

Swim Wales Training and Development General Data Protection Regulation (GDPR)

DOCUMENT STATUS

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Original Document produced	April 2018
Review Date	Annually

DOCUMENT CONTROL INFORMATION

Change History		
Version	Date	Details of changes
V2	12/02/2019	Amendments to existing policy
V3	02/04/2020	Amendments to existing policy
V4	18/09/2020	Amendments to existing policy

Swim Wales is committed to ensuring confidentiality and safe storage of personal or sensitive data for all individuals engaged with any activity concerning the assessment, delivery and award of Swim England qualifications.

This policy applies to the processing of personal data in manual and electronic records kept by Swim Wales in connection with its Business Development functions described below. It also covers the Company's response to any data breach and other rights under the General Data Protection Regulation (GDPR).

Policy aim and purpose

The GDPR forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018). The main provisions of this apply, like the GDPR, from 25th May 2018.

The GDPR 2018 has been introduced as part of Government legislation in order to define the law on the processing of personal or sensitive data of individuals to maintain their rights to privacy. Non-compliance to the GDPR can lead to complaints being made to the Information Commissioners Office (ICO).

This policy has been designed to highlight the types of information which could be considered as personal or sensitive, as well as ensure that the processing (including the concepts of obtaining, recording, retrieval, consultation, holding, disclosing and using) of personal or sensitive data by Swim Wales is managed in a safe and confidential manner.

Definition of data

Data refers to information about an individual (referred to as the 'Data Subject') that may be used or processed by a training organisation (referred to as the 'Data Controller') in order to carry out activities involved within the assessment, delivery and award of qualifications. Data can be identified by two categories:

- **Personal data**

This is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location and online identifier.

- **Sensitive personal data**

This is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religious beliefs, and trade union membership. It also includes genetic and biometric data (where used for ID purposes) as well as an alleged commission of any offence, criminal proceedings or convictions.

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Swim Wales makes a commitment to ensuring that personal data, including special categories of personal data and criminal offence data (where appropriate) is processed in line with GDPR and domestic laws and all its employees conduct themselves in line with this, and other related, policies.

Where third parties process data on behalf of Swim Wales, the Company will ensure that the third party takes such measures in order to maintain the Company's commitment to protecting data.

In line with GDPR, Swim Wales understands that it will be accountable for the processing, management and regulation, and storage and retention of all personal data held in the form of manual and digital records.

The seven principles of the GDPR

The GDPR Policy defines the following seven principles which must be adhered to in order to comply with the law and protect the privacy of the Data Subject.

1. Lawfulness, fairness, and transparency

Personal data must be processed lawfully, fairly, and transparently with regards to the data subject (person to whom the data belongs to). To do this lawfully, the processing must meet the criteria for lawful processing as laid out in the GDPR. To achieve this fairly, the data processed must correlate with how it has been described. By informing the data subject of what, how (in an easy to understand and accessible means), and why their data will be processed ensures that you are transparent with regards to the processing of their data. Small print will no longer do! But rather targeted techniques ensuring the issues and risks are highlighted. This gives genuine control and choice to the data subject and equates to being transparent and fair.

The GDPR emphasizes this principle as a core principle whereas the DPD touches on it as a forethought for the data controller to process data transparently. Organizations could incorporate more accessible and straightforward privacy policies to promote the rights of the individuals.

2. Purpose limitations

Personal data can only be collected for specified, explicit, and legitimate purposes. This data can only be used for those described purposes and no other, without further consent first received. Do what you say and say what you mean!

The DPD reflects this principle in a similar way. However, the GDPR widens the scope by allowing processing of other categories such as processing for public interest and scientific purposes.

3. Data minimisation

Only collect the personal data that is necessary for the purpose of the business function. If you don't need it, don't collect it — ever! The data needs to be adequate, relevant, and limited to what is necessary. This plays an adjacent role with purpose limitation, too (principle No. 2).

4. Accuracy

Personal data must be kept accurate and current. All necessary steps must be taken to achieve this. No inaccurate data should be kept and any errors in data should be rectified as soon as they become known. The DPD requires the same criteria. Though, the GDPR builds on this to include that the erasure or rectification of inaccurate personal data must be done without delay.

5. Storage limitation

Swim Wales will not retain the data no longer require it for the purposes defined and agreed for processing. Securely remove the data when it is no longer necessary.

The GDPR adds to the list of exceptions for this principle. The GDPR allows longer storage time of data in the cases of data processing for public interest and scientific purposes. This is added to the exemption displayed under the DPD for longer storage time for processing data for statistical or historical purposes.

