



Elite Swimming Academy Data Protection Statement: Staff

Introduction, Purpose and Scope:

This statement explains how **Elite Swimming Academy**¹ (“we”, “us” and “our”) handles and uses information we collect about our staff (“you” and “your”). For these purposes, “**staff**” refers to anyone working for us in any context at any level (whether permanent, fixed term, ad-hoc 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.

In general terms, we use your data in order to manage your employment or ‘self-employed basis’ working with us, including your role and the performance of it, how we support you as a contract-giver or employer, and how you are paid, as well as other statutory requirements. To comply with data protection law, information must be collected and used fairly, stored safely and not disclosed to any other entities unlawfully.

The purpose of this policy is to ensure our compliance with data protection law in the UK. This policy applies to the **processing** (collection, storage, use and transfer) of **personal information** (data and other identifiers) about **data subjects** (living identifiable individuals). This policy 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).

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, 2nd 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.**

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 website; 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

¹ 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.

computer in a public places such as a library or internet café. Please see our Website Terms & Conditions for more information².

This policy 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).

This policy 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.

Unless otherwise stated, the primary 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 that the processing undertaken is necessary for the performance of the working contract we hold with you, or for statutory purposes (e.g. processing your monthly salary, tax and pension contributions. You may ask us to explain our rationale at any time.

Our Obligations:

When you give us your personal information for any specified purpose, you will be told about the use we will make of that information (e.g. confirming your bank details for the purposes of paying your salary/wages).

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, Elite Swimming Academy commits itself to upholding data protection law as part of everyday working practices by:

- ensuring all personal information is managed appropriately through this policy;
- 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;

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

- 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 are legally obliged to ensure that all of our staff is made 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.

As individual members of staff, you are responsible for ensuring that:

- any personal data that we or you may hold in the course of our legitimate interests is kept securely;
- relevant data protection training is completed by yourself, as advised by us;
- you follow relevant company policies, procedures and notes of guidance;
- you only access and using personal information as necessary for your 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, you will report personal data breaches and cooperate with the DPO to address them; and
- only deleting, copying or removing personal information as agreed with the DPO and as appropriate.

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

- collected only if strictly necessary for the performance of your contractual duties;
- 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
- if printed, hidden completely from view of any third parties and destroyed thoroughly immediately after use;
- 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 above points will also apply as obligations on us with regards to any personal information that we collect about you.

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 personal information, 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:

In the rest of this document, data marked with an * relate to information provided by you, or created in discussion and agreement with you. Other data and information is generated by us or, where self-evident, provided by a third party.

Your personal data is used by us for a number of reasons including:

A: Supporting your work and your performance in your role:

Data collected and processed for this purpose includes:

- *personal details, including name, contact details (phone, email, postal, both work and personal) and photograph;
- your current and any previous role descriptions;
- your current and any previous contracts of employment, or contracts made on a self-employed basis, and related correspondence;

- any occupational health assessments and medical information you have provided, and related work requirements;
- *your training and development qualifications, requests and requirements.

B: Ensuring that you have the right to work for us:

Personal data collected for this purpose includes:

- *your recruitment information (including your original application form and associated information submitted at that time);
- other data relating to your recruitment (including your offer of work and related correspondence, references we took up on your appointment, and any pre-employment assessment of you);
- evidence of work undertaken for other companies where there is a potential for a conflict of interests;
- *evidence of relevant qualifications (e.g. ASA Teaching Aquatics, NRASTC, NPLQ etc.);
- *evidence of your right to work in the UK (e.g. copies of your passport).

C: Paying and rewarding you for your work:

Personal data collected for this purpose includes:

- *your bank details;
- *details of your preferred pension scheme;
- your current and previous salary and other earnings (e.g. maternity pay, overtime), and the amounts you have paid in statutory taxes;
- details pertaining to any loans or advances you may have received, and how they have been spent in order to prevent fraud;
- correspondence between yourself and us, and between other members of staff, relating to your pay, pension, benefits and other remuneration.
- In addition, we maintain records of your use or take-up of any benefit schemes provided by us, which we collate and monitor to review the effectiveness of these staff benefits. The legal basis for this processing is that it is in our legitimate interest to ensure that any staff benefit schemes represent good value for money to both you and us, and to ensure that you do not overuse any entitlements you may have.

D: Administering HR-related processes, including records of absences and regular appraisals of your performance and, where necessary, investigations or reviews into your conduct or performance:

Personal data collected for this purpose includes:

- *records of your induction programme and its completion;
- *records of your performance appraisals with your line manager;
- records, where they exist, of any investigation or review into your conduct or performance;
- records of absences from work. This includes (but is not limited to) annual leave entitlement, sickness leave, parental leave and compassionate leave;

- correspondence between you and us, and between other staff members and customers, regarding matters relating to your work and any related issues (including but not limited to changes to duties, responsibilities and benefits, your retirement, resignation or exit from the company and personal and professional references provided by us to you or a third party at your request).

E: Maintaining an emergency contact point for you:

Personal data collected for this purpose includes:

- details of your preferred emergency contact, including their name, relationship to you and their contact details.*

F: Monitoring equality and diversity within the company:

Personal data collected for this purpose includes:

- information relating to your age, nationality, gender, religion or beliefs, sexual orientation, disabilities and ethnicity.*

G: Disclosing personal information about you to external organisations, as permitted or required by law.

H: Identifiable imagery captured on our surveillance systems:

Please be aware that we, or our Data Processors (any partners that process data given to them by us, the Data Controller) may also operate Close Circuit Television (CCTV) systems on our office premises or partner venues, which may capture and record footage from which it may be possible to identify you should you approach or enter said premises.

