

FAQs: Compass and Data Protection (February 2015)

Within this document reference to a County also refers to an Area in Wales and a Region in Scotland.

1. What is Data Protection and why is it relevant to Scouting?

Data protection aims to protect an individual's rights to privacy by regulating how organisations obtain, store and use their personal data. So, data protection rules provide individuals with certain rights whilst also imposing certain duties and obligations on organisations. Young people and adults have the same data protection rights under the law. Data protection is governed by the Data Protection Act 1998 ("DPA") which is overseen and Regulated by the Information Commissioner's Office (ICO).

Data protection law applies to The Scout Association as well as all Scout Units (i.e. Groups, Districts, Counties or Countries) which are each created and operate as independent charities and are likely to collect and store personal data about members and perhaps other individuals involved with the unit. Scout Units must comply with the DPA when using the Association's Membership System "Compass". Please see [POR Chapter 14 Rules 14\(11\) and \(12\) here](#).

The Scout Association provides [guidance and best practice to assist Scout Units meet their data protection obligations online](#).

The Information Commissioner also provides [general guidance on how to comply](#).

2. What is a Data Controller and how is this relevant to Scouting?

Please also refer to Question 1.

The Scout Association and Scout Units (i.e. Groups, Districts, Counties or Countries), as separate charities/organisations, are each Data Controllers under the Data Protection Act (DPA). Each is responsible for the personal data it handles. Scout Executive Committees, as the charity trustees, are responsible for ensuring that proper systems are in place locally for their relevant Group, District, County or Country and that any personal data is collected, managed, shared, kept and generally handled locally in compliance with the DPA. The same applies to The Scout Association's Board of Trustees who, as charity trustees, are responsible for ensuring that proper systems are in place for The Scout Association. Scout Units must comply with the DPA when using The Scout Association's Membership System "Compass".

Please see Question 1 above for links to the POR and the guidance available to Scout Units.

3. Who is the Data Controller for data for Compass?

With regard to personal data stored on Compass, The Scout Association is a Data Controller in Common with Groups, Districts, Counties and Countries. Data Controller's in Common may each use and access a shared database but each remains responsible for the personal data within its own control and capacity. Accordingly, Scout Units (Groups, Districts, Counties or Countries) remain responsible for ensuring that their handling of personal data locally is in compliance with the DPA and POR (which includes uploading and maintaining such data onto Compass) and The Scout Association remains responsible for ensuring that its handling of personal data nationally is also in compliance with the DPA and POR (including its particular responsibilities for data held on Compass).

Whilst the general data protection responsibilities of both parties towards the data it handles are similar in nature, there are differences according to the level of control each has over the data e.g. whilst The Scout Association will not be responsible for how personal data is handled locally, likewise, Groups, Districts, Counties or Countries will not be responsible for the technical or security aspects of Compass which are not within their control.

4. Does the Group need to register as a Data Controller with the Information Commissioner Office (ICO)?

As smaller 'not-for-profit' organisations, Groups, Districts, Counties do not have to register provided they do not hold personal data about anyone other than members or others directly connected to the Group, District or County.

However, they are still subject to the rules of the DPA. As a larger organisation, The Scout Association Headquarters is registered as a Data Controller with the ICO.

Please see Question 1 above for links to the relevant sections of POR and the guidance available to Scout Units.

5. What will the data held on Compass be used for?

The data held on Compass will be used for membership of Scouting purposes only. It will enable the local Scout Units (Groups, Districts, Counties) to manage scouting and will also enable an annual census to be undertaken which and can be used both locally by Groups, Districts, Counties/Areas/Regions as well as nationally to look at trends, and to identify areas for development locally and nationally. Compass has been developed to save you time and help make all your Scout administration easier to manage, it has also been developed to help you keep your Scout records and data held on young people, parents and adults safe, and is compliant with the Data Protection Act.

6. How can Members manage the marketing and communications they receive?

Members can manage how their personal information is used for certain communications from The Scout Association. They can control what communications content they receive by

logging into their account via the Compass website and selecting the Communications Preferences section on their Profile.

This ability to manage how their personal information is used only applies to marketing-led content. The Scout Association and a Member's local Scout unit will send Members communications about Scouting relevant to their role or association with Scouting. The communication will contain essential information and will not contain marketing content.

