

GDPR – EGB Data Protection Policy

EGB's Policy

Endurance GB (Data Protection Reference Z6233732) is committed to complying with data protection law and to respecting the privacy rights of individuals. The policy applies to all of EGB's staff, directors, volunteers and consultants (“**Workers**”).

This Data Protection Policy (“**Policy**”) sets out EGB's approach to data protection law and the principles that EGB will apply to its processing of personal data. The aim of this Policy is to ensure that EGB processes personal data in accordance with the law and with the utmost care and respect.

EGB recognises that you have an important role to play in achieving these aims. It is your responsibility, therefore, to familiarise yourself with this Policy and to apply and implement its requirements when processing any personal data.

Data protection law is a complex area. This Policy has been designed to ensure that you are aware of the legal requirements imposed on you and on us and to give you practical guidance on how to comply with them. This Policy also sets out the consequences of failing to comply with these legal requirements. However, this Policy is not an exhaustive statement of data protection law nor of EGB's or your responsibilities in relation to data protection.

If at any time you have any queries on this Policy, your responsibilities, or any aspect of data protection law, then please seek advice from the EGB Office at enquiries@endurancegb.co.uk or phone 02476 697929.

Who is responsible for data protection?

All EGB's Workers are responsible for data protection, and each person has their role to play to make sure that EGB is compliant with data protection laws.

EGB is not required to appoint a Data Protection Officer. The person who is responsible for ensuring EGB discharges its obligations under the GDPR is the Executive Officer (enquiries@endurancegb.co.uk). The Executive Officer is the person responsible for maintaining a log of data breaches and notifying the ICO and any members affected as necessary, in accordance with EGB's legal obligations.

Why does EGB have a data protection policy?

EGB recognises that processing of individuals' personal data in a careful and respectful manner cultivates trust in Endurance GB as an organisation. EGB believes that a data protection policy will enable EGB's organisation to work more effectively with and to provide a better service to EGB's members.

This Policy works in conjunction with other policies implemented by us from time to time, such as the Data Privacy Policy and the Data Disposal Policy.

Status of this Policy and the implications of breach.

Any breaches of this Policy will be viewed very seriously. All Workers must read this Policy carefully and make sure they are familiar with it.

The Main Themes of Data Protection Laws

The main themes of the data protection laws are:

- good practices for handling personal data.
- rights for individuals in respect of personal data that EGB holds on them
- being able to demonstrate compliance with data protection laws.

In summary, the data protection laws require us to:

- only process personal data for certain purposes (see EGB Data Privacy Policy).
- process personal data in accordance with the 6 principles of 'good information handling' (including keeping personal data secure, processing it fairly and in a transparent manner and keeping it for no longer than is required).
- respect the rights of those individuals about whom EGB processes personal data (including providing them with access to the personal data EGB holds on them).
- keep adequate records of how data is processed and, where necessary, notify the regulator and possibly data subjects where there has been a data breach.

Data protection law in the UK is enforced by the Information Commissioner's Office ("ICO") and they are the regulator for data protection in the UK. The ICO has extensive powers, including the ability to impose civil fines of up to Euros 20 million or 4% of group worldwide turnover, whichever is higher. Also, the data protection laws can be enforced in the courts and the courts have the power to award compensation to individuals.

Data protection principles

The data protection laws set out 6 principles for maintaining and protecting personal data, which form the basis of the legislation. All personal data must be:

- processed lawfully, fairly and in a transparent manner and only for specific purposes.
- collected for specific, explicit and legitimate purposes, and not processed in any way incompatible with those purposes.
- adequate and relevant, and limited to what is necessary to the purposes for which it is processed.
- accurate and where necessary kept up to date.
- kept for no longer than is necessary for the purpose.
- processed in a manner that ensures appropriate security of the personal data using appropriate technical and organisational measures.

Data subject rights

Under data protection laws individuals have certain rights in relation to their own personal data. In summary these are:

- The rights to access their personal data, usually referred to as a subject access request (SAR)

- The right to have their personal data rectified
- The right to have their personal data erased, usually referred to as the right to be forgotten (RTBF)
- The right to restrict processing of their personal data
- The right to object to receiving direct marketing materials
- The right to portability of their personal data
- The right to object to processing of their personal data
- The right to not be subject to a decision made solely by automated data processing.

Not all of these rights are absolute rights, some are qualified and some only apply in specific circumstances.

Your main obligations

What this all means for you can be summarised as follows:

Treat all personal data with respect

Treat all personal data how you would want your own personal data to be treated;

Immediately notify the EGB Office (enquiries@endurancegb.co.uk) if any individual says or does anything which gives the appearance of them wanting to invoke any rights in relation to personal data relating to them.

Take care with all personal data and items containing personal data you handle or come across so that it stays secure and is only available to those who need the data to carry out their role within EGB.

