



## GDPR (Data Protection) Policy

Responsible Person	Directors
This version Date	October 2021
Review Date	October 2022
Review by	SP

**This policy can be linked to CM Sports Data Protection policy**

### Overview of the General Data Protection Regulation

The Brexit transition period ended on 31 December 2020. UK organisations that process personal data must now comply with:

- The DPA (Data Protection Act) 2018 and UK GDPR (General Data Protection Regulation) if they process only domestic personal data.
- The DPA 2018 and UK GDPR, and the EU GDPR if they process domestic personal data and offer goods and services to, or monitor the behaviour of, EU residents.

GDPR stands for General Data Protection Regulation which becomes law on 25 May 2018. It covers the management and control of personal information. Regardless of Britain's plans to leave the EU, this will still be a legal requirement for all organisations.

GDPR will replace the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations 2003. It increases the obligations that companies have regarding personal data and focuses on rights for individuals. There is an emphasis on a more robust protection for individuals and higher penalties on organisations who fail to comply.

In order to comply with regulatory frameworks and inspectorates across the UK, there is a large amount of data that you must hold and maintain. These legal obligations override GDPR and therefore CM Foundation does not need consent to collect certain data from our families.

CM Foundation will ensure that all personal data that it holds will be:

- processed lawfully, fairly and in a transparent manner;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary;
- accurate and kept up to date;
- kept in a form which permits identification of data subjects for no longer than is necessary;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

### Data Subject

A data subject is an identifiable individual person about whom CM Foundation holds personal data.

## Contact Information

For the purposes of this Policy, “Contact Information” means any or all of the person’s: full name (including any preferences about how they like to be called); full postal address; telephone and/or mobile number(s); e-mail address(es); social media IDs/UserNames (eg: Facebook, Skype, Hangouts, WhatsApp)

## Principles of the GDPR

CM Foundation will ensure that all personal data that it holds will be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## Lawful Processing

CM Foundation will obtain, hold and process all personal data in accordance with the GDPR for the following lawful purposes.

In all cases the information collected, held and processed will include Contact Information;

## By Consent

- a) People who are interested in, and wish to be kept informed of, the activities of CM Foundation.
- b) Subject to the person’s consent, this may include information selected and forwarded by CM Foundation on activities relevant to those of CM Foundation by other organisations. Note: this will not involve providing the person’s personal data to another organisation.

The information collected may additionally contain details of any particular areas of interest about which the person wishes to be kept informed.

The information provided will be held and processed solely for the purpose of providing the information requested by the person.

## By Contract

People who sell goods and/or services to, and/or purchase goods and/or services from CM Foundation.

The information collected will additionally contain details of:

- a) The goods/services being sold to, or purchased from CM Foundation;
- b) Bank and other details necessary and relevant to the making or receiving of payments for the goods/services being sold to, or purchased from CM Foundation;

The information provided will be held and processed solely for the purpose of managing the contract between CM Foundation and the person for the supply or purchase of goods/services.

#### By Legal Obligation

People where there is a legal obligation on CM Foundation to collect, process and share information with a third party – eg: the legal obligations to collect, process and share with HM Revenue & Customs payroll information on employees of CM Foundation.

The information provided will be held, processed and shared with others solely for the purpose meeting the CM Foundation's legal obligations.

#### Employees (Human Resources)

##### Taxation (HM Revenue & Customs)

For the purpose of managing an employee's PAYE and other taxation affairs the information collected will additionally contain details, as required by HM Revenue & Customs, of:

- a) The person's National Insurance Number;
- b) The person's taxation codes;
- c) The person's salary/wages, benefits, taxation deductions & payments;
- d) Such other information as may be required by HM Revenue & Customs.

#### Pensions

For the purpose of managing an employee's statutory pension rights the information collected will additionally contain details, as required by the CM Foundation pension scheme of:

- a) The person's National Insurance Number;
- b) The person's salary/wages, benefits, taxation & payments;
- c) Such other information as may be required by the pensions scheme.

#### By Vital Interest

CM Foundation undertakes no activities which require the collection, holding and/or processing of personal information for reasons of vital interest.

#### By Public Task

CM Foundation undertakes no public tasks which require the collection, holding and/or processing of personal information.

#### **Legitimate Interest**

#### Volunteers

#### Individual Rights

Note: The following clauses are taken primarily from the guidance provided by the Office of the Information Commissioner, <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>

### The right to be informed

When collecting personal information, CM Foundation will provide to the data subject free of charge, a Privacy Policy written in clear and plain language which is concise, transparent, intelligible and easily accessible containing the following information:

#### Identity and contact details of the controller

Note: where the organisation has a controller's representative and/or a data protection officer, their contact details should also be included

- Purpose of the processing and the lawful basis for the processing
- The legitimate interests of the controller or third party, where applicable
- Categories of personal data Not applicable if the data are obtained directly from the data subject
- Any recipient or categories of recipients of the personal data
- Details of transfers to third country and safeguards
- Retention period or criteria used to determine the retention period
- The existence of each of data subject's rights
- The right to withdraw consent at any time, where relevant
- The right to lodge a complaint with a supervisory authority
- The source the personal data originates from and whether it came from publicly accessible sources Not applicable if the data are obtained directly from the data subject
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data Not applicable if the data are NOT obtained directly from the data subject
- The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.

