

FA REVIEW INTO CHILD SEXUAL ABUSE ALLEGATIONS

PRIVACY NOTICE

About this Notice

This Privacy Notice is provided to you on behalf of the Barristers who form the Counsel Team working on the FA Review into Child Sexual Abuse in Football. The Counsel Team consists of Clive Sheldon QC, David Bedenham, Zoe Gannon, Leo Davidson and Jen Coyne. They are all Barristers practising at 11KBW Chambers. This Privacy Notice explains how the Counsel Team process personal data as part of the work being done for the FA Review.

This Privacy Notice also explains what your rights are in relation to any personal data about you that is processed by the Counsel Team.

Relevant Law

The way in which the Counsel Team process personal data is governed by data protection law, which includes the General Data Protection Regulation 2016 (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”).

Explanation of terms used in this Notice

The following terms are defined by the GDPR and DPA 2018. A short explanation is given below (though it is not intended to substitute for the definitions set out in the legislation).

By **personal data**, we mean information relating to an identified or identifiable person.

By **special category personal data**, we mean:

- Personal data that reveals any of the following about an individual: racial or ethnic origin; political opinions; religious or philosophical beliefs; or trade union membership.
- Personal data that consists of: genetic data; biometric data used for the purpose of identifying an individual; data concerning health; or data concerning an individual’s sex life or sexual orientation.

By **criminal offence data** we mean data about whether an individual has committed or has been convicted of a criminal offence.

By a **data controller** we mean the person or body which determines the purposes and means of the processing of personal data.

Contact Details

There are several ways you can contact the FA Review, including by phone, email and post.

Our postal address is:

FA Review at Sport Resolutions 1 Salisbury Square London, EC4Y 8AE

Telephone number: 020 7036 1966

For general enquiries please email football@sportresolutions.co.uk

How we keep your personal information

Personal data is kept securely and only shared with those who have a need to see it. All personal information we receive is handled fairly and lawfully in line with data protection legislation.

All electronic data is stored in accordance with ICO guidance on electronic data security including ensuring password protection and encryption where appropriate.

Your personal data may, throughout the course of its processing, be transferred outside of the European Economic Area (EEA). If this is necessary then all appropriate safeguards will be put in place to ensure that your data is protected.

Processing of personal data by the Counsel Team

The Counsel Team were instructed by the FA to conduct a review and to advise the FA in relation to what, if anything, the FA and clubs knew about allegations of child sex abuse at the relevant time, and what action was taken or should have taken place. The Counsel Team were instructed by the FA to perform this work and in doing so as Barristers they are providing legal services and advice. The scope and terms of reference of the FA Review are set out [here](#).

The Counsel Team process personal data for the purpose of conducting the FA Review and providing legal services and advice to the FA.

The Counsel Team members are each data controllers in respect of electronic personal data which are processed by them directly for the purposes of the FA Review.

The Counsel Team members will be the data controller in respect of hard copy and electronic documents held by them for the purposes of the FA Review. The electronic and hard copy documents processed by the Counsel Team as part of the FA Review include:

- Electronic and hard copy documents which have been provided to the FA Review by the FA or County FAs. This includes but is not limited to personal data such as employment records, the opinions of FA or County FA employees and former employees, names, telephone numbers and addresses and details of the actions carried out by FA and County FA employees during the course of their employment and others associated with the FA and County FAs. It also includes safeguarding records which were shared by the FA for the purposes of the Review (“safeguarding records”). The safeguarding records contain special category personal data and criminal offence data. The safeguarding records were provided as necessary for the Counsel Team to conduct the FA Review.
- Records of interviews conducted with survivors of abuse in football. This generally includes a recording of the interview, and a transcript of that recording. All survivors who attended interviews were advised that the information they gave during the interview would be used for the purposes of the Review. Prior to the interview all survivors were also provided with information as to how their personal data would be kept in confidence. Survivors agreed to be interviewed on the basis that their personal data would be processed in accordance with that information.
- Records of interviews with individuals involved in football or safeguarding. This generally includes a recording of the interview, and a transcript of that recording. These individuals were all invited to interview to contribute to the FA Review. They were advised or aware that the information they gave during the interview would be used for the purposes of the Review.
- Data provided by clubs to the Counsel Team. Clubs provided the following types of personal data to the FA Review: employment records, the opinions and accounts of Board members and employees and former Board Members employees, names, telephone numbers and addresses and details of the activities carried out by Board members, club employees and others associated with the clubs.
- Data provided by third parties. A number of third-party organisations or individuals have also provided personal data including names, email addresses and personal opinions.
- Police Records. The Counsel Team liaised with Police forces through Operation Hydrant. The personal data provided included criminal offence data

and interview transcripts of survivors, which may have contained special category personal data.

- Court Records containing criminal offence data and special category data have also been provided by Her Majesty's Court Service.

