

SIDMOUTH · SAILING · CLUB



Personal Data Policy

February 2018

1 Purpose

To ensure the Club's compliance with data protection legislation.

2 Background

2.1 The Club's collection and processing of personal data is regulated by the Data Protection Act 2018 (the UK's implementation of the EU General Data Protection Regulations—GDPR). For more information, see <http://www.ico.gov.uk>

2.2 Even though the club is small organisation and does not handle sensitive personal data, the RYA has still recommended the appointment of a Data Protection Officer for sailing clubs. The General Committee will therefore appoint a Data Protection Officer (DPO) for Sidmouth Sailing Club. The job of the Data Protection Officer is to supervise the club's use of personal data and to ensure that the club adheres to the regulations.

2.3 Photographs, video and social media posts count as personal data if people can be personally identified in them

3 Policy Statement

3.1 The Club will, before collecting or processing any personal data, establish and document a lawful basis for that processing. We will process personal data only where it is necessary for us to do so.

3.2 The Club will:

- (a) inform the subject what data we intend to collect or process, justify our intentions and, where necessary, obtain their explicit consent for doing so;
- (b) provide them with the identity contact details of the person collecting the data, and of the Data Protection Officer;
- (c) inform them of their statutory rights in relation to our handling of their data.

3.3 The Club will process the data only for the purposes for which it was collected.

3.4 The Club will take and document reasonable steps to ensure that personal data is adequately secured against unauthorised access.

3.5 The Club will erase personal data that we hold when it is no longer needed, or when the subject exercises their legal right to its erasure.

3.6 In the event of a data breach, the Club will inform the subjects of that breach and how it affects them, and will additionally inform the Information Commissioner's Office (ICO).

3.7 The DPO will periodically carry out a 'Data Audit' to establish and review what personal data the club holds. A list of that data is at Annex B. The club will hold only the personal data at Annex B.

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Annex A Rules for Personal Data Collection & Processing

A.1 Steps to Compliance

A.1.1 Before collecting any personal data, take the following steps:

- a) Decide what personal data we require.
- b) Establish a lawful basis for processing it. If you cannot: stop here, and don't collect the data!
- c) Determine how the data will be protected while we retain it. This should already have been done for you in ANNEX B.
- d) Determine when the data will be erased. We must keep personal data for no longer than necessary.

All of these decisions should be documented. They should periodically be added to ANNEX B.

A.1.2 When collecting the data, include a suitable privacy notice.

A.1.3 Process the data as intended, and only as intended. Keep it secure at all times.

A.1.4 Delete the data in accordance with A.1.1d.

A.2 Determining a lawful basis

A.2.1 The five lawful bases likely to be relevant to the Club are:

- a) **Legal obligations:** we have a legal obligation to process the data (e.g. CASC Regulations 2015 Part 5).
- b) **Contract:** we have a contract with the subject, or they ask us to perform some preparatory work such as prepare a quote.
- c) **Vital interests:** we collect or process the data in order to preserve the subject's life or health.
- d) **Legitimate interests:** this justification should be used if collecting and processing the data is necessary in order to pursue a legitimate interest of the Club, the privacy impact is minimal, and the subject would reasonably expect their data to be used in that way, and would be unlikely to object.
- e) **Consent:** we obtain the subject's explicit consent to process their data in a particular way.

These are roughly in order of preference.

A.2.2 The most useful is probably the **legitimate interests** justification. However, the use of this lawful basis must be carefully documented. For more information, see the ICO's guidance on Legitimate Interests Assessment (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/>)

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A.2.3 Consent is the fall-back option: if you cannot otherwise justify your processing of personal data, you must obtain consent. However, the use of this lawful basis introduces significant additional complications regarding the documentation of that consent, its ongoing management and its withdrawal. For this reason, it should if possible be avoided in favour of another lawful basis. If you rely on consent, you should consider carefully whether we need the data at all. **Do not rely on consent if there is another applicable lawful basis.**

A.2.4 Special Categories data (including health data) is specially protected in law. If this data is to be processed by the Club, we must have an additional lawful basis for doing so.

A.2.5 Criminal offences information is also specially protected. The Club may only process such information if we are specifically allowed to by UK law. This applies to DBS checks for instructors.

