

Guidance on using the Privacy Notice Template to draft your own notice

The template is designed to support you to develop your own, club specific notice to cover members and volunteers.

If you have employees, you should provide a separate notice(s) for prospective and current employees.

- Any wording in **blue** on the template is advice to help you adapt specific wording.
- Any wording highlighted in **yellow** is only applicable to clubs who are using the British Gymnastics membership system to collect information on their behalf.
- Any wording highlighted in **green** is optional and may not apply in all circumstances e.g. the processing activities will not apply unless you are a charity.

The lawful bases included in the template are a guide only and if you are uncertain as to which would apply in your circumstances, you should take independent advice. The Information Commissioner's Office provides a helpline for small businesses (T. 0303 123 1113) and has developed a [lawful basis interactive guidance tool](#) to help you confirm your thinking.

Clubs collecting personal data using the British Gymnastics system

Where you are relying on consent, your members will be able to log in and amend their consents if required. We will send you a notification if anyone withdraws consent to ensure you do not unlawfully process a member's data.

Clubs that wish to rely on a different legal basis for these activities e.g. contract should include reference to this in the information in their privacy notice.

It will also be possible to rely on legitimate interests for photography/filming in large club events and coaching purposes and consent for publication of images taken during training and smaller club activities.

You will be able to add a link to your own bespoke privacy policy.

Photography and filming

There are a number of occasions where clubs may undertake filming and photography. In a club context, the most appropriate legal bases for these activities are either consent or legitimate interests.

For clubs that are using the British Gymnastics system, you have a choice as follows:

- To rely on legitimate interests for taking photography and filming for coaching and the club's historical archive.
- To rely on legitimate interest for publishing photographs and filming from large events and consent for publishing any images from small events.
- To rely entirely on consent for any publications of images.

Further guidance is available in the [Consent and legitimate interest for photography and video Q&A](#).

Legitimate interest is most likely to be an appropriate basis where you use data in ways that people would reasonably expect. Remember that before relying on legitimate interests, you should undertake a legitimate interest assessment. The ICO describes this as a 'type of light-touch risk assessment based on the specific context and circumstances of the processing'.

Click here for the [Legitimate Interests Assessment template](#) to assist you.

[Insert name of club] privacy notice – members and volunteers

Make it clear who the controller is and to whom the privacy policy/notice applies.

About us

Describe your club including:

- Details of legal status e.g. charity, not-for-profit, commercial organisation, membership association etc.
- Outline what services you provide and to whom.
- Explain the relationship with British Gymnastics and other relevant bodies that are key to the way your club operates e.g. home country or regional associations and the purpose of that relationship.

It is important to think about your club's legal status and whether you are an employee or entirely voluntary. This is because there are some exemptions that are only available to employers and one that is only available to 'not-for-profit organisations'.

See the updated British Gymnastics GDPR guide for more information or the [ICO Guide to the GDPR](#).

Information we collect about you

The previous privacy notice template we provided was limited to the data collected by British Gymnastics on your behalf. This template aims to cover all data you process as a club.

You should only include all data you process. Do not include it just because it is suggested in the template if you do not actually process this type of data at your club. If you have prepared a data asset register, you should be able to get this information from there.

Remember that you will have to have a lawful basis for processing the data so if you cannot identify a good reason why you are asking for or retaining the information, you should not continue to do so.

Whether any of the above information has to be provided and why

You should identify any of the data you are collecting that is mandatory for the data subject to provide. Some of the information you require may not be necessary. You should explain the impact if the mandatory information is not provided i.e. any negative impact on the data subject and make it clear that not providing non-mandatory information will not affect the ability to access gymnastics activity at the club.

This is easy to do when you are collecting information using an electronic system but if you are collecting this information on paper you can differentiate by using an * to identify the data that is mandatory information.

Please see [British Gymnastics Membership registration form template](#) (coming soon).

Our purposes for processing information about you

You need to explain all your purposes in clear and simple terms and also include your legal basis. There are six legal bases that may apply. The template identifies the key legal bases that are likely to apply but you should make reference to any others that you think are applicable.

Special categories of personal data also known as sensitive personal data

Most clubs will process special categories of personal data. This information must not be processed unless you can identify an additional legal condition for processing. There are ten conditions that may apply, including explicit consent. The Data Protection Bill also includes some additional conditions that may be applicable but this has not yet been finalised. You should identify any that may apply to you. Unlike the six lawful bases you may not always be clear of exactly which condition will apply at the point that you are collecting this data e.g. legal claims. Please see our GDPR guide for more information on the specific conditions.

