



REN96 Data Protection Policy

The Data Protection Bill updates data protection laws in the UK and replaces the Data Protection Act 1998, supplementing the General Data Protection Regulation (EU) 2016/679 (GDPR) which came into effect on the 25th May 2018 (together referred to in this policy as the Data Protection Laws). Having completed a self-assessment guide REN96 must register with the Information Commissioner's Office as a controller of personal data, and we are required to comply with the data protection principles set out in the Data Protection Laws.

As a controller of the personal data that we hold, REN96 determines the purpose for which, and the way, any personal data are, or are to be, processed.

REN96 is fully committed to comply with the requirements of the Data Protection Laws and recognises the importance of protecting the rights of individuals on whom REN96 processes personal data.

KEY DEFINITIONS

Information Commissioner's Office (the ICO) – the ICO is the body responsible for enforcing and monitoring compliance with the Data Protection Laws.

Controller – the organisation that determines the purposes for which and way personal data is used, in our case, REN96 swim team.

Data subject – a living individual who is the subject of personal data, for example, our members, current, past and prospective employees, athletes, coaches, volunteers, etc.

Personal data – any information relating to an identifiable person who can be directly or indirectly identified from that information, by reference to an identifier.

Special category personal data is defined as personal data revealing a data subject's:

- racial or ethnic origin.
- political opinions.
- religious or philosophical beliefs.
- trade union membership.
- health.
- sex life or sexual orientation; and
- genetic or biometric data were processed for the purpose of uniquely identifying a data subject.

Processing – any operation performed on personal data, including collecting, recording, storing, using, disclosing, and deleting.

Processor – means a third party who processes personal data on behalf of a controller.

PRINCIPLES OF DATA PROTECTION

REN96 must ensure that we have:

1. OBTAINED PERSONAL DATA LAWFULLY, FAIRLY AND TRANSPARENTLY

REN96 will only process personal data where it is lawful to do so under the Data Protection Laws and ensure that all individuals for whom we process personal data are given access to our privacy notice upon the collection of their personal data or within one month of receiving their personal data from a third party.

2. HOLD PERSONAL DATA ONLY FOR SPECIFIC, EXPLICIT AND LEGITIMATE PURPOSES

REN96 will ensure that personal data will be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (with expedition for public interest or statistical purposes).

If we intend to use personal data for direct marketing purposes the data subjects are made aware of this and given the option to consent to having their data processed in this way.

3. PERSONAL DATA HELD IS RELEVANT, ADEQUATE AND LIMITED TO WHAT IS NECESSARY FOR ITS PURPOSE

REN96 will monitor the quantities of personal data held for our purposes and ensure that we hold neither too much nor too little personal data in respect of the individuals about whom data is held.

4. PERSONAL DATA HELD IS ACCURATE AND UPDATED WHERE NECESSARY

REN96 updates current records as notified directly in writing by individuals or clubs. REN96 members can view their specific data protection choices using the online membership check and can make changes to their choices which will automatically reflect in TU.

5. PERSONAL DATA IS NOT KEPT FOR LONGER THAN NECESSARY

All personal data will be kept in an identifiable format for no longer than is necessary. Personal data will be kept for as long as necessary to provide members with membership services. Unless a member asks us not to, we will review and possibly delete personal information where a member has not renewed membership with REN96 for six years. Employee's personal data will be retained for 2 years, and financial data will be retained for 7 years.

Certain personal information will be retained for longer to confirm identity, and to confirm previous membership with REN96 and to confirm how long they were with REN96. REN96 needs to do this to comply with the Companies Act 2006, which requires keeping a register of members or in the event of a claim against REN96.

6. PERSONAL DATA SHALL BE KEPT SECURE

REN96 must ensure that adequate security precautions are in place to prevent loss, destruction, or unauthorised disclosure of personal data.

All personal, financial and wellbeing protection data is kept in a passworded laptop and can only be accessed by the Chair, WPOs, Finance Team, Safeguarding Officer and Head Coach where appropriate.

When REN96 staff or committee use laptop computers out of the office care should always be taken to ensure that personal data on screen is not visible to strangers.

BASIS AND PURPOSES FOR PROCESSING PERSONAL DATA

Before any personal data is processed by REN96, we will:

