



Motor Sports Association

Data Protection Policy

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1 Introduction

This document sets out how The Royal Automobile Club Motor Sports Association Limited t/a Motor Sports Association ('MSA') adheres to the requirements of the Data Protection Act 1998. It explains the requirements of the Act, the steps the MSA as an organisation has taken to comply with the Act, and the actions that MSA staff and users of MSA data must take to ensure compliance with the Act.

2 The Data Protection Act 1998

The Data Protection Act 1998 came into force on 1 March 2000. It sets out rules for processing personal data i.e. information held about living individuals who can be identified from the data either by itself or when taken with other information we hold about them. It applies to some paper records and to those held on computer.

The Act has eight principles of good practice for the processing of personal data. This Policy addresses each of the eight principles, describing how the MSA adheres to the requirements of the Act.

2.1 The principles for good information handling

The eight principles set out in the Act are that data must be:

- Fairly and lawfully processed;
- Processed for limited purposes and not in any manner incompatible with those purposes;
- Adequate, relevant and not excessive
- Accurate;
- Not kept for longer than is necessary;
- Processed in line with the data subject's rights;
- Secure; and
- Not transferred to other countries without authorisation and adequate protection¹.

3 Background

3.1 Why does MSA collect and hold data?

In order to deliver services to its members, the MSA needs to hold personal data about members. As member services become more personalised, more data about members needs to be collected. The MSA also collects and holds data as part of its role in delivering services to organisations and in its role as a national governing body, as a business and as an employer.

¹ MSA data is not transmitted outside the EEA, nor is there any intention to do so without authorisation and adequate protection.

3.2 The data subject

This is the term used in the Act to define the individual who is the subject of personal data.

3.3 Data processing

The Act sets out rules for the “processing” of data. Processing is defined as “obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data”.

This definition therefore encompasses all of the MSA’s operations and more importantly, includes activities taking place outside of MSA headquarters. Processing of MSA data is carried out by companies operating on the MSA’s behalf and by the MSA’s registered clubs, who are sent membership information to use for contacting members in their area. This policy therefore applies to these bodies as well as to MSA headquarters.

3.4 Data Protection Officer

The Data Protection Officer is responsible for notification under the Act, ensuring compliance with the Act, documentation relating to the Act, responding to the individual requests for information or complaints, and the training of staff in relation to the Act.

The Data Protection Officer, who oversees day to day compliance, is Mr DK Gangahar, Finance Director, based at Motor sports House, Riverside Park, Colnbrook, Berks, SL3 0HG. Tel No. 01753 765000. Email: danesh.gangahar@msauk.org

3.5 Data to be fairly and lawfully processed

The conditions set out in the Act for fair and lawful processing of information relevant to the MSA are:

- That the data subject has given their consent to the processing.

Consent is obtained by including the relevant text on all application and similar forms, including the MSA website, and including relevant wording in the scripts used by the Licence Department²; and

- The processing is necessary for the performance of a contract to which the data subject is a party.

This covers commercial contracts taken out by the MSA as well as contracts of employment.

The following other conditions might also be relevant:

- The processing is necessary for the taking of steps at the request of the data subject with a view to entering into a contract.
- The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.

² See Appendices

- The processing is necessary in order to protect the vital interests of the data subject.
- The processing is necessary for the exercise of any other functions of a public nature exercised in the public interest by any person.

The Act introduces the concept of “sensitive personal data³” for which specific rules apply. At present, staff employment records and MSA licence holders include sensitive data.

3.6 Data to be processed for limited purposes

The purposes for which data may be processed are set out in Appendix A and in the particulars the MSA has notified to the Information Commissioner. The MSA’s notification has been drawn up widely to include all known or anticipated activities. Copies of the MSA’s notifications are held by the Data Controller.

3.7 Data to be adequate, relevant and not excessive

This is self-explanatory, and simply means that the MSA should not hold personal data that is not relevant to the purpose of which it was collected.

