

Privacy Notice for the Sethi Investigation

1. ABOUT THE SETHI INVESTIGATION

- 1.1 The Sethi Investigation (the "**Investigation**") is an independent investigation that will investigate allegations of discrimination or harassment caused by any act or omission of Yorkshire County Cricket Club. The specific matters that the Investigation will investigate can be found in its Terms of Reference which will be available at <https://www.yorkshireccc.com/whistleblower> ("**Terms of Reference**").

2. ABOUT THIS PRIVACY NOTICE

- 2.1 This Privacy Notice sets out how the Investigation collects, retains and processes your personal data and what your rights are over your personal data.
- 2.2 The Investigation is a Controller of your personal data.

3. COLLECTION OF PERSONAL DATA

- 3.1 The Investigation will collect and process personal data that is provided to it including via the whistle-blowing email Yorkshireccc@whistleblowerhotline.co.uk and personal data that is submitted to it in response to any request for further information by the Investigation.
- 3.2 This means that the Investigation processes personal data about each person who contacts or provides evidence to the Investigation and personal data about other individuals who are identified in the allegations or evidence.
- 3.3 The Investigation will only investigate within its Terms of References.

4. TYPES OF PERSONAL DATA COLLECTED

- 4.1 The personal data collected and processed in relation to the Terms of Reference include:
- 4.1.1 *Biographical information:* such as name, email address, home address, telephone number, date of birth and historical information such as any former name or contact details.
- 4.1.2 *Employment information:* such as job title, job description, employment history, disciplinary information.
- 4.1.3 *Special category personal data:* such as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
- 4.1.4 *Offences data:* such as personal data relating to criminal convictions, offences and alleged offences.
- 4.2 The Investigation may collect and process personal data about children.

5. LAWFUL BASIS FOR PROCESSING THE PERSONAL DATA

- 5.1 The lawful basis relied upon by the Investigation to process personal data include:

- 5.1.1 *Article 6(1)(f) UK GDPR:* Processing is necessary for purposes of the legitimate interests pursued by the Investigation or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the individual. Please see below for further information about what these legitimate interests are.
- 5.1.2 *Article 6(1)(c) UK GDPR:* Processing is necessary to comply with a legal obligation.
- 5.1.3 *Article 6(1)(a) UK GDPR:* Where the individual has given consent to the processing of his or her personal data. This lawful basis is only relied upon where it is appropriate to do so.

5.2 Where the personal data is a type of special category of personal data, the Investigation processes it for the following lawful bases in addition to one or more of the lawful bases above:

- 5.2.1 *Article 9(1)(g) UK GDPR:* Processing is necessary for reasons of substantial public interest, being:
 - (a) Processing is necessary for the purposes of measures designed to protect the integrity of a sport (Schedule 1, Paragraph 28 Data Protection Act 2018).
 - (b) Processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct (Schedule 1, Paragraph 12 Data Protection Act 2018).
 - (c) Processing is necessary for the purposes of the detection of an unlawful act (Schedule 10, Paragraph 10 Data Protection Act 2018).
- 5.2.2 *Article 9(1)(b) UK GDPR:* Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the Investigation or of the individual in the field of employment and social security and social protection law.
- 5.2.3 *Article 9(1)(e) UK GDPR:* Processing relates to personal data which are manifestly made public by the individual.
- 5.2.4 *Article 9(1)(a) UK GDPR:* Where the individual has provided their explicit consent. This lawful basis is only relied upon where it is appropriate to do so.

Legitimate Interests

- 5.3 The Investigation's legitimate interests for processing personal data under Article 6(1)(f) UK GDPR include:
 - 5.3.1 To enable complaints of discrimination or harassment caused by any act or omission of Yorkshire County Cricket Club to be lodged with an independent investigator.
 - 5.3.2 To enable the independent investigation to be conducted in accordance with the Terms of Reference.
 - 5.3.3 To enable the Investigation to make findings of fact and determinations in respect of the allegations raised in the complaints.
 - 5.3.4 To make recommendations as considered appropriate.

6. PURPOSES OF PROCESSING THE PERSONAL DATA

6.1 The Investigation processes personal data for the following purposes:

- 6.1.1 To identify whether allegations fall within its Terms of Reference.
- 6.1.2 To examine allegations and investigate those that are within its Terms of Reference.
- 6.1.3 To conduct interviews with individuals who have made allegations or who are named in or are relevant to allegations investigated.
- 6.1.4 To request further information from individuals who have made allegations, are the subject of allegations or may have been witnesses to events giving rise to the allegations.
- 6.1.5 To decide on the allegations that it investigates, which may include publishing findings and/or recommendations.
- 6.1.6 To comply with the law or a regulatory requirement.

