (in an appropriate form) to the data subject.

If there is not an overriding reason for processing, then processing must cease immediately. The process laid down in section 4, the Right to Erasure, will be used to remove the data in question from the relevant company systems.



## Appendix 1 – Identity verification guidance

To avoid personal data about one individual being sent to another, either accidentally or as a result of deception, you need to be satisfied that you know the identity of the requester. You can ask for enough information to judge whether the person making the request is the individual to whom the personal data relates (or a person authorised to make the request on their behalf).

The key point is that you must be reasonable about what you ask for. You should not request a lot more information if the identity of the person making the request is obvious to you. This is particularly the case when you have an ongoing relationship with the individual.

***Example You have received a written rights request from a current employee. You know this employee personally and have even had a phone conversation with them about the request. Although your organisation's policy is to verify identity by asking for a copy of a utility bill, it would be unreasonable to do so in this case since you know the person making the request.***

However, you should not assume that, on every occasion, the person making a request is who they say they are. In some cases, it is reasonable to ask the person making the request to verify their identity before sending them information.

***Example An online retailer receives a rights request by email from a candidate. The candidate has not used the site for some time and although the email address matches the company's records, the postal address given by the candidate does not. In this situation, before responding to the request it would be reasonable to gather further information, which could be as simple as asking the candidate to confirm other details such as a previous vacancy or employer.***

The means by which the request is delivered might affect your decision about whether you need to confirm the requester's identity. For example, if a request is made by means of an email account through which you have recently corresponded with the requester, you may feel it is safe to assume that the request has been made by the requester. On the other hand, if the request is made via a social networking website, it would be prudent to check further that it is a genuine request.

The level of checks you should make may depend on the possible harm and distress that inappropriate disclosure of the information could cause to the individual concerned.

The legislation does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual wants someone else to act for them. In these cases, you need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. If you think an individual may not understand what information would be disclosed to a third party who has made the request on their behalf, you may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

In some cases, an individual does not have the mental capacity to manage their own affairs. There are no specific statutory provisions enabling a third party to exercise subject rights on such a person's behalf, but it would be reasonable to assume that an attorney with authority to manage the individual's property and affairs, or a person appointed by the Court of Protection to make decisions about such matters, will have the appropriate authority.