3.8 Data to be accurate

Clearly the personal data the MSA holds should be accurate. The MSA has procedures in place to verify certain information (such as address and banking information), but staff must make sure that information they record is both accurate and relates to the correct data subject (for example by asking members contacting the MSA to quote both their membership number and postcode). Errors must be corrected immediately.

The Act requires the MSA “to take reasonable steps to ensure the accuracy of data”.

3.9 Data not to be kept for longer than is necessary

The MSA needs to retain historic membership records in order to process current and future applications for membership. For example, medical and disciplinary histories may be relevant to future applications, and may be required by insurers when dealing with claims. MSA currently has no historic data which it is not appropriate to retain. The MSA reviews regularly what personal data we hold and how long it is held in conjunction with the needs of the business, the costs, risks and liabilities associated with retaining such information. Any information that is no longer needed will be deleted securely.

3.10 Data processed in line with the data subject’s rights

The rights of data subjects under the Act are:

- a right of access to a copy of the information comprised in their personal data;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to prevent processing for direct marketing;

³ Sensitive data includes racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health condition, sexual life, and records of offences.

- a right to object to decisions being taken by automated means;
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to claim compensation for damages caused by a breach of the Act.

This is achieved by logging “suppressions” against membership records. Staff extracting mailing lists **must** review all suppressions that have been set up and include all suppressions that may be relevant.

If it is not practicable to apply suppression, the staff responsible for the mailing must make special effort to explain the reasons for this.

3.11 Data to be secure

There are two aspects to keeping data secure:

- anyone seeing or receiving information they shouldn’t; and
- data getting damaged, lost or destroyed.

3.11.1 Access control for HQ systems

The MSA’s physical and technical access controls include the following:

- Physical access controls on headquarters itself;
- The servers being kept in a locked room with access limited to a few key staff;
- A hardware firewall configured to allow external access from specific IP addresses only;
- System passwords configured to require a change;
- Application passwords to be set and changed at regular intervals by users where possible, or changed at user request if not;
- All PCs to be locked when not in use;
- Screen savers / automatic locking to be applied to all PCs, Tablets and Phones;
- Paper records being kept in locked cabinets except when actually in use.

3.11.2 Access control for Clubs, Officials, Marshals, Consultants and Officers of the MSA

It is necessary for membership lists to be provided to Clubs, Officials, Consultants Marshals and Officers and other association members in the legitimate performance of their functions. Club members and officers receiving such information and keeping it at locations separate from MSA Headquarters must adhere to the following requirements:

- The information may only be held and used at the officer’s / member’s home.

- Normal domestic security precautions should be taken to prevent unauthorised access to the building and to the PC on which such data may be held.
- If the data is stored on a PC hard drive a password should be applied to prevent unauthorised access to the data. Data held on floppy disks or other media should be securely stored.

3.11.3 Use of data

Data held by the MSA may only be used for the purposes for which it has been collected and stored.

For headquarters staff and consultants, data may only be accessed and used in relation to their day-to-day duties.

iFinity Plc only may access MSA data for the purpose of supporting the MSA's iMIS, Customer Relationship Management application.

Information must **not** be used for any other purpose whatsoever.

3.11.4 Release of data

Users of MSA data must **not** release any data to a third party in any circumstances, except as below.

The MSA uses iMIS Customer Relationship Management application supplied by ASI Europe Ltd and maintained by iFinity Plc. iFinity Plc may need to access MSA data for the purposes of supporting the application, subject to the strict conditions of confidentiality referred to above.

The MSA is required to provide membership information to the FIA (Fédération Internationale de l'Automobile), which is the world governing body for motor sport, in order to comply with its regulatory functions. It may also need to provide information to other national regulators, for example, when processing an application for a competition licence to a foreign national or in connection with an application by a UK national to another national regulator for a competition licence overseas.

The MSA may be required to provide information about its members to its insurers when dealing with claims involving members.

