

## Green Wyvern Yachting Club Data Protection Policy

### 1. Data Processing and GDPR Policy Summary

The club will hold members data such as name, address, date of birth, e mail and contact numbers for all members and will be held securely in password protected files by the club secretaries. This information will only be used by the secretariat for the purpose of contacting members about club events in the form cruising, racing , social and the club newsletter. The information held may be used to contact members about events of interest for other clubs but will not be released to them. The club has access to additional information for regular sailors in the form of bank details and significant medical conditions. Access to bank details are via the treasurer and are held in our online high street bank. Any medical details disclosed are held in password protected files by the sailing secretary and are only used to inform the skipper and mate of a boat on which that individual sails in order to provide a safe sailing environment for that individual.

This data is being held by the club under section (f) Legitimate Interests of GDPR as per the ICO guidelines. It is the view of the committee that this information is fundamental to the running of the club and if the club does not retain this information it is likely to be unable to interact with members. Under GDPR any member is at liberty to request that the club removes any data that it holds on them and this will be actioned within the timelines set out in GDPR.

### 2. About this Policy

- 2.1 This policy explains when and why we collect personal information about our members, how we use it and how we keep it secure and your rights in relation to it.
- 2.2 We may collect, use and store your personal data, as described in this Data Privacy Policy and as described when we collect data from you.
- 2.3 We reserve the right to amend this Data Privacy Policy from time to time without prior notice. You are advised to check our website [[www.greenwyvern.org.uk](http://www.greenwyvern.org.uk)] regularly for any amendments (but amendments will not be made retrospectively).
- 2.4 We will always comply with the General Data Protection Regulation (**GDPR**) when dealing with your personal data. Further details on the GDPR can be found at the website for the Information Commissioner ([www.ico.gov.uk](http://www.ico.gov.uk)). For the purposes of the GDPR, we will be the “controller” of all personal data we hold about you.
- 2.5 This policy is reviewed regularly by the Committee and managed by the Secretary and the Welfare Officer.

### 3. Who are we?

- 3.1 The Green Wyvern Yachting Club can be contacted at [secretary@greenwyvern.org.uk](mailto:secretary@greenwyvern.org.uk) .

4. What information we collect and why.

| Type of information   | Purpose   | Legal basis of processing   |
|---|---|---|
| Member's name, address, telephone numbers, e-mail address(es).  | Creating and managing the Club's Membership Directory. Managing the Member's membership of the Club.  | For the purposes of our legitimate interests in operating the Club. We will seek the Member's consent on their membership application/renewal form (sailing, race entries). The Member may withdraw their consent at any time by contacting us by e-mail or letter to tell us that they no longer wish their details to appear in the Membership Directory.         |
| Emergency contact details.  | Contacting next of kin in the event of emergency.   | Protecting the Member's vital interests during training cruises and events.   |
| Date of birth.  | Arranging crews for training cruises and events.  | Ensuring Club and RYA policies for safeguarding young people and vulnerable adults are fully complied regarding residential accommodation on club boats.  |
| Gender.   | Organising crews for training cruises.<br><br>Reporting information to the RYA.   | Ensuring Club and RYA policies for safeguarding young people and vulnerable adults are fully complied regarding residential accommodation on club boats.<br><br>Purpose of the legitimate interests of the RYA to maintain diversity data required by Sports Council.   |
| Medical Conditions.   | Inform the skipper and mate of a boat on which that individual sails to provide a safe sailing environment for that individual.   | Ensuring the club provides a safe environment for the individual.   |
| Photos and videos of members and club boats   | Putting on the Club's leaflet, website and social media pages and using in press releases.  | We will seek the Member's consent on their membership application/renewal form (sailing, race entries). The Member may withdraw their consent by contacting us by e-mail or letter. We will never publish names or other personal information without further explicit consent.   |
| Member's name and email address, RYA level  | Passing to the RYA for the RYA to conduct surveys of members of the Club (and members of other clubs affiliated to the RYA). Provide RYA instruction and pass certification to RYA. | For the purposes of our legitimate interests in operating the Club and / or the legitimate interests of the RYA in its capacity as the national body for all forms of boating and instruction.  |
| Instructor's name, address, email addresses, phone numbers and relevant qualifications and/or experience. | Managing instruction at the club.   | For the purposes of our legitimate interests in ensuring that we can contact those offering instruction and provide details of instructors to members.  |
| Criminal Record Disclosures (DBS) Status  | To safeguard, from physical, sexual or emotional harm, neglect or bullying, children taking part in its activities.   | The Club will process requests for DBS through the RYA which is a registered Umbrella/ Intermediary Body. This information is treated as confidential, stored securely and only shared with those who need to see it in the course of their duties or to protect children. When data is no longer relevant it will be destroyed securely, e.g. shredding, deleting. |