6. Integrity and confidentiality

Integrity, confidentiality, and availability are fundamental to security! The confidentiality and integrity of the personal data must always be maintained. Access must also be controlled to achieve this.

The necessary organizational and technical measures must be used to achieve principle No. 6. The personal data must be appropriately protected (encryption is a technical measure to achieve this). If the data is encrypted it remains confidential and maintains its integrity even if it falls into the wrong hands.

The breach impact is drastically reduced for both organizational and individuals whose data it is. Additionally, measures must be taken to protect against unlawful processing, accidental loss as well as the destruction or damage of personal data.

7. Accountability and compliance

Not only do you need to ensure compliance with the above six principles, you must be able to demonstrate this compliance, too. It is probably the most important of the principles as data controllers need to take responsibility for compliance as well as demonstrate it.

Complying with the GDPR Policy

Swim Wales must ensure that:

- All members of staff, External Verifiers, Centre Reviewers, Educators, Volunteers, Members, Suppliers and Contractors, whether permanent or temporary, have access to this policy and understand the seven principles of the Act
- All forms or documents which collect personal or sensitive data include a Data Protection Statement
- All records are kept securely i.e. locked away or password protected.
- No data is used for the purposes of marketing unless the individual provides written consent
- Any emails that are sent to more than one individual are Bcc'd (blind copied)
- No personal data is disclosed, written or verbal, to anybody outside of Swim Wales, unless provided with written acknowledgment from the individual to do so. For example, disclose personal data to Swim England Qualifications (SEQ) in order for customers to be certificated.
- Only nominated members of staff have access to personal data and understand how to comply with the Act.
- All learner details that are sent to SEQ and relevant tutor are password protected.
- Achievement data is not used for any other purpose than those permitted in this policy, including for marketing or financial gain.
- If you are below the age of 16, you might wish to discuss this privacy notice with your parent or legal guardian.

Data protection statement

Below is an example of a data protection statement which will be available on documentation produced by Swim Wales Training & Development which collects personal data. Swim Wales will use your personal data for the purpose of your involvement in data collection and I understand that by submitting this form, I am consenting to receiving information about the data collection by post, email, SMS/MMS, online or telephone unless stated otherwise.

Personal Learning Record

The Personal Learning Record is an internet-based register of learners and achievement data, designed to assist learners with their personal learning development. It allows learners to view their education and training qualifications in one place. A Unique Learner Number (ULN) is required to access the Personal Learning Record and is completely unique to the learner.

The Approved Centre, Swim Wales, is responsible for to ask learners if they have an existing ULN and wish us to include it on the data to SEQ, and then have an opt in statement for anyone who wishes Swim Wales to create one.

Privacy notices

Under the Data Protection Act, relevant individuals have a right to be informed whether Swim Wales processes personal data relating to them and to access the data that Swim Wales holds about them. Requests for access to this data will be dealt with under the following summary guidelines:

- A form on which to make a subject access request is available from Swim Wales National Safeguarding Officer. The request should be made to this appointed person.
- Swim Wales will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request
- Swim Wales will respond to a request without delay. Access to data will be provided, subject to legally permitted exemptions, within one month as a maximum. This may be extended by a further two months where requests are complex or numerous.

Relevant individuals must inform Swim Wales immediately if they believe that the data is inaccurate, either as a result of a subject access request or otherwise. Swim Wales will take immediate steps to rectify the information.

Example of a privacy notice

The below wording should be included in all learner application systems and registration forms so that they are notified that their achievement data will be processed. Some of the information you supply will be used by Swim Wales to inform the relevant Awarding Organisations of your achievement for certification purposes.

Breach notification

Where a data breach is likely to result in a risk to the rights and freedoms of individuals, it will be reported to the Information Commissioner within 72 hours of Swim Wales becoming aware of it and may be reported in more than one instalment.

Individuals will be informed directly in the event that the breach is likely to result in a high risk to the rights and freedoms of that individual. If the breach is sufficient to warrant notification to the public, Swim Wales will do so without undue delay.

Monitoring and review of the policy

This policy and its procedures will be reviewed annually, to ensure that it remains fit for purpose and reflects the requirements as set by the Data Protection Act and how the use of data is managed.



Swim Wales keeps records of its processing activities including the purpose for the processing and retention periods in its Business Development Team. These records will be kept up to date so that they reflect current processing activities.

The next policy review will take place in March 2022

Swim Wales Training & Development

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