SWIM IRELAND

CLUBS AND REGIONS

DATA PROTECTION POLICY

FERMOY SC

(June 2014)

POLICY STATEMENT

1.1 Everyone has rights with regard to how their personal information is handled. During the course of our activities Fermoy SC ("**we**") will collect, store and process personal information and we recognise the need to treat it in an appropriate and lawful manner.

1.2 The types of information that we may be required to handle include details of current, past and prospective employees, volunteers, management, members, suppliers and others that we communicate with.

1.3 The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Data Protection Acts 1988 and 2003 (the "**Acts**") and other regulations. The Acts imposes restrictions on how we may use that information.

1.4 Under the Acts, we are known as the 'data controller' of all personal data used in our business. A data controller is the person who or organisation which determines the purposes for which, and the manner in which, any personal data is processed ("**data controller**"). As a data controller we have a responsibility to establish practices and policies in line with the Acts.

1.5 We require each employee, volunteer, contractor or other worker ("**you**") to fully comply with this policy. This policy does not form part of any employee's contract of employment and it may be amended at any time. Any breach of this policy will be taken seriously and may result in disciplinary action.

1.6 The Data Protection Officer is our representative who is responsible for coordinating compliance with the Acts and with this policy. That post is held by Deirdre O'Connor (primarily), Reinder Kouwenberg and Jackie Power. Any questions or concerns about the operation of this policy should be referred in the first instance to your Data Protection Officer.

1.7 If the question cannot be answered internally, the Office of the Data Protection Commissioner based in Portarlington offers a free service to provide data protection advice to the public. This Office is the watchdog for data protection in Ireland. The

telephone number for this office is: 1890 252 231 or 057 868 4800 and its website is www.dataprotection.ie.

1.8 If you cannot answer the question internally or through the Data Protection Commissioner's Office, the query can be referred to the Swim Ireland Data Protection Officer.

2. STATUS OF THE POLICY

2.1 This policy has been approved by Fermoy SC Committee. It sets out our rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, storage, transportation and destruction of personal information.

2.2 If you consider that the policy has not been followed in respect of personal data about yourself or others you should raise the matter with the Data Protection Officer of Fermoy SC.

3. DEFINITION OF DATA PROTECTION TERMS

3.1 The following definitions are used in this Policy:

"Data" is information which is stored electronically, on a computer, or in structured paper-based filing systems.

"Data subjects" for the purpose of this policy include all living individuals about whom we hold personal data. A data subject need not be an Irish national or resident. All data subjects have legal rights in relation to their personal data.

"Personal data" means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address, date of birth, image, sound recording or phone number) or it can be an opinion (such as the report of a competition).

"Data users" include employees or volunteers whose work involves using personal data. Data users have a duty to protect the information they handle by following this data protection policy at all times.

"Data processors" include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition but it could include suppliers which handle personal data on our behalf. Where we work with outside bodies or organisations and only process personal data on their behalf and under their instruction we may be the data processor of that organisation's personal data.

"EEA" means the European Union member states, Iceland and Liechtenstein, Norway.

"Processing" is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any action using the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

"Sensitive personal data" includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings.

4. DATA PROTECTION PRINCIPLES

4.1 Anyone processing personal data must comply with the eight principles of data protection. These provide that personal data must be:

(a) obtained and processed fairly;

(b) kept for a specified and lawful purpose or purposes;

(c) processed and disclosed only in ways that are compatible with that purpose(s);

(d) kept safely and securely;

(e) kept accurate, complete and up to date;

(f) adequate, relevant and not excessive for the purpose it was collected;

(g) not kept longer than necessary for the purpose or purposes; and

(h) given to an individual where he or she makes a data access request.

5. FAIR PROCESSING

5.1 The Acts are intended not to prevent the processing of personal data, but to ensure that it is done fairly and without negatively affecting the rights of a data subject. A data subject must be told:

(a) who the data controller is (i.e. us);

(b) the purpose for which the data is to be processed by us (e.g. to register a person as a member);

(c) the identities of anyone to whom the data may be disclosed or transferred;

(d) whether the replies to any requests for personal data that we make are compulsory (e.g. different fields on membership forms);

(e) the existence of a right to make a data access request; and

(f) any other information necessary to make the processing fair.