With regards to youth data, depending on the age of the youth member the following will apply to communications with them:

- a) If the member is younger than 14 yrs old all emails and text messages sent from within Compass will be sent to the parent/guardian ONLY
- b) If the member is 14 yrs and older but younger than 18 years old all emails and text messages sent from within Compass will be sent to the parent / guardian AND the youth member. Please note if the parent / guardian did not enter an email address they will in this case not receive the email sent to the youth member.
- c) If the member is 18 and older all emails and text messages sent from within Compass will be sent to the member only

This approach currently reflects the existing approach to marketing, agreed by The Scout Association's Operations Committee of 26 April 2014. The controls provided by Compass enable members to manage how they receive messages and marketing.

However, we are keeping our approach under review, especially with regards the latest advice provided by the Information Commissioners Office (ICO) on implementing the Privacy and Electronic Communications Regulations (PECR)

7. Who is responsible for the accuracy of information held on Compass?

Adult members are responsible for maintaining their own data e.g. name, address, contact details either directly or via a nominated individual. Certain other data may only be updated/maintained by authorised persons e.g. roles, training records, permits etc. Responsibility for maintaining youth data rests with the leader of the Section(s) to which the young person belongs.

All membership data should be checked as regularly as possible to ensure it is correct and factually accurate and must, in any event, be checked on an annual basis.

Guidance about the Data Protection Act (DPA) from the Information Commissioner's Office (ICO) states that it may be impractical to check the accuracy of personal data someone else provides. In recognition of this, the DPA says that even if you are holding inaccurate personal data, you will not be considered in breach as long as:

- you have accurately recorded the information provided;
- you have taken reasonable steps in the circumstances to ensure the accuracy of the information; and

- if the individual has challenged the accuracy of the information, this is clear to those accessing that data

When assessing what might be “reasonable steps” the ICO notes that this will depend on the nature of the personal data and what it will be used for. The more important it is that the personal data is accurate, the greater the effort you should put into ensuring its accuracy.

Therefore the DPA recognises that a risk-based approach to ensuring the accuracy of personal data should be adopted, and this is reflected in the POR requirements.

8. Will The Scout Association perform data quality cleansing on Compass at HQ?

In addition to a Member’s responsibility to keep their own and any youth data for which they are responsible up-to-date, The Scout Association will annually run a set of general data cleansing routines dealing with issues such as duplication, addressing search returns which indicate that a member is ‘no longer at’ or has ‘gone away’ from the recorded address etc.

9. Why can’t Groups use their own existing forms to enter youth joining information onto Compass?

In implementing youth joining as an online process in Compass The Scout Association did some research and collected a sample of youth joining forms used by Scout Groups in the different parts of Country. These were reviewed by external specialists in membership charities and data protection and, as to be expected, major discrepancies were found ranging from completely unacceptable to excellent. It was clear that the forms had to be standardised and include all the essential requirements to ensure compliance with UK legislation, Scouting policy concerning both data protection and safeguarding and to include The Scout Association’s assurances to parent/carers concerning the use of youth data and obtaining the required statement for parents to sign concerning the storage of their child’s data in Compass. POR Rule 14 states that “All joining information must be either entered directly into compass or recorded using The Scout Association’s official Joining Forms and then be transferred accurately into Compass.” Accordingly, all the old forms should now be recycled and no longer used. The two new forms for Adult and Young People Joining must be used; they can be found on [The Scout Association's website](#).

10. Do the Adult Information Form and Youth Information Forms need to be signed before we can upload that information on Compass?

There are two methods of uploading the information onto Compass: directly online with the applicant present or by transferring information from the paper form onto Compass. The paper forms should be filled out with the applicant present. Whilst these paper forms are not intended to be retained, the parent or member’s signature provides surety to the person inputting the information onto Compass (which may be a different person to who helped

member who helped the parent/young person/new adult complete the form) that the information has been provided by the parent/young person/new adult and of their understanding that the information will be uploaded onto Compass. Accordingly, they should be understood and signed by the parent or member for this purpose. In all cases, the person uploading the information onto Compass must make sure the applicant understands what is being asked.

