

# **Apex2100 Ltd**

## **Privacy Notice for Athletes and their Parents**

### **Introduction**

This Privacy Notice is intended to provide information about how Apex2100 Ltd, company number 09095637 ('the Academy') will use personal data about athletes and their parents, carers or guardians (referred to in this Notice as 'parents'). It is important that athletes and their parents understand how we use their information and what we do with it. Athletes should therefore ask their parents or another adult if they do not understand this Privacy Notice.

It is important that this Privacy Notice is read alongside any other information the Academy may provide about a particular use of athlete and/or parent personal data, for example when collecting information via an online or paper form. Parents and athletes should also be aware that this Privacy Notice applies in addition to the Academy's other relevant documents and policies, including:

- the contract between the Academy and parents
- the Academy's Use of Images Policy
- the Academy's retention of records policy
- the Academy's safeguarding and health and safety policies
- the Academy's IT policies, including its Acceptable Use policy, eSafety policy

Anyone who works for, or acts on behalf of, the Academy (including staff, volunteers and service providers) will be made aware of this Privacy Notice and will be required to comply with it.

We will update this Privacy Notice from time to time. Any substantial changes that affect athlete and parent rights will be advertised on our Website and, in so far as is reasonably practicable, will be provided directly to them. Athletes or their parents should please check the Privacy Notice page of our Website to make sure they are satisfied with any changes.

### **Who we are**

We are obliged to tell athletes and their parents that we are the organisation who is in charge of their personal information. This means the Academy is called the Data Controller. The postal address of the Academy is 47 Marylebone Lane, London, W1U 2NT. Our Website is at [www.apex2100.org](http://www.apex2100.org)

If athletes or their parents want to contact us about their personal information or have any questions about this Privacy Notice or our data protection practices, they can contact our Compliance Lead who is Chris Thomson. They can speak to them direct on 07733331193 or email [chris@apex2100.org](mailto:chris@apex2100.org).

### **The type of information that we process**

This will include by way of example:

- personal identifiers and contacts (such as name, contact details, address and next of kin)
- characteristics (such as ethnicity and language)
- bank details and other financial information, e.g. about parents who pay fees to the Academy
- safeguarding information

- medical (such as doctors information, child health, allergies, medication and dietary requirements)
- physiological measurements (results from bloods etc. that are bio markers for performance and health)
- attendance, including absences and absence reasons
- training assessment and attainment (such as school references and results from physical assessments)
- behavioural information
- CCTV
- images of athletes (more details about this are in our Use of Images Policy)
- academic results from previous schools

### **Why we collect and use personal information**

We will only use personal information when the law allows us to. Most commonly, we collect and hold personal information relating to our athletes and parents as part of our daily operation. Some of this is in order to fulfil our legal rights, duties or obligations – including those under the contract with parents. Other uses are because it is within our legitimate interests or the legitimate interests of another (provided that these are not outweighed by the impact on athletes and parents and does not involve special or sensitive types of data).

Examples of the situations in which we will process personal information about athletes and their parents are:

- For the purposes of athlete selection (and to confirm the identity of prospective athlete and their parents)
- To provide training, including physical training, ski instruction and extra-curricular activities to athletes and monitoring athletes' progress and educational needs
- Maintaining relationships with athletes and their parents
- For the purposes of business management and planning including auditing and accounting
- To assess the quality of our services
- To enable us to process admissions details provided through our Website
- To record and store information about athletes and parents when they use our Website in order to analyse the operation of our Website and analysing Website behaviour to improve the Website and its usefulness. See the information about the use of cookies under that heading below.
- To enable relevant authorities to monitor our performance and to intervene or assist with incidents as appropriate
- To give and receive information about past, current and prospective athletes, including relating to outstanding fees or payment history, to/from any educational institution that the child attended or where it is proposed they attend; and to provide references to potential employers of past athletes
- To enable athletes to take part in competitions and to publish the results of such or other achievements
- To safeguard athletes' welfare and provide appropriate pastoral care
- To keep athletes safe (food allergies, or emergency contact details)
- For the purposes of site security, prevention and detection of crime and safeguarding athletes, staff, parents and visitors
- To make use of photographic images of athletes in Academy publications, on the Academy

website and (where appropriate) on the Academy's social media channels in accordance with the Academy's Use of Images Policy

- To carry out or cooperate with any complaints, disciplinary or investigation process
- Where otherwise reasonably necessary for the Academy's purposes, including to obtain appropriate professional advice and insurance for the Academy

The use of athletes and parents information for these purposes is lawful for the following reasons:

- The Academy is under a legal obligation to collect the information or the information is necessary for us to meet legal requirements imposed upon us such as our duty to safeguard athletes.
- It is necessary for us to hold and use personal information for the purposes of our functions in providing training and so we can look after our athletes.
- We have a legitimate interest in holding and using personal information because it is necessary in order to provide athletes with training and pastoral care and connected purposes.
- It is necessary to administer the contract we entered into with parents.

