Premier League Commitment Regarding Abusive and Discriminatory Conduct – Data Protection Policy ("Policy")

1. Introduction

1.1 This Policy is supplemental to and should be read in conjunction with the Premier League Internal Data Protection Policy ("Internal Policy") as well as the following external-facing fair-processing notices: the Premier League Privacy Policy at https://www.premierleague.com/privacy-policy ("Website Policy"), the Premier League Player and Related Persons Privacy Policy at https://www.premierleague.com/player-privacy-policy ("Player Policy"). You should also refer to the Premier League Commitment Regarding Discriminatory and Abusive Conduct at [insert link] ("Commitment"). You should, in particular, be familiar with the sections on Data Protection Principles and Data Subject Rights, as such guidance is highly applicable and not covered in any detail in this Policy. Unless otherwise defined in this Policy, capitalised terms used in this Policy have the same meanings as those defined in the Internal Policy.

1.2 In order to take action against individuals who engage in any Prohibited Activities (as defined below), the Premier League needs to Process Personal Data (including Sensitive Personal Data) about individuals who engage in or who are the subject of such Prohibited Activities, and, depending on the circumstances, other individuals who are related to such individuals (including witnesses of any Prohibited Activities). Each Club and the Premier League (where applicable) will Process Personal Data as an independent Controller. "Prohibited Activity" is defined in the Commitment, meaning any conduct, act or statement, whether express or implied, that is abusive, insulting, intimidating, offensive or discriminatory toward any players ("Players"), persons associated with such Players including match officials ("Related Persons"), Club employees (including consultants, contractors and temporary match-day staff such as stewards) ("Club Staff") or other individuals attending a Premier League match ("Fans") (collectively, "Participants") whether the individual engaging or suspected of engaging in it (the "Respondent") does so within Club premises ("Stadium") or otherwise in-person before the individual subject to it or remotely, via any electronic communication, social media or otherwise.

1.3 The Premier League takes action against Prohibited Activity by setting out minimum standards for the process by which allegations of such conduct by an individual should be determined, setting out minimum sanctions to be imposed, and establishing a system to ensure mutual enforcement of those sanctions through effective sharing of information between Clubs to ensure their application to all matches in the Premier League competition. The Premier League’s key role under the Commitment is to facilitate the sharing of Respondent identification data between Clubs in order to support such mutual enforcement.

1.4 This Policy is intended to set out the Premier League’s procedures from a data protection perspective so that their collection and use of all relevant Personal Data is at all times compliant with the UK General Data Protection Regulation ("UK GDPR") and other applicable data protection legislation including the UK Data Protection Act 2018 ("Act") ("Data Protection Laws").
1.5 Further, pursuant to the Data Protection Laws, in order to Process Special Categories of Personal Data and Personal Data relating to criminal convictions and offences ("Criminal Offence Data") (collectively referred to in this Policy as "Sensitive Personal Data" (see the Internal Policy for more information)), the Premier League must have in place an 'appropriate policy document' that explains how, as a Controller, the Premier League satisfies the Data Protection Principles and explains its retention and erasure practices for the relevant Personal Data.

### Criminal Offence Data:
According to the Act, "Personal Data relating to criminal convictions and offences" includes Personal Data relating to the alleged commission of offences by the Data Subject, proceedings for the offence and disposal of such proceedings including sentencing.

1.6 This Policy meets the requirement that an ‘appropriate policy document’ be in place when Processing Sensitive Personal Data. In addition, it provides some further information about Processing of Sensitive Personal Data where a policy document is not a specific requirement.

1.7 This Policy must also be retained, reviewed and (if appropriate) updated by the Premier League and made available to the Information Commissioner if requested, until 6 months after the Premier League ceases carrying out the Processing.

1.8 This Policy is in addition to the separate appropriate policy document in place relating to the Premier League’s Enforcement Programme including in respect of its existing Online Abuse – Reporting Protocol ("Protocol"). The Protocol is a separate anti-discrimination initiative but under which aims, activities and therefore some Processing of Personal Data may intersect with those under the Commitment.

2. **Lawful Processing**

2.1 **Legitimate Interests:** The Premier League’s Processing of Personal Data (as described in Section 3 below) is justified on the basis of legitimate interests - it being necessary for the Premier League to pursue its legitimate interests in taking action against individuals who engage in Prohibited Activities and the prevention of such Prohibited Activities.