11. Do we need to keep the Information Forms after the information has been uploaded onto Compass?

No, the forms are not intended to be retained. They should be kept securely at all times whilst being used and also securely disposed of/destroyed after use.

12. What evidence of consent or explicit consent from the parent/carer is needed to upload a young person's data onto Compass?

The Data Protection Act (DPA) does not define what constitutes or evidences consent but further to EU guidance, it is generally accepted that consent must be given freely with the intention of this being held for the purpose it is collected. Such consent need not be in writing. Accordingly, parent/carers will have given consent for the Group to hold the data by having providing it freely on the understanding that it will be used for scouting purposes. Compass provides the Group a system for storing that data securely and, in accordance with POR, as members of local Scouting are also members of The Scout Association, the transfer of data also satisfies another requirement under the DPA as it is necessary for the purposes of both Groups and The Scout Association pursuing legitimate interests i.e. to efficiently and securely perform the functions required to administer and manage Scouting. As the transfer does not harm the rights and freedoms or legitimate interests of the individual, the transfer will be justified.

With regards to sensitive personal data, the DPA does not define 'explicit' consent with ICO guidance noting that the "the individual's consent should be absolutely clear." Again, with such data having been collected directly from the parent/carers directly with it being clear what it is being collected for, it can be transferred onto Compass without any additional consent required.

By way of surety, Compass requires users to confirm that permission has been given to hold the information i.e. that the parent/carer has supplied the information. This confirmation is given via a pop-up box within Compass itself.

13. What should the Group do if the information it holds about a young person's was not provided directly by the parent/carer?

The Group will need to get the parent/carer to confirm/amend the existing information held locally and obtain any additional information required from them. This would be necessary for any system and not just Compass. A parent/carer providing the information freely and

directly to the Group also evidences that the Group has obtained the parent/carer's consent to holding the young person's data.

14. What if a leader or a parent refuses to provide personal details of a young person which is required for Compass?

The Scout Association's rules require essential data about young people and adult Members to be recorded in Compass. The level of personal data required by Compass in respect of a young person is essentially no more than would normally be requested from a parent/carer if a leader was recording the information locally. Any additional data will enable the annual census to be undertaken using the information held and can also be used by Groups, Districts, Counties/Areas/Regions/Countries nationally to look at local trends and identify areas for development both locally and nationally. By entering the information on Compass it will be held securely and in compliance with the Data Protection Act (DPA) ensuring a consistent approach, and thereby reducing the risk that volunteers store the information locally without sufficient protection and compliance with the DPA.

If a leader refuses to record the data then this will need to be addressed through the local volunteer line management chain and is ultimately a matter of the volunteer following the rules of The Scout Association which, if ignored, can lead to removal of the appointment. If a parent refuses to supply the necessary data then the young person will not be able to become or, where relevant, remain a Member. This is not a position in which The Scout Association or Scout Units wish to find themselves in and it is important that leaders and/or parents fully understand the importance of providing the information and how it will be protected. If a parent/carer still refuses to supply the necessary data then the young person cannot become a member until they do. There is no right of appeal provided in such circumstance.

15. Is there any data protection training available for leaders before they have to use Compass?

Compass has been designed to provide technical controls in line with the requirements of the Data Protection Act and all users are provided with guidance on how to use the controls and functionality of Compass which also deliver data protection compliance. Further guidance is also being developed based on frequent questions being asked. The Scout Association is and will continue to regularly review member needs and provide necessary further guidance and one area that is currently being assessed is the need and development of a suitable toolkit for local scout units to help them self-assess their current approach. These measures are in addition to the general data protection training covered as part of the administration training along with all the many other administrative matters.

Additional specific, stand-alone, data protection training is not therefore necessary in order to use Compass.

Executive Committees have always have been and will remain responsible for ensuring that proper systems are in place locally for DPA compliance – which includes ensuring that their personnel are reliable in handling personal data and are aware of their responsibilities.

Members should be directed to POR Chapter 14 Rules 14 (11) and (12). Please see Question 1 above for links to the POR and the guidance available to Scout Units.

