



**GENERAL DATA PROTECTION
REGULATION (GDPR)
2018 & NEW DATA PROTECTION
ACT 2018 (DPA 2018)
POLICY**

TORFAEN DOLPHINS - Performance Centre

Torfaen Dolphins Performance Centre is affiliated to the Welsh Amateur Swimming Association and, as such, is expected to conduct our activities within the rules of the Association. These rules include the WASA Code of Conduct (see pages 92 to 99 of Section 2 of Swim Wales' Child Protection Policy 'Y Plant'), the Swim Wales Code of Ethics and the Swim Wales Equality Policy. Full copies of these documents can be obtained from the Swim Wales Web Site ('Key Documents', 'Swim Wales Documents').

The following is a "GDPR Policy" that we will adhere to. We ask you to read the document carefully to ensure that you are aware of the requirements from Torfaen Dolphins.

Document	GDPR
Version	2
Issued	02.04.22

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1. Introduction

Torfaen Dolphins is committed to ensuring confidentiality and safe storage of personal or sensitive data for all individuals engaged with any activity concerning the running of the organisation.

This policy applies to the processing of personal data in manual and electronic records kept by Torfaen Dolphins in connection with its Membership functions described below. It also covers the organisation's response to any data breach and other rights under the General Data Protection Regulation.

2. Policy Aim and Purpose

The GDPR was approved and adopted by the EU Parliament in April 2016. The regulation took effect after a two-year transition period and, unlike a Directive, did not require any legislation to be passed by government. GDPR came into force on 25th May 2018.

Within the UK, 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 (EU Act 2018), 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 Torfaen Dolphins is managed in a safe and confidential manner.

3. Definition of Data

Data refers to information about an individual (referred to as the 'Data Subject') that may be used or processed by Torfaen Dolphins (referred to as the 'Data Controller') in order to carry out activities involved with the running of the organisation. Data is solely personal data as outlined below:

Personal Data

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, membership number, address, location, etc.

Data Processing

"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.

Torfaen Dolphins 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 Torfaen Dolphins, the organisation will ensure that the third party takes such measures in order to maintain the organisation's commitment to protecting data.

In line with GDPR, Torfaen Dolphins 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.

4. The Seven Principles of 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.

Principle 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. Organisations could incorporate more accessible and straightforward privacy policies to promote the rights of the individuals.

Principle 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.

Principle 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).

Principle 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.

Principle 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.

Principle 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.

Principle 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.

5. Complying with the GDPR Policy

Torfaen Dolphins will ensure that:

- All members of Torfaen Dolphins, being committee members, coaches, volunteers, other suppliers and contractors, whether permanent or temporary, and importantly the parents/guardians and their young people 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 Torfaen Dolphins, unless provided with written acknowledgment from the individual to do so;
- Only nominated members of Torfaen Dolphins have access to personal data and understand how to comply with the Act;
- 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 Torfaen Dolphins which collects personal data.

Torfaen Dolphins 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.

Privacy Notices

Under the Data Protection Act, relevant individuals have a right to be informed whether Torfaen Dolphins processes personal data relating to them and to access the data that Torfaen Dolphins 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 Torfaen Dolphins. The request should be made to hello@torfaendolphins.com;
- Torfaen Dolphins 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;
- Torfaen Dolphins 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.

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.

Torfaen Dolphins Torfaen Dolphins keeps records of its processing activities including the purpose for the processing and retention periods in its Membership team. These records will be kept up to date so that they reflect current processing activities.