2.2 Reliance on this ground still requires careful consideration. The Premier League needs to conduct a "Legitimate Interests Assessment" ("LIA") which includes a balancing test between the Premier League’s interests and those of the Data Subject to ensure that the Premier League has considered the impact the Processing may have on Data Subject(s) and that the rights and freedoms of the Data Subject(s) do not override the Premier League’s legitimate interests.

2.3 The Premier League has determined that the implementation of the Commitment has a significant wider public interest for society at large which adds weight to its interests when balancing them against those of the individuals. Taking action against individuals who engage in any Prohibited Activity is clearly in the interests of Participants, and also benefits the wider public by helping to prevent racism and discrimination in football and by challenging discrimination in society more generally, as well as connected public order and physical safety concerns.

2.4 It is acknowledged that most cases (where allegations are investigated under the Commitment) will involve predominantly the same considerations, and for that reason the Premier League has determined that it is not practical or necessary to conduct an LIA for each case. The relevant individuals within the Premier League and at each Club must be familiar with the LIA template at Appendix 1, however, and be prepared to reconsider the
balancing test depending on the particular circumstances in each case (for example, where sensitive information is collected about innocent persons such as witnesses related to the subject of an investigation). In line with regulatory guidance, the Premier League’s initial LIA has been included within a wider Data Protection Impact Assessment document. A copy of this Data Protection Impact Assessment is attached at Appendix 4.

2.5 **Consent:** Processing of certain Personal Data (as described in **Section 3** below) may also be justified (in addition to or instead of relying on Legitimate Interests) on the basis that the Data Subject has given consent to the Processing of their Personal Data for one or more specific purposes, providing always that there must not be any further Processing for such purposes if the consent is withdrawn.

**Special Categories of Personal Data**

2.6 In relation to Special Categories of Personal Data, **in addition to** the Legitimate Interests or Consent ground (set out above), the Processing must satisfy one (or more) of the following conditions:

2.6.1 **Substantial public interest in preventing or detecting unlawful acts** (Article 9(2)(g) UK GDPR and paragraph 10 of Schedule 1 of the Act). It is necessary for the prevention or detection of unlawful acts (which is necessary for reasons of substantial public interest). For example, where the Premier League receives notification of the outcome of any investigation carried out under the Commitment, the Premier League Processes Personal Data relating to the Respondent who is the subject of that investigation in order to prevent or detect unlawful acts in the interests of the public in general who are affected by unlawful conduct at Premier League matches.

2.6.2 **Legal claims** (Article 9(2)(f) UK GDPR). It is necessary: (a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings); (b) for the purpose of obtaining legal advice; or (c) for the establishment, exercise or defence of legal claims. For example, where the Premier League investigates any wider legal claim in relation to any allegations under the Commitment, it is necessary for the Premier League to Process Personal Data to obtain legal advice from its external legal advisors and/or for the purposes of legal proceedings in respect of such allegations.

2.6.3 **Explicit consent** (Article 9(2)(a) UK GDPR). The Data Subject has given explicit consent to the Processing of the Personal Data for one or more specified purposes. In circumstances where the Premier League relies on consent to Process Personal Data, it shall make sure that consent is unambiguous, given by an affirmative action and for specific purposes, and recorded as the condition for Processing. For example, where a Participant requests certain action in relation to any Prohibited Activity, the Premier League may Process Personal Data in relation to the Participant on the basis of the consent of that Participant providing always that there must not be any further Processing for such purposes if the consent is withdrawn.

2.6.4 **Manifestly made public by the Data Subject** (Article 9(2)(e) UK GDPR). The relevant Personal Data has been manifestly made public by the Data Subject. For example, where the Premier League receives notification of any Prohibited Activity identified by a Club on social media, the Premier League Processes Personal Data in relation to posts made publicly available by a Data Subject (i.e. not by direct message to a Participant and not published on a private account). The Premier League does not generally rely on this condition to justify the Processing Special Categories of Personal Data obtained from social media posts, unless it is confident that the Data Subject actively chose to make the Personal Data public and it was unmistakably a deliberate act on their part.
For accountability purposes, if relying on this condition, the Premier League will keep a record of the source of the data.