16. Who has access to view or download a Group's data once loaded onto Compass?

Only members with suitable authorisation have access to member data which is relevant to their role in Scouting. For example, a Section leader only sees the data for the adults and young people in their section. Accordingly, some roles which have access to adult data do not have access to young peoples' data, as their role is primarily concerned in supporting adults rather than young people e.g. District Commissioners . However, a District Explorer Scout Commissioner or Administrator will have access to youth data within their section because it is relevant to their role. At HQ, only authorised staff have access to membership data as required by their role for HQ administration purpose. A parent/carer will only see their own information and their child's.

17. What information is the parent/carer or a youth member allowed to change on Compass and how will the leader of the Unit know that data has been changed?

Parent/carers and youth members can only make changes to very basic information about themselves e.g. contact details. A leader will not be informed when personal data has been changed. If a leader needs to view data e.g. emergency contacts for an event they can do so from the reporting system. To ensure that the data is held in accordance with POR requirements, parent/carers or youth members do not have access to edit other membership data about themselves.

18. Who will have access to vulnerable youth member data e.g. cases of domestic violence, parental quarrels about custody or cases where children are in care of social services etc?

Compass allows for exceptions to be made e.g. adult members who are suspended or vulnerable youth members, in which case their personal details will be visible only to a very small select group of people with special roles, e.g. the safeguarding team. Other exceptions may also be possible dependent on the circumstances. These restrictions can be set by speaking with The Scout Association HQ to discuss the situation.

19. How will difficult situations be handled in instances where there is parental dispute, divorce or court restriction orders placed requiring a parent/carer's rights to be restricted?

Ultimately, it is not the role of a Group or the leaders to interpret or enforce a Court Order or other arrangement in a private dispute between parents (unless the Court Order specifically refers to the Scout Group or expressly states that one parent is to stay away from the child).

Private disputes between parents usually centre around 'Residence' and 'Contact' agreements i.e. where one parent has 'residence' of the child and the other parent has 'contact' with that child. In such cases, the parents will normally each still have retained overall Parental Responsibility for the child which could cause difficulty for the Group. Sometimes, for one reason or another, a private dispute may develop whereby one parent wants the other's involvement with the child restricted. This may include restricting that other parent's access to the child's data on Compass. In such cases, the Group should avoid getting involved and explain to both parents they need to sort the matter out between themselves or through their solicitors. However, if there is no resolution and the situation is disrupting operation of the Group, the Group may be forced to take some action and, as a last resort, should opt for taking instruction from the parent with whom the child officially resides i.e. the parent in control of that child's every day routine/activities. If the other parent complains, the Group can only suggest that they either sort matters out directly with each other or through their lawyers.

20. Am I allowed to download the personal details of members for taking to a camp or for any other purpose and what should I do to comply with data protection requirements?

Provided you have the relevant authorisation, you can download details of members for taking to camp etc.

You must then follow any data protection requirements, guidance or processes established by your Scout Unit to handle the downloaded information in accordance with the Data Protection Act. For example, the information should only be kept for the required purpose and time, after which it must be securely destroyed i.e. after the end of the camp or event.

21. Can a young person's data be shared with third parties in an emergency such as a doctor or hospital i.e. providing address, date of birth, GP's name and any medical information?

The Data Protection Act enables the sharing of sensitive personal information in the event of an emergency – i.e. where the sharing is necessary in order to protect the 'vital interests' of the young person.

You must follow any data protection requirements, guidance or processes established by your Scout Unit to ensure such sharing is done in accordance with the Data Protection Act. For example, the sharing must be done securely, and only share the information required to assist with the emergency.

22. Where is the data held?

The data is held in the UK.

23. Is data on Compass secure?

The Scout Association treats the safety and security of its member data as a main priority. For these reasons The Scout Association has spent considerable time and funds designing and testing Compass to ensure that data is held securely in accordance with the Data Protection Act and industry standards. The two external companies contracted to host Compass both comply with international data security standards and, where applicable, are certified by the BSI (British Standards Institute) and have all achieved International Organization for Standardisation (ISO) certification status. The Scout Association has also employed highly regarded contractors to ensure compliance with data protection legislation, and also ensures that the system undergoes regular security testing.

The system has been designed to restrict access at different levels of the database to those that have authorisation to use it. The hierarchy of Scouting is reflected in the authorisation matrix and we have an inbuilt audit trail for all transactions so that users and their use can be identified. Every adult with a leadership role, and hence with access authorisation rights within Compass, would have gone through a stringent appointment process and will be subject to the Policy, Organisation and Rules (POR) of the organisation which lay down strict guidelines in respect of use of their use of system and their duty to ensure compliance with data protection.

