

# **Preston Swimming Club Privacy Policy**

## **Appendices**

### **Contents:**

**Appendix 1: Wording for acknowledgement of receipt of Privacy Policy for new members**

**Appendix 2: Preston Swimming Club Summary of Privacy Policy**

**Appendix 3: Wording to be used for gala information**

**Appendix 4: How to guide: Data Protection Act 2018**

## Appendix 1:

### Wording for acknowledgement of receipt of Privacy Policy for new members

#### Privacy Notice:

**To become a member of Swim England (SE) and Preston Swimming Club, SE and Preston Swimming Club will collect certain information about you which will include: Name, Date of Birth, Address, Telephone Number, Email Address, Medical Information, ASA number, previous club affiliation.**

I acknowledge the above statement and receipt of the "Summary of Privacy Policy" from Preston Swimming Club. I consent to the holding and processing of my data for the purposes outlined in both the summary and full Privacy Policies. I understand that if, at any time, I wish to have my personal details/data removed from that stored by Preston Swimming Club, I may contact the Membership Secretary in writing asking for removal of my data. I acknowledge that I can access the full Privacy Policy online at [www.swimpreston.co.uk](http://www.swimpreston.co.uk) or by contacting the Club Secretary.

Name of Member:.....Date:.....

Signature of member .....  
or parent/guardian (if under 18 yrs of age)

Name of parent/guardian (if applicable).....

## **Appendix 2:**

### **Preston Swimming Club**

#### **Summary of Privacy Policy**

##### **Introduction:**

This document is a summary of the Club's Privacy Policy. The full Privacy Policy is available on the club website or by request to the Club Secretary (details below).

##### **Collecting your information:**

We typically collect personal information about our members when you apply to become a member of the club, when you take part in a competition, when you volunteer for us, when you purchase products and services from us, when you make a query and/or complaint or when you correspond with us by phone, e-mail or in some other way.

In becoming a registered athlete, coach, official or volunteer, you will provide certain information to third parties including Swim England, Swim England North West, Institute of Swimming, and British Swimming. This information may be shared with us.

##### **Personal information we may collect from you:**

Depending on the type of membership you register for with us, you may initially provide us with or we may obtain **personal information** about you, such as information regarding your:

- personal contact details that allows us to contact you directly such as name, title, email addresses and telephone numbers;
- date of birth;
- gender;
- membership start and end date;
- records of your interactions with us such as telephone conversations, emails and other correspondence and your instructions to us;
- any credit/debit card and other payment details you provide so that we can receive payments from you and details of the financial transactions with you;
- details of next of kin, family members, coaches and emergency contacts;
- further information as listed in the full Privacy Policy.

For some of your personal information, you have a legal, contractual or other requirement or obligation to provide us with your personal information. If you do not provide us with the requested personal information we may not be able to admit you as a member or we may not be able to properly perform our contract with you or comply with legal obligations.

You can withdraw your consent and request erasure of your data at any time prior to the completion of your membership application which you may do by contacting us as described above. Where you have given us your consent to use your personal information in a particular manner, you have the right to withdraw this consent at any time, which you may do by contacting the Club Secretary, in writing.

### **Disclosure of your personal information:**

Personal information may be shared with the following:

- Any party approved by you;
- To the governing body (Swim England) or regional body (Swim England North West) or county affiliation to allow them to properly administer the sport on a local, regional and national level;
- Other service providers and advisors: for example, email marketing specialists, payment processes, professional advisors, data analysis and IT services (including CRM, website, video and teleconference services);
- To other agencies as outlined in the full Privacy Policy.

### **Your rights in relation to personal information:**

You have the following rights in relation to your personal information:

- The right to be informed about how your personal information is being used;
- The right to access the personal information held about you;
- The right to request the correction of inaccurate personal information held about you;
- The right to request the erasure of your personal information in certain limited circumstances;
- The right to restrict processing of your personal information where certain requirements are met;
- The right to object to the processing of your personal information;
- The right to request the transfer of elements of your data either to you or another service provider;
- The right to object to certain automated decision-making processes using your personal information.

You should note that some of these rights, for example the right to require us to transfer your data to another service provider or the right to object to automated decision making, may not apply.

Whilst this privacy notice sets out a general summary of your legal rights in respect of personal information, this is a very complex area of law. More information about your legal rights can be found on the Information Commissioner's website at <https://ico.org.uk/for-the-public/>

To exercise any of the above rights, or if you have any questions relating to your rights, please refer to the full Privacy Policy which is available at [www.swimpreston.co.uk](http://www.swimpreston.co.uk) or contact the Club Secretary at [pscsecretary02@gmail.com](mailto:pscsecretary02@gmail.com).