Immediately notify the EGB Office (enquiries@endurancegb.co.uk) if you become aware of or suspect the loss of any personal data or any item containing personal data, such as a laptop or any other electronic device.

Your activities

Data protection laws have different implications in different areas of EGB's organisation and for different types of activity, and sometimes these effects can be unexpected.

Areas and activities particularly affected by data protection laws include staff, member support, marketing and promotions, health and safety, finance, performance and participation.

You must consider what personal data you might handle, consider carefully what data protection laws might mean for you and your activities, and ensure that you comply at all times with this Policy.

Practical matters

You should always apply a common-sense approach to how you use and safeguard personal data and treat personal data with care and respect. EGB has set out some "Guidelines for Security of Personal Data" that can be downloaded from the GDPR page on the EGB website.

Personal Data

The personal data that EGB holds and the way it is collected / used is summarised in a document called “Personal Data and Flow” which can be downloaded from the GDPR page on the EGB website.

Lawful basis for processing

For personal data to be processed lawfully, EGB must be process it on one of the legal grounds set out in the data protection laws.

For the processing of ordinary personal data in EGB’s organisation these may include, among other things:

- the data subject has given their consent to the processing by becoming a Member or Supporter of EGB.
- the processing is necessary for the performance of the services and duties required of it as the National Governing Body of Endurance in Great Britain, as set out on the document entitled “Personal Data and Flow” (which can be downloaded from the Privacy Policy page on the EGB website).
- the processing is necessary for the compliance with any legal obligation to which EGB is subject, such as safeguarding legislation.
- the processing is necessary for legitimate interest reasons, for example you are processing someone’s personal data in ways they would reasonably expect it to be processed and which have a minimal privacy impact on the data subject or where there is a compelling justification for the processing.

Special category data

Special category data under the data protection laws is personal data relating to an individual’s race, political opinions, health, religious or other beliefs, trade union records, sex life, biometric data and genetic data.

EGB receives accident report forms and medical forms at its rides for use in the event of an accident. Disability information is also held to enable reasonable adjustments to be made to ride rules so that para riders can compete on an equitable basis.

When does EGB process personal data?

Virtually anything EGB does with personal data is processing, including collection, modification, transfer, viewing, deleting, holding, backing up, archiving, retention, disclosure or destruction. So even just storage of personal data is a form of processing. EGB might process personal data using computers or manually by keeping paper records.

Examples of processing personal data might include:

- Using personal data to correspond with members
- Holding personal data in EGB’s databases or documents
- Recording personal data in personnel or member files.

EGB processes personal data every day for any number of purposes and in any number of ways. EGB must, therefore, comply at all times with the 6 Data Protection Principles.

The 6 Data Protection Principles

There are 6 data protection principles. You must comply with these principles when you process personal data. These are not exhaustive and for guidance only. You must use your common sense and be mindful of the potential implications to an individual of you processing their personal data.

The principles are that personal data must be:

- processed lawfully, fairly and in a transparent manner.
- collected for specific, explicit and legitimate purposes, and not processed in any way incompatible with those purposes (“**purpose limitation**”).
- adequate and relevant, and limited to what is necessary to the purposes for which it is processed (“**data minimisation**”).
- accurate and where necessary kept up to date.
- kept for no longer than is necessary for the purpose (“**storage limitation**”).
- processed in a manner that ensures appropriate security of the personal data using appropriate technical and organisational measures (“**integrity and security**”).

Other Guidelines

You must not process personal data obtained illegally (e.g. stolen). You must not process personal data obtained by misleading, pressurising or inducing an individual.

If you are processing personal data in a new or extraordinary way, you must confirm that this is covered by EGB’s Data Protection Policy by contacting the EGB Office (enquiries@endurancegb.co.uk).

You must only process personal data for purpose for which it was collected e.g. if you have taken a member’s details to forward information to them on EGB’s products and services, you must not pass those details on to a third party seeking to promote their services.

If personal data is to be processed for another purpose, the individual must be informed of that purpose.

When recording personal data make sure that you record it accurately. This is always important, but especially so where personal data is being entered into a database that may be reused on numerous occasions. Any mistakes or errors in the personal data will repeat themselves each time it is used.

Wherever possible, you must regularly confirm that personal data is correct and update databases accordingly (noting if personal data is incorrect and taking steps to correct it accordingly).

Where you become aware that personal data is incorrect, then the personal data should be corrected to remove the errors.

If more personal data than is required has been collected, the unnecessary personal data should be securely deleted or destroyed.

When collecting personal data or recording personal data, think whether it is in fact needed for the purpose for which it is collected.

Data subject rights

Individuals have certain rights under data protection laws (**Right**). These are:

- the right of access (also known as a data subject access request or SAR).
- the right to rectification.
- the right to erasure (also known as the right to be forgotten or RTBF).
- the right to restrict processing.
- the right to data portability.
- the right to object.
- rights in relation to automated decision making and profiling.

