



## Elite Swimming Academy Data Protection Statement: Customers & Students

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### Introduction, Purpose and Scope:

This statement explains how Elite Swimming Academy<sup>1</sup> (“we, “us” and “our”) handles and uses information we collect about visitors to our website, prospective customers, existing customers, and students (as applied to both adults and children under the age of 18) (“you” and “your”). When you interact with us for a specific purpose (e.g. as a prospective or existing customer), other Data Protection Statements may apply to you, and explain our collection and management of your personal information in that setting. Our Data Protection Statements for specific categories of data subjects are published on our website<sup>2</sup>.

This statement applies to personal information kept in manual or computerised files, whether or not those files comprise a relevant filing system, and therefore fall within the ambit of the Data Protection Act 1998.

The purpose of this statement is to ensure our compliance with data protection law in the UK. This statement applies to the **processing** (collection, storage, use and transfer) of **personal information** (data and other identifiers) about **data subjects** (living identifiable individuals). This statement applies to information kept in manual or computerised files, whether or not those files comprise a relevant filing system, and therefore falls within the scope of the Data Protection Act 1998 and Regulation (EU) 2016/679 (GDPR).

“**Staff**” refers to anyone working for us in any context at any level (whether permanent, fixed term or temporary) and including employees, retired but active staff, workers, contractors, trainees, interns, seconded staff, agency staff, agents and volunteers; except when any of the aforementioned are acting in a private or external capacity.

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<sup>1</sup> In the rest of this document, “we”, “our” and “us” refer to Elite Swimming Academy Limited; and “you” and “yours” refer to website visitors, general enquirers, customers and students.

<sup>2</sup> <https://www.eliteswimmingacademy.co.uk/tandc/>

The term “**Customer**” refers to visitors to our websites, existing customers, prospective customers, enquirers, our agents, brokers, resellers, and consumers and traders as defined by the Consumer Rights Act 2015. Equally, the term “**Student**” refers to any person or persons who receive tuition from us, whether they are also the customer, or have been booked in by a customer. Our students range from young children, through to adults, to the elderly, and while there may be additional special protections put in place for any students under the age of 18, or those who may be considered ‘vulnerable adults’, this statement shall nevertheless apply to all of our students, past, present and prospective.

Under data protection law, we are identified as a **Data Controller** and are therefore subject to a range of legal obligations. The Data Controller for your personal information is **Elite Swimming Academy Limited, Exchange Building, 2<sup>nd</sup> Floor, 16 St. Cuthberts Street, Bedford, MK40 3JG**. The person responsible for data protection at the time of issue, and the person who is responsible for monitoring compliance with relevant legislation in relation to the protection of personal information, is Elite Swimming Academy’s Data Protection Officer (DPO). **All correspondence relating to this Data Protection Statement must be addressed to the Data Protection Officer, Elite Swimming Academy, Milton Country Park, Cambridge Road, Milton, Cambs, CB24 6AZ or [dataprotection@eliteswimmingacademy.co.uk](mailto:dataprotection@eliteswimmingacademy.co.uk).**

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our Site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. Remember to close your browser when you have finished your user session. This will help to ensure that others do not access your personal information if you share your computer or use a computer in a public places such as a library or internet café. Please see our website’s terms and conditions page for more information on our policies regarding computerised transfers and collection of information<sup>3</sup>.

This statement should be read in conjunction with our policies, procedures, Terms & Conditions and, where relevant, similar documents with regard to: information security, website use, acceptable use of IT facilities, records management and retention, or any other contractual obligations on our Company or the individual which impose confidentiality or information management obligations (which may at times exceed those of our standard policies with respect to storage or security requirements).<sup>4</sup>

This statement will be reviewed and updated from time to time, in line with best practice procedures in order to achieve compliance with data protection law in line with an appropriate overall risk profile.