- review the purposes of the processing activity and select the most appropriate lawful basis under the Data Protection Legislation. The lawful bases most used by REN96 are that:
 - the individual has consented – this is only appropriate where it is not a precondition of a service, or another lawful basis applies and does not apply to staff personal data;
 - the processing is necessary for performance of or to take steps to enter into a contract with the individual – this will apply to our members, staff and anyone requesting services from REN96;
 - the processing is necessary to comply with a legal obligation – REN96 needs to process certain personal data under law, such as to comply with **sportscotland's** regulatory requirements or staff personal data for HMRC reporting purposes; or
 - the processing is necessary for REN96's or a third party's legitimate interests – provided that the legitimate interests are not overridden by the interests of the data subject;
- where special category personal data is involved in the processing activity, identify the most appropriate special condition for processing in addition to a lawful basis above. The special conditions most used by REN96 are that:
 - the individual has explicitly consented – this is only appropriate where it is not a precondition of a service, or another lawful basis applies and does not apply to staff personal data;
 - the processing is necessary for REN96 to perform our obligations or exercise rights under employment law – this would apply to staff personal data, for example, to maintain attendance and performance records;
 - the processing is necessary for REN96 to establish, exercise or defend legal claims; or
 - the processing is necessary for substantial public interest reasons – for example, equality monitoring, anti-doping and standards of performance in sport;
- document REN96's decisions as to which lawful basis applies, to help demonstrate compliance with the data protection principles; and
- include information about the purposes, lawful basis and special condition (if applicable) of the processing within our privacy notice provided to individuals.

REN96 will review the procedures above every three years.

CONTRACTS

If the data held by REN96 is passed to a third party who uses that personal data on behalf of REN96 as a 'processor' (for example, to provide services to REN96), the third party must sign a data processing agreement or an agreement with a data processing clause included. Such agreement or clause must include, as a minimum that the third party shall:

- only act on the written instructions of REN96 (unless required by law to act without such instructions);

- ensure that people processing personal data on behalf of REN96 are subject to a duty of confidence;
- assist REN96 in responding to requests from data subjects seeking to exercise their rights under the Data Protection Laws;
- assist REN96 in meeting its obligations under the Data Protection Laws in relation to security of processing, the notification of personal data breaches and data protection impact assessments where applicable;
- delete or return all personal data to REN96 as requested at the end of the contract;
- indemnify REN96 against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

DOCUMENTATION AND RECORDS

REN96 keeps written records of processing activities, including:

- the purposes of the processing of personal data by REN96
- a description of the categories of individuals and categories of personal data processed by REN96
- categories of recipients of personal data with whom REN96 shares personal data;
- details of how long REN96 keeps personal data; and
- a description of technical and organisational security measures put in place to keep personal data secure.

REN96 will issue privacy notices to members annually and to employees every three years (or more frequently if required) to ensure that individuals understand how their personal data is collected, used, stored, shared and deleted by REN96.

THE RIGHTS OF INDIVIDUALS

Data subjects have the following rights in relation to their personal data:

- to be informed about how, why and on what basis that information is processed – as contained within REN96's privacy notices.
- to obtain confirmation that their personal data is being processed by REN96 and to obtain access to it and certain other information, by making a subject access request.
- to have personal data corrected if it is inaccurate or incomplete.
- to have personal data erased if it is no longer necessary for the purpose for which it was originally collected / processed, or if there are no overriding legitimate grounds for the processing (this is sometimes known as the "right to be forgotten");
- to object to REN96 processing their personal data for direct marketing purposes or where the processing is in pursuit of REN96's or a third party's legitimate interests.
- to restrict the processing of personal data where the accuracy of the data is contested, or the processing is unlawful (but the individual does not want the personal data to be erased), or where REN96 no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim; and
- to restrict the processing of personal data temporarily where the individual does not think it is accurate or where the individual has objected to the processing
- where an individual provides REN96 with personal data and we process it with their consent or under contract by automated means, the individual can request their personal data for their own reuse (a right to data portability).

Individuals can exercise any of the following rights by writing to REN96 at:
REN96 Committee, c/o On-X Leisure Centre, Briedland Rd, Linwood.

Where staff receive a request from an individual that relates to their personal data and they are not authorised to handle such a request, staff must immediately notify the Data Protection Officer of the request. The Data Protection Laws only give REN96 one month to respond to requests so staff should not delay in notifying the Data Protection Officer of any request.

DATA BREACHES

A data breach may take many different forms, for example:

- loss or theft of data or equipment on which personal data is stored.
- unauthorised access to or use of personal data either by a member of staff or third party.
- loss of data resulting from an equipment or systems (including hardware and software) failure.
- human error, such as accidental deletion or alteration of data.
- unforeseen circumstances, such as a fire or flood;
- deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
- 'blagging' offences, where information is obtained by deceiving REN96.

REN96 will:

- make the required report of a data breach to the ICO without undue delay and, where possible within 72 hours of becoming aware of it, if it is likely to result in a risk to the rights and freedoms of individuals; and
- notify the affected individuals if a data breach is likely to result in a high risk to their rights and freedoms and notification is required by law.

It is important that staff report any suspected or actual data breach to the chairperson immediately. They will be responsible for recording and reporting data breaches.

POLICY REVIEW

As a strategic document, this Policy will be reviewed every three years. The next review will therefore take place in May 2025 or earlier to take account of:

- legislative, regulatory and good practice requirements.
- the views of any stakeholder in the use of personal data.

This policy/function will have no impact on people from any of the equality groups and an Equality Impact Assessment is not required.