The MSA does not usually provide mailing lists of MSA members to third parties. It may occasionally wish to provide a mailing list to a third party (such as an affinity partner) but will not do so for any reason whatsoever without first obtaining the prior permission of the data subject. All direct mailing will include an option for the individual to be excluded from any future direct mailing (either by writing to the Data Controller at MSA or in some other way appropriate to the means of communication) which is no more difficult to exercise than it was to give permission in the first place. For example, if the data subject gives his permission by email or via the MSA's website, there will be an opportunity by email or on-line to opt out of direct mailing.

Any third parties to whom MSA data is disclosed must explicitly agree to

- abide by the requirements of the Data Protection Act 1998 and this policy;
- use the data only for the purpose for which it was provided, and
- either return or destroy the data immediately after the approved use.

MSA data must **not** be published in any manner whatsoever, except in the ordinary business course of the MSA.

Users must be aware of inadvertent disclosure of data to third parties. For example, when confirming with a member telephoning the MSA that the correct record has been located, staff must ask the member to quote their address, **not** ask the member “is your address ...”.All requests for data must be referred to the Data Controller.

3.11.5 Data back-up

Server based applications and data are replicated automatically on a near real time basis to an offsite secure data location.

In addition to the offsite replication individual servers are also backed up daily to an onsite backup server.

Appendix A – MSA Data Protection statement

The Data Protection Act 1998 defines your rights as an individual in relation to the information held about you and how it may be used.

Like any membership organisation, the MSA holds information about our members, including names and addresses, other membership details, activities and history, methods of payment, and communications with the MSA.

The MSA is required to provide membership information to the FIA (Fédération Internationale de l'Automobile), which is the world governing body for motor sport, in order to comply with its regulatory functions. It may also need to provide information to other national regulators, for example when processing an application for a competition licence to a foreign national or in connection with an application by a UK national to another national regulator for a competition licence overseas.

The MSA may be required to provide information about members to its insurers when dealing with claims involving those members.

From time to time, it may be in the legitimate interests of the MSA to provide you with information about news or events run by the MSA or one of its strategic partners, or about products and services which we consider may be of direct benefit to you as a member. For example, if your application for a competition licence discloses medical information which may affect your application, we may wish to provide you with information about medical products or services which may be of assistance to you. You have the right to opt out of receiving such information and are, of course, under no obligation to make any use of it if you do not wish to do so. We will not pass on your details to any third party provider of such products or services without obtaining your express prior permission

It is absolutely essential that you should trust the MSA to act responsibly and in your interests. The MSA fully accepts this responsibility and is happy to give you an undertaking that it will keep information about you up to date and accurate, and do everything it can to prevent the data from being used in any unauthorised or illegal way.

In addition to the MSA's commitment, the Data Protection Act gives you more extensive rights in relation to the information held about you. If you prefer that the MSA stops using your information for the purpose of advising you about MSA services, or if you feel that it is using information about you in any way that which you believe may cause you (or another person) substantial damage or distress, you can request that your records are no longer used in this way by:

- Writing to The Data Protection Officer, The Royal Automobile Club Motor Sports Association Limited, Motor Sports House, Riverside Park, Colnbrook, Berkshire, SL3 0HG;
- Telephoning Licensing Dept on 01753 765000;
- Sending an email to Complaints@msauk.org or
- Using an opt-out form

If you would like the MSA to send you a copy of the information we hold about you, please write to the address above specifying your membership number.

Appendix B – Application form, etc. text (including web applications)

The MSA will use the information you have provided here for the purpose of providing you with an MSA licence/membership, goods and services, or to provide you with information about news or events run by the MSA or one of its strategic partners, or about products and services which we consider may be of direct benefit to you as a member.

The MSA may be required to provide membership information to the FIA, or to other national regulators in order to comply with its regulatory functions, or to its insurers when dealing with claims involving you.

For further details, please see the MSA's Data Protection Statement which may be found at <https://www.msauk.org/Data-Protection>

The MSA will not pass on your details to any other person or organisation without obtaining your express prior permission.

