

GDPR

# Privacy Notice

**Merseyside Sports Foundation**

Updated 1<sup>st</sup> Nov 2019

# Privacy Notice

## 1. WHO WE ARE

**Merseyside Sports Foundation is an independent charity** (*registered charity number: 1147342*) that works to provide services and opportunities for the benefit of the people of Merseyside to increase their uptake of active recreation to improve their physical and mental health. We're registered with The Charity Commission and guided by our Trustees.

**We specialise in identifying and filling gaps in provision. Using our insight expertise, we look at where and why there are gaps in the first place. Then we channel consultancy expertise, sector knowledge and even direct delivery experience to help close those gaps.**

**Our work has trained thousands in the sport and physical activity workforce; sourced volunteers for community events; brought the benefits of physical activity to diverse groups, including older adults and those with long-term health conditions; plus much more!**

## 2. OUR COMMITMENT TO PRIVACY

We are committed to respecting your privacy. This notice is to explain how we may use personal information we collect before, during and after your involvement with us. It explains how we comply with the law on data protection, what your rights are and for the purposes of data protection we will be the controller of any of your personal information.

This notice applies to you if you are either:

1. an individual who has contacted us to receive updates about funding, upcoming event information and other ways to get involved further with sport and physical activity in the LCR
2. a participant at one of our programmes, events or
3. an individual client (such as a sole trader or partnership) or an employee of a corporate client who (i) has contacted us to purchase our services/products; or (ii) we have contacted you about the services/products we offer.

References to 'we', 'our' or 'us' in this privacy notice are to Merseyside Sports Foundation (registered charity number 1147342, referred to as The Foundation).

If you have any questions on this privacy policy you can contact us at [hello@theactivedifference.com](mailto:hello@theactivedifference.com) or write to us at Merseyside Sports Foundation, Unit 1, Dakota Business Park, Skyhawk Avenue, Garston, L19 2QR.

### 3. PERSONAL INFORMATION WE MAY COLLECT FROM YOU

You may provide us with or we may obtain personal information about you, such as information regarding the following:

- personal contact details that allows us to contact you directly such as name, title, email address and telephone number;
- date of birth;
- gender;
- records of your interactions with us such as telephone conversations, emails and other correspondence and your instructions to us;
- details you provide about your experience in sport and physical activity and your interests in getting further involved in sport and physical activity;
- any feedback you provide in a survey;
- records of your attendance at any events, competitions or workshops delivered by us or our partners;
- images in video and/or photographic form and voice recordings;
- any payment or bank details you provide so that we can receive payments from you or you can receive funding from us and details of the financial transactions with you;
- use of and movements through our online portal, passwords, personal identification numbers, IP addresses, user names and other IT system identifying information;
- any funding application details; and
- marketing preferences so that we know whether and how we should contact you.

How we use this information and the lawful basis for each purpose can be found in section 6.

## 4. SPECIAL CATEGORIES OF PERSONAL INFORMATION

We may also collect, store and use the following 'special categories' of more sensitive personal information regarding:

- information about your race or ethnicity, disabilities, religious beliefs and sexual orientation;
- information about your health, including any medical condition, health and sickness records, medical records and health professional information.

We may not collect all of the above types of special category personal information about you. In relation to special category personal data that we do process we do so on the basis that:

- the processing is necessary for reasons of substantial public interest, on a lawful basis;
- it is necessary for the establishment, exercise or defence of legal claims;
- it is necessary for the purposes of carrying out the obligations and exercising our or your rights in the field of employment and social security and social protection law; or
- based on your explicit consent.

In **Table 6.1**, we refer to these as the 'special category reasons for processing of your personal data'.

We may also collect criminal records information from you. For criminal records history we are entitled to do so on the basis of legal obligations or based on your explicit consent.

# 5. WHERE AND HOW WE COLLECT YOUR INFORMATION

We collect personal information about you through:

### Direct interactions

- You may give us your identity, contact, financial and transaction data when you use our website, when you purchase our products and services;
- We typically collect personal information when you create an account on our site at [www.merseysidesport.com](http://www.merseysidesport.com), sign up for our newsletter(s), when you raise a query and/or complaint or when you correspond with us by phone, e-mail or in some other way;
- We also may collect personal information about you when you attend one of our funded programmes, events or workshops hosted by us or one of our delivery partners and/or activity providers.