A.3 Collecting Personal Data

A.3.1 Those collecting personal data on behalf of the Club are to provide the subjects with this information:

- a) their identity and contact details
- b) the identity and contact details of the Data Protection Officer
- c) how they intend to use their data
- d) details of anyone else who may receive the data
- e) how long the data will be retained
- f) the individual's right to complain to the ICO (Information Commissioner's Office) if they believe there is a problem with their handling of their data

A.3.2 If consent is to be used as the lawful basis, they must also ask the subject to register their explicit consent to the data being held and used on the basis given.

A.4 Security

A.4.1 Where personal data are kept on paper, the papers should be kept locked in a drawer when not in use and shredded when no longer required.

A.4.2 Where personal data are held on computers then the data or computer must be password protected. If the data are backed up onto a disc then the disc must be locked up or password-protected. If data are held, or backed up, in the cloud then there must be an agreement with the cloud providers in which the provider agrees to deny access to the data to anyone else. Cloud providers who export data to other countries without GDPR-compatible data protection laws must not be used. If in doubt, use a disc. Data held in digital form must be erased when no longer required – care must be taken to destroy every copy of the data, including that in back-ups, trash cans and sent or received as email attachments.

A.4.3 When sending collective emails, the address list must be hidden from recipients by putting it in the 'Bcc' box.

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Annex B

Register of Personal Data

Personal Data	Source documents	Lawful basis & purposes	Held by (and where)	Retained for
Membership applications/renewals	Application forms	Contract. Data is essential to the purposes of the Club as a record of membership.	Membership Secretary (in paper file at home)	Two years
List of Current Members	Membership applications/renewals	Legitimate interests. Establishing entitlement to use club facilities, stand as officers and vote at meetings; compiling roster of race officers.	Membership and Club Secretaries (on personal computers); Boat Store and Race Control (paper copies)	Permanently (in case there is a claim on the club's insurance)
Emergency Contact List	Membership applications/renewals	Consent. Contact in emergencies	Membership Secretary (on personal computer); Boat Store and Race Control (paper copies)	The Season
List of Officers	AGM papers	Legitimate interests. To identify the officers of the club and their email addresses for correspondence on club management. This data is essential to the management of the Club.	Club Secretary (on personal computer), on club website and in members' club calendars	Permanently as a historical record
Disclosure and Barring Service (DBS) certificates		Ensuring that members training or sailing with young and vulnerable adult members have been cleared to do so.	Safeguarding Representative (in paper file at home)	The validity of the certificates
Mailing lists	Membership applications/renewals and online sign-up	Legitimate interests. Receiving club communications N.B. the Privacy & Electronic Communications Regulations may also apply.	Fasthosts email provider, managed by Sailing Secretary	Until deleted by recipients
Race Signing-on sheets; Race Rounds sheets		Legitimate interests. Recording races	Sailing Secretary (in paper file at home)	The Season

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Lawful basis & purposes

Personal Data	Source documents	Lawful basis & purposes	Held by (and where)	Retained for
Race results	Race Signing-on sheets; Race Rounds sheets	Legitimate interests. Determining race rankings.	Sailing Secretary (on personal computer) and on club website	Permanently as a historical record
Members' activities ("CASC Recording")	Race Signing-on sheets; Race Rounds sheets; CASC recording forms	Legal obligation. (Community Amateur Sports Clubs (CASC) Regulations 2015 Part 5). Establishing entitlement to (CASC) status.	Club Secretary (in paper file at home and on personal computer)	
Boat Fees incurred	Race Signing-on sheets; Race Rounds sheets	Legitimate interests. Collecting boat fees	Vice Commodore (on personal computer)	One month
Attendance at "Push the Boat Out" Event	Application forms	Legitimate interests. Organising events to recruit new members	Vice Commodore (on personal computer)	Two years
Sailing Courses	Application forms	Legitimate interests. Contact in emergencies; recording instructors (including visiting instructors); issue qualification certificates. Vital interests. For health data relating to the trainee, in case of emergency.	Training Centre Principal (on paper at home)	Two years
Powerboat Courses		Legitimate interests. Contact in emergencies; recording instructors (including visiting instructors); issue qualification certificates Vital interests. For health data relating to the trainee, in case of emergency.	Powerboat Instructor	Two years
Kayak owners		Contract. Ownership of kayaks held in boat park	Kayak Representative	Whilst boat held with club
Visitors Book		Legitimate interests. Granting of temporary membership to guests in order that they are covered by the club's insurance	Race Control	Permanently (in case there is a claim on the club's insurance)
Photographs		What lawful basis? Publicity	Training Centre Principal	Some permanently as a historical record