**In general terms, we use your data in order to be able to process bookings, provide high quality swimming lessons, track student progress, gather vital feedback and to ensure the safety and security of all students and customers on and off our sites. To comply with data protection law,**

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<sup>3</sup> <https://www.eliteswimmingacademy.co.uk/tandc/>

<sup>4</sup> You may also find these policies here: <https://www.eliteswimmingacademy.co.uk/tandc/>

**information must be collected and used fairly, stored safely and not disclosed to any other entities unlawfully.**

**Unless otherwise stated, the lawful basis for processing your personal data is that it is necessary for the purposes of our legitimate interests** (where we have concluded that our interests do not impact inappropriately on your rights and freedoms) in providing effective services to you, and for the purposes of ensuring the safety of customers and students (e.g. knowledge of medical conditions can help us make the right decisions in an emergency). You may ask us to explain our rationale at any time. Please note that should you choose to withhold necessary data, this may result in your receiving an insufficient service from us.

## **Our Obligations:**

When you enter your personal information into an online form for any specified purpose, or have your information registered by our staff whether in person or through other means of communications, you will be told about the use we will make of that information (e.g. to send you information about your booking).

The lawful and correct treatment of personal information is vital to successful operations, and to maintaining the confidence that customers place in us as an organisation. Therefore, Coffee World commits itself to upholding data protection law as part of everyday working practices by:

- ensuring all personal information is managed appropriately through this statement;
- fully observing conditions regarding the fair collection and use of information;
- meeting our legal obligations to specify the purposes for which information is used;
- collecting and processing appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- ensuring the integrity of information used;
- applying strict checks to determine the length of time information is held;
- ensuring that the rights of all people about whom information is held can be fully exercised under the Data Protection Act 1998 and Regulation (EU) 2016/679 (GDPR) (these include the right to be informed that processing is being undertaken; the right of access to one's personal information; the right to prevent processing in certain circumstances; and the right to correct, rectify, block or erase information which is regarded as incorrect);
- taking appropriate security measures to safeguard personal information;
- ensuring that personal information is not transferred abroad without suitable safeguards;
- publishing and making publically available data protection statements outlining the details of our personal data processing in a clear and transparent manner.

We have appointed a statutory Data Protection Officer, who is responsible for:

- monitoring and auditing compliance with our obligations under data protection law, especially our overall risk profile and delivering reports on the same;
- advising on all aspects of compliance with data protection law
- acting as our standard point of contact with the Information Commissioner's Office with regard to data protection law, including cases of personal data breaches; and

- acting as an available point of contact for enquiry and complaints from data subjects.

We will ensure that all of our staff are aware of this statement and any associated procedures and notes of guidance relating to data protection compliance, provide training as appropriate, and regularly review our procedures and processes to ensure that they are fully compliant. We will also maintain records of our information assets. Individual members of staff are responsible for ensuring that:

- any personal data that we hold is kept securely;
- relevant data protection training is completed, as advised by us;
- following relevant company policies, procedures and notes of guidance;
- only accessing and using personal information as necessary for their contractual duties and/or other roles;
- personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party, and that every reasonable effort will be made to see that data is not disclosed to unauthorised parties accidentally;
- where identified, reporting personal data breaches and cooperating with the DPO to address them; and
- only deleting, copying or removing personal information as agreed with the DPO and as appropriate.

Unauthorised disclosure is a disciplinary matter and may be considered gross misconduct. If in any doubt, consult our Data Protection Officer. Personal data must be:

- kept in a locked filing cabinet, drawer or room; or
- if the data is computerised, be password protected or kept only on disk which is itself kept securely; or
- subject to any other appropriate security measures in addition to those above.

In addition to the requirements of data protection legislation, the confidentiality of information about individuals must be respected.

The obligations and responsibilities above do not waive any personal liability for individual criminal offences for the wilful misuse of personal information under data protection legislation.

## **Processing:**

"Processing", in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organisation, adaptation or alteration of the information or data;
- retrieval, consultation or use of the information or data;
- disclosure of the information or data by transmission, dissemination or otherwise making available; or
- alignment, combination, blocking, erasure or destruction of the information or data.