Criminal Offence Data

2.7 In relation to Criminal Offence Data, in addition to the Legitimate Interests or Consent ground (set out above), the Processing satisfies one (or more) of the following conditions:

2.7.1 Substantial public interest in preventing or detecting unlawful acts (paragraph 10 of Schedule 1 of the Act): It is necessary for the prevention or detection of unlawful acts.

2.7.2 Legal claims (paragraph 22 of Schedule 1 of the Act). It is necessary: (a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings); (b) for the purpose of obtaining legal advice; or (c) for the purposes of establishing, exercising or defending legal rights.

2.7.3 Consent (paragraph 29 of Schedule 1 of the Act). The Data Subject has given consent to the Processing as per paragraph 2.6.3.

2.7.4 Manifestly made public by the Data Subject (paragraph 32 of Schedule 1 of the Act). The relevant Personal Data has been manifestly made public by the Data Subject, as per paragraph 2.6.4.

2.8 To the extent that the Premier League needs to ensure that the Clubs have complied with their relevant obligations under the Commitment, or there is a related governance issue, there may also be a need to Process Personal Data as part of the Premier League’s regulatory function under paragraph 28 of Schedule 1 of the Act – Standards of behaviour in sport.

2.9 Note that the UK GDPR and the Act provide for other lawful grounds to Process Personal Data, but they are unlikely to be relevant in connection with the Premier League’s Processing under the Commitment.

3. What Personal Data is collected, when and why?

3.1 The categories of Personal Data collected and shared by the Premier League with the Clubs will be limited to those categories set out in the table below.

3.2 The table below also sets out the way in which such Personal Data should be collected, its purpose and the legal justification for Processing that Personal Data. The Premier League will periodically review these categories of Personal Data (where necessary in consultation with other stakeholders) to ensure that it complies with the Data Minimisation Principle set out in Article 5(1)(c) UK GDPR.

3.3 The Clubs will continue to lead the investigation and enforcement action against Prohibited Activity as set out in the Commitment. The Premier League’s key role under the Commitment is to facilitate the sharing of Respondent identification data between Clubs in order to support their mutual enforcement of sanctions. In limited circumstances, however, it may be necessary for the Premier League to Process other Personal Data about Data Subjects, including potentially sensitive information (see the final row of the table below). Some Processing of such Personal Data may be under the separate Protocol. The Premier League must take precautions to ensure that the Processing of such Personal Data can be justified by reference to the guidance/rules set out in this Policy and consult with its internal Data Protection Team where appropriate to do so. The Premier League should edit any investigative reports or other documents it receives which contain unnecessary Personal Data to ensure that it complies with the Data Minimisation Principle set out in Article 5(1)(c) UK GDPR. See Section 6 below.
Where Personal Data is not collected in accordance with the table below, the Premier League must consider whether any Processing is lawful, including through consultation with its internal Data Protection Team. Additionally, where the Premier League intends to Process Personal Data for a new purpose (other than a legal obligation or function set out in law) the Data Protection Team should be consulted to ensure that any new Processing is compatible with the original purpose identified or to consider any additional requirements for the new purpose to ensure any new Processing is lawful (in accordance with Purpose Limitation Principle set out in Article 5(1)(b) UK GDPR).

<table>
<thead>
<tr>
<th>Categories of Personal Data</th>
<th>Collection</th>
<th>Purpose</th>
<th>Lawful basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names</td>
<td>Open source research and on-the-ground investigations carried out by the Clubs. Discussions with potential Respondents and third parties subject to or witnesses of abusive or discriminatory conduct. As reported to the Premier League by Clubs, members of the public or other rightsholders.</td>
<td>To identify individuals behind abusive and discriminatory conduct; take action against such individuals and enforce sanctions against such individuals on a League-wide basis.</td>
<td>Legitimate Interests.</td>
</tr>
<tr>
<td>Date of birth</td>
<td>As above.</td>
<td>As above.</td>
<td>Legitimate Interests.</td>
</tr>
<tr>
<td>Contact details</td>
<td>As above.</td>
<td>As above.</td>
<td>Legitimate Interests.</td>
</tr>
<tr>
<td>Photograph</td>
<td>As above.</td>
<td>As above.</td>
<td>Legitimate Interests.</td>
</tr>
<tr>
<td>Commitment sanction details</td>
<td>As above.</td>
<td>As above.</td>
<td>Legitimate Interests.</td>
</tr>
<tr>
<td>Further details of the alleged or established Prohibited Activity and information in relation to investigatory or enforcement action under the Commitment including testimony or other input from</td>
<td>As above.</td>
<td>As above.</td>
<td>Legitimate Interests and, where necessary, the appropriate additional Special Category/Criminal Offence Data bases of Processing as set out in Section 2 above</td>
</tr>
</tbody>
</table>
witnesses and stakeholders and Criminal Offence Data (to the extent that any Prohibited Activity is or is alleged to amount to the commission of an offence) as well as compliance with and governance issues related to the Commitment itself.