**5. How we protect your personal data**

- 5.1 We will not transfer your personal data outside the EU without your consent.
- 5.2 We have implemented generally accepted standards of technology and operational security in order to protect personal data from loss, misuse, or unauthorised alteration or destruction.
- 5.3 Please note however that where you are transmitting information to us over the internet this can never be guaranteed to be 100% secure.
- 5.4 We will notify you promptly in the event of any breach of your personal data which might expose you to serious risk.

**6. Who else has access to the information you provide us?**

- 6.1 We will never sell your personal data. We will not share your personal data with any third parties without your prior consent (which you are free to withhold) except where required to do so by law or as set out in the table.

**7. How long do we keep your information?**

- 7.1 We will hold your personal data on our systems for as long as you are a member of the Club and for as long afterwards as is necessary to comply with our legal obligations. We will review your personal data every year to establish whether it is accurate and if we are still entitled to process it. If we decide that we are not entitled to do so, we will stop processing your personal data except that we will retain your personal data in an archived form in order to be able to comply with future legal obligations e.g. compliance with tax requirements and exemptions, and the establishment exercise or defence of legal claims.
- 7.2 We securely destroy all financial information once we have used it and no longer need it.

**8. Your rights**

- 8.1 You have rights under the GDPR:
  - (a) to access your personal data
  - (b) to be provided with information about how your personal data is processed
  - (c) to have your personal data corrected
  - (d) to have your personal data erased in certain circumstances
  - (e) to object to or restrict how your personal data is processed
  - (f) to have your personal data transferred to yourself or to another business in certain circumstances.

8.2 You have the right to take any complaints about how we process your personal data to the Information Commissioner:

<https://ico.org.uk/concerns/> , Phone: 0303 123 1113.

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

For more details, please address any questions, comments and requests regarding our data processing practices to our Club Secretary, 46 Marine Parade, Gorleston on Sea, Norfolk, NR31 6EX

I Bowmaker, R Winterton 2018

### **RYA Guidance on Subject Access Requests** Updated: 11 September 2017

1. Under the GDPR an individual (Data Subject) has the right to obtain from the Data Controller confirmation as to whether or not personal data concerning him or her is being processed. Where that is the case, the Data Subject is entitled to access to that personal data and certain information as follows:-

- the purposes of the processing
- categories of personal data concerned
- the recipients or categories of recipients to whom the personal data have been or will be disclosed (particularly recipients in other countries or international organisations)
- where possible the period for which the personal data may be stored or, if that is not possible, the criteria used to decide that period
- the existence of the right to request, from the Data Controller, rectification of the data or erasure of the data or restriction on processing of the data or to object to the processing
- the right to lodge a complaint with the ICO
- where the personal data has not been collected from the Data Subject, any available information as to the source of that data
- the existence of any automated decision making and information about that decision making

2. If personal data is transferred to a third country or to an international organisation the Data Subject is entitled to be informed about the appropriate safeguards which have been made relating to the transfer.

3. The Data Controller has to provide a copy of the personal data which it is processing (i.e. a copy of all of the personal data about the Data Subject which it holds).

4. The Data Controller is not allowed to charge a fee for the provision of information in response to a Subject Access Request. If the Data Subject requires further copies of the personal data then the Data Controller can charge a reasonable fee based on the administrative costs of providing the further copies.

5. Where the Data Subject makes the Subject Access Request by electronic means (and unless the Data Subject requests otherwise) the information is to be provided in a commonly used electronic form.

6. The Data Controller must respond to a Subject Access Request within one month<sup>1</sup> of receipt of the request. It may be possible to extend the period but the Data Controller should not rely on that.

7. Where requests from a Data Subject are manifestly unfounded or excessive (especially if they are repetitive) then the Data Controller can either charge a reasonable fee for the administrative costs and providing the information or refuse to act on the request. However it is the Data Controller who has to prove that the request was manifestly unfounded or excessive.