7. DISCLOSURES OF PERSONAL DATA

7.1 Personal data provided to the Investigation may be processed by or made available to:

- 7.1.1 The lead investigator (Mohinderpal Sethi QC of Littleton Chambers) and the legal team assisting with the Investigation.
- 7.1.2 Individuals who have made allegation(s) or are named in allegation(s) and Yorkshire County Cricket Club, but only where it is appropriate in order for the Investigation to properly investigate or if required to make such information available by law.
- 7.1.3 Third party processors who provide services to the Investigation (such as IT support services).
- 7.1.4 Legal, regulatory, judicial and law-enforcement agencies with whom the Investigation may need to share personal data in order to comply with the law or a regulatory requirement.

7.2 Personal data provided to the Investigation will be kept confidential by the Investigation and used in accordance with this Privacy Notice. Due to the nature of the matters being investigated, information provided to the Investigation may be made public if the Investigation considers that publication is appropriate with regards to its Terms of Reference.

7.3 Information published by the Investigation will usually be published on an anonymous basis. If the Investigation considers it appropriate for an individual who is subject to a complaint to be named within the information that it publishes, the Investigation will seek to inform the individual.

8. KEEPING PERSONAL DATA SECURE

8.1 The Investigation has put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. The Investigation limits access to personal data to those individuals and processors who have a need to know the personal data in order for the Investigation to conduct its work. Where personal data is provided to a third-party processor of the Investigation, those processors are only permitted to process your personal data on the instructions of the Investigation and they are subject to a duty of confidentiality.

8.2 The Investigation may deal with complainants who are outside of the UK. Personal data will not otherwise be transferred outside of the UK.

9. DATA RETENTION

9.1 Personal data will be processed by the Investigation for as long as it is necessary to fulfil the purposes for which the personal data was collected. This may include for the purposes of complying with the law or any regulatory requirement and for the full duration of any limitation period that may apply to the matters considered by the Investigation. After this time personal data will be deleted.

10. YOUR RIGHTS

10.1 Your personal data belongs to you and you have a number of rights over it. You can:

10.1.1 Ask for details of the personal data that the Investigation holds and process about you (usually this is called a subject access request).

10.1.2 Ask that any inaccurate information that the Investigation holds about you is corrected.

10.1.3 Ask that that the Investigation deletes personal data that it holds about you.

10.1.4 Ask that that the Investigation stops using your personal data for certain purposes.

10.1.5 Ask that that the Investigation does not make decisions about you using completely automated means.

10.1.6 Withdraw your consent (where consent is a lawful basis used for processing).

10.1.7 Ask that that the Investigation gives you a copy of the personal data that it holds about you, or (where it is technically feasible for that the Investigation to do so) that it gives this personal data to a third party chosen by you, in a commonly-used, machine-readable, format.

10.2 These rights are not available to everyone all of the time. Some are subject to exemptions, and so the Investigation may not always be able, or required, to comply with your request to exercise these rights. For more information about your rights please read: www.ico.org.uk/for-the-public/is-my-information-being-handled-correctly/

10.3 To exercise your rights please contact the Investigation using the contact details below. Please provide as much information as you can so that the Investigation can respond. Sometimes the Investigation may need proof of your identity (for example, your passport or driving licence) before it can fully respond so that it can be sure it is giving the correct personal data to the correct individual.

10.4 The Investigation usually responds to data subject requests within one month, but it can take longer if your request is particularly complex or if you have a number of requests. You will not usually have to pay a fee, but the Investigation reserves the right to charge a fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, the Investigation may refuse to comply with your request.

11. **QUESTIONS & COMPLAINTS**

11.1 If you have any questions, comments or complaints about this privacy notice or its contents, please contact: YCCCprivacy@whistleblowerhotline.co.uk.

11.2 If you would like to raise a complaint about discrimination or harassment suffered as a result of an act or omission of Yorkshire County Cricket Club please submit your complaint by emailing Yorkshireccc@whistleblowerhotline.co.uk rather than using the email address above.

11.3 You have the right to complain to the Information Commissioner's Office if you are unhappy with how the Investigation collects and uses your personal data. You can contact the Information Commissioner's Office using the details below:

Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Email: icocasework@ico.org.uk

Telephone: 0303 123 1113.

Website: <https://ico.org.uk/make-a-complaint/>

Last updated: 14 November 2021