## Personal information:

Personal information is defined as data or other information about a living person who may be identified from it or combined with other data or information held. Some “special category data” (formerly sensitive personal data) are defined as information regarding an individual’s racial or ethnic origin; political opinion; religious or other beliefs; trade union membership; physical or mental health or condition; sexual life; or criminal proceedings or convictions, as well as their genetic or biometric information.

## How and why we use your Personal Data:

We are required to collect and process various types of data from different parties, in order to ensure that we can provide an effective service, which are as follows:

### A: Data provided by customers for booking and payment processing:

Please note that this section includes prospective customers and former customers in addition to our existing customers. Data collected and processed for this purpose includes:

- **Your full name<sup>5</sup> and address:**
  - We use this to ensure accurate billing data when taking payments, to provide you with the nearest and most suitable venues for lessons, to post gift vouchers and/or student certificate(s) to you;
  - to ensure that we know who is present on pool premises at all times in case of emergency;
  - we may on occasion use your address to send you urgent written correspondence if no responses have been received by way of other means.
  
- **Your telephone contact details:**
  - We use this to contact you in relation to any enquiries you have made to our Customer Service Team;
  - to contact you in case of emergencies (e.g. student injury);
  - to call you or send you SMS notifications in case of lesson cancellations, or other information that is important and relevant to your booking(s) (e.g. reminders of upcoming cancelled sessions, or catch-up lessons);
  - to discuss student progression, to return calls regarding enquiries made, to reschedule times or days, or to address any issues or concerns that are pertinent to your booking(s);
  - to call you or send you SMS notifications in order to request overdue payments, or to notify you of changes to your booking(s) as a result of overdue payments;

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<sup>5</sup>Please note that we will need you to provide us with your full name and email address, in order for us to provide you with any services, as they are the basic requirements of our online booking system.

- to ask you for your feedback on our services, or to see if we can make any improvements to our services; and
  - please note that we will never give your telephone number(s) to our teachers or staff at venues.
- **Your email address:**
    - We use this in order to contact you to discuss your booking(s) or any enquiries made to our Customer Service Team about our services, or potential booking(s);
    - to send you confirmations of booking(s), invoices and information pertinent to your booking(s) (e.g. days, dates and times of sessions);
    - to send you receipts of payments, change of password requests, or other relevant account information;
    - to notify you of lesson cancellations, emergencies or accidents, or other information that is important and relevant to your booking(s) (e.g. reminders of upcoming cancelled sessions, or catch-up lessons);
    - to send you information about upcoming changes to our terms or services or, (should you opt in) to send you promotional information about our services that may be of interest to you;
    - to relay important information from our venues and venue owners regarding their policies;
    - if you choose to unsubscribe from our emails, we may keep your email address details on our “unsubscribed” list to ensure that you do not receive any further correspondence;
    - to ask you for your feedback on our services, or to see if we can make any improvements to our services; and
    - please note that we will never give your email address to our teachers, or staff at venues.
- **Your payment details<sup>5</sup>:**
    - We may ask you for your credit/debit card details in order to make payments for our services (e.g. taking secure payments over the phone);
    - we may ask for your bank account details in order to process any refunds you may have requested, provided your initial payment was made via BACS or you cannot, for whatever reason, receive a refund to the card you initially used to pay for lessons;
    - we do not record, store or otherwise keep your debit/credit card details, in any manner, as all card payments to us are processed via Worldpay Merchant Services;
    - we do not record, store or otherwise keep any information you may provide to make payments via GoCardless;
    - we will endeavour not keep any emails from you containing your bank details any longer than necessary.

We may collect and process your personal information for operating and improving our webpages, analysing their use and ensuring the security of our website.

We may collect the request made by your browser to the server hosting our website which includes the IP address, the date and time of connection and the page you ask for. We use this information to ensure the security of our website and maintain its quality. Detailed logs may be held for up to 4-5 weeks and are automatically refreshed, with personal data beyond the retention period deleted. Abstract and analytic logs are kept for reporting purposes for as long as required. We may use and/or disclose this in the event of a security concern or incident. More technical details, including information about our use of “cookies”, are published on our website.<sup>6</sup>

If you have any concerns or queries about any of the above, please contact our Data Protection Lead at the address given at the top of this statement.

