



# GDPR DOCUMENT

## **EVERTON SWIMMING ASSOCIATION**

Version updated January 2020

# GDPR REGULATION

## EXPLANATION

### General Data Protection Regulation

- Law – 25th May 2018
- Why – To protect the privacy of any EU citizen and that the law is consistent across countries
- What is classed as data
  - Identifiable data such as names and addresses, social media names, location and religious or ethnic information.
- Data rules with GDPR
  - Transparency – All members need to know that Everton SA will keep private information about its members
  - Purpose Limitation – The data will only be kept by Everton and not shared to third parties
  - Accuracy – The data held will be accurate and current only
  - Data Storage Data will be kept for the length of time a person is a member of Everton.
  - Any person who has left will have their data disposed of, unless required to be kept for legal reason (club dispute etc)
  - Any data over 7 years unless legally required, should be deleted.
- Integrity and confidential
  - All data should be kept private, preferably in a password protected file.
  - If hard copies are kept they should be in a secure file.
- Any new member joining the club should sign a disclaimer to acknowledge that data about them will be stored by the club.
- An organisation only needs to designate a Data Protection Officer if the organisation holds personal health records, NI numbers or is a public authority or if a limited company with 250 employees. Everton do not need a DPO.
- Data breaches need to be identified within 72 hours and reported to the person in question. It then has to be reported to the EU Mandatory Board – ICO (Information Commissioners Office)

# GDPR REGULATIONS

## Who Is Accountable?

- Under GDPR, accountability extends to anyone who collects, manages and stores information on the people who use your sports club.
- This is applicable not only to the data controller, who is the person responsible for the overall management of data but also to data processors.
- A data processor might be a staff member or volunteer in your club, or it could be an external party, such as a website host or data storage platform who you pay to manage your club's data collection and storage.

## Privacy and Data Management Declaration

Your sports club will most likely have a standard statement on the data collection forms you currently use, but under GDPR you must ensure that any statements are wholly explicit in why you have personal data, what you intend to do with it as well as providing adherence to the individual's right to privacy.

If you think your statement needs adjustment to factor in these elements, then act as soon as possible to effect these changes.

# MEMBERSHIP NOTICE

## SPECIAL CATEGORIES OF PERSONAL INFORMATION

We may also collect, store and use the following “special categories” of more sensitive personal information regarding you:

- information about your race or ethnicity, religious beliefs and sexual orientation;
- information about your health, including any medical condition, health and sickness records, medical records and health professional information; and
- biometric information about you, for example fingerprints, retina scans.

**We may not collect all of the above types of special category information about you. In relation to the special category personal data that we do process we do so on the basis that:**

- the processing is necessary for reasons of substantial public interest, on a lawful basis;
- it is necessary for the establishment, exercise or defence of legal claims;
- it is necessary for the purposes of carrying out the obligations and exercising our or your rights in the field of employment and social security and social protection law; or
- based on your explicit consent.

**In the table below, we refer to these as the “special category reasons for processing of your personal data”.**

We may also collect criminal records information from you. For criminal records history we process it on the basis of legal obligations or based on your explicit consent.

## WHERE WE COLLECT YOUR INFORMATION

We typically collect personal information about our volunteers through the application process, either directly from you, or sometimes from a third-party agency such as 'Representatives of other swimming clubs during gala's and staff members at Liverpool University'. We may sometimes collect additional information from third parties including former clubs or other organisations you may have volunteered for or via background check agencies. We will also collect additional personal information throughout the period of you volunteering for us and when you make a query and/or complaint or when you correspond with us by phone, e-mail or in some other way

We also may collect personal information about you from any third party references you provide as part of the application process for becoming a volunteer or from any feedback provided to us about your performance as a volunteer.

If you are providing us with details of referees, next of kin, beneficiaries, family members and emergency contacts they have a right to know and to be aware of how what personal information we hold about them, how we collect it and how we use and may share that information.

Please share this privacy notice with those of them whom you feel are sufficiently mature to understand it. They also have the same rights as set out in the "**Your rights in relation to personal information**" section below.

These include Direct Debit bank details and names and addresses of members of Everton Swimming Association.