In the case of data obtained directly from the data subject, the information will be provided at the time the data are obtained.

In the case that the data are not obtained directly from the data subject, the information will be provided within a reasonable period of CM Foundation having obtained the data (within one month), or, if the data are used to communicate with the data subject, at the latest, when the first communication takes place; or if disclosure to another recipient is envisaged, at the latest, before the data are disclosed.

### The right of access

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him/her are being processed, and, where that is the case, access to his/her personal data and the information detailed in CM Foundation's relevant Privacy Policy.

### The right to rectification

The data subject shall have the right to require the controller without undue delay to rectify any inaccurate or incomplete personal data concerning him/her.

### The right to erase

Except where the data are held for purposes of legal obligation or public task, the data subject shall have the right to require the controller without undue delay to erase any personal data concerning him/her. Note: This provision is also known as “The right to be forgotten”.

#### The right to restrict processing

Where there is a dispute between the data subject and the Controller about the accuracy, validity or legality of data held by CM Foundation the data subject shall have the right to require the controller to cease processing the data for a reasonable period of time to allow the dispute to be resolved.

#### The right to data portability

Where data are held for purposes of consent or contract the data subject shall have the right to require the controller to provide him/her with a copy in a structured, commonly used and machine-readable format of the data which he/she has provided to the controller, and have the right to transmit those data to another controller without hindrance.

#### The right to object

- a) The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him/her which is based on Public Task or Legitimate Interest, including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.
- b) Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him/her for such marketing, which includes profiling to the extent that it is related to such direct marketing.
- c) Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
- d) At the latest at the time of the first communication with the data subject, the right referred to in paragraphs a) and b) shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

#### Rights in relation to automated decision making and profiling.

Except where it is: a) based on the data subject’s explicit consent, or b) necessary for entering into, or performance of, a contract between the data subject and a data controller; the data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

#### Data Controller

The board of Trustees will be appointed as the Data Controller.

The Data Controller shall implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with this Regulation.

Those measures shall be reviewed and updated where necessary.

#### Data Protection Officer

The scale and scope of the data collected and processed by CM Foundation does not justify the appointment of a Data Protection Officer.

## Privacy Policy

CM Foundation will have a Privacy Policy which it will make available to everyone on whom it holds and processes personal data.

Clauses are generic and apply to all Privacy Policies. Clauses are specific to the nature of the data being collected, held and processed.

In the case of data obtained directly from the data subject, the information will be provided at the time the data are obtained.

In the case that the data are not obtained directly from the data subject, the information will be provided within a reasonable period of CM Foundation having obtained the data (within one month), or,

if the data are used to communicate with the data subject, at the latest, when the first communication takes place; or if disclosure to another recipient is envisaged, at the latest, before the data are disclosed.

## Privacy Policy Employees – Payroll & Taxation

Identity and contact details of the controllers.

CM Foundation Data Controllers are Nick Evans, Matt Northcott, and Luke White.

They can be contacted at: CM Foundation, Unit 3B, Ham Barn Farm, Farnham Road, Liss, Hampshire GU33 6LB Phone: 023 9298 7881 e-mails: info@cm-sports.co.uk

## Data Subjects

This Privacy Policy applies to employees of CM Foundation and all other persons from whom CM Foundation is legally required to collect, process and share personal data for the purposes of compliance with UK taxation legislation.

### **Purpose of the processing and the lawful basis for the processing**

The lawful basis for the processing is “Legal Obligation”

### The right to withdraw consent at any time

You do not have the right to withdraw consent to the use of your personal data as the lawful basis for

### The right to require the erasure of your data (right to be forgotten)

You do not have the right to require the erasure, of your personal data as the lawful basis for holding and processing the data is “Legal Obligation”.

### The legitimate interests of the controller or third party, where applicable

None applicable for lawful basis processing.

### Any recipient or categories of recipients of the personal data

Relevant PAYE & NIC data calculated by the Data Controller on the basis of salary and benefits are forwarded securely to HM Revenue & Customs via the HMRC PAYE Government Gateway site.

Relevant pension contributions calculated by the Data Controller on the basis of salary are forwarded securely to the National Employee Savings Trust through its encrypted website.

From time-to-time, the foundation may need to share the information we collect with CM Foundation's professional advisors (eg: our lawyers, accountants) when they need it to provide advice. CM Foundation will seek permission before sharing personal information in this way.

The Police, local authorities, Her Majesty's Revenue and Customs (HMRC), the Courts and any other central or local government bodies where they request it and CM Foundation may lawfully disclose it, for example for the prevention and detection of crime.