The exercise of these Rights may be made in writing, including email, and also verbally and should be responded to in writing by the EGB Office (and only by the EGB Office) without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. EGB must inform the individual of any such extension within one month of receipt of the request, together with the reasons for the delay.

Where the data subject makes the request by electronic means, any information is to be provided by electronic means where possible, unless otherwise requested by the individual.

If EGB receives the request from a third party (e.g. a legal advisor), EGB must take steps to verify that the request was, in fact, instigated by the individual and that the third party is properly authorised to make the request. This will usually mean contacting the relevant individual directly to verify that the third party is properly authorised to make the request.

There are very specific exemptions or partial exemptions for some of these Rights which will need to be managed at the time that the request is received.

Where an individual considers that EGB has not complied with their request e.g. exceeded the time period, they can seek a court order and compensation. If the court agrees with the individual, it will issue a Court Order, to make us comply. The Court can also award compensation.

The individual can also complain to the regulator for privacy legislation, which in EGB's case will usually be the ICO, and they too can make us comply and can also impose a civil fine upon us.

In addition to the rights discussed in this document, any person may ask the ICO to assess whether it is likely that any processing of personal data has or is being carried out in compliance with the data protection laws. The ICO must investigate and may serve an information notice on to obtain the relevant information. The ICO may also conduct an informal investigation to start with, usually by writing a letter to us asking us to explain the position.

The result of any investigation may lead to an enforcement notice being issued by the ICO. Any letters, assessments, information notices or enforcement notices from the ICO should be immediately sent directly to the EGB Office.

If you receive a verbal request, a letter or email in relation to a Right, or believe you have a verbal request for the exercise of a Right, you should pass this to the EGB Office immediately and pass them any written records relating to the request.

Right of Access

This paragraph contains the specific procedure to be followed where an individual exercises their right of access (also known as a data Subject Access Request, SAR). The request need not refer to the Right, for instance, it might simply request 'a copy of all the information that you have about me'.

There are limited timescales within which EGB must respond to a request and any delay could result in EGB failing to meet those timescales, which could lead to enforcement action by the ICO and/or legal action by the affected individual.

The data protection laws gives individuals the right to obtain:

- confirmation that their personal data is being processed;
- access to their personal data; and
- access to other supplementary information.

The individual is entitled to receive a description of the following:

- the purposes for which EGB processes the data;
- the categories of personal data EGB processes about them;
- the recipients to whom EGB may disclose the data;
- the duration for which the personal data may be stored;
- the rights of the data subject under the data protection laws;
- any information available regarding the source of the data were it is not collected from the data subject direct;
- the right of the data subject to make a complaint to the supervisory authority for data protection

EGB must also provide the information constituting the individual's personal data which is within the scope of their request. EGB must provide this information in an intelligible form and technical terms, abbreviations and codes must be explained, and where the request was made electronically EGB can, unless the data subject specifies otherwise, also provide the information in electronic form.

Where requests are manifestly unfounded or excessive, because they are repetitive: (a) charge a reasonable fee considering the administrative costs of providing the information (and the amount can be subject to limits); or (b) or refuse to respond. Where EGB refuses to respond to a request, EGB must explain why to the individual, informing them of their right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

EGB should verify the identity of the person making the request, using "reasonable means" if EGB is not sure about their identity.

Redactions

Where EGB is providing information to an individual where they have made a subject access request, they are only entitled to their personal data. They are not entitled to see information which relates to other individuals or to other people, e.g. to a company.

In these cases, EGB would redact, i.e. blank out in a permanent way, any information which is not the personal data of the individual making the subject access request. Care must be taken with email data where an email between two people might contain personal information relating to both the sender and the recipient.

Right To Be Forgotten

The right to “The Right To Be Forgotten’ or the “Right To Erasure”. The broad principle underpinning this right is to enable an individual to request the deletion or removal of their personal data where there is no compelling reason for its continued processing.

The right to erasure does not provide an absolute ‘right to be forgotten’. Individuals have a right to have their personal data erased and to prevent processing in specific circumstances:

- where their personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- when the individual withdraws consent (but only to the extent that consent is the only basis for processing their personal data).
- when the individual objects to the processing of their personal data and there is no overriding legitimate interest for continuing the processing.
- where their personal data was unlawfully processed.
- where their personal data has to be erased in order to comply with a legal obligation.
- where their personal data is processed in relation to the offer of information for services to a child.

There are some specific circumstances where the right to erasure does not apply and EGB can refuse to deal with a request:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes; or
- the exercise or defence of legal claims.

If EGB discloses the personal data to be erased to third parties, then EGB must inform them about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Right to Rectification

An individual has the right to ask us to:

- correct inaccurate personal data.
- complete information if it is incomplete.
- delete personal data which is irrelevant or no long required for EGB’s purposes.