# MEMBERSHIP NOTICE

## Disclosure of your PERSONAL information

- We share personal information with the following parties:
  - **Any party approved by you.**
    - To any governing bodies or regional bodies for the sports covered by our club: to allow them to properly administer the sports on a local, regional and national level.
  - **Other service providers:** for example, email marketing specialists, payment processors, data analysis, CCTV contractors and IT services (including CRM, website, video- and teleconference services);
  - **Our Commercial Partners:** for the purposes of providing you with information on any tickets, special offers, opportunities, products and services and other commercial benefits provided by our commercial partners as part of your membership package] [where you have given your express consent for us to do so][Delete as applicable
  - **The Government or our regulators:** where we are required to do so by law or to assist with their investigations or initiatives.
  - **Police, law enforcement and security services:** to assist with the investigation and prevention of crime and the protection of national security.
- Providing references to future employers or organisations you may wish to volunteer for.
- We do not disclose personal information to anyone else except as set out above.

# MEMBERSHIP NOTICE

## 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 we hold about you;
  - the right to request the correction of inaccurate personal information we hold 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 that we transfer 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 as they have specific requirements and exemptions which apply to them and they may not apply to personal information recorded and stored by us. For example, we do not use automated decision making in relation to your personal data. However, some have no conditions attached, so your right to withdraw consent or object to processing for direct marketing are absolute rights.

## MEMBERSHIP NOTICE

- To exercise any of the above rights, or if you have any questions relating to your rights, please contact us by using the details set out in the “**Contacting us**” section below.
- If you are unhappy with the way we are using your personal information you can also complain to the UK Information Commissioner’s Office or your local data protection regulator. We are here to help and encourage you to contact us to resolve your complaint first.

## CHANGES TO THIS NOTICE

- We may update this privacy notice from time to time. When we change this notice in a material way, we will update the version date at the bottom of this page. For significant changes to this notice we will try to give you reasonable notice unless we are prevented from doing so. Where required by law we will seek your consent to changes in the way we use your personal information.

## CONTACTING US

In the event of any query or complaint in connection with the information we hold about you, please email [[EvertonSAcomplaints@hotmail.com](mailto:EvertonSAcomplaints@hotmail.com)]



# GDPR CONSENT

## EVERTON SWIMMING ASSOCIATION

### Asking for Consent

- We have made the request for consent obvious, and separate from our T&Cs.
- We have asked people to positively and actively opt in (tick to click!)
- We have used plain, clear language which is easy to understand.
- We have clearly specified why we want the data and what we will do with it.
- We have named our organisation and any third parties which will receive the information.
- We have told individuals that they can withdraw their consent. (All requests have a month to be carried out).
- We have ensured that individuals can refuse to give consent and we will not make consent a precondition of a service.

### Recording Consent

- We have kept a record of when and how we got consent from the individual.
- We have kept a record of exactly what they were told at the time.

### •Managing Consent

- We regularly review consent to check that the relationship, the processing and the purpose has not changed.
- We make it easy for individuals to withdraw consent at any time and we have publicised how to do so.
- We act on withdrawals of consent as soon as we can and we do not penalise individuals who wish to withdraw their consent.
- Note: This is intended to provide an overview of GDPR and is not a definitive statement of the law. For a definitive guide,

# GDPR GUIDANCE

## GDPR Compliance Questionnaire

- The Sport and Recreation Alliance has produced a range of resources, advice notes and templates to help you on your journey towards compliance with the General Data Protection Regulation (GDPR).
- This compliance questionnaire is designed to help you ask the right questions as you think about how your organisation uses personal data and whether you comply with GDPR.
- The checklist of things to consider within each section should be seen as suggestions of measures and processes that might be relevant for your organisation to consider, rather than as an exhaustive list; the more broadly you can think about each question, the more helpful this questionnaire will be.

## LEGAL INFORMATION

### Erasure of personal data

- In compliance with the requirements of Article 17 of the GDPR, we can confirm that the following personal data was erased in accordance with your request:

### Recipients of affected personal data

- With regard to the requested erasure of your personal data by third parties, as requested we have taken action with regard to the personal data identified above as follows:
- The following recipients have been notified of the erasure of your personal data:

## LEGAL INFORMATION

### • **Response to your data subject access request dated [•] pursuant to Article 15 of the General Data Protection Regulation (GDPR)**

• We write further to your recent correspondence in respect of the request for a copy of all information about you (“Requested Information”), which is known as a subject access request (“**SAR**”).