We and/or our Data Processors may record images of anyone entering or approaching our premises in order to:

- protect the Vital Interests of our staff, customers and students;
- protect our property from damage and/or theft;
- deterring criminal activity by the use of signs displaying that a CCTV installation is in use on our properties;
- assist in the prevention and detection of crime;
- enabling identification of any actions or events which may result in disciplinary proceedings being taken against staff
- to support defensive statements of any staff members against whom disciplinary proceedings are being undertaken; and
- to manage safe access and use of areas of work for staff, customers, students and the general public.

You may request copies of any recognisable images, subject to exemptions outlined in national data protection legislation and we will only hold footage for a reasonable period, save for cases in which they are required for a specific business need or justification, or in cases of investigation. Further

information can be found in our CCTV Policy, should we adopt one in future, or those of our Data Processors.

I: Computer, IP and IT usage information:

We may collect and process your usage of company computers and hand-held devices, analysing their use in order to ensure that all usage of the same:

- falls in line with any acceptable use policies;
- is deemed to have been done in an appropriate manner fitting your contractual duties;
- is not unprofessional, offensive, harmful or could in any way be construed an unacceptable use of company assets;
- to ensure that company property has not been used in commission of crime or, in cases where this is suspected, to assist in the investigation thereof;
- to ensure compliance with all other company terms, including data protection of our customers; and
- to ensure that all electronic devices are secure to use and are not a potential security risk as a result of your use of them.

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 website³.

We will not monitor social media sites for any personal data relating to you, unless we believe that there is a legitimate reason for doing so (e.g. monitoring compliance with an agreed plan, such as a home-working agreement). Consequently, we do not routinely screen your social media profiles but, if aspects of these are brought to our attention and give rise to concerns about your conduct, we may need to consider them. Our social media guidelines are being reviewed in light of GDPR and will be published in due course on our website.⁴

For teaching posts and certain positions of trust, we are required by our commitment to Child Protection and Safeguarding to use the Disclosure and Barring Services (DBS) and Disclosure Scotland to help assess your suitability for roles where you will be in contact with, or close proximity to children and/or vulnerable adults. If this is the case, we will make this clear to you and you can view our Child Protection Policy for more information⁵. Certificate and status check information is only used for this specific purpose, and we comply fully with the DBS Code of Practice regarding the correct use, handling, storage, retention and destruction of certificates and certificate information. We recognise that it is a criminal offence to pass this information to anyone who is not entitled to

³ <https://www.eliteswimmingacademy.co.uk/cookie-policy/>

⁴ <https://www.eliteswimmingacademy.co.uk/tandc/>

⁵ <https://www.eliteswimmingacademy.co.uk/child-protection/>

receive it under a legitimate lawful basis. Please note that refusal to complete a DBS check may result in your immediate dismissal.

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 policy.

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 share your personal data with relevant government agencies (e.g. HMRC) and with your pension provider. We as Data Controller may share your personal data with third-parties (e.g. sub-contracting agents for payroll, HR, health and safety, pool management and schools where you work for us), who are in a contractual relationship with us as "Data Processors". A Data Processor may not process personal information other than on behalf of the Data Controller. The relationship between us, and each Data Processor, is regulated by a Data Processing Agreement, which ensures compliance with data protection law. Personal information (other than your name, role and employment contact details, which are made publically available) is not shared with other third parties without your express consent.

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).

Subject to requests made by the Data Subject (you) under data protection law, we hold all information for the duration of your working contract, and for no more than seven calendar years after.

As part of our affiliation with **SwimEngland**, we are required to conduct all Enhanced DBS Checks through them via **GB Group Plc (GBG) Online Disclosures**. We conduct these checks not only under the lawful basis of fulfilling our legitimate interests, but as a legal obligation to ensure that all staff working with children and/or vulnerable adults are adequately trained and suitable to work around them without putting them at risk. For more information on the data protection policies of SwimEngland and GBG, please check the links below.^{6,7}

We share data with the **Institute of Swimming (IoS)** and **Royal Life Saving Society** to provide vital qualifications for our staff (e.g. teaching courses, CPD certificates, NRASTC, NPLQ and First Aid qualifications). These organisations may require us to share your personal data and vice versa, as doing so to obtain these qualifications is required under legitimate interests, as well as protecting the vital interests of our students (in the case of drowning prevention and life-saving qualifications).

⁶ <http://www.swimming.org/library/documents/2479/download>

⁷ <https://gbg.onlinedisclosures.co.uk/docs/OnlineDisclosures%20Privacy%20Policy.pdf>

Their processing of information is regulated, respectively, in their data protection and privacy policies which are published on their websites.^{8,9}

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 2000m² 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.

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.

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, record telephone conversations for the purposes of training and quality assurance. 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.

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.

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 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.

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.

We reserve the right to retain your personal data longer than the periods stated elsewhere in this policy, 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, records may need to be kept for up to forty years.

⁸ <https://www.theiosonline.com/shared/get-file.ashx?id=2893&itemtype=document>

⁹ <https://rlss.org.uk/privacy-policy/>

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 website, '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.

Failure to provide the information reasonably requested of you may result in disciplinary action taken by us, which could ultimately lead to your dismissal.

You retain the right at all times to lodge a complaint about our management of your personal information with the Information Commissioner's Office¹⁰.

¹⁰ <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 Z2265359¹¹. Elite Swimming Academy does not rent, lease or sell any personal information to third parties, for any reason whatsoever.

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



Data Protection Act 1998

¹¹ You can check our registered details here: <https://ico.org.uk/ESDWebPages/Entry/Z2265359>