8. If the Data Controller has reasonable doubts about the identity of the person making the Subject Access Request then they are entitled to request additional information to confirm the identity of the individual.

9. An individual is only entitled to personal data about himself or herself. Therefore, if the personal data include information about someone else, the Data Controller will need to redact that information before supplying the personal data to the individual making the subject access request or may be able to decline to provide that data.

10. If responding to a Subject Access Request may involve providing information which relates to the individual making the request and someone else i.e. a third party then the Data Controller does not have to comply with the request if to do so would mean disclosing information about the other individual who can be identified from the information. Material qualifies as third party information either if the other person can be identified as the source of the information, or if they are just included in it e.g. as a witness; and if you have any reason to believe that the Data Subject could identify the other person. However, third party material is not automatically excluded. You do have to provide the information about the other person if:

- that person has given their consent; or
- it is reasonable to go ahead without their consent.

In deciding whether it is reasonable to go ahead without consent, you have to take account of:

- any duty of confidentiality you owe to the other person;
- anything you have done to try and get their consent;
- whether they are able to give consent;
- whether they have refused consent.

Note. This can be extended by a further two months where the request is complex or where there are numerous requests. If this is the case, the Data Subject must be contacted within one month of the receipt of the request and explain why the extension is necessary. However, there may not be many cases where the extended period can be used by clubs and associations and the ICO is unlikely to be sympathetic to Controllers using the extension except in exceptional circumstances.

Material that is subject to legal professional privilege may be held back – this protects communications between lawyers and their clients for the purposes of giving or obtaining legal advice and communications between lawyers, clients and third parties made for the purposes of litigation, either actual or contemplated.

However the personal data can be disclosed where the other individual consents to the disclosure or it is reasonable in all the circumstances to comply with the request without the other individual's consent. This can be a difficult decision to make.

11. If an individual requests to see CCTV footage it is important that you review the footage before allowing access to that data because it may reveal other individuals as well as the person making the request.

12. Personal data includes opinions about an individual therefore opinions about the individual making a Subject Access Request must be included in the personal data which is provided to them.

13. Before responding to a Subject Access Request it is important to establish whether the information requested falls within the definition of personal data. It is not always obvious whether it does. The ICO has produced separate guidance on this topic;

[https://ico.org.uk/media/fororganisations/documents/1549/determining\\_what\\_is\\_personal\\_data\\_quick\\_reference\\_guide.pdf](https://ico.org.uk/media/fororganisations/documents/1549/determining_what_is_personal_data_quick_reference_guide.pdf)

14. A Data Controller is not permitted to amend or delete data if it would not otherwise have done so, just because it has received a Subject Access Request.

15. If a Data Controller receives a Subject Access Request from a parent for information held about a child, they should consider whether the child is mature enough to understand their rights. The personal data of the child belongs to the child, not to their parent or guardian. What matters is that the child is able to understand, in broad terms, whether it needs to make a Subject Access Request and how to interpret the information they receive as a result of doing so. There are a number of factors which need to be taken into account in making that decision. The ICO guidance on Subject Access Requests provides more information on this.

16. Dealing with the Subject Access Requests can be time consuming and onerous. That might be because of the nature of the request, but it may be because of the way in which the Data Controller holds the personal data and the amount it holds. This reinforces the requirement to make sure that personal data is kept in a way which makes it easy to locate when a Subject Access Request is made. It also underlines the importance of deleting data once it is out of date and is no longer needed.

17. The ICO has published a short guide on responding to Subject Access Requests;

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6rights/subject-access-request/>

this also contains a Subject Access Code of Practice

- <https://ico.org.uk/media/fororganisations/documents/1065/subject-access-code-of-practice.pdf>

If you have any queries, questions or comments on the information contained in this leaflet, kindly contact the Legal Team on 023 8060 4223 or [legal@rya.org.uk](mailto:legal@rya.org.uk).

**RYA Responsibility Statement:**

The RYA Legal Team provides generic legal advice for RYA members, affiliated clubs and Recognised Training Centres. The information contained in this Guidance represents the RYA's interpretation of the law as at the date of this edition. The RYA takes all reasonable care to ensure that the information contained in this Guidance is accurate and that any opinions, interpretations and guidance expressed have been carefully considered in the context in which they are expressed. However, before taking any action based on the contents of this Guidance, readers are advised to confirm the up to date position and to take appropriate professional advice specific to their individual circumstances.

Added R. Winterton 2018