4. **Record Keeping**

4.1 Pursuant to the Data Protection Laws, the Premier League must maintain a record of their Processing which sets out the conditions and lawful basis being relied upon (see Section 2 and Section 3 above) and whether Personal Data is retained and erased in accordance with the retention policies outlined in this Policy (see Section 6 below).

4.2 This Policy will act as a general record of Processing.

4.3 The Premier League should also keep individual case records where appropriate (i.e. where the circumstances necessitate a departure from the procedures and Processing described in this Policy). To the extent that the Premier League Processes any Criminal Offence Data, the Premier League should keep records in relation to such Processing including specific details as to whether retention and deletion policies have been followed.

4.4 The Premier League therefore considers that its Processing is in line with the Accountability Principle (see Section 10 below).

5. **Use of Privacy Notices**

**General requirements**

5.1 The general rule is that the Premier League must tell all Data Subjects that it is collecting their Personal Data and provide certain information prescribed by law. This information must be provided:

5.1.1 within a reasonable period (maximum one month from collection); or

5.1.2 if it is used to communicate with the Data Subject, at the latest, when the first communication takes place; or

5.1.3 before it is disclosed to anyone else (see **Sharing Personal Data** below),

whichever event occurs first ("Privacy Notice Timings").

5.2 The Premier League provides this information in the form of privacy notices which are provided to Data Subjects (unless an exemption applies) and which the Premier League also posts on its website at: [https://www.premierleague.com/premier-league-policies](https://www.premierleague.com/premier-league-policies) (each a “Privacy Notice”).

5.3 Each Privacy Notice contains appropriate details of the purposes of Processing in accordance with the Lawfulness, Fairness and Transparency Principle set out in Article
5(1)(a) UK GDPR and the Purpose Limitation Principle set out in Article 5(1)(b) UK GDPR. See Section 6 below.

**Exemptions**

*(1) General Exemption*

5.4 The Premier League does not need to provide such information where: (a) this is impossible or would involve a disproportionate effort; or (b) it is likely to render impossible or seriously impair the achievement of the objectives of that Processing. In any event, the Premier League must still take appropriate measures to protect Data Subjects' interests, including by making the Privacy Notice publicly available.

*(2) Crime Exemption*

5.5 The Act allows Controllers who are Processing Personal Data for the purposes of: (a) the prevention or detection of crime, or (b) the apprehension or prosecution of offenders (such activities including intelligence gathering and surveillance for crime prevention and detection), to withhold information that should usually be provided to the Data Subjects (in accordance with the above) to the extent that doing so would be likely to prejudice those purposes.

**Procedures**

5.6 Specific additions have been made to the Player Policy to cover this form of use of Player and Related Persons Personal Data.

5.7 The Premier League will make available a specific Privacy Notice on its website (*“Commitment Privacy Notice”*). The Commitment Privacy Notice will also be displayed by Clubs on each Club’s website and in Club stadia. In any event the Commitment refers to the Processing and is publicly available at all times.

**6. Retention of Personal Data**

**Data Storage**

6.1 The Premier League implements and maintains reasonable and appropriate security measures to ensure the protection of Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

| The PL is developing a secure solution within its existing IT infrastructure for the Processing of Personal Data received in connection with the Commitment. |
| As the Commitment evolves and the Premier League’s role in upholding the Commitment matures and develops over time, the Premier League will re-evaluate its approach to data storage to ensure that it complies with the Data Protection Principles. |

**Retention Periods**

6.2 Decisions relating to the retention, archiving, deletion or anonymisation of Personal Data Processed in connection with the Commitment are taken in accordance with the Premier League’s Retention Policy. However it is acknowledged that it will not always be appropriate to follow these guidelines in every case (for example, certain Personal Data may be likely to have future value in relation to the aims and objectives of the Commitment, but the specific importance may not always be known in advance).
6.3 **Retention:** To determine the appropriate retention period for Personal Data, the Premier League must consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of the Personal Data, the purposes for which the Personal Data must be Processed and whether the Premier League can achieve those purposes through other means, and the applicable legal requirements.