If EGB has disclosed the personal data in question to third parties, EGB must inform them of the rectification request where possible. EGB must also inform the individuals about the third parties to whom the data has been disclosed where appropriate.

If data is factually correct and EGB is justified in keeping it, i.e. it is relevant to the lawful purpose EGB is holding it for then EGB does not have to change or delete it, but the individual may make a request for erasure, i.e. the right to be forgotten, and in that case EGB would have to analyse the personal data and whether EGB can retain it based on that Right.

Where EGB is not taking any action in response to a request for rectification, EGB must explain why to the individual, informing them of their right to complain to the supervisory authority (usually the ICO) and to seek a remedy from the Courts.

Right to Restrict Processing

An individual is entitled to require EGB to stop or not begin processing their personal data. When processing is restricted, EGB is permitted to store their personal data, but not further process it except in the exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest. EGB can retain just enough information about the individual to ensure that the restriction is respected in future.

EGB will be required to restrict the processing of personal data in the following circumstances:

- where an individual contests the accuracy of the personal data, EGB should restrict the processing until EGB has verified the accuracy of the personal data.
- where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and EGB is considering whether EGB's legitimate grounds override those of the individual.
- when processing is unlawful and the individual opposes erasure and requests restriction instead.
- if EGB no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim.

Previously given consent for processing can be revoked at any time by the individual, therefore EGB cannot justify continued processing of data as a result of a previous consent. The individual does not have this right if the individual has entered into a contract with us and the processing is necessary for the fulfilment of that contract.

EGB must inform individuals when EGB decides to lift a restriction on processing (for example, if an individual contested EGB's right to process their personal data on legitimate interest grounds and EGB subsequently found that EGB's processing was justified on these grounds).

If EGB has disclosed the restricted personal data to third parties, EGB must inform them about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

The Right to Data Portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. If the individual requests it, EGB may be required to transmit the data directly to another organisation if this is technically feasible. However, EGB is not required to adopt or maintain processing systems that are technically compatible with other organisations.

The right to data portability only applies:

- to personal data an individual has provided to EGB.
- where the processing is based on the individual's consent or for the performance of a contract.
- when processing is carried out by automated means.

EGB must provide the personal data in a structured, commonly used and machine-readable form such as a CSV file. This enables other organisations to use the data. The information must be provided free of charge.

If the personal data concerns more than one individual, EGB must consider whether providing the information would prejudice the rights of any other individual.

Right to Object

Individuals have the right to object to:

- processing based on legitimate interests;
- the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing
- processing for purposes of scientific/historical research and statistics.

If EGB processes personal data on the basis of its legitimate interests or the performance of a task in the public interest/exercise of official authority:

- individuals must have an objection on "grounds relating to his or her particular situation"
- EGB must stop processing the personal data unless it can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims.

If EGB processes personal data for direct marketing purposes:

- EGB must stop processing personal data for direct marketing purposes as soon as it receive an objection. There are no exemptions or grounds to refuse.
- EGB must deal with an objection to processing for direct marketing at any time and free of charge.
- EGB must nevertheless comply with the terms of the Privacy and Electronic Communication Regulations and the e-Privacy Regulation which replaces it.

If EGB processes personal data for research purposes individuals must have "grounds relating to his or her particular situation" in order to exercise their right to object to processing for research purposes.

If EGB is conducting research where the processing of personal data is necessary for the performance of a public interest task, EGB is not required to comply with an objection to the processing.

Automated decision making and profiling

EGB does not use automated decision making and profiling techniques.

Enforcement

If an individual disagrees that EGB has properly complied with a Right or EGB fails to respond they may apply to a Court for an order or complain to the ICO in each case requiring us to properly perform the Right.

If the Court or the ICO agrees with the individual it can:

- order EGB to properly carry out the Right and what steps are needed to do this.
- order EGB to notify third parties who it has passed the data onto of the Right.

A court can also award compensation to the individual for any damage they have suffered as a result of EGB's non-compliance. The ICO can also impose a civil fine upon EGB.

Deleting personal data in the normal course

EGB is only required to supply information in response to an exercise of Rights that was processed at the date of that request. However, EGB is allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of request in relation to a Right.

What EGB cannot do is amend or delete data because EGB does not want to supply it or because of the exercise of a Right.

Queries

If you have any queries about this Policy, please contact the EGB Office at enquiries@endurancegb.co.uk

VERSION CONTROL

Version Number	Purpose / Change	Author	Date
1.1	Initial Draft	Nick Wallbridge	30/04/2018
1.2	Issue for Review	John Hudson	06/05/2018
1.3	Include Review Comments	John Hudson	10/05/2018
1.4	Review for Clubhouse	John Hudson	12/12/2019
1.5	General Review	John Hudson	13/02/2022