### Publicly available sources

- We may sometimes receive personal data and additional information from third parties including background check agencies; our network of partners and business directories.

### Third party organisations

- We use third parties to support us in providing our services and to help provide, run and manage our internal IT systems (see **Table 5.1**). For example, provider of information technology, cloud-based software as a service provider, identity management, website hosting and management, data analysis, data back-up, security and storage services.
- The servers powering and facilitating that cloud infrastructure are located in secure data centres around the world and personal data may be stored in any one of the them.

Further details of these providers are included below:

**Table 5.1 - Third party processors we use**

<b>Name</b>	<b>Role</b>	<b>Address</b>
<b>MGL</b>	Computer communications, Server	Fairfield House, Binns Road, Liverpool, L7 9NE, UK
<b>TwentyTwo Digital</b>	Website hosting and management	Studio 19, Coventry Canal Warehouse, Leicester Row, Coventry CV1 4LH, UK
<b>Google Ireland Limited</b>	Business applications (Gmail client, Calendar, Google Drive)	Gordon House, Barrow Street, Dublin 4, Dublin, D04 E5W5, Ireland  Data centres located in a number of locations around the world (EU, Chile, Singapore, Taiwan, USA)
<b>Quickbooks</b>	Financial Accounting software	Intuit Limited, 1 Cathedral Piazza, Victoria, London, SW1E 5BP, UK
<b>Direct Law Personnel (DLP)</b>	HR and employment services	1 City Road East, Manchester, M15 4PN, UK
<b>SportSuite by Cuttlefish</b>	Workforce web-module to engage with volunteers, coaches and community deliverers	Unit 18-19, Loughborough Technology Centre, Loughborough, LE11 3GE
<b>Workplace Challenge by Cuttlefish</b>	Workplace engagement tool	Unit 18-19, Loughborough Technology Centre, Loughborough, LE11 3GE
<b>MailChimp by The Rocket Science Group</b>	Marketing platform	The Rocket Science Group LLC (doing business as) MailChimp, 675 Ponce de Leon Ave NE, Suite 5000, Atlanta, GA 30308, USA
<b>SurveyMonkey</b>	Online survey capture tool	San Mateo, California, USA
<b>ArcGIS</b>	Mapping software	380 New York Street, Redlands, California, USA
<b>Substance Views</b>	Reporting platform	Ground Floor, Canada House, Chepstow Street, Manchester, M1 5FW

## 6. USES MADE OF THIS INFORMATION

**Table 6.1** below describes the main purposes for which we process your personal information, the categories of your information involved and our lawful basis for being able to do this. Under GDPR there are six lawful bases for processing personal data:

- (a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

For each business purpose, we have identified a necessary and valid lawful basis for processing that data.

For more detail on each lawful basis, read Article 6 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>



**Table 6.1 - How we use your personal information and lawful bases**

Purpose	Personal information used	Lawful basis
<b>Business Operations</b>		
<p><b>Memberships</b></p> <p>To administer any membership account(s) you have with us and managing our relationship with you, including dealing with enquiries made by you.</p>	<p>All contact details, records of your interactions with us, and marketing preferences.</p> <p>Use of and movements through our third-party processors.</p>	<p>This is necessary to enable us to properly manage and administer your account with us.</p>
<p><b>Customer Service</b></p> <p>To deal with your queries or complaints.</p>	<p>Contact details and records of your interactions with us.</p>	<p>We have a <b>legitimate interest</b> to provide complaint handling services to you in case there are any issues with the service we provide.</p>
<p><b>Retention</b></p> <p>Retention of records.</p>	<p>All the personal information we collect.</p>	<p>We have a <b>legitimate interest</b> in retaining records whilst they may be required in relation to complaints or claims. We need to retain records in order to properly administer and manage any account you have with us and in some cases we may <b>have legal or regulatory obligations</b> to retain records.</p> <p>We process special category personal data on the basis of the 'special category reasons for processing of your</p>