6.4 It is the current intention of the Premier League for the primary Personal Data Processed by it under the Commitment, i.e. in order to facilitate the sharing of Respondent identification data between Clubs in order to support the Club’s mutual enforcement, to be retained only for as long as any sanction is in force to which that Personal Data relates. So, if a Respondent is the subject of a one year, three year or permanent ban from attending Premier League matches under the Commitment then the Premier League will retain the identifying Personal Data set out in Section 3 for the continuance of the ban so as to be able to support enforcement by the Clubs but at the end of the ban the Personal Data will be deleted.

6.5 Where additional Personal Data has been received or generated by the Premier League regarding alleged or established Prohibited Activity, investigatory or enforcement action under the Commitment including testimony or from witnesses and stakeholders, including Criminal Offence Data (to the extent that any Prohibited Activity is or is alleged to amount to the commission of an offence), as well as compliance with and governance issues related to the Commitment itself, it is not expected that this Personal Data will need to be retained for the periods set out above but only while the specific Processing purpose under or in relation to the Commitment is conducted.

6.6 If, during the operation of the Commitment, Processing of additional Personal Data under 6.5 is undertaken regularly by the Premier League, then the Premier League may introduce more specific retention guidelines in respect of certain Personal Data and these will be set out in Appendix 2.

6.7 **Archiving:** An "archive" is a collection of Personal Data which is no longer necessary to achieve the purposes for which the information was originally collected or which is no longer being used on a day-to-day basis, but are used only for statistical purposes, dispute resolution, or investigations. Steps must be taken to maintain appropriate measures to keep archived Personal Data secure, in accordance with data protection law. It may be that elements of the Personal Data Processed in relation to the Commitment are appropriate to be archived although it is the current intention of the Premier League to retain only aggregated and anonymized data (see below) beyond the identification data referred to above.

6.8 In any event, under the Data Protection Laws it is not lawful to maintain a “comprehensive register of criminal convictions”, and any retained data will not, nor is intended to be, used as a centralised or consolidated source of information on convictions.

6.9 **Deletion:** This means the removal or obliteration of Personal Data such that it cannot be recovered or reconstructed. The Premier League must take steps to ensure that it is satisfied that it only collects Personal Data that is required for the specific purposes and that it has sufficient Personal Data to properly fulfil those purposes, and should periodically review the Personal Data and delete any Personal Data that is no longer required (in accordance with Data Minimisation Principle set out in Article 5(1)(c) UK GDPR). The Premier League’s IT Team should be consulted where necessary to ensure that Personal Data has been properly deleted. Steps must be taken to keep Personal Data up to date which includes deleting any incorrect/ inaccurate data.

6.10 **Anonymisation:** Data protection law does not apply to Personal Data rendered anonymous in such a way that the Data Subject is genuinely no longer identifiable to the Premier League or any third party. Where Personal Data is truly anonymised (for example, aggregated data used to generate statistics and produce research reports) the Premier
League can continue to keep and use this data indefinitely (and without further notice to the Data Subjects).

7. Sharing Personal Data

7.1 Generally, the Premier League is not allowed to share Personal Data with third parties unless certain conditions are satisfied:

7.1.1 the third party has a need to know the information e.g. for the purposes of providing their services or as part of co-ordinated enforcement of sanctions under the Commitment;

7.1.2 the Data Subject knows that their Personal Data is going to be shared in such a way, either by Privacy Notice or Consent as appropriate; and

7.1.3 contractual and/or confidentiality arrangements including data protection provisions and technical protections such as encryption have been put in place; subject to the further provisions below.

Crime Exemption

7.2 The Act does allow Controllers to disclose Personal Data in ways that would otherwise breach the Data Protection Principles, if it is necessary for: (a) the prevention or detection of crime; or (b) the apprehension or prosecution of offenders (such activities including intelligence gathering and surveillance for crime prevention and detection) to the extent that it is necessary to do so to avoid prejudicing those purposes.

