



## Indoor Sports Centre Limited Data Protection Policy

This Policy is written in line with the requirements of the General Data Protection Regulation (GDPR) and The Data Protection (Bailiwick of Guernsey) Law, 2017

### Executive Summary

The purpose of this Policy is to ensure Indoor Sports Centre Limited ("ISC") meets the requirements of new Guernsey Data Protection legislation, The Data Protection (Bailiwick of Guernsey) Law, 2017 ("Guernsey Data Protection Law") (the "Law"), which is aligned to the EU General Data Protection Regulation ('GDPR') which is effective from 25 May 2018.

The Objective of the Law is to protect the rights of individuals in relation to their personal data, and provide for the free movement of personal data, in a manner equivalent to the GDPR and the Law Enforcement Directive, and ensure provisions are appropriate in relation to the processing of personal data.

This Policy deals specifically with how ISC through its communications, contracts, operations, storage and destruction of membership personal data, complies with Guernsey Data Protection Law and GDPR.

### Key Terms used within this Policy include the following:

Data Breach	Breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of personal data
Data Controller	Person who (either alone or jointly or in common with other persons) who determines the purposes for which and the manner in which any personal data are, or are to be, processed. This being Indoor Sports Centre Limited
Data Processor	Person (other than an employee of the data controller) who processes the data on behalf of the data controller
Data Subject	Individual who is the subject of the personal data



GDPR	EU General Data Protection Regulation
ISC	Indoor Sports Centre Limited as Data Controller
ISC Personal Data	Data held by ISC and is limited name, date of birth, age, address, email address, telephone number and emergency telephone number, parent/next of kin name, email address and telephone number (may be more than one person), time and day of class attended, recreation or squad member, consent information, communications where gymnasts/gym users are mentioned by name
Law	Data Protection (Bailiwick of Guernsey) Law, 2017
Natural Person	A living individual
Processing	Obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data
Special Category Data	Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, criminal convictions and offences, genetic or biometric data for the purpose of uniquely identifying an individual, data concerning health or sexual orientation.

## Introduction

The ISC receives personal data as described above, either directly through legal contracts or through its website or from email contact. The ISC through its controller and processor collects personal data as indicated above for the following persons:

- Regular Club Members
- Visiting members to the Guernsey Gymnastics Academy or Upgrade
- Entrants to competitions
- Hirers of the facilities at the Guernsey Gymnastics Centre or Upgrade
- Suppliers and Contractors

The ISC stores and holds and will hold in the future, securely and through secure operations, in its data base, only that personal information that has been consented to be held and for which it continues to have a purpose to hold.



The ISC through its directors understands its responsibility and duty to comply with the data protection principles of the Law and to take all practical steps of lawful and fair processing to store all data securely; recognise Data Subject rights over their data; hold, store and destroy data in accordance with its published Privacy Statement; make that Privacy Statement directly available to all data subjects; require data subjects to confirm their acceptance and understanding of that Privacy Statement; alert all applicable data subjects to what data is being held and for what purpose; give all data subjects the option to exercise their rights to not have data held and to unsubscribe to ISC communications; to receive specific consent for processing and respect an individual's anonymity.

Under the new Law no data can be held unless the data subject has had the opportunity to read the ISC Privacy Statement and, based on that Privacy Statement, have freely and clearly given their consent in a form that can be evidenced, for their Personal Data to be held on the terms given in that ISC Privacy Statement.

**This Policy provides guidance on the following:**

- **Principles of the Law** <sup>2</sup> ○ **Data Subject Rights**
- **Duties of Data Controller** <sup>2</sup> **and Processors** <sup>2</sup>
- **Requirement to Register with Guernsey Data Protection Commissioner** <sup>2</sup> ○ **Consent** <sup>2</sup>
- **Operational Steps for Compliance with the Law**

## **Principles of the Law**

The Law states that a Controller must ensure that the processing of all personal data complies with the data protection principles of:

Lawfulness, Fairness and Transparency;

- Purpose Limitation – collected only for specific, explicit and legitimate purposes and only used for that specific, explicit and legitimate purpose;
- Minimisation – data collected shall be limited to the purpose for which they are processed;
- Accuracy - reasonable steps must be taken to ensure that personal data that is inaccurate are erased or corrected without delay;
- Storage Limitation – kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are being stored; may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, historic research or statistical purposes subject to the implementation of appropriate technical or organisational measures to safeguard the rights and freedoms of the data subject;



- Integrity and Confidentiality - processed in a manner that ensures its security, including protection against theft and unlawful processing, accidental loss, destruction or damage;
- Accountability - the controller is responsible for, and must be able to demonstrate compliance with the above principles of the data protection law.

### **Data Subject Rights**

The purpose of the new legislation is to strengthen a data subject's rights over what and how their data is used, stored and accessed and states the following rights:

- Right of access to the personal data;
- Right to rectify inaccurate personal data;
- Right to erasure of personal data when it is no longer required;
- Right to restrict processing when the accuracy of personal data is contested or no longer needed for its original purpose;
- Right to data portability and transfer of personal data;
- Right to object to processing for direct marketing purposes.

### **Duties of Data Controller and Processors**

Personal data must not be processed unless the data controller is registered with the Guernsey Data Protection Commissioner. Personal data is any information that relates to a living person who can be identified by that data. It may be held in different formats – on paper or electronically – and is recorded as part of a relevant filing system or forms part of an accessible record.