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		<p>personal data' referred to in section 4 above.</p> <p>For criminal records history we process it on the basis of <b>legal obligations</b> or based on your <b>explicit consent</b>.</p>
Marketing		
<p><b>Marketing</b></p> <p>To send you marketing information we believe you might find useful or which you have requested from us, including our newsletter and information about our events and any offers from our partners and activity providers to further progress your interest in sport and physical activity.</p>	<p>Contact details and marketing preferences.</p> <p>Details you provide about your experience in sport and physical activity and, your interests in getting further involved in sport and physical activity.</p>	<p>Where you have given us your <b>explicit consent</b> to do so.</p>
<p><b>Promotional Content</b></p> <p>For the purposes of promoting sport, our campaigns and events and the work we do as a county-wide body.</p>	<p>Images in video and/or photographic form.</p>	<p>Where you have given us your <b>explicit consent</b> to do so.</p>
Monitoring & Evaluation		

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<p><b>Monitor Attendance</b></p> <p>To administer your attendance at any courses, events or programmes you sign up to.</p>	<p>All contact details, date of birth, gender, health and medical information.</p>	<p>This is necessary to enable us to register you on to and arrange for the effective delivery of our development programmes and events.</p> <p>We process special category personal data on the basis of the 'special category reasons for processing of your personal data' referred to in section 4 above.</p>
<p><b>Data Analysis</b></p> <p>To conduct data analytics studies to better understand event attendance and trends within sport and physical activity in the LCR.</p>	<p>Records of your attendance at any events or competitions hosted by us and/or our delivery partners.</p>	<p>We have a <b>legitimate interest</b> in doing so to ensure that our programmes and events continue to improve, are targeted and relevant.</p>

<p><b>Impact Model</b></p> <p>Our bespoke framework for demonstrating how our products, activities and programmes make an impact upon people’s lives based upon 5 Department of Culture, Media and Sport (DCMS) outcome areas:</p> <ul style="list-style-type: none"> <li>• Lives enriched</li> <li>• Wellbeing improved</li> <li>• Skills for life developed</li> <li>• Communities and networks strengthened</li> <li>• Economy enhanced</li> </ul>	<p>We collect personal information which includes: name, email, gender and data of birth. These are unique identifiers that help us match each participants’ pre and post survey data to better understand self-reported changes in behaviour and attitudes around sport and physical activity.</p> <p>We also collect some special categories data: postcode, disability and ethnicity. This information helps us understand the characteristics of people involved in our projects and (in the interests of promoting equal opportunities) whether we’re engaging under-represented groups effectively.</p> <p>We only ever present this in an anonymised and aggregated way where no individual or their details can be identified.</p>	<p>We have a <b>legitimate interest</b> in doing so to ensure that our programmes and events continue to improve, are targeted and add value back to the LCR.</p>
<p><b>Health &amp; Safety</b></p>		

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<p><b>Health &amp; Safety</b></p> <p>To comply with health and safety requirements.</p>	<p>Records of attendance and health and medical information.</p>	<p>We have a <b>legal obligation</b> and a legitimate interest to provide you and other members of our organisation with a safe environment in which to participate in sport and physical activity.</p> <p>We process special category personal data on the basis of the 'special category reasons for processing of your personal data' referred to in section 4 above.</p>
<p><b>Emergency Contact</b></p> <p>To protect the safety and wellbeing of volunteers at our events.</p>	<p>Name, address and telephone number to contact a next of kin in the event of an emergency.</p>	<p>We do this under <b>vital interest</b> to protect the welfare of volunteers employed and deployed to our events.</p>
<p><b>Health Screening</b></p> <p>To use information about your physical or mental health (including any injuries) or disability status to ensure your health and safety and to assess your fitness to participate in any of the activities or events we host.</p>	<p>Health information.</p>	<p>We process special category personal data on the basis of the 'special category reasons for processing of your personal data' referred to in section 4 above.</p>
<p><b>To promote equal opportunities</b></p> <p>For the purposes of equal opportunities monitoring.</p>	<p>Name, title, date of birth, gender, information about your race or ethnicity, and health information.</p>	<p>We have a <b>legitimate interest</b> to promote a sport and physical activity environment that is inclusive, fair and accessible.</p> <p>We process special category personal data on the basis of</p>

