FAQs

Written guidance about Data Protection is available from The BHS. It includes, amongst other things:

* A glossary of terms
* Policies & Procedures
* Suggested Wording & Templates

We know that you will have lots of questions though, so here are answers to some of the more common questions we’re asked:

* **I have lots of names and addresses of people who I have taught in the past. I haven’t had any contact with these individuals for a good few years. What should I do with them?**

You should delete or destroy the information if you no longer have a need for it. Do not put it in the recycling or waste bin. It should be burned or shredded. Ask yourself whether it is needed for a particular purpose (such as tax or audit purposes) or whether you are keeping it ‘just in case’. If it’s the latter – you should definitely delete it.

It may be acceptable to keep information about clients for a couple of years after you no longer work with them, in case they decide to return, but it would be difficult to argue that you should keep all that person’s information for a longer period.

* **I keep data of current clients on a spreadsheet, is this ok? How do I make it safe?**

Yes, that is completely reasonable, but you should make sure the spreadsheet is password protected and that only you or anyone else who needs to access it has that password.

You should also ensure that you back-up your data or save it to a ‘cloud’ account. This means you’ll be able to retrieve anything you inadvertently delete or will still have the data if your device is lost or stolen. Remember that a data breach includes the accidental loss of data however it is caused – it’s not just about hackers stealing information from complex computer systems.

* **I keep data on a laptop which I share with other family members. Is this ok?**

Any personal information stored on your laptop should be accessible only to you. You should put a password on the documents and create a password protected folder for those documents, so they are separate from your day-to-day files.

* **How long should I keep a rider registration form for? (new riders should always complete this and it will include emergency contact details for the rider.)**

The form should be kept for as long as the information in it is *needed*. This will depend on factors such as how old your client is, what medical information you might hold about a client and what your insurance requirements are (which may require you to keep it for as long as 7 years – or for 3 years after a minor turns 18). Check with your insurance company if you are unsure.

Paper forms such as these should be kept securely (e.g. in a locked cupboard) to prevent other people seeing the information.

* **I have details of clients who have been with me for years. How do I go about updating their details so that I have current information?**

Ask them if their details have changed. This could be done by letter, email, telephone call or in person. Only keep information which is still needed and remove or delete anything that you no longer have to keep. This may mean that you gradually remove information about a client over a period of time.

* **I have email addresses from people who have attended events I ran in the past. Can I email them about forthcoming events?**

Usually you should get permission from someone before sending an email about things like events. However, if you are emailing them about an event which is like one that they previously attended, and you gave them an option to opt out of receiving future emails about events, then it is reasonable to email them.

* **If my clients have agreed to me contacting them via email, how can I record this data? I only have a laptop and MS Office documents to use.**

If you need to keep a record of consent (e.g. for sending them emails with direct marketing information), you could keep an excel spreadsheet listing their names, email address, and the date on which they gave permission to be contacted by email. However, if these people are clients and you are contacting them about client related matters, you do not need to obtain consent to contact them.

* **I am a coach and I like my clients to join my Facebook Group. Do I need to ask them to agree to the terms of a privacy notice so that they can join the group?**

No, it would be your clients’ choice to join the group. Facebook has its own privacy notice. You may however wish to set some ground rules for group members and posting personal information about other people.

* **I like to share my clients’ experiences/competition results on my FB page. Is it ok to do this?**

Yes, if clients are aware of this and have given their consent for their personal information to be shared on Facebook. Ask clients when they sign up, for permission to share competition results on your FB page and use their photograph. If you don’t have this consent, then you should always ask for permission. In relation to photographs, ideally, obtain a consent form but verbal consent is fine as long as you record when it was given. Remember to ask the parent/guardian if the subject of the photo is under 13.

* **My livery clients all sign a contract to keep their horse with me. Can I include something in the contract that states I will send them information/news relating to the livery yard? Will this mean that I don’t need to get them to complete a privacy notice?**

A privacy notice tells people how their personal information will be used – it isn’t something which clients would have to sign. You could include sending them information about the livery in the privacy notice and / or contract. You don’t need consent for sending information related to the service being provided.

* **I teach for the local Pony Club and Riding Club. I always ask for details of the riders before I teach them, just so I know more about them. Is it OK to request this information?**

You should only ask for and keep relevant personal information i.e. information which you need to know about a rider so that you can teach them. Securely destroy any information that you no longer need once you have finished working with the individual.

* **How do I fully delete data from my computer?**

Delete the document and remember to empty the recycling bin!

* **When a client leaves, should I delete all their records? Sometimes a client leaves for a couple of years and then comes back, is it ok to keep their data in the hope that they will re-join?**

It is okay to keep some personal information for an agreed period before deleting it securely. However, only the relevant information should be kept and the remainder should be deleted.

You can decide how long to keep old client information for, in case they re-join, but it must be reasonable. One or two years is definitely a reasonable length of time, but ten years would be very hard to argue for!

Remember to document your decision and explain why you think it is appropriate.

You should take into account that you may need to keep some elements of information other reasons. Look at the information you hold about clients and then take the following steps:

* Identify what information you need to keep for any legal obligations
* Identify what information you need to keep in order to comply with insurance requirements or to facilitate any complaints process
* Decide on an appropriate length of time for keeping any other useful information in case the client returns
* Document all these things
* Delete, securely, any information you do not need to keep

* **I run camps for adults. We ask for medical details just in case someone is taken ill or has a fall from their horse. Is this ok? How should we store this information? Can we keep it after the camp?**

Yes, it is okay to collect this information - but a privacy notice explaining how it will be used, including how long it will be kept and who it might be shared with, should be given to anyone providing medical information and they should be asked to consent to this. If they do not consent, you are not allowed to collect and hold the information – in which case you might decide that it is not safe for the person to attend camp. Once you have the medical information it must be kept securely and not shared with anyone unnecessarily. It may be possible to store the information in a locked drawer or box while at camp.

The information should only be kept for as long as it is needed. You need to decide how long this it is needed and include this in the privacy notice when collecting the information. You may decide you can delete it securely immediately after the camp or that you need to keep it for a limited period of time (e.g. 8 weeks), in case of an issue that is raised after the camp.

* **I keep all my records in a box in the kitchen. Is this ok? I share my house with other people.**

Access to personal information should be restricted on a need to know basis. Therefore, your records should be stored in a locked cupboard or drawer.

* **When I am teaching, I leave my client details in the car. Is this ok?**

Only take with you the information you need for that particular session and make sure that you car is always locked – even if you are on a private yard. A data breach isn’t just when hackers break into your computer system to steal data … any loss of data is a breach. So, if your car were to be broken into or stolen and the files lost, this counts as a data breach. Always keep both paper documents and electronic devices locked away as securely as possible and, where possible, encrypted or password protected to prevent data from being lost inadvertently.

* **What about children’s data?**

Children’s data should always be handled with a higher level of care and thought – as the impact of any ‘misuse’ is likely to be higher.

In UK data protection legislation, children over the age of 13

* **Do I need to register with The ICO? How do I do that?**

Almost certainly! If you hold personal data about individuals, whether they are clients, staff or volunteers you should register with The ICO.

If you have CCTV on your premises for crime prevention purposes you MUST register with the ICO.

There is an easy to use self- assessment tool that will guide you through the process of deciding whether you need to register and determining the fee you will need to pay on The ICO website: https://ico.org.uk/for-organisations/data-protection-fee/self-assessment