Appendix C – MSA website privacy statement

PRIVACY POLICY

1. GENERAL

The MSA is committed to safeguarding your privacy on-line. The purpose of this Privacy Policy is to tell you what personal information the MSA collects about you and the purposes for which it processes this information. This Privacy Policy does not apply to third party sites, which the MSA site links to.

2. INFORMATION COLLECTED

Personal information about you is collected when you register or fill in a form, place an order for goods on the MSA website or when you send an e-mail to MSA. This information will be used for the purpose for which it is provided, and may also be used for other related purposes of which you will be informed at the time of giving the information. Paragraph 9 below explains how you may inform the MSA at any time if you wish it to cease using your personal information for such other related purposes.

The MSA will from time to time also collect information about you that does not reveal your identity. It will use this information for research or editorial purposes and occasionally for other internal purposes. At all times it will be used in aggregate form and will not be connected to any name, address or other personal identifying information.

3. USE OF PERSONAL INFORMATION

The MSA processes personal information in order to conduct market research surveys, run competitions, provide you with information about products and services on offer and process your orders for such products and services. The MSA may from time to time use your contact information to tell you about news or events run by the MSA or one of its strategic partners. Paragraph 9 below explains how you may opt out of receiving such mailings, either when you register with the MSA or at any time afterwards. The MSA may also contact you with important information about your registration details even if you have opted out of receiving promotional e-mails

4. DISCLOSURES

The MSA might disclose your information under strict terms of confidentiality and restriction of use to partners of the MSA who supply services on behalf of the MSA and who require to process personal data in order to provide such services. The MSA will not disclose any of your personal information to any other third parties without your express consent.

5. USE OF COOKIES

5.1. Cookies are small amounts of information that are sent to and stored on your computer. They are used to identify you when you visit our web site and to make the site more convenient and pleasurable. Cookies are used to remember user names, passwords and preferences and to deliver a faster and more personalised service. The MSA website may contain adverts created and provided by a third party. These adverts may place cookies on your computer that collect information about you and your use of the Internet. MSA does not control the collection or use of your information by such advertisers and this Privacy Policy does not apply to such information. A copy of our Cookies Policy is available at <http://www.msauk.org/site/cms/contentChapterView.asp?chapter=283>

5.2. If you do not wish to have cookies placed on your computer you can disable cookies on your Internet browser. Turning them off, however, might mean that you will not be able to enjoy the MSA website to its fullest.

6. LINKS

There are links to the MSA website on third party websites over which the MSA has no control. The MSA accept no responsibility or liability for any third party practices on third party websites. The MSA advises you to carefully read third party privacy statements prior to use of their sites.

7. INTERNATIONAL TRANSFERS

Where a person holds a non-UK passport and applies for a MSA licence, personal data may need to be passed to the regulatory bodies for motor sport in the countries of their passports for certification.

The MSA does not knowingly transmit data outside the EEA for any other purpose, and does not intend to do so. However, where the MSA uses strategic partners to fulfil orders on its behalf, it will be necessary to transfer relevant information to the partners for this purpose and, if those partners operate in countries outside the EEA, this may mean that data are transmitted outside the EEA. Any such transfer will be conditional on the partner explicitly agreeing to abide by the requirements of the Data Protection Act 1998 and the MSA's Data Protection Policy, to use the data only for the purpose for which it was provided, and either to return or destroy the data immediately after the approved use

8. SECURITY

The MSA website has security measures in place to protect against loss, misuse and alteration of your personal information under the MSA's control. However, no data transmission of the Internet can be guaranteed to be 100% secure and, whilst the MSA strives to protect your personal information, it cannot guarantee the security of any information you transmit, and you do so at your own risk. Once the MSA receives the transmission, it will use its best efforts to ensure the security on the system.