5.2 Swim Ireland has prepared a privacy policy on its website that provides the information required above to its members and any other individual it collects personal data from. Swim Ireland's application forms and medical consent forms ask individuals to read that policy before completing those forms. This satisfies the requirement under the Acts for Swim Ireland and we can use the method also to ensure we comply with the Acts. Swim Ireland has provided us with a copy of its privacy policy as Appendix 1 to this policy. We can adapt this for our website so we comply with the fair processing requirements under the Acts (e.g. by adding our name as data controller and, where we are based in Northern Ireland, amending any legal reference to UK law).

5.3 If we cannot adapt a privacy policy for our website, we will need to give the information to any person we collect personal data from. For example, where we ask individuals to fill out a membership application form we will need to tell that individual:

(a) For the purpose of the Data Protection Acts 1988 and 2003 (the **Acts**), the data controller is Deirdre O'Connor.

(b) we collect the data contained on this form so that we can register you as a member with us and to maintain our relationship with you as a member;

(c) this data may be shared with Swim Ireland head office, other Swim Ireland clubs or regions, the Irish Sports Council, the Irish Institute of Sport and, where you register to attend or participate in an external event or competition, we may transfer this information to that external organisation so you can take part in that event or competition;

(d) All fields in our membership application form are mandatory except for the section requesting details of your racial origin;

(e) The Acts gives you the right to access information held about you. Your right of access can be exercised in accordance with the Acts. Any access request may be subject to a fee of €6.35 to meet our costs in providing you with details of the information we hold about you;

(f) Any other information necessary to make the processing fair this must be decided on an individual club or region basis. Likely other information that may be required to make the processing fair would be to let the individual know if their email address will be used to send ezines or newsletters to them and letting them know how they can opt out of this.

The above is an example only and should be amended as required.

5.4 For personal data to be processed lawfully, certain conditions have to be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for our legitimate interest.

Where an individual fills out a membership application form, then it is implied that they consent to us having this information to process their membership. However, if we wanted to use that membership data for another purpose, for example, to pass it to a third party, we would need to ask the individual for consent to this.

5.5 When sensitive personal data is being processed (e.g. medical records of athletes), in most cases the data subject's explicit consent to the processing of such data will be required. Swim Ireland has amended its medical consent form to add in a data protection section and also declarations on data protection for the individual. A copy of this medical consent form is attached as Appendix 2 to this policy for your information. You will see from this that an individual has to declare he or she read and understood the Swim Ireland privacy policy and consents to Swim Ireland Processing his or her sensitive personal data information. We should follow a similar process.

5.6 Where an outside organisation seeks to transfer personal data or sensitive personal data from its members, customers or suppliers to us, we must first ask that outside organisation to ensure that it is entitled to transfer that data to us and, where relevant, that it has obtained the consent from the relevant data subjects to the transfer to us. If an outside organisation proposes to transfer third party personal data to us and you are unsure whether you should accept such information, please contact our Data Protection Officer for assistance.

5.7 If an outside organisation that you need to transfer personal data to is based outside the EEA, then special considerations may apply. This includes informing the data subject and asking for his or her consent to the transfer. Swim Ireland has included a section in its privacy policy that informs individuals that their data may be transferred outside the EEA for processing and that the individual consents to this transfer. We should ensure this is in our policy also. Where you think a transfer outside the EEA may take place and are concerned about the transfer, please contact our Data Protection Officer.

6. KEPT AND PROCESSED FOR SPECIFIED AND LAWFUL PURPOSES

6.1 Personal data may only be kept and processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Acts. This means that personal data must not be collected for one purpose and then used for another (e.g. videos taken of members competing at a swimming competition for training purposes and then used in a marketing campaign). If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose and written consent must be sought before any processing occurs.