7.3 Therefore, to the extent that any Prohibited Activity is or is alleged to amount to the commission of an offence, this exemption may apply if the Premier League decides to share certain Personal Data with some of the organisations described below. Even so, the Premier League must do as much as it can to comply with usual requirements of the UK GDPR and/or Act and should only disclose the Personal Data that is necessary for the (a) or (b) purposes described above, and the Premier League should not assume that all the Personal Data they hold is exempt.

Disclosure of Anonymised Data

7.4 The Premier League may share information with other stakeholders as part of its wider efforts to support and promote the Commitment and to prevent online abuse and to take action in respect of such abuse. Where the Premier League shares information with other stakeholders, it shall do so on an anonymous basis only.

Third parties which the Premier League shares Personal Data with

7.5 In order to successfully implement the Commitment, it is necessary for the Premier League to share Personal Data with third party organisations. The Premier League both sends and receives Personal Data from third parties. Below is an indicative list of the third parties with which the Premier League shares Personal Data. The list is not intended to be exhaustive.

Players, Related Persons and Clubs

The Premier League will receive from and share with the Clubs and relevant Players and Related Persons certain Personal Data relating to any Respondents alleged to have engaged in any Prohibited Activity, any Participant who has been the subject of any
Prohibited Activity and any individuals who may have been witness to or can otherwise provide information relating to that Prohibited Activity.

The Premier League shares only limited information with the relevant Club, Player and/or Related Persons. Due care and consideration by reference to this Policy and Data Protection Laws should still be given each time the Premier League wish to share Personal Data to ensure that such Processing is in compliance with the Data Protection Principles and the Data Protection Laws.

**Athletia**

Athletia are the agency which the Premier League has appointed to conduct keyword searches of social media platforms in order to identify abusive material aimed at Participants and to scrape copies of that material and retain it in Athletia’s password-protected database, under the Protocol. This may become relevant to certain Prohibited Activities investigated under or in connection with the Commitment.

The Premier League and Athletia have a contract in place with adequate data protection provisions, however, due care and consideration by reference to this Policy and data Protection Laws should still be given each time the Premier League and Athletia share data in relation to the Commitment to ensure such transfer will be lawful.

**Social Media Platforms (e.g. Twitter and Instagram)**

Under the Commitment and the Protocol, Athletia and/or the Premier League will contact social media platforms when abusive material aimed at Participants has been identified on the platform in order to ensure the expeditious removal of such material.

**FA, EFL, Kick It Out and other stakeholders**

Under the Commitment and the Protocol, the Premier League may share information with the FA and the EFL who are conducting their own similar initiatives against discrimination, racism and abuse in football. The Premier League has a data sharing agreement in place with both organisations.

There may also be engagement with Kick It Out the charitable organisation which champions equality and inclusion in English football. Such reports and engagement may but will not usually include Personal Data.

**Law Enforcement Authorities**

In appropriate cases, reports and evidence containing Personal Data may be passed to law enforcement authorities (in the UK and abroad) to take separate action. It may be necessary to share Personal Data with law enforcement authorities overseas where no other action is otherwise likely to be taken (e.g. in respect of abusive content posted online).
However, care must be taken to ensure that any such disclosure is in accordance with official, formal processes.

Transferring Personal Data outside the EEA

7.8 The UK GDPR restricts data transfers from the UK unless the recipient territory ensures an adequate level of data protection (such as the 27 countries in the EU, and Iceland, Liechtenstein and Norway (the “EEA”); and any countries “whitelisted” through an adequacy decision of the UK/EU). A party transfers Personal Data originating in one country across borders when it transmits, sends, views or accesses that data in or to a different country.

7.9 Accordingly, the Premier League may only transfer Personal Data outside the UK/EEA/whitelisted countries (an “International Transfer”) where the organisation receiving the Personal Data has provided adequate safeguards. The Data Subjects’ rights must be enforceable, and effective legal remedies for Data Subjects must be available following the transfer.

7.10 International Transfers of Personal Data are permitted where necessary or legally required on important public interest grounds, or for the establishment, exercise and defence of legal claims are sent to foreign law enforcement and investigative authorities); however, due care and consideration must be taken before affecting any such transfer. The Data Protection Team must be consulted before effecting any other International Transfer.

8. Security

8.1 The Premier League implements and maintains reasonable and appropriate security measures to ensure the protection of Personal Data, including protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage. The Premier League reviews and revises these controls as appropriate to ensure ongoing security and integrity of Personal Data.