• All data relating to the Requested Information is [either held on our IT system or on the local drives of those individuals who have corresponded with you][AMEND/EXPAND AS APPROPRIATE]. We have searched all of these files, our IT system and our e-mail systems [PAPER FILES?] for your personal data in respect of the Requested Information. A copy of this information is enclosed/attached.

• You will note that various documents will have text redacted. Names and identifying particulars of third parties have been redacted to protect third parties’ personal data and also information which is not your personal data or is covered by an exemption (see below) has also been redacted.

• [Some personal data has been omitted for the following reasons (delete if not relevant):

• [It is subject to legal privilege.]

• [It consists of a confidential reference given by us for employment purposes.]

• [It consists of records of intentions in relation to negotiations between us and you, disclosure of which we consider would be likely to prejudice those negotiations.]

• [It consists of health records and we consider that disclosure would be likely to cause serious harm to another person.]]

### **Your rights in connection with personal data**

• You may be interested to know of certain rights that you have in connection with your personal data. In particular, you have the right to correct the personal data that we hold about you or restrict the processing of your personal data under certain circumstances. You may also, under certain circumstances, have the right to object to the processing or to request erasure of your personal data.

• You also have the right to make a complaint to the data protection supervisory authority in the UK, the Information Commissioner. For further information, see the Information Commissioner’s Office website at <https://ico.org.uk/concerns/>.

• We can confirm the following in relation to the personal data existing in the Requested Information on the date when your request was made.

## Restriction of personal data being processed

- In the following cases we have been unable to erase your personal data but have restricted its processing as follows:
- The following data cannot be erased because it must be maintained for the purposes of evidence:

## LEGAL INFORMATION

### Data protection laws

- The Data Protection Act 1998 (“**DPA**”) applies to any personal data that we process, and from 25th May 2018 this will be replaced by the General Data Protection Regulation (**GDPR**) and the Data Protection Act 2018 (“**DPA 2018**”) (together “**Data Protection Laws**”) and then after Brexit the UK will adopt laws equivalent to these Data Protection Laws.
- This Policy is written as though GDPR and the DPA 2018 are both in force, i.e. it states the position as from 25th May 2018.
- The Data Protection Laws all require that the personal data is processed in accordance with the Data Protection Principles (on which see below) and gives individuals rights to access, correct and control how we use their personal data (on which see below).

### Key words in relation to data protection

- **Personal data** is data that relates to a living individual who can be identified from that data (or from that data and other information in or likely to come into our possession). That living individual might be an employee, customer, prospective customer, supplier, contractor or contact, and that personal data might be written, oral or visual (e.g. CCTV).
- **Identifiable** means that the individual can be distinguished from a group of individuals (although the name of that individual need not be ascertainable). The data might identify an individual on its own (e.g. if a name or video footage) or might do if taken together with other information available to or obtainable us (e.g. a job title and company name).
- **Data subject** is the living individual to whom the relevant personal data relates.
- **Processing** is widely defined under data protection law and generally any action taken by us in respect of personal data will fall under the definition, including for example collection, modification, transfer, viewing, deleting, holding, backing up, archiving, retention, disclosure or destruction of personal data, including CCTV images.

## CONTACT DETAILS

- New members contact [newmemberesa@hotmail.com](mailto:newmemberesa@hotmail.com)
- Chairman contact [clubchairesa@hotmail.com](mailto:clubchairesa@hotmail.com)
- Welfare Officer contact [Liza Evans and Dez Chow](#)
- Secretary contact [evertonclubsec@hotmail.com](mailto:evertonclubsec@hotmail.com)
- Website <http://evertonsa.com/>
- Facebook page **Everton Swimming Association**
- Twitter [@EvertonESA](#)
- GDPR complaints website <https://ico.org.uk/>

## DIGITAL CONSENT

I (name) have read EVERTON SWIMMING ASSOCIATION documentation on **GDPR**.

I am aware of the responsibilities of **EVERTON SWIMMING ASSOCIATION** and parents to safeguard the members of the club.

I accept the GDPR legal obligations

Signed ..... date .....