7. DATA SECURITY

7.1 We must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may apply to the courts for compensation if they have suffered damage from such a loss.

7.2 The Acts require us to put in place procedures and technologies to maintain the security of all personal data from the point of collection through to the effective and safe destruction of that personal data. Personal data may only be transferred to a third-party organisation if it agrees to comply with those procedures and policies, or puts in place its own adequate security measures.

7.3 Maintaining data security also means ensuring that the personal data is kept confidential. Only people who are authorised to access or use personal data should have access to it. This can be achieved by storing physical data in a filing cabinet or room that can be locked and the key is kept securely by one authorised person who can monitor access. On a computer security can be achieved by using document passwords and limiting access to shared folders.

7.4 Security procedures include:

(a) **Entry controls.** Any stranger seen in entry-controlled areas should be reported.

(b) **Secure lockable desks and cupboards.** Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

(c) **Methods of disposal.** Paper documents should be shredded. Hard disc storage devices and other electronic storage devices should be physically destroyed when they are no longer required.

(d) **Equipment.** Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

(e) **Portable Devices.** Portable devices include smart phones, tablets, laptops or other mobile devices that can be used to store or access data. Data users must ensure that portable devices used in the course of working with us (whether belonging to your club or region or the user) that may contain personal data are kept safe and secure. A password should be maintained on all devices. Where any portable device that may contain personal data is stolen or lost, this should be reported to the Data Protection Officer immediately.

8. ACCURATE DATA

8.1 Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken to check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed.

9. ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING

9.1 Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place. For example, where we do not need to know the religious beliefs of an individual to register them as a member, this should not be asked on membership application forms.

10. TIMELY PROCESSING

10.1 Personal data should not be kept longer than is necessary for the reason it was collected. This means that data should be destroyed or erased from our systems when it is no longer required. For example, when a person does not renew his or her membership with us then we should not keep prior information collected on him or her indefinitely and, after a certain period, we will have to delete it.

10.2 The Swim Ireland head office has a detailed Data Retention Policy in place. Where you have questions on how long you should retain certain data for that is not covered in the table below, you can request to see this Data Retention Policy or request the relevant maximum data retention period under this policy.

10.3 The following are recommended maximum data retention periods which should be calculated from the end of the calendar month following the last entry or activity on the file or document:

TYPE OF INFORMATION	MAXIMUM RETENTION PERIOD	HOW TO DESTROY/ARCHIVE
Member data including contact details, emails and correspondences	5 years from member's departure from club/region	• Archive in a secure location with limited access after 12 months • Delete from, marketing lists within 12 months of cancellation of membership (unless member requests immediate removal) • Shred physical files and delete from IT

		systems, address books, mobile phones after 5 years
Member images and video footage	This data should be deleted as soon as it is not required but see 'How to Destroy/Archive' column for more detail.	• The Swim Ireland privacy policy informs members that images or video footage may be taken at training, events or competitions. Our own policy should also contain this information • If a member objects or ask you to delete footage or an image this must be carried out immediately • Destroy the video once it is no longer required or within 6 months of a member leaving Swim Ireland • If you would like to retain the image or video for longer than 6 months, the written permission of the member featured in that video or image must be sought. This permission must be retained to prove that you have the right to hold this video. If the video or image is destroyed at a future date, this written permission should be kept for a further 2 years past this date and then it can be destroyed
Member Medical Records	2 years	• Archive in a secure location with limited access after 3 months • Shred physical files and delete from IT systems after 2 years
Credit or debit card details	1 day where no valid reason for holding this data. Where a reason exists, the maximum retention period is 12 months	• Shred physical records and delete from IT systems immediately after processing unless there is a valid reason for holding • If retained on foot of a valid reason, shred physical files and delete from IT systems within 12 months
Bank account details	2 months from date when individual is no longer engaged with club/region	• Treasurer to delete it from his or her own records (unless you have a valid reason for holding it) • Treasurer to shred physical files and

		delete from IT systems within 2 months
Garda Vetting Information	**DO NOT RETAIN**	• Transfer to National Children's Officer at Swim Ireland Head Office
Documents relevant to current or potential litigation, investigations, inquiries	**DO NOT DESTROY**	• Transfer this information to Club Chair or Secretary • Under Irish Law there is a positive obligation to preserve documents where litigation is anticipated or ongoing. These documents must be preserved and not destroyed