24. What precautions should I take when using Compass in different places e.g. in a public place, the office, at home or at a campsite?

Compass is a web-based membership system. It is therefore possible to access the system at any location with an internet connection. The following guidance highlights some simple security points that must be followed when accessing Compass:

1	In public places For example, an internet café or on public transport and	<ul style="list-style-type: none">• Avoid accessing Compass in a public place if possible.• If you have to access Compass, always consider the volume and sensitivity of personal information you will be accessing.• Do not access sensitive personal information in a public place.• Always try and position yourself where you cannot be overlooked by other people.
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	At the campsite.	<ul style="list-style-type: none"> • Always log out and lock the screen if you leave your device unattended for any period of time. • Use a privacy screen to reduce the likelihood of someone being able to view your screen.
2	In the office/your place of work	<ul style="list-style-type: none"> • Consider the office layout. Ensure you cannot be overlooked by colleagues or guests from a public reception area, walkways or areas where staff congregate, such as a canteen or water cooler. • Always lock the screen if you leave your device unattended for any period of time.
3	At home	<ul style="list-style-type: none"> • Always try and position yourself where you cannot be overlooked by family members or visitors. • Ideally you should access Compass when in a room or area of the house that is not in use by family or guests at the time. • Always log out and lock the screen if you leave your device unattended for any period of time.

25. What if there's a data breach?

The Information Commissioner office (ICO), which regulates data protection in the UK, provides guidance as to the procedures in the event of a security breach which will be followed by The Scout Association.

Scout Units (Groups, Districts, Counties and Countries) should also have their own processes for handling data breaches for personal information they are responsible for. The guidance deals with the 4 main elements of a security breach i.e.:

1. Containment and recovery
2. Assessment of ongoing risk
3. Notification of breach (e.g. informing people and/or organisations including, where necessary, the ICO)
4. Evaluation and response

[View this guidance online.](#)

To ensure consistency, any actual or potential data breach concerning the use of Compass should be reported to The Scout Association HQ.

26. How long is personal data to be retained?

In line with Data Protection requirements, The Scout Association will only retain personal data for as long as it is required for membership purposes. The retention period will need to

take into consideration any official statutory guideline/requirements deemed applicable. At present, The Scout Association is in the process of consulting with a number of agencies with regard to the relevant guidelines in order to finalise its retention policy in this regard. However, it is important to note that when a person's membership ends (whether a young or adult member), their role will be closed on Compass and their data archived so that it will no longer be accessible online. This data will only be accessible by a few authorised members of staff.

If a person re-joins Scouting in the future, their membership data will be reactivated and again be accessible in accordance with the hierarchy settings set on Compass.

27. Can a Group keep historical Member data locally for archive or statistical purpose?

Whilst personal data should only be retained until no longer require and also kept up-to-date, the Data Protection Act (DPA) does enable the retention and use of personal information for statistical and research purposes if certain criteria and rules are followed.

Compass can produce certain statistical data. Scout units may retain records simply for statistical/archive purpose and the Data Protection Act (DPA) states that personal data held for these purposes may be kept indefinitely as long as it is not used in connection with decisions affecting particular individuals or in a way that is likely to cause damage or distress. This does not mean that the information may be kept forever as it should be securely and safely deleted/destroyed when it is no longer needed for those historical, statistical or research purposes. If you are retaining records for archive or statistical purpose you must ensure that the data is kept very securely. Further guidance and advice should be sought from The Scout Association.

28. Who is responsible for responding to Subject Access Requests?

A Subject Access Requests (SAR) is when a person requests a copy of all their personal data from either The Scout Association Headquarters or a Scout Unit (i.e. Group, District, County or Country), under the Data Protection Act (DPA). As the DPA applies to both The Scout Association Headquarters as well as Scout Units (as each is created and operates as an independent charity in its own right) both must comply with an SAR it receives.

Of course, whilst the data held on Compass will be the same for both HQ and the Scout Unit, each may also hold certain other information which may also need to be disclosed e.g. emails, letters, reports etc. [Guidance about how to respond to an SAR can be found online.](#)