9. OPTING OUT

Clearly, it will not be possible for the MSA to provide you with the services or benefits you have requested without storing and processing the information you have provided to it for this purpose. In addition, the MSA is required to provide membership information to the FIA, and occasionally to other national regulators of motor sport, in order to comply with its regulatory functions, and it may be required to provide information about members to its insurers when dealing with claims involving those members. For further information, please see the MSA's Data Protection Statement at <https://www.msauk.org/Data-Protection>

You may, however, opt out of receiving other information from the MSA. You will be given the opportunity to do so in an appropriate manner whenever you register, fill in a form or place an order for goods on the MSA website. Alternatively, you may opt out at any time thereafter by:

*Writing to The Data Protection Officer, The Royal Automobile Club Motor Sports Association Limited, Motor Sports House, Riverside Park, Colnbrook, Berkshire, SL3 0HG;

*Telephoning Licensing Dept on 01753 765000;

*Sending an email to Complaints@msauk.org or

*Using an opt-out form

10. SUBJECT ACCESS REQUESTS

You have a right to know about the personal information the MSA holds about you. You also have a right to have your data corrected or deleted. Please address all of your requests and / or queries about data held by the MSA to:

The Data Protection Officer
The Royal Automobile Club Motor Sports Association Limited
Motor Sports House
Riverside Park
Colnbrook
Berkshire
SL3 0HG

Appendix D – Licence/Membership Department Scripts

When contacted by telephone/email etc. the MSA will store and use the information you have provided for the purpose of providing you with MSA licence/membership, goods & services and for complying with its associated regulatory obligations.

The MSA will not disclose this information to any other person or organisation, without obtaining your express prior permission and adequate protection.

Appendix E– Data Subject Access Request Form

THE ROYAL AUTOMOBILE CLUB MOTOR SPORTS ASSOCIATION LTD

(“MSA”)

4 DATA SUBJECT ACCESS REQUEST FORM

Please read this before completing this form:-

The Data Protection Act 1998 gives any individual rights to request to be told and see what information is held about them by the MSA. The term “data subject” refers to the person about whom the information is being requested.

This form should be used wherever possible in making a Subject Access Request. Using this standard form will greatly assist the MSA in meeting a request for information. However, an individual provides all the information necessary for an officer of the MSA to comply with their request other than by completing this form, the request will still be complied with.

You should receive a written response and copy of any appropriate access documents within 30 days of receipt of this form unless the request is excessive. MSA may require verification of the requestor’s identity.

1. Details of person requesting the information Licence Number (if known).....
--

Surname: First Name(s):

Address: Postcode..... Tel. No:(work) Date of Birth: E-mail:
--

2. Please describe the information you seek, together with any other relevant information that will help us to identify the information you require.
3. Are you the Data Subject? YES <input type="checkbox"/> If you are the Data Subject please supply evidence of your identity i.e., copy of MSA licence.

NO ☐ If you are not the Data Subject, are you acting on behalf of the Data Subject with their written authority? If so, that written authority must be enclosed with this request form together with evidence of your identity and that of the Data Subject. [Please now complete Sections 4 and 5].

4. Details of the Data Subject (if different to Section 1)
Licence Number (if known).....

Surname: First Name(s):

Address:
.....
..... Postcode.....
Tel. No:(work) Date of Birth:
E-mail:

5. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf.
.....
.....
.....

DECLARATION to be completed by all applicants. Please note that any attempt to mislead may result in prosecution.

I,, certify that the information given on this Subject Access Request form to The Royal Automobile Club Motor Sports Association Ltd is true. I understand that it is necessary for The Royal Automobile Club Motor Sports Association Ltd to confirm my/the Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct information.

Signature Date:

Please return the completed form and send it to: The Data Protection Officer, The Royal Automobile Club Motor Sports Association Limited, Motor Sports House, Riverside Park, Colnbrook, Berkshire, SL3 0HG.

Documents which must accompany this application are: (a) evidence of your identity, (b) written authority and evidence of the Data Subject's identity [if different from (a)].

Appendix F – Opt Out Form

THE ROYAL AUTOMOBILE CLUB MOTOR SPORTS ASSOCIATION LTD

(“MSA”)

I do not wish the MSA to use my personal data for the purpose of following services.

Please tick the relevant box/boxes:

Goods & services

News & events run by the MSA

Other (please specify)

Signed by

Name

Address

MSA Licence No.....

Date