The condition relating to legitimate activities of a 'not for profit' organisation should only be included if you are a 'not for profit' organisation. In this situation you may wish to rely on this condition to process health and safety information in relation to serious medical conditions, particularly if you are unable to rely upon the condition relating to Employment Law i.e. Health & Safety at Work Act 1974 (responsibility to protect the safety of others who may be affected by your work activities does not apply) as you are not an employer.

Marketing

The Privacy and Electronic Communications Regulations (PECR) apply to electronic marketing and states that consent is required for any electronic marketing communications although PECR does allow organisations to send marketing to companies (NB this does not include sole traders).

Consent under PECR will need to meet the standards of the GDPR and must be as easy to withdraw as it was to give i.e. if you can sign up to a newsletter on line, you must be able to withdraw consent using the same mechanism. All marketing communications must include an opt-out.

Data protection laws adopt a wide interpretation of the direct marketing. It includes the communication of advertising or marketing materials to individuals, and covers the sale of goods and services as well as the promotion of an organisation's aims and ideals. This means that you will require consent if you wish to send any marketing communication by email, social media private messaging service or SMS such as club newsletters.

You do not require consent if:

- a) You do not send any marketing electronically i.e. you hand over hard copies of any newsletters or promotional material direct to the participant i.e. not processing any personal data.
- b) You send marketing by post. The GDPR identifies direct marketing as an example of a legitimate interest. As PECR does not apply you can send marketing by post. NB: You must run postal marketing via the mail preference service unless you have consent. Remember that the right to object to direct marketing under data protection laws is an absolute right i.e. if someone objects, you must stop. However, you may decide to rely upon consent for all forms of marketing to individuals.
- c) The marketing you send is solicited i.e. someone specifically requests you send them something by electronic means e.g. someone contacts you and requests you send them details of the classes you run.
- d) It is part of your club membership package that they pay for when they join your club e.g. membership includes the ability to take part as a gymnast in the club competition or display etc, you can send these communications by email to your members as a service message (relying upon performance of a contract as your legal basis).

Why we share information about you

You should include sharing of information for safeguarding purposes with British Gymnastics and relevant statutory organisations and any other information sharing e.g. for accessing NGB advice.

You should also identify any other organisations with whom you share personal data. In most cases, the legal and regulatory requirements to share with the named organisations will apply to all clubs.

You should specifically name your data processors unless this information is commercially sensitive. If this is the case, you should as a minimum identify the purposes for sharing e.g. provision of cloud storage, provision of an e-marketing tool.

Transfers of data out of the EEA

If you do not transfer any data outside the EEA (or do not use a processor that does so) you may state this.

If you or a processor on your behalf transfers personal data outside the EEA (which comprises the countries in the European Union and Iceland, Liechtenstein and Norway), you are required to comply with the GDPR in respect of those transfers.

If you or a processor does this, you should identify the processor (unless this is commercially sensitive) and the country to where the data is transferred.

The GDPR states a number of lawful reasons when data can be transferred outside the EEA that include:

- Adequacy decisions; or
- The organisation receiving the information has provided adequate safeguards by way of binding corporate rules or standard data protection clauses or of compliance with an approved code of conduct.

Adequacy decisions

The European Commission has the power to determine that a country outside the EU offers an adequate level of data protection, whether by its domestic legislation or of the international commitments it has entered into.

The European Commission has so far recognised Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the US (limited to where the specific organisation has self-certified with the Privacy Shield framework) as providing adequate protection. Adequacy discussions are ongoing with Japan and South Korea.

The Privacy Shield requires companies to self-certify annually. If you intend using a processor who hosts personal information in the US, your need to check that they are certified.

You can check whether a company has an active certification using this link www.privacyshield.gov/list

If you do not provide specifics about why transfers are permitted under GDPR, it is good practice to state that you will provide this on request.

Individual rights

If you are not using the British Gymnastics system, you need to adapt this to your own approach.

Keeping your personal information secure

Including information about security in a privacy notice is not required but it may be helpful to build trust and confidence.

Changes to the privacy notice

You should keep your privacy notices under regular review and archive the old version when you make any changes. You should then date the revised version. It is good practice to bring any changes to the attention of your members where practicable.