### **Appendix 3:**

#### **Wording to be used on gala information:**

*“In order to run this competition we have a legitimate interest in the holding of personal information. Entries to the meet will be held on computer and consent, as required by the Data Protection Act 2018 will be deemed to have been given by the submission of an entry. You agree that we may publish your Personal Information as part of the results of the competition.*

*Your information will only be shared in relation to your participation in the event, e.g. the list of entrants, results and event reports and may be shared on the Swim England/Swim England North West/Club website, social media pages or in emails sent by the organiser. We may pass such information to the governing body or any affiliated organisation for the purpose of insurance, licences or for publishing results either for the event alone or combined with or compared to other events. Information may include but not be limited to name, club affiliation, race times, age category and para swimming classification(s).”*

## **Appendix 4:**

### **How to Guide – Data Protection Act 2018**

#### **Introduction**

The purpose of this guide is to help clubs, associations, local leagues and counties:

- to understand what the new data protection laws requires
- to provide practical steps to achieve compliance

Data protection is a complex area, and this guide is not intended to give every answer to every scenario or question, it is, however, a starting point.

#### **What is the General Data Protection Regulations (GDPR)?**

Changes in the last 2 decades with regards to organisations use of technology, and how organisations used and processed personal data have forced the European Union (EU) to review the old legislation and bring them up to speed with the modern era. The EU's General Data Protection Regulation (GDPR) raises the standards for processing personal data, to strengthen and unify protection for individuals across the EU. The new legislation (Data Protection Act 2018) came into force in the UK on 25<sup>th</sup> May 2018 and will exist post Brexit.

The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government and is the UK's implementation of the EU's General Data Protection Regulations (GDPR).

**Everyone** responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit and legitimate purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There have been previous Data Protection Acts and theoretically all swimming clubs should have been compliant with these, but the reality was that it was probably not very high on a club's radar and may well have been overlooked. The high profile of GDPR/Data Protection Act means that the situation is very different now and as a result it is important that all clubs are aware of the new legislation and act in accordance with it. **If you collect any personal data in running your**

## **club (which you will do if you have any members) then the Data Protection Act 2018 applies to you.**

Aquatic Clubs and Swim England collect and process a wide range of personal data on athletes, their parents, coaches and volunteers.

- details of next of kin, family members, coaches and emergency contacts;
- records and assessment of any swimmer rankings, competition results, details regarding galas attended and performance.

### **Key Terms in GDPR**

Personal Data – is any information that can be used to identify an individual. This could be anything from name, address, email address, phone numbers, details of next of kin, family members, emergency contacts, records and assessment of any swimmer rankings, competition results, through to more sensitive types of data including ethnicity, disabilities, photographs, videos and medical information.

Personal data can be held in many places, such as membership databases, club spreadsheets, committee minutes, disciplinary judgements, membership application forms, DBS checks for example.

Personal data may be held by a club in paper form or on a computer at an individuals' home.

Data Subject – This is an individual; so for clubs this would be athletes, coaches, volunteers, technical officials, parents and guardians.

Data Controller – This is the person or organisation that determines when, why and how to process personal data and is responsible for establishing practices and policies in line with the Data Protection Act.

A Data Controller does not have to be a person but can be an organisation. For most clubs the Data Controller can generally be defined as the club itself, however, clubs will invariably have some members who will also be data controllers as part of their duties.

*Examples: Regional Management Board (for Swim England North West), Club committee, Membership Secretary, Treasurer.*

Data Processor – This is the individual who processes data on behalf of the Data Controller (which could be the organisation). This could be a membership management database in which clubs will process data such as membership information on behalf of Swim England.

The Data Controller decides the purpose and manner to be followed to process the data, while Data Processors hold and process data, but do not have any responsibility or control over that data.

Note however, that it is also possible and likely that a Data Controller may also be a Data Processor.

Lawful Processing – Data protection law requires you to rely on one or more lawful grounds to process personal information i.e. you must have a legitimate reason depending upon circumstances; these could be:

- where you have given your consent
- where it is necessary for the performance of a contract (e.g. a membership contract)
- where it is required to comply with a legal or regulatory obligation (e.g. if a club employs a coach)
- where it is necessary to protect the vital interests of any individual (e.g. in the case of medical emergency or a safeguarding issue which requires sharing information with the emergency services)
- where we have a valid legitimate interest (e.g. retaining athlete performance data, membership details, handling complaints, attendance on courses)

Subject Access Request – This is a request from an individual to the club to find out what information you hold on them (right of access). They also have the right to request that you change or permanently remove any details that you hold on them.