CM Foundation also may share the information they collect where they are legally obliged to do so, eg: to comply with a court order.

Other people who make a reasonable subject access request to the foundation, provided that the foundation is allowed to do so by law.

#### Retention period or criteria used to determine the retention period

Your personal data are retained for the prevailing statutory period (currently 6 years) as prescribed by HMRC and NEST.

#### Details of transfers to third country and safeguards

CM Foundation does not transfer any personal data to third countries.

#### The existence of each of data subject's rights

Other than the right to withdraw consent and the right to erase, you have all the data subject rights, as prescribed by the General Data Protection Regulation, namely: The rights:

- a) to be informed about the your personal data held by the Data Controller on behalf of CM Foundation, the purpose(s) for which they are held; the manner in which they are processed; the recipients (if any) of the data;
- b) to be given access to your personal data;
- c) to rectification – the correction of any error in the data and/or the completion of any incomplete data;
- d) to restrict processing – while you have legitimate justifiable concerns about the accuracy, validity or legality of data held by CM Foundation or the way in which the data are being processed. Data process may be resumed once either the cause(s) of the concern has(have) been rectified or your concerns are demonstrated to be unjustified.
- e) to object to processing – while you have reasonable grounds relating to their impact on your particular circumstances and where the legal basis of the processing is Public Task or Legitimate Interest. However, the processing of your data can be resumed if the Data Controller can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims;

#### The source the personal data originates from and whether it came from publicly accessible sources

Only your personal tax code data originates directly from HM Revenue & Customs and is not available from publicly accessible sources

#### Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data

The provision of your personal data for this is a statutory requirement under UK taxation and pensions legislation.

Failure to provide the data, or the provision of data which are inaccurate or late render both you and CM Foundation to significant penalties or legal action.

The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.

CM Foundation does not use any automated decision-making software in the processing of your personal data.

The right to lodge a complaint with a supervisory authority

You have the right to lodge a complaint with the Information Commissioner's Office, the supervisory authority for the UK if you are dissatisfied with the way that CM Foundation is collecting, holding, processing and using your personal data and you feel that your reasonable attempts to raise the issues and get them addressed have failed.

What additional information do CM Foundation collect and when?

In addition to the statutory information that CM Foundation collect, hold and process for the purpose of managing your taxation and pension affairs CM Foundation also collect and hold:

- All information you choose to submit to us when you communicate to us by post, e-mail, messaging, or other form of image-based (eg: photographs), sound-based (eg: sound files) or text-based communication, whether physical (eg: ink & paper) or electronic.
- Copies of any notes that we take, whether physical (eg: ink & paper) or electronic, during verbal communications between us (eg: telephone; Skype®; Hangouts®).
- Information on what we communicate to you by post, e-mail, messaging, or other form of image-based or text-based communication whether physical (eg: ink & paper) or electronic, including information in all ancillary materials (eg: attachments, images, brochures).

Is your information secure?

CM Foundation take the security of your information very seriously.

We comply with the relevant prevailing legislation which requires us to have in place appropriate security measures at all times, including where we share your information with others.

Updates to this policy

We will need to update this policy from time to time as our services change.

GDPR linked with Keeping Children safe in Education 2021 document linked to the CM Foundation:

Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare.

As part of meeting a child's needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the processes and principles for sharing information within the school or college and with children's social care, the safeguarding partners, other organisations, agencies, and practitioners as required.



It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

Personal information, as provided for in the Data Protection Act 2018 and the UK GDPR.

This includes:

- being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as 'special category personal data'.
- understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data.

This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

Further details on information sharing can be found:

- In Chapter one of Working Together to Safeguard Children, which includes a myth-busting guide to information sharing
- At Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers. - The seven golden rules for sharing information will be especially useful
- At The Information Commissioner's Office (ICO), which includes ICO UK GDPR FAQs and guidance from the department
- In Data protection: toolkit for schools - Guidance to support schools with data protection activity, including compliance with the UK GDPR

#### Storage of records;

Paper-based records will be kept safely in a locked cupboard, in the CM Sports head office.

- Laptops for the team must be kept safe and not in cars overnight.
- Passwords for team members with email logins, which need to be changed regularly.

#### Disposal of records;

- Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files.

#### Data Breach procedure;

- Any data breaches of security which lead to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, access to personal data must report immediately to the CM Foundation Trustees.

- The CM Foundation Trustees will notify the ICO within 72 hours of the breach that are likely to result in high risk to the rights and freedom of individuals.
- Complaints; All complaints will be investigated in accordance with this policy, linked with compliments and complaints policy.
- Any complaints about recording and storage of data, including images should be put in writing to the CM Foundation Trustees at CM Sports Ltd, Unit 3B, Ham Barn Farm, Farnham Road, Liss, Hampshire GU33 6LB or Information Commissioners Office (ICO) 0303 123 1113