

The Whyte Review

Appropriate Policy Document

This is the appropriate policy document for the Whyte Review ("the Review"). It sets out how the Review will protect personal information which falls within the definition of special category data or relates to criminal offences or allegations about criminal offences.

Special category data means personal information concerning an individual's racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic data; biometric data (used for identification purposes); physical or mental health; and sex life or sexual orientation.

Processing of special category data or data relating to criminal offences can only be carried out where certain safeguards are implemented. Paragraph 5 of Schedule 1 to the Data Protection Act 2018 applies where the processing is being carried out for reasons of substantial public interest. Paragraph 5 of Schedule 1 requires controllers to put an appropriate policy document in place in order to enable the processing of special category data or criminal offences data.

Purposes of data collection

The Review is an independent review commissioned following allegations of mistreatment in gymnastics.

The purposes for which the Review collects and processes personal information are set out in the Terms of Reference.

The Review processes personal information for the purposes of its investigations and to enable it to carry out its work, including the conduct of interviews.

Personal information is used by the Review in a number of ways. Examples include:

- to seek evidence from potential witnesses through a call for evidence in order to collect submissions as part of the Review's investigations;
- to enable witnesses to give evidence about issues relevant to the terms of reference;
- to communicate with individuals involved in the Review;
- to provide the basis for drafting findings and recommendations in the Review's interim and final reports.

Procedures for securing compliance

Article 5 of the General Data Protection Regulation sets out the data protection principles. These are the Review's procedures for ensuring that it complies with them.

Principle 1

Personal information shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

In order to comply with the first principle the Review will take the following steps:

- ensure that there is a legal basis for the processing of personal information and that processing is otherwise lawful;
- process personal information fairly in a way which individuals would expect, ensuring that they are not misled about the purposes of the processing; and
- enable transparency of processing, including providing a privacy notice on the Review website.

Principle 2

Personal information shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

In order to comply with the second principle the Review will take the following steps:

- collect personal information for specified, explicit and legitimate purposes;
- inform data subjects about those purposes through the privacy notice; and
- not use personal information for purposes that are incompatible with the purposes for which it was collected.

Principle 3

Personal information shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

In order to comply with the third principle the Review will only collect, disclose or publish the minimum personal information that it needs for the purpose for which the information is processed. The Review will only seek to collect personal information which is relevant and adequate.

Principle 4

Personal information shall be accurate and, where necessary, kept up to date.

In order to comply with the fourth principle, the Review will ensure that personal information is accurate, and kept up to date where necessary.

Principle 5

Personal information shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal information is processed.

In order to comply with the fifth principle, the Review will only keep personal information in identifiable form until the conclusion of the Review. At the end of the Review the panel will produce a report. All personal data will be destroyed after any limitation period has expired in relation to the Review's work.

Principle 6

Personal information shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In order to comply with the sixth principle, the Review will ensure that appropriate organisational and technical measures are in place to protect personal data. These include only contracting with a secure third party database provider, password protecting sensitive documents before these are shared, and establishing a redactions process for any documents shared beyond the Reviewer, the two experts appointed to assist the Reviewer and the Secretariat. The processes which the Panel has put in place ensure that only personal information necessary for the Review's performance of its functions will be disclosed outside the Review.

Accountability principle

The controller shall be responsible for, and be able to demonstrate compliance with, these principles.

In order to comply with the accountability principle, the Review will:

- ensure that records are kept of all personal information processing activities;
- provide these to the Information Commissioner on request;
- carry out a Data Protection Impact Assessment for any high-risk personal data processing, and consult the Information Commissioner if appropriate; and
- have in place internal processes to ensure that personal information is only collected, used or handled in a way that is compliant with data protection law.

Data controller's policies as regards retention and erasure of personal data

The Review will ensure where special category personal information or personal information relating to criminal offences is processed, that:

- there is a record of that processing and the record will set out, where possible, the envisaged time limits for erasure of the different categories of data;
- where it no longer requires special category data for the purpose for which it was collected, it will delete or anonymise the data; and
- data subjects receive (via the privacy notice) full privacy information about how their data will be handled, and that this will include the period for which the personal information will be stored, or if that is not possible, the criteria used to determine that period.

Further information

The Whyte Review is a data controller. Questions about this notice or processing by the Review can be directed to privacy@whytereview.org.