Breach – This is the loss of information. This could come from a hacker or physically losing files/folders.

## Frequently Asked Questions

### Does GDPR apply to our club?

YES! The Data Protection Act applies to anyone who controls or processes data. In essence, if you collect any personal data in order to run your club, no matter what size club you run, the new law applies to you.

### What are the key things to consider?

- Process data securely
- Update regularly and accurately
- Limit what data the club collects (only collect what is necessary)
- Use data only for the purpose for which it is collected
- Only use marketing purposes when an individual has provided consent for the club to do so.

### What information are we required to communicate?

It is important that you communicate with your members about how and what you do with their data at the point you collect it.

*To become a member of Swim England (SE) and [Club], SE and [Club] will collect certain information about you which will include:*

Name, Date of Birth, Address, Telephone Number, Email Address, Medical Information, ASA number, previous club affiliation.

### Do we need to notify the ICO?

As a small not for profit association with a limited range of data processing activities clubs are exempt from registration with the Information Commissioner's Office ('ICO')

### How do Subject Access Requests work?

Subject access requests (request for copies of personal data from individual club members) will need to be responded to within one calendar month. It is also no longer possible to charge £10 for dealing with the request. It is important for clubs to keep a log of how and when they respond to a subject access request.

### What are our obligations?

There will be direct obligations on data processors as well as on data controllers. This may mean that if you use any third parties to process data e.g. hosting of you website, then you must have a written contract in place, and these are likely to be negotiated and drafted in favour of your processors.

### What are the fines if we are not compliant?

Currently the highest fine the ICO can levy is £500,000 Under the new GDPR they will be able to issue fines up to 20 million euros or 4% of the clubs global annual turnover (whichever is higher) for serious breaches. The fine could be 10 million euros or 2% of your global annual turnover (whichever is higher) for less serious breaches. These fines are designed to ensure larger commercial organisations comply, but penalties exist for all sizes of organisations. The more members the organisation has the greater the risk.

### What am I required in order to gain consent?

Consent is much harder to achieve. If you rely on consent from individuals to use their personal data in certain way e.g. to send marketing emails, then there are additional requirements to comply with. For example, if you currently have one opt in box to 'marketing information by email, post and SMS' under the new regulations, 'email, post and SMS' would have to be separated out and have an opt in option for each of them.

### How long should I retain data for?

Retention policies need to be clear. You can't keep data for longer than necessary for the purpose for which it was collected. You will need to inform people how long you will keep their personal data and you can't keep it indefinitely. For example, a member may not have renewed their membership for 4 years, how likely is it that they will return? If the answer is 'unlikely' then their core data should be deleted, or their record anonymised after that time.

### What happens if there is a breach of data?

You will only have 72 hours from being aware of the breach to report it to the ICO, compared to the previous Data Protection Act, where there was no obligation to report breaches. For example, if membership secretary holds the membership data on their laptop and it is not encrypted and get stolen, or the club keeps records in paper format and these either go missing or are stolen – the data is now at risk and a breach would have to be reported. As a club you need to ensure that personal

data is held securely e.g. that electronic documents are encrypted, and password protected and that they are backed up on a regular basis, or in the case of holding information on a paper format that the information is secured in a locked filing cabinet. You also need to ensure that volunteers can identify when a breach has happened and that they know what they should do and who they should talk to.

### Data Transfer

One of the principles of the Data Protection Act (1998) and the new Data Protection Act (2018), you can only process data for the purpose for which it is collected. This means that if you collect a name and contact details of an individual, so that they can become a member of your club, you can't simply use that information to allow other bodies (e.g. club sponsor) to contact them for marketing purposes. You also need to tell people when they join your club if you are going to transfer their data, for example to Swim England.

### What Privacy or Data Capture Statements are required?

When individuals provide you with their details, make sure you are clear and transparent about why you have it and what you will do with their information. This means you need to make sure that you have the right to capture statements to present to individuals when they give you their personal details.

### Do I need to document whether information is held electronically or by paper records?

Personal data can be collected manually and stored in files as a hard copy, however this still has to be managed in accordance with the data protection regulations. Some legislation is more difficult to implement in relation to paper copies. For example, privacy of data is key, paper copies can get into the wrong hands and therefore easily become a data breach. Transportation of data in any format (including paper) should be seen as a threat to information security.