**Registration with the Data Protection Commissioner must be completed online at <https://dataci.gg> through the On-line Notification portal and an annual fee (currently £50) is payable.**

#### Data Protection Registration

The on-line system enables businesses to notify the Commissioner, as required by the Data Protection Law, by completing pre-set templates on-line, relevant to types of business and there is a specific template for Not for Profit. Should you have any registration or notification enquiries, please telephone the office of the Data Protection Commissioner on +44 (0) 1481 742074 or email [enquiries@dataci.org](mailto:enquiries@dataci.org)

Registration requires the following information:

1. The name and address of the data controller – ISC's registered address
2. The name and address of any nominated representatives
3. A description of the data and the categories of data subject to which they relate



4. Why the information is being processed
5. A description of any recipient or recipients to whom the data controller intends or may wish to disclose data
6. The countries or territories outside the Bailiwick of Guernsey to which the data controller directly or indirectly transfers, or intends to transfer data
7. A general description of the measures to be taken to prevent unauthorised or unlawful processing of (that is theft of), accidental loss or destruction of, or damage to, personal data

The data controller, ISC, is required to notify the Data Protection Commissioner of any changes to the registration details.

ISC as data controller and its processors are expected to put comprehensive, but proportionate, governance measures in place. Good practice tools such as privacy impact assessments and privacy by design are now legally required. The practical implementation of these requirements is set out below in the 'Operational Steps for Compliance with the Law' section of this Policy.

Ultimately, the measures and operational procedures set out in this Policy should minimise the risk of breaches and uphold the protection of personal data.

The accountability principle as detailed above requires that ISC demonstrates responsibility to and compliance with the data protection principles.

In order to demonstrate compliance the ISC must:

- Implement appropriate technical and organisational measures that ensure and demonstrate compliance This includes internal data protection policies dealing with such matters as training, operational procedures, review and detail of processing activities and data audits of personal data held
- Maintain relevant documentation on processing activities

Please note that the appointment of a data protection officer is not required by ISC as a data protection officer is only required for a public authority, or for organisations which carry out large scale systematic monitoring of individuals or carries out large scale processing of special categories of data or data relating to criminal convictions or offences.

## **Consent**

The Law sets a high standard for consent and it is important that the ISC implements the new requirements regarding gaining **freely given, informed, specific and unambiguous consent** from all individuals who are the subject of personal data collected and used by ISC.

ISC must make **its Privacy Statement, including its Cookie policy (where relevant) available and a consent function at all data collection points**. In the case of contracts and legal agreements the



consent will be by signed consent, in the case of the website and electronic consent, it will be a mandatory opt-in 'Accept' button, which accepts and consents to how their data will be held in line with the Privacy Statement.

Consent must be clear and affirmative.

Data subjects must have the ability to exercise their right to withdraw consent at any time.

Consent is required when the data is being processed for a new or different purpose.

Consent is required from legal guardians to process data of minors.

### **Operational Steps for Compliance with the Law**

GDPR Policy: ISC must have and review annually a clear Data Protection Policy

DP registration: ISC must register and pay the annual registration fee

Data Audit: A review to be carried out, documented and presented to show:

1. That no unnecessary data is held or processed
2. The security measures in place to protect the personal data held
3. Details of Privacy Statement and Terms of any third party vendor holding ISC stakeholder data
4. Details of operational compliance with the ISC Data Protection Policy

Privacy Statement: ISC must have in place and regularly review a clear privacy statement in line with the requirements of GDPR and which must be made available, together with the Opt-In option at all data subject consent points prior to data collection

Consent: Consent requires a positive opt-in. Consent means offering individuals genuine choice and control

Consent is required for:

- Recipients of the regular ISC information
- ISC Members
- Competition Entries
- Any other data subject for which the ISC holds

personal data or sensitive information Website:

To include links to the Privacy Statement, active opt-in consent button, and relevant Cookies Policy and Banner.

Information:



Consent must be given when a data subject has requested the processing of personal data, to receive information. At the subscribing point they must be able to view and must actively 'Opt-In' by signing. This indicates they accept the terms of the ISC Privacy Statement, which they have read or have had the option to read.

#### Members:

Consent must be given when a data subject has requested the processing of personal data, for instance when signing up as a Member. At the subscribing point, electronically or through paper contract they must be able to view the ISC Privacy Statement, and accept the terms of which they have read or have been given the option to read.

#### Contracts and Agreements:

Consent must be given when a data subject enters into a contract with GBA. Existing and continuing contracts, where not referencing compliance with GDPR, should have an Amendment Agreement for GDPR. All existing provisions of the existing Agreement shall continue in full force and effect save as amended by the GDPR Amendment Agreement. The Directors of the ISC may at their discretion decide that operationally it is more efficient and effective to issue new contracts and agreements that include the consent, rights and transparency requirements of GDPR.

New GDPR compliant contracts will be issued to new contractual arrangements and relationships.

#### Emails:

Where data subjects are already subscribed each email or notification that is sent out should include the following or similar wording, which must make available the ability to unsubscribe and contain a link to the Privacy Statement; example wording below:

You are receiving this email because you are a member of the Guernsey Gymnastics Academy or Upgrade. Your email address is held in accordance with current Data Protection legislation and our Privacy Statement, which you can view in the link below. If you no longer wish to receive updates and communications from the Guernsey Gymnastics Academy or for us to hold your email address, please unsubscribe by contacting us on



[gymnastics@isc.gg](mailto:gymnastics@isc.gg) / [admin@upgrade.fitness](mailto:admin@upgrade.fitness) / [info@isc.gg](mailto:info@isc.gg) or if you would like more details about our Privacy Statement.

Consent Records: All consent records must have the operational ability to be securely stored, retrieved and available as part of evidence for Data Audit and to meet requests by data subjects or regulating authorities.