11. PROCESSING IN LINE WITH DATA SUBJECTS' RIGHTS

11.1 Data must be processed in line with data subjects' rights. Data subjects have a right to:

(a) request access to any data held about them;

(b) prevent the processing of their data for marketing;

(c) ask to have inaccurate data amended; or

(d) prevent processing that is likely to cause damage or distress to themselves or anyone else.

11.2 For the purposes of paragraph 11.1(b), where a member or individual requests updates or otherwise receives marketing emails from us, then each communication to that individual should contain instructions on how to opt-out of receiving further communications. Where an individual does opt-out, we have 40-days to ensure that no further marketing communications are sent to that individual.

12. DEALING WITH DATA ACCESS REQUESTS

12.1 Individuals are entitled to be given a copy of their personal data on request. A request from a data subject for information that we hold about them must be made in writing (which includes email). A fee of up to €6.35 is payable by the data subject for provision of this information.

12.2 Any member of region / club who receives a data access request must respond to the individual with a copy of the data requested within the 40 day limit under law. There are strict rules governing what data can be withheld and how to manage a request. For example, data that identifies a different person aside from the person making the request should never be disclosed without permission of that other person. If you

need further assistance please contact your Data Protection Officer or the Data Protection Commissioner's Office as set out in paragraph 1.7 above.

13. SENSITIVE PERSONAL DATA

13.1 Your club or region may be obliged to hold sensitive personal data on its employees, volunteers, members, suppliers or other persons (e.g. medical reports). Due to the highly delicate nature of this information, it must be treated with the utmost care. Sensitive personal data can only be processed under strict conditions, and will usually require the express consent of the person whom the data relates to.

13.2 Access to sensitive personal data must be restricted to those who specifically need to access it. Physical records should be stored in locked filing cabinets. Electronic records should be encrypted with a password that is only known to those who need to access it. Those who do not need to access sensitive personal data are prohibited from accessing it.

14. PROVIDING INFORMATION OVER THE TELEPHONE

14.1 If you are dealing with telephone enquiries should be careful about disclosing any personal information held by us.

14.2 Do not provide personal data over the phone unless you are sure you have the right to do so. In particular, where you are asked to provide personal data you should:

(a) Check the caller's identity to make sure that information is only given to a person who is entitled to it.

(b) Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked.

(c) Refer to your Data Protection Officer for assistance in difficult situations. No-one should be pressurised into disclosing personal information.

15. MONITORING AND REVIEW OF THE POLICY

15.1 This policy should be reviewed periodically to ensure it is achieving its stated objectives. Swim Ireland will review its own Data Protection Policy and will issue and recommendations or updates that may be of assistance.

15.2 This policy was adopted on 20 June 2014.

APPENDIX 1

SWIM IRELAND

PRIVACY POLICY

LAST UPDATED: AUGUST 2013

Swim Ireland ("**We**") are committed to protecting and respecting your privacy. This policy (together with our terms and conditions) sets out the basis on which any personal data we collect from you or that you provide to us through our website, forms or otherwise will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

For the purpose of the Data Protection Acts 1988 and 2003 (the **Acts**), the data controller is The Irish Amateur Swimming Association Limited trading as Swim Ireland, a company incorporated in Ireland with company number 112024 whose registered office is at Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15.

INFORMATION WE MAY COLLECT

We may collect, retain and process the following data:

- Information that is provided by any person filling in forms on our website www.swimireland.ie (**our website**) or otherwise including (but not limited to) membership forms, medical forms, assessment forms, e-vetting competition or event entrance forms or education enrolment forms.
- If any person contacts us via phone, email, post or otherwise, we may keep a record of that correspondence.
- Where you are a member of Swim Ireland, we may keep a file on you as a member and also relevant details of your parent/guardian (where applicable). We may also collect information, assessments, images or videos from any competitions, events or training sessions run by Swim Ireland and other swimming organisations and entities in which you participate.
- Where you are a contractor, employee, volunteer or supplier, we will keep a file of our interactions with you and any contracts or agreements we have made.
- Details of visits to our website including, but not limited to, IP addresses, traffic data, location data, weblogs and other communication data. This is statistical data about our users' browsing actions and patterns, and does not identify any individual.