Where personal data has not been provided by the data subject the Counsel Team will take all appropriate steps to ensure that the data subject's rights are protected.

The legal basis upon which the Counsel Team process personal data as data controllers is as follows.

Where consent has been given to process the personal data then the processing is based upon that consent.

Personal data may also be processed for the legitimate interest of completing the FA Review in accordance with the Terms of Reference.

Where a member of the Counsel Team is processing special category personal data or criminal offence data, this is on the basis that:

- The data subject has given explicit consent to the processing.
- Processing relates to personal data which are manifestly made public by the data subject.
- The processing is necessary for a substantial public interest including protecting the public from improper conduct, complying with regulatory requirements to establish whether a person has committed an unlawful act or been involved in dishonesty or malpractice.
- The processing is necessary for the FA Review and providing legal services and advice to the FA. as explained above and is proportionate to the aim pursued.

Your rights

Under the GDPR and DPA 2018, you have various rights in connection with any personal data about you that is processed by the Counsel Team depending on the reason for processing your data.

- Right of access: You can ask us for copies of your personal information. There are some exemptions, which means we may not provide all the information we process to you.
- Right to rectification: You can ask us to correct inaccurate data or to complete data you think is incomplete. We will consider all requests for rectification carefully.

- Right to erasure: You can ask us to erase your personal data in certain circumstances. The Counsel Team will consider all requests for erasure; however, it may be necessary to retain some personal data for the purposes of conducting the FA Review.
- Right to restrict processing: Should you have concerns about how your data is being processed you can ask us to restrict the processing until your concerns have been resolved.
- Your right to object to processing: You can object to processing. If you wish to object to processing, the Counsel Team will assess whether the requirements of the FA Review outweigh the grounds of objection.

Should you wish to exercise your rights you may be charged a small fee. We have one month to respond to you. All of these rights are set out in detail in the GDPR and DPA 2018, which explain the conditions for the exercise of these rights, and any limitations. Various exemptions may apply, including in relation to data that is protected by legal professional privilege.

Sharing your information

In accordance with our Terms of Reference, the Counsel Team has a duty to pass on to the police any allegations about child abuse. These are shared with Operation Hydrant, a national policing team, established to coordinate the investigation of non-recent child sexual abuse.

The Counsel Team are also required under the Terms of Reference to share with the FA information that relates to or raises any potential ongoing safeguarding concern.

The Counsel Team might receive a request to disclose the information we hold relating to what you share with us, if you are involved in criminal proceedings. For example, information might be requested by either the prosecution or defence teams where an individual is being prosecuted for child sexual abuse. We will only pass this information on with your consent, or if we are ordered by a court to do so. Similarly, if you are involved in civil proceedings.

The Counsel Team may also where necessary as part of its work on the FA Review share personal data with football clubs, County FAs, the FA or other individuals. The Counsel Team will take all reasonable steps to ensure that where data is shared it is kept in confidence by the recipients and only processed for the purpose of completing the FA Review in accordance with the Terms of Reference. Where the Counsel Team

considers it necessary to do so, the Counsel Team will seek individual consent before sharing personal data.

Sport Resolutions provide secretariat services to the Counsel Team. In addition, other third parties may provide services such as data storage or IT services. We have agreements in place with these third parties. They are each required under those agreements to process your data in accordance with our instructions and their obligations under the GDPR and the DPA.

Final Report

In accordance with the terms of reference the Counsel Team will produce a final report which will be presented to the FA (“the final report”). In producing the final report, the Counsel Team will process individual personal data. The final report will also contain personal data. Where the Counsel Team consider it necessary or appropriate to comply with obligations under the GDPR or the DPA 2018, for example where the information was provided by a survivor or is special category personal data, we will anonymise that data or seek the explicit consent to include the information within the report.

Data Retention

The Counsel Team are currently determining how long different types of personal data should be retained for. In reaching a decision about data retention the Counsel Team will take into account the type of personal data and its sensitivity, any legal or regulatory obligations the Counsel Team have, and whether it is necessary to retain any personal data in relation to any ongoing obligations or reasons after the completion of the final report.

Your right to complain

The Counsel Team are committed to protecting your personal data and work hard to protect your information and maintain high standards when it comes to processing your personal information. If you have any queries or concerns, please contact us at football@sportresolutions.co.uk.

If you remain concerned about how your personal information is being processed, you can make a complaint to the Information Commissioner.

The Information Commissioner’s contact details are:

Information Commissioner’s Office
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113

Website is at: <https://ico.org.uk>

Review of Privacy Notice

This Privacy Notice will be kept under review and updated from time to time. It was most recently updated in May 2020. This Privacy Notice expands upon previous Privacy Notices available publicly on the 11KBW [website](#) and on the Sport Resolutions [website](#). It aims to increase the transparency of the data processing being carried out for the purposes of the FA Review.