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		the 'special category reasons for processing of your personal data' referred to in section 4 above.
<b>Safeguarding</b> To comply with legal obligations, for example, regarding people working with children or vulnerable adults.	Information about your criminal convictions and offences.	For criminal records history we process it on the basis of <b>legal obligations</b> or based on your explicit consent.
<b>Financial Compliance</b>		
<b>Funding Applications</b> To manage the process of applying to us for funding.	All details provided in your funding application.	This is necessary to enable us to properly manage and assess your application.
<b>Funding</b> To make payments to you where we have agreed to fund a project.	Transaction and payment data.	This is necessary to make payments to you.
<b>Financial Compliance</b> To arrange and manage contracts for the provision of services/products.	Transaction and payment data, contact details.	This is necessary to enable us to properly manage and administer any <b>contract</b> for services and products.

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For some of your personal information, there will be a legal, contractual or other requirement or obligation for you to provide us with the information. If you do not provide us with the requested personal information we may not be able to admit you as a member of our body or we may not be able to properly perform our contract with you or comply with legal obligations and we may have to terminate your position as a member of our body. For other personal information you may not be under an obligation to provide it to us, but if you do not provide it then we may not be able to properly perform our contract with you.

Where you have given us your consent to use your personal information in a particular manner, you have the right to withdraw this consent at any time, which you may do by contacting us as described in the 'Contacting us' section below.

Please note however that the withdrawal of your consent will not affect any use of the data made before you withdrew your consent and we may still be entitled to hold and process the relevant personal information to the extent that we are entitled to do so on a basis other than your consent. Withdrawing consent may also have the same effects as not providing the information in the first place, for example we may no longer be able to provide certain benefits to you.

## 7. DIRECT MARKETING

Email, post and SMS marketing: from time to time, we may contact you by email, post or SMS with information about products and services we believe you may be interested in.

We will only send marketing messages to you in accordance with the marketing preferences you set. At any time, you can then let us know that you do not wish to receive marketing messages by emailing us at [hello@theactivedifference.com](mailto:hello@theactivedifference.com). You can also unsubscribe from our marketing by clicking on the unsubscribe link in the marketing messages we send to you.



## 8. DISCLOSURE OF YOUR PERSONAL INFORMATION

We share personal information with the following parties:

- Any party approved by you;
- Governing bodies or regional bodies for sport and physical activity covered by us: to allow them to properly administer sport and physical activity on a local, regional and national level;
- Other service providers and advisors: for example, email marketing specialists, payment processors, professional advisors, data analysts and IT services (including Customer Relationship Management [CRM], website, video- and teleconference services);
- External funding providers; for example (but not exclusive to), Liverpool City Council, Sport England, or Big Lottery who may wish to analyse the performance of our development programmes to understand the impact of the public investment made in the LCR;
- Our supply chain partners and sub-contractors, such as couriers, import/export agents, shippers;
- Our Partners and Activity Providers: for the purposes of providing you with information on any tickets, special offers, opportunities, products and services and other commercial benefits provided by our commercial partners where you have given your express for us to do so/ and/or for the purposes of arranging any events or workshops you have registered your interest in;
- The Government or our regulators: where we are required to do so by law or to assist with their investigations or initiatives;
- Police, law enforcement and security services: to assist with the investigation and prevention of crime and the protection of national security.

We do not disclose personal information to anyone else except as set out above.

## 9. TRANSFERRING YOUR PERSONAL INFORMATION INTERNATIONALLY

The personal information we collect may be transferred to and stored in countries outside of the UK and the European Union. Some of these jurisdictions require different levels of protection in respect of personal information and, in certain instances, the laws in those countries may be less protective than the jurisdiction you are typically resident in.