8.2 The PL is developing a secure solution within its existing IT infrastructure for the Processing of Personal Data received in connection with the Commitment.

8.3 As the Commitment evolves and the Premier League’s role in upholding the Commitment matures and develops over time, the Premier League will re-evaluate its approach to data storage to ensure that it complies with the Data Protection Principles.

8.4 Pseudonymisation: This means the Processing of Personal Data in such a manner that it can no longer be attributed to a specific Data Subject without the use of additional information. In the majority of cases, by the nature of the Premier League’s role within the Commitment and the need for identification of Respondents, it will not be practical or appropriate for the Premier League to pseudonymise Personal Data but it should be pseudonymised whenever it is practicable and appropriate.

8.5 Encryption: All electronic documents which contain confidential and particularly sensitive Personal Data are encrypted before being electronically transmitted externally (see Sharing Personal Data below). Large amounts of, or particularly sensitive Personal Data should not be sent via email unless within an encrypted attachment.

8.6 Access Restrictions: Internally, access restrictions are used to ensure that only certain personnel are able to access the documents.
9. **Press Releases**

9.1 The Premier League will publicise certain information regarding the operation of the Commitment through the Premier League’s Policy, Player Care and Communications Teams in support of its aims to prevent abuse and racism in football and challenge discrimination in society more generally. It is likely that this will usually not contain Personal Data but only aggregated and anonymized information. In some cases, however, the Premier League may consider sharing details of investigations and/or legal proceedings which include Personal Data about Respondents (including, potentially, Criminal Offence Data) in order to warn others that the Premier League will take action and to educate/inform the public.

9.2 **Journalism exemption:** Where the following criteria are met, there is an exemption from complying with an extensive list of obligations under the UK GDPR and Act:

9.2.1 The Personal Data in question must be being Processed with a view to the publication of journalistic material;

9.2.2 The Premier League (as Controller) must reasonably believe that, having regard in particular to the special importance of the public interest in freedom of expression, publication would be in the public interest; and

9.2.3 The Premier League (as Controller) must reasonably believe that the application of the data protection obligation would be incompatible with its journalistic purpose.

9.3 While this exemption is likely to apply in principle, the Premier League's Data Protection and Legal Teams must be consulted to ensure that each press release or other communication (and its content) is appropriate and legally compliant, including by not including unnecessary and/or excessive amounts of Personal Data, but also in relation to a range of other related issues such as defamation, contempt and the tort of misuse of private information.

10. **Compliance with the Data Protection Principles**

10.1 **ACCOUNTABILITY**

The Premier League has put in place appropriate technical and organisational measures to meet and demonstrate compliance with the Data Protection Principles, including by:

(a) the appointment of a data protection lead and the establishment of a team to oversee compliance with the Data Protection Laws;
(b) taking a ‘data protection by design and default’ approach to its activities;
(c) maintaining records of its Processing activities, and ensuring that these are provided to the Information Commissioner on request;
(d) adopting and implementing data protection policies and other internal processes (including the Internal Policy, Player Policy, Data Retention Policy and Security Policy);
(e) implementing security measures appropriate to the Personal Data collected by the Premier League;
(f) carrying out an LIA where appropriate to ensure that the Premier League meets its obligations under the accountability principle; and
(g) carrying out a DPIA for any high risk Processing activities.

The Premier League regularly reviews these measures, and takes steps to update or amend them if appropriate.
10.2 **PRINCIPLE (A): LAWFULNESS, FAIRNESS AND TRANSPARENCY**

The Premier League will only Process Personal Data fairly and lawfully and for specified purposes. The Premier League makes appropriate information available with respect to its Processing activities:

(a) in its Internal Policy;
(b) in any existing privacy policies published for specified purposes, such as the Player Policy; and
(c) in other fair Processing and privacy notices and guidelines that apply to specific Processing activities, including the Commitment Privacy Notice posted on its website.

The legal grounds and specific Processing conditions relied on for the Processing is clearly identified and documented in Section 3 above.

10.3 **PRINCIPLE (B): PURPOSE LIMITATION**

The Premier League will only Process Personal Data for specified and limited purposes. The Premier League will not use Personal Data for new, different or incompatible purposes from those disclosed in its policies and notices (set out above) unless it has informed the Data Subject of the new purposes or the Data Subject has consented where necessary/appropriate (which will only be appropriate in limited circumstances in the context of the Commitment).

