**Safeguarding**

**Information Sharing**

**The relationship between clubs and Scottish Rugby**

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**Introduction**

The principles of data protection set out in the Data Protection Act 2018 can appear to be at odds with the work being undertaken by Child Protection Officers (CPO) in conjunction with Sports Governing Bodies and clubs during the Disclosure process. Confusion can arise during the handling and sharing of personal information in the context of child protection policies and procedures. The safety and wellbeing of the child must always take precedence, but Clubs are mindful of their legal obligations under the data protection legislation.

Having clear and prescriptive data protection policies can go some way to ensuring that everyone is aware of their obligations and about how data will be shared and for what purpose. This is already a legal obligation on each club, but it is important that policies are reviewed frequently so ensure that they are up to date and reflect best practice.

As CPOs will be undertaking work of a safeguarding, child protection and wellbeing nature, it is necessary for a club’s data protection policy to include a “Fair Processing Notice”. This is a statement which sets out exactly how and why personal data may be shared and with whom, in the event of a safety or wellbeing concern. This will allow relevant personnel to discuss cases and circumstances directly, ensuring time is not wasted and fairer and more objective decisions can be taken.

**Sample Fair Processing Notice**

The notice below is an example of the type of notice clubs should seek to include in their data protection policies. Please think about any circumstances specific to your club, and if in any doubt then consider seeking legal advice.

*FAIR PROCESSING NOTICE RE CHILD WELLBEING/PROTECTION*

*The Data Protection Act 2018 requires that you are informed about how your personal information will be used. For the purposes of child protection, safeguarding and wellbeing matters in Scotland, if the club receives information of concern the club may share information about you with the sport’s*

*Governing Body in Scotland (Scottish Rugby) and the appointed Scottish Rugby Safeguarding Officer and where necessary, Child Protection Officers (CPOs) for other member clubs.*

*This may be related to, but not exclusively restricted to, where it has been alerted to circumstances that might affect your status as a member of the PVG scheme for regulated work with children or protected adults or your suitability to carry out the regulated work role for which you have applied/been appointed or already doing.*

*In the event such sharing is deemed necessary, it will normally only be carried out between the registered CPO and Club President in the club, Governing Body, and, where relevant, those appointed representatives within a relevant partner organisation.*

**Points to note**

When handling personal data relating to a child safeguarding or wellbeing concern, it is still important to adhere to good data protection practices. The following points are worth remembering:

1. A Fair Processing Notice does not require a permission process requiring individual consent. It is a statement of what will happen if certain circumstances arise and criteria are met. Formal permission (via ticking a box or filling in a form) is NOT required for sharing data in relation to a Disclosure process.
2. Confidentiality remains something which must be respected and protected. Data should only ever be shared strictly on a “need to know” basis, to the individuals whose role it is to consider that data as part of a Disclosure process.
3. It remains an offence to share disclosure information with a third party who is not involved in the Disclosure process, or for purposes for which it is not intended.
4. The [Disclosure Scotland/VSDS Code of Practice](https://www.mygov.scot/binaries/mygov/browse/working-jobs/finding-a-job/disclosure/documents-disclosure-scotland/disclosure-scotland-code-of-practice/disclosure-scotland-code-of-practice.pdf) in relation to the holding and storing of Disclosure Information remains in place.
5. Those in CPO (or equivalent) positions must be appropriately trained in processing PVGs along with attending the relevant safeguarding modules as directed by Scottish Rugby.

If you have any questions about any of the above, please do not hesitate to contact:

Faye Henderson (Child Wellbeing and Protection Manager) Faye.Henderson@sru.org.uk

Clare Forrest (Child Wellbeing and Protection Advisor) clare.forrest@sru.org.uk

Or email our safeguarding inbox at safeguarding@sru.org.uk