We will take all reasonable steps to ensure that your personal information is only used in accordance with this privacy notice and applicable data protection laws and is respected and kept secure and where a third part processes your data on our behalf we will put in place appropriate safeguards as required under data protection laws. For further details please contact us by using the details set out in the 'Contacting us' section below.

## 10. HOW LONG DO WE KEEP PERSONAL INFORMATION FOR?

The duration for which we retain your personal information will differ depending on the type of information and the reason why we collected it from you. However, in some cases personal information may be retained on a long-term basis: for example, personal information that we need to retain for legal purposes will normally be retained in accordance with usual commercial practice and regulatory requirements. Generally, where there is no legal requirement we retain all physical and electronic records for a period of 6 years after your last contact with us. Exceptions to this rule are:

- Information that may be relevant to personal injury claims and discrimination claims may be retained until the limitation period for those types of claims has expired. For personal injury or discrimination claims this can be an extended period as the limitation period might not start to run until a long time after the event;
- Information that may be relevant to projects that we fund may be retained for longer periods in order to allow us to assess the longer-term impact of our support for projects;
- Information we receive from self-declarations, if concerns have been raised about an adult's behaviour around children, we will hold this within a personnel file either until they reach normal retirement age or for 10 years - whichever is longer (according to the rules set by Information and Records Management Society, 2016).

It is important to ensure that the personal information we hold about you is accurate and up-to-date, and you should let us know if anything changes, for example if you change your phone number or email address. You can contact us by using the details set out in the 'Contacting us' section below.

## 11. HOW DO WE PROTECT YOUR PERSONAL DATA?

The Foundation takes the security of your personal data very seriously. We take every effort to protect your personal data from misuse, interference, loss, unauthorised access, modification or disclosure.

Our measures include implementing appropriate access controls, investing in information security capabilities to protect the IT environments we leverage, and ensuring we encrypt, pseudonymise and anonymise personal data wherever possible.

Access to your personal data is only permitted among our employees and agents on a need-to-know basis and subject to strict contractual confidentiality obligations when processed by third-parties.

## 12. YOUR RIGHTS IN RELATION TO PERSONAL INFORMATION

You have the following rights in relation to your personal information:

- the right to be informed about how your personal information is being used;
- the right to access the personal information we hold about you;
- the right to request the correction of inaccurate personal information we hold about you;
- the right to request the erasure of your personal information in certain limited circumstances;
- the right to restrict processing of your personal information where certain requirements are met;
- the right to object to the processing of your personal information;
- the right to request that we transfer elements of your data either to you or another service provider;
- the right to object to certain automated decision-making processes using your personal information.

You should note that some of these rights, for example the right to require us to transfer your data to another service provider or the right to object to automated decision making, may not apply as they have specific requirements and exemptions which apply to them. However, some have no conditions attached, so your right to withdraw consent or object to processing for direct marketing are absolute rights.

Whilst this privacy notice sets out a general summary of your legal rights in respect of personal information, this is a very complex area of law. More information about your legal rights can be found on the Information Commissioner's website at <https://ico.org.uk/for-the-public/>.

To exercise any of the above rights, or if you have any questions relating to your rights, please contact us by using the details set out in the 'Contacting us' section below.

If you are unhappy with the way we are using your personal information you can also complain to the UK Information Commissioner's Office or your local data protection regulator. We are here to help and encourage you to contact us to resolve your complaint first.

### **13. CHANGES TO THIS NOTICE**

We may update this privacy notice from time to time. When we change this notice in a material way, we will update the version date at the bottom of this page. For significant changes to this notice we will try to give you reasonable notice unless we are prevented from doing so. Where required by law we will seek your consent to changes in the way we use your personal information.

**Version dated 28<sup>th</sup> June 2018**

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## CONTACTING US

In the event of any query or complaint in connection with the information we hold about you, please contact us on [hello@theactivedifference.com](mailto:hello@theactivedifference.com) or by calling 0151 427 3889.

### **Merseyside Sports Foundation**

Unit 1, Dakota Business Park,

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