10.4 **PRINCIPLE (C): DATA MINIMISATION**

The Premier League will only collect, generate and/or disclose the minimum of Personal Data required for the relevant purposes. The Premier League takes steps to ensure that it does not collect excessive Personal Data, and that the Personal Data that is collected is adequate and relevant for the intended purposes. Where appropriate, the Premier League shall also ensure that contractual obligations are put in place with any third party.

10.5 **PRINCIPLE (D): ACCURACY**

The Premier League takes steps to ensure that all Personal Data that it holds and uses is accurate, complete, kept up-to-date and relevant to the purpose for which it is collected. The Premier League will generally erase or rectify any Personal Data which, having regard to the purpose for which it is being Processed, it has identified is inaccurate or out-of-date. Data Subjects are made aware of their rights to request correction or erasure of inaccurate data through the Premier League’s policies and Processing notices (set out above). The Premier League maintains records of any decisions not to erase or rectify Personal Data (including where such rights do not apply due to the legal basis for the Processing).

10.6 **PRINCIPLE (E): STORAGE LIMITATION**

To the extent that it is possible to do so, in the context of the purposes of the Processing, the Premier League shall conduct its Processing activities on an anonymised basis. The Data Protection Laws do not apply to Personal Data rendered anonymous in such a way that the Data Subject is genuinely no longer identifiable to the Premier League or any third party. Where Personal Data is truly anonymised (for example, aggregated data used to generate statistics and produce research reports) the Premier League can continue to keep and use this data indefinitely (and without further notice to the Data Subjects).

Where it is not possible to anonymise data, the Premier League only keeps Personal Data in an identifiable form for as long as is necessary for the purposes for which it was collected, or where it has a legal obligation to do so. The Premier League’s procedures in respect of data retention are set out in Section 6 above.
Data Subjects are made aware of their rights to request correction or erasure of inaccurate data through the Premier League’s policies and fair Processing notices (set out above).

10.7 **PRINCIPLE (F): INTEGRITY AND CONFIDENTIALITY**

The Premier League implements and maintains reasonable and appropriate security measures to ensure the protection of Personal Data, including protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage. These measures are deployed after a DPIA and under the oversight of the Data Protection Lead. The Premier League reviews and revises these controls as appropriate to ensure ongoing security and integrity of Personal Data.

The Premier League will implement safeguards to ensure that data is Processed securely and pseudonymised or anonymised wherever possible, thus minimising the impact to individuals (and sometimes removing the risk entirely).

In addition, the Premier League limits access to Personal Data to those employees, contractors and other third parties who have a business need to know and who are subject to a duty of confidentiality.

Where the Premier League engages a third party in connection with the Commitment, the Premier League shall ensure that security and confidentiality commitments will also be addressed contractually within template Controller-Controller or Controller-Processor terms (as relevant) and other services agreements as appropriate.

**Last Review Date:** 1 July 2021  
**Next Review Date:** 1 July 2022

**Reviewed by:** Evan Ray (Head of Legal – Commercial & Compliance, Premier League)
### APPENDIX 1
#### LEGITIMATE INTERESTS ASSESSMENT

### Part 1: Purpose Test

Assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn’t go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

### Part 2: Necessity Test

Assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

Part 3: Balancing Test

You need to consider the impact on individuals’ interests and rights and freedoms and assess whether this overrides your legitimate interests. If the processing is likely to result in a high risk to individuals a Data Protection Impact Assessment (DPIA) must be completed instead, to assess risks in more detail (see the PLIDPP for further guidance). Where a DPIA is required you must consult the Premier League Data Protection Team.

Nature of the Personal Data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly ‘private’?
- Are you processing children’s data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?
Reasonable expectations
- Do you have an existing relationship with the individual?
- What’s the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

Likely impact
- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?
Can you offer individuals an opt-out?  

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### Part 4: Decision

Use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

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<th>Can you rely on legitimate interests for this processing?</th>
<th>Yes / No</th>
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Do you have any comments to justify your answer? (optional)

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APPENDIX 3
PREMIER LEAGUE COMMITMENT REGARDING ABUSIVE AND DISCRIMINATORY CONDUCT