### **B: Student data provided by customers for processing of bookings and provision of lessons:**

This section may apply to data pertaining to both adults and children under the age of 18 (with parental consent for their data to be processed). Data collected and processed for this purpose includes:

- **Student’s full name and address:**
  - We use this to ensure that we have an accurate record of students, so that our instructors can differentiate between students in various classes;
  - to ensure that we know who is present on pool premises at all times in case of emergency;
  - for accurate information to be reported for the purposes of safeguarding and prevention of harm to children and vulnerable adults.
  
- **Student’s date of birth:**
  - We use this in order to match ages of students in our classes, so that all students receive the best possible service;
  - to ensure that students are placed in age-appropriate venues, so as to promote their safety.
  
- **Student’s gender:**
  - We use this data to match students to suitable classes where they may have a preference for the gender of other students in their class;
  - to ensure that we can direct customers to the most appropriate and safe procedures for changing before and after lessons.
  
- **Student’s medical conditions, special needs, disabilities and/or individual learning requirements:**
  - We use this data to ensure the health and safety of all students in our lessons and to minimise the risk of harm that may arise from any pre-existing conditions they may have;

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<sup>6</sup> <https://www.eliteswimmingacademy.co.uk/tandc/>

- to ensure that we offer and, students are placed into, the most appropriately matched classes for them to progress;
  - to ensure that we can provide appropriate venue choices for each student;
  - to ensure that teachers are able to deliver the best service possible, by making them aware of each child's individual needs, or to provide teachers with relevant training materials in order to do so;
  - to ensure, in essence, that no child is left behind or deprived of the ability to learn how to swim, no matter what their circumstances.
- **Student's swimming ability information:**
    - We use this information in order to match students to appropriate classes in terms of difficulty and ensure that we are providing the best possible quality of service;
    - we make this information accessible to teachers so that they can have up-to-date records of student progress, ensuring that appropriate activities are chosen for each lesson;
    - we also make this information available to the parents/guardians of each student, so that they are able to accurately track their child's progress and therefore, their value for money.

#### **C: Information relating to child protection and safeguarding against harm to children & vulnerable adults**

- Any information provided to us that we deem relevant or necessary in protecting children or vulnerable adults from harm may be logged, recorded and processed in accordance with SwimEngland's "Wavepower" guidance document<sup>7</sup>, NSPCC and CPSU guidance, and guidance provided by relevant government bodies of England and Wales.
  - We use this information to allow us to take all reasonable steps in ensuring that our students are kept safe from any sort of harm or abuse and;
  - to fulfil our statutory duty of care to our customers and students.

#### **D: Computer, IP and location information:**

We may collect and process your personal information for operating and improving our webpages, analysing their use and ensuring the security of our website.

We may collect the request made by your browser to the server hosting our website which includes the IP address, the date and time of connection and the page you ask for. We use this information to ensure the security of our website and maintain its quality. Detailed logs may be held for up to 4-5 weeks and are automatically refreshed, with personal data beyond the retention period deleted. Abstract and analytic logs are kept for reporting purposes for as long as required. We may use and/or disclose this in the event of a security concern or incident. More technical details, including information about our use of "cookies", are published on our websites<sup>8,9</sup>.

<sup>7</sup> <http://www.swimming.org/swimengland/wavepower-child-safeguarding-for-clubs/>

<sup>8</sup> <https://www.coffeeworld.co.uk/privacy>

If you have any concerns or queries about any of the above, please contact our Data Protection Officer at the address given at the top of this statement.

## Whom we share your data with:

At Elite Swimming Academy, we select our partners very carefully and one of our main criteria for doing so is their handling and securing of our customers' data. We will never knowingly use any service, choose any partner, or share your data with anyone that we believe may misuse or sell your data. Below is a list of all of the partners that we may share your data with from time to time:

We use a third-party software provider, **GoingSwimmingly**, to process our bookings, store customer and student information and facilitate payments.