In addition, the Academy will on occasion need to process special category personal data (such as information concerning physical or sexual health, or ethnicity). These reasons will include:

- To safeguard athletes' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of activities or trips who need to be made aware of dietary or medical needs;
- As part of any complaints, disciplinary or investigation process that involves such data, for example if there are health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with our legal obligations and duties of care.

We may process special categories of personal information, in limited circumstances, with the individual's explicit written consent. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect the individual's interests (or someone else's interests) and they are not capable of giving consent.

We will not usually need consent to use special categories of personal information. However, if at any time it appears to us that we would like to use personal data in a way which means that we would need consent then we will explain to the individual what we want to do and ask for their consent. This may be, for example, where we are involved in activities which are not really part of our job as a training provider but we are involved because we think it would benefit our athletes. If athletes give their consent, they may change their mind at any time. If we think that athletes will not understand what we are asking then we will ask their parent or carer instead. Usually, we will involve parents even if athletes can make their own decision.

#### If athletes or parents fail to provide information

If parents or athletes fail to provide certain information when requested, we may not be able to perform the contract we have entered into with parents or we may be prevented from complying with our legal obligations.

### Change of purpose

We will only use personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information for an unrelated purpose, we will notify the individual and we will explain the legal basis that allows us to do so. This means we may process personal information without athlete or parental knowledge or consent, where we are allowed to do so by law.

### Consent

Where the Academy is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as detailed below). For example, for certain uses of images (see our Use of Images Policy). Please be aware however that we may not be relying on consent but have another lawful reason to process the personal data in question even without consent. That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual e.g. parent contract.

### **How we collect information**

Generally, we receive personal data from the individual directly (including, in the case of athletes, from their parents). This may be via a form, visiting or interacting through our Website (including completing the Admissions Form on our Website) or simply in the ordinary course of interaction or communication such as email. However, in some cases personal data will be supplied by third parties, for example, the athlete's former or current school and/or previous ski academy, if applicable, or information on ski ranking points from the body where athlete races.

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for athletes or their parents to provide it, whether there is a legal requirement on the Academy to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

### **When we give personal information to others**

We will normally give information about athletes to their parents. Where appropriate, we will listen to athlete's views first. We will also take family circumstances into account, in particular where a Court has decided what information a parent is allowed to have.

For the most part, personal data collected will remain within the Academy, and will be processed by staff on a 'need to know' basis. Particularly strict rules of access apply in the context of, for example, medical records and pastoral or safeguarding information. However, a certain amount of any athlete's information will need to be provided to staff more widely in the context of providing the necessary care and training that the athlete requires. We do this because these people need the information so that they can support our athletes.

Occasionally, we will need to share personal information about athletes and their parents with third parties outside the Academy, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers)
- government authorities (e.g. the police)
- appropriate regulatory bodies (e.g. the Information Commissioner)
- consultants working as part of the Performance Programme
- analytics and search engine providers that help us to improve our Website and its use

We may not need consent to disclose athlete or parent information to these third parties. This is because:

- We are under a legal obligation to disclose the information or disclosing the information is necessary for us to meet legal requirements imposed upon us such as our duty to look after our athletes and protect them from harm.
- It is necessary for us to disclose information for the purposes of our functions in providing training.
- We have a legitimate interest in disclosing information because it is necessary in order to provide our athletes with training and pastoral care and connected purposes as outlined above.
- It is in the athletes' vital interests their personal information is passed on.

However, if at any time it appears to us that we would need consent then we will ask before a disclosure is made. Normally, we involve parents when seeking consent. By law we will not need their consent if athletes can give it but parents like to be involved because it is part of looking after their child. Before an athlete is old enough to understand we will ask their parents to consent for them.

We do not normally transfer information to a different country which is outside the European Economic Area. This would only happen if one parent lives abroad or if the athlete moves to a new school abroad and we are asked to share information. If this happens we will be very careful to make sure that it is safe to transfer the information. We will look at whether that other country has good data protection laws for example. If we cannot be sure that it is safe then we will talk to the athlete and their parents about it and make sure that they are happy for us to send the information. As this is not something we normally do and we don't know which country we might need to send information to, we cannot say more about it now but if we want to transfer data to a different country then we will tell the athlete and their parents whether or not we think it is safe and why we have decided that.]

Finally, in accordance with Data Protection Law, where some of our processing activity is carried out on behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Academy's specific directions.

### **How long we keep information**

We only keep information for as long as we need to or for as long as the law requires us to. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of the personal data, the purposes for which we process the personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Most of the information we have about athletes and their parents will be stored in their personal file within our Data Management systems. We usually keep these until the 7 years from the athlete leaving the Academy. We have a policy which explains how long we keep information. It is called a Records Retentions Policy and is available on request.