USES MADE OF THE INFORMATION

We use information held about you in the following ways:

- To maintain a record of your relationship with Swim Ireland and your participation in any event, competition, training, course or otherwise with or on behalf of Swim Ireland.
- For inclusion in international and/or national ranking lists (as required).
- To carry out our obligations arising from any contracts or agreements entered into between you and us.
- Images or video taken at events, competitions or training may be used for Swim Ireland training or marketing purposes, including social media posts.
- To provide you with information or services that you request from us or to provide you with information about other services we offer that are similar to those that you have already purchased or enquired about.
- To notify you about changes to our services.
- To ensure that content from our website is presented in the most effective manner for you and for your computer.
- We may also provide third parties with aggregate information about our users that does not identify them.

WHERE WE STORE YOUR PERSONAL DATA

The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("**EEA**"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. Such staff maybe engaged in, among other things, the fulfilment of your order, the processing of your payment details and the provision of support services. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this privacy policy.

All information you provide to us is stored on our secure servers. However, 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.

DISCLOSURE OF YOUR INFORMATION

We may disclose your personal information to:

- any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 155 of the Companies Acts, 1963;
- any Swim Ireland club or region;
- the Irish Sports Council;
- Northern Ireland Sports Council; or
- the Institute of Sport.

We may disclose your personal information to third parties:

- Where you give us permission to do so.
- Where you participate in an event or competition that is run by a third party, we may transfer limited personal data about to you to facilitate your entry and participation in that event or competition.
- In the event that we sell or buy any part of our company or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets and your personal data may eventually be transferred to any new owner.
- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our Terms and Conditions of Use and other agreements; or to protect the rights, property, or safety of Swim Ireland, our members, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

SENSITIVE PERSONAL DATA

Please note that where you give us any sensitive personal data, including but not limited to medical data, we treat this with the utmost confidentiality. We will only disclose this information to members of Swim Ireland who need to know it in order to protect your health and welfare. We may also disclose it where we have a legal obligation to do so.

If you are travelling to a competition or event and we need to share your sensitive personal data with any third party in connection with this, to the extent this party is not listed in our medical consent form that you have already signed and agreed to, we will let you know in advance and ensure that you are happy with us disclosing this information about you.

COOKIES

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. By continuing to browse the site, you are agreeing to our use of cookies. We use the following cookies on our website:

- **Analytical/performance cookies**

  They allow us to recognise and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by ensuring that users are finding what they are looking for easily.

You can find more information about the cookies we use and the purposes for which we use them in the table below:

Cookie	**Name**	**Purpose**	**More information**
Google Analytics	_utma __utmb __utmc __utmv __utmz	Google Analytics cookies are used to collect information about how visitors use our website. We use the information to compile reports and to help us improve the website. The information collected is anonymous and includes the number of visitors to the website, what pages they visited and where they have come to the website from.	Further information on Google Analytics is available at http://www.google.com/analytics/learn/privacy.html

You block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website.

YOUR RIGHTS

You have the right to ask us not to process personal data for Swim Ireland marketing purposes. You can exercise your right to prevent such processing by checking certain boxes on the forms we use to collect user data. You can also exercise the right at any time by opting-out at the end of any marketing communication we send you.

Our website may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any

responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

ACCESS TO INFORMATION

The Acts gives you the right to access information held about you. Your right of access can be exercised in accordance with the Acts. Any access request may be subject to a fee of €6.35 to meet our costs in providing you with details of the information we hold about you.

CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our privacy policy in the future will be posted on this page.

CONTACT

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to admin@swimireland.ie