All information held by GoingSwimmingly is stored securely on dedicated servers housed in a 2000m<sup>2</sup> purpose built data centre. When transferring data between their servers and the user's computer (administrators and members), they use the same technology to secure information as banks and financial institutions - SSL (Secure Socket Layer) to protect the information. This works through a combination of programmes and encryption/decryption routines, meaning your information is kept safe in transmission. The secure connection is highlighted in your browser address bar where you will see HTTPS in green indicating the connection is secure, as is also the case with our website.

No financial information (bank details, credit card information etc.) are held by us or GoingSwimmingly - this information is held securely by our payment facilitators ([WorldPay](#) and [GoCardless](#)). Please visit their websites for their respective Data Protection and Privacy Policies by clicking on the above links in their names.

We use Google Cloud technology (**G Suite**) to host our email mailboxes, meaning that any information transferred by email will be stored in their servers until marked for deletion by either party and is covered by Google's own privacy policy, which can be found here: <https://policies.google.com/privacy/update>. We may also use another of Google's third party tools, **Google Analytics**, to collect standard internet log information and details of your visitor behaviour patterns. We do this to find out, for example, the number of visitors to each page of our website.

We use a third-party SMS gateway system, **ClickSend**, to send out important notifications about your lessons. ClickSend is very secure and is fully compliant with GDPR and the UK's Data Protection Act 1998 (which is why we picked them!) You can view their [Data Protection Policy here](#), as well as their [Security & Compliance statement here](#). If you would like to opt out of any SMS messages, simply respond to any message with "Stop", however this will mean that you will no longer be able to receive notifications in case of cancellation, or other important alerts. Remember, we never use your phone number for promotional purposes, nor will we ever sell them on to anyone.

Our telephony and internet systems are provided by **Convergence Communications**, a local business telecoms provider who are very secure. We may, from time to time, choose record telephone conversations for the purposes of training and quality assurance purely for business purposes, in

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<sup>9</sup> <https://www.shopcoffee.co.uk/terms-conditions/>

accordance with this statement and Ofcom's Guidance for Recording Calls in the UK<sup>10</sup>. We take the utmost care to make sure that our office network and VOIP system is as secure as possible through best practice. No telephone record is held onto by Convergence or our call-logging system for any longer than six months and their processing of data is governed by their Privacy Policy, which can be found on their website<sup>11</sup>.

Our telephone overflow service, **Factotum**, is fully GDPR compliant and uses data encryption and current best practice procedures to ensure that your data is safe. If you would like a copy of their Privacy Policy, please ask.

In order to ensure that we can deliver safe and effective lessons, **our teachers** will be provided with registers containing the names, ages, genders and information regarding medical conditions & learning requirements, of students. We endeavour to ensure that these registers are always kept secure, whether electronically or in print and are destroyed after lessons in a manner that renders them unreadable. Registers may also be sent to **our venues** however these registers will only ever contain names of students and times of lessons. Any venues that require registers to be sent to them (for health & safety purposes) have signed Data Protection Agreements stating that they will sub-process data in a manner that falls in accordance with GDPR and this Data Protection Statement.

We may on occasion use a third-party email platform, **Mailchimp**, to distribute (with your consent) e-newsletters and promotional emails with information about our other services that you have indicated would be of interest to you. Any email details collected by Mailchimp is done so securely, never sold on and more information can be found here: <https://mailchimp.com/legal/privacy/>. No student data is sent to, or held by Mailchimp. Mailchimp is a US-based company, although they are covered by the EU-US Privacy Shield Framework. We have also signed a Data Protection Agreement with Mailchimp, which we can provide you with a copy of if you wish.

In the extremely rare and unfortunate circumstance that you have an outstanding balance which has not been paid or addressed in good time, after we have made every reasonable attempt to contact you to request payment, we reserve the right to pass your details on to a debt collection agency, **K2 Collections**, who are members of the Credit Services Association and their privacy policy can be viewed on their website<sup>12</sup>.