If parents or athletes have any specific queries about our retention periods or wish to request that personal data that they no longer believe to be relevant is considered for erasure, they should contact Director of Education. However, please bear in mind that we will often have lawful and necessary reasons to hold on to some personal data even following such request.

## **Individual rights**

Athletes and their parents have these rights:

- To ask us for a copy of the information we have about them
- To ask us to correct any information we have about them if they think it is wrong
- To ask us to erase information about them (although we may have good reasons why we cannot do this)
- To ask us to limit what we are doing with their information
- To object to what we are doing with their information
- To ask us to transfer their information to another organisation in a format that makes it easy for them to use.

Any individual wishing to exercise these rights should put their request to the Director of Education. We will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information, but actually fulfilling more complex requests may take 1-2 months longer). If a request for information is manifestly excessive or similar to previous requests, we may ask the individual making the request to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

Parents and athletes should be aware that the right of access is limited to their own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the Academy, or documents prepared in connection with a legal action).

Parents and athletes may also complain about what we do with their personal information to the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 to use a national rate number.

### Athlete requests

Athletes can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Academy, they have sufficient maturity to understand the request they are

making (see Whose Rights below). An athlete of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger athletes, the law still considers the information in question to be the child's: for older athletes, the parent making the request may need to evidence their child's authority for the specific request.

Those aged e.g. 12 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the Academy will often rely on parental authority or notice for the necessary ways it processes personal data relating to athletes – for example, under the parent contract, or via a form.

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the athlete's age and understanding – to seek the athlete's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, we will assume that athletes' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about their child's activities, progress and behaviour, and in the interests of the child's welfare. That is unless, in our opinion, there is a good reason to do otherwise.

However, where an athlete seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, we may be under an obligation to maintain confidentiality unless, in our opinion, there is a good reason to do otherwise; for example where we believe disclosure will be in the best interests of the athletes or other children, or if required by law.

### **Data Accuracy and Security**

We will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Director of Education of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why we may need to process data and who individuals may contact if they disagree.

We have put in place measures to protect the security of personal information. Details of these measures are available upon request. In addition, we limit access to personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process personal information on our instructions and they are subject to a duty of confidentiality.

Third parties will also only process personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

## **Cookies**

In addition to the information which athletes or their parents (“Users”) supply to us through our Website, information and data may be automatically collected through the use of cookies. Cookies are small text files employed on the Website to recognise repeat users and allow us to observe behaviour and compile aggregate data in order to improve the Website for its Users. For example, cookies will tell us whether a User viewed the Website with sound or with text on their last visit. Cookies also allow us to count the number of unique and return visitors to our Website. Some of our associated companies may themselves use cookies on their own websites. We have no access to, or control of these cookies, should this occur.

Cookies may be either “persistent” cookies or “session” cookies. A persistent cookie consists of a text file sent by a web server to a web browser, which will be stored by the browser and will remain valid until its set expiry date (unless deleted by the User before the expiry date). A session cookie, on the other hand, will expire at the end of the User session, when the web browser is closed.

The law states that we can store cookies on a User’s machine if they are essential to the operation of the Website, but that for all others we need the User’s permission to do so.

Although we do not use our own cookies, our Website, like very many websites, uses Google Analytics, provided by Google, Inc. (“Google”). This involves cookies to analyse how Users use the Website. This produces data about use of the website (including the User’s IP address). The data goes to Google which stores it on servers in the United States, to measure and understand the User’s use of the website. Google uses this to report on website activity to website operators and provide other services relating to website activity and internet usage. Google may also send this information to third parties where required to do so by law, or where such third parties process the information on Google’s behalf. Google will not connect the User’s IP address with any other data held by Google.

We will ask for the User’s permission (consent) to place these cookies or other similar technologies on their device, except where these are essential for us to provide the User with a service that the User has requested. There is a notice on our home page which describes how we use cookies and requests the User’s consent to place cookies on the User’s device. [Please note that if the User ignores the request for consent but continues to use the Website, the User agrees that we may treat the User’s continued use as consent to the use of these cookies].

The User may also refuse the use of cookies by choosing the appropriate settings on the User’s browser, however please note that if the User does this the User may not be able to use the full functionality of our Website. Unfortunately, we cannot accept liability for any malfunctioning of the User’s device or its installed web browser as a result of any attempt to turn off cookies. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org). We cannot access any personal data about the User from Google Analytics, therefore we are not the Data Controller for the User’s Google Analytics profile data. The User should contact Google directly for this information. Details about Google Analytics’s privacy policy can be viewed online at [Google.com](http://Google.com)

## **Opting out of cookies**

If the User does not wish to receive cookies from us or any other website, the User should be able to turn cookies off on the User’s web browser: the User should follow its browser provider’s instruction



in order to do so. Unfortunately, we cannot accept liability for any malfunctioning of the User;s device or its installed web browser as a result of any attempt to turn off cookies.

To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).