Please note that while we may interact with you using various **social media platforms**, we will not ask for, and do not recommend submitting any sensitive personal data across social media by way of "Commenting", "Tweeting", "Instant Messaging" or any other available formats of social media communication, as we cannot guarantee the safety and security of any data sent and received. All personal information that you store on social media is regulated and processed in accordance with their own privacy and data protection policies..

Should we knowingly send any personally identifiable information to any entity residing in, or storing data, outside of the European Union, we will endeavour to take all reasonable steps in ensuring that appropriate safeguards are put in place to protect your data (E.g. Signing Data Protection Agreements and making sure they are fully compliant with UK and EU law).

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<sup>10</sup> [http://www.icallsuite.com/uploads/1/1/0/0/11004260/ofcom\\_guidance.pdf](http://www.icallsuite.com/uploads/1/1/0/0/11004260/ofcom_guidance.pdf)

<sup>11</sup> <https://business.yell.com/websites-privacy-cookie-policy/>

<sup>12</sup> <http://www.k2collections.co.uk/privacy-policy/4594315839>

We reserve the right to retain your personal data longer than the periods stated elsewhere in this statement, where it becomes apparent that there is a need to do so – For example, in the event of a major health or personal injury incident, or a safeguarding concern that relates to you or any children, whether students or not, records may need to be kept for up to forty years.

Any photographic images of customers or staff collected by us (not including CCTV) for business purposes will be done so only with express consent by way of a signed release form, in which we will detail how we may plan to use them (E.g. On our website or for social media posts).

## Data subject rights:

You have the following rights, all of which are qualified in different ways and are listed without prejudice to any other rights you may have with regards to your personal data:

- The right to be informed in clear, transparent ways, of how your personal information is being used and with whom it is being shared. This right is usually fulfilled by the provision of ‘privacy notices’ (also known as ‘data protection statements’ or, especially in the context of websites, ‘privacy policies’) which set out how an organisation plans to use your personal information, who it will be shared with, ways to raise objections, and so on;
- to ask us for, and receive access to your personal information and to ask for rectification of inaccurate data, or erasure of your data (right to be forgotten);
- to restrict the processing of your personal information pending its verification, correction or deletion;
- to ask for the transfer of your personal information in machine-readable and commonly used formats and/or for said information to be transferred electronically to a nominated third party (data portability);
- to object to: processing (including profiling) of your data that proceeds under particular legal bases; to direct marketing; and to processing of your data for research purposes where that research is not in the public interest; and
- the right not to be subject to a decision based solely on automated decision-making using your personal information.

Some of these rights are not automatic and we reserve the right to discuss with you why we might not be able, or willing to comply with a request from you to exercise them.

You retain the right at all times to lodge a complaint about our management of your personal information with the Information Commissioner’s Office<sup>13</sup>.

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<sup>13</sup> <https://ico.org.uk/concerns/>

The Information Commissioner’s Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 (Local rate) or 01625 545 745 (National rate)

## Accountability:

We are required under law to:

- comply with data protection law and hold records demonstrating this;
- implement policies, procedures, processes and training to promote “data protection by design and by default”;
- have appropriate contracts in place when outsourcing functions that involve the processing of personal data;
- maintain records of the data processing that is carried out across the company;
- record and report personal data breaches;
- carry out, where relevant, data protection impact assessment on high risk processing activities;
- cooperate with the Information Commissioner’s Office (ICO) as the UK regulator of data protection law;
- respond to regulatory/court action and pay administrative levies and fines issued by the ICO.

## ICO Registration Statement:

Elite Swimming Academy fully complies with the Data Protection Act 1998, Regulation (EU) 2016/679 (GDPR), and per our obligation as a Data Controller, we are registered with the Information Commissioners Office in the UK (ICO) under registration number Z2265359<sup>14</sup>. Elite Swimming Academy do not rent, lease or sell any data to third parties for any reason whatsoever.

**Date:** April 2018  
**Author:** Nick Knights, Operations Manager  
**As approved by:** Board of Directors (Elite Swimming Academy Limited)



<sup>14</sup> You can check our registered details here: <https://ico.org.uk/ESDWebPages/Entry/Z2265359>