



## GDPR / Data Protection Policy

### Inclusive of Legitimate Interest Assessment

#### **Our Commitment:**

Severn Motor Yacht Club (SMYC) is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the General Data Protection (GDPR) and Data Protection Act 2018

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

The current Committee is responsible for data protection.

The requirements of this policy are mandatory for all Committee members and any third party contracted to provide services within the organisation.

#### **Notification:**

Severn Motor Yacht Club is a Not-for-profit organisation which makes it exempt from the ICO data register.

Changes to the type of data processing activities being undertaken shall be notified to current SMYC members through email (with unsubscribe option) along with at the clubs yearly AGM

Breaches of personal or sensitive data shall be notified immediately to the individual(s) concerned.

#### **Personal and Sensitive Data:**

All data within Severn Motor Yacht Club shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

The principles of the GDPR & Data Protection Act shall be applied to all data processed:

1. Processed fairly and lawfully.
2. Obtained only for lawful purposes and is not further used in any manner incompatible with those original purposes.
3. Accurate and, where necessary, kept up to date,



4. Adequate, relevant and not excessive in relation to the purposes for which it is processed.
  5. Not kept for longer than is necessary for those purposes.
  6. Processed in accordance with the rights of data subjects under the GDPR & DPA
  7. Protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage
  8. Not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.
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### **Fair Processing / Privacy Notice:**

**Legitimate interests** - the data is processed to perform a task in your and SMYC legitimate interests - for example, contacting a member about their boat, caravan, invoices, and events by means of email, post, and telephone.

### **Legitimate Interest Assessment –**

Where required, SMYC will undertake a Legitimate Interest Assessment, this has been identified as a 3-step process:

1. Identifying a Legitimate Interest
2. Carrying out a Necessity Test
3. Carrying out a Balancing Test

### **Identifying a Legitimate Interest**

SMYC has a legitimate interest in processing the personal data of members that are likely to want to receive information regarding club activities and invoicing. The only personal data that is held and stored and processed by SMYC is name, boat / caravan information and contact details. All correspondence has direct relevance to the data subject.



## **Necessity Test**

The processing is necessary in pursuit of the interests above. SMYC examined alternatives and the only alternative available – unambiguous opt-in – was reviewed and rejected as impossible to implement given that a majority of members don't regularly visit SMYC to physically sign 'opt-in' paper-based agreement.

## **Balancing Test**

SMYC has conducted a balancing test to ensure that our interests do not override those of data subjects. We believe that the data subjects will have a reasonable expectation of being contacted by SMYC due to the nature of the club being a member's club with yearly membership fees.

SMYC also ran a Facebook poll where a majority of members opted into receiving emails along with the 2023 AGM, it was put forward and agreed by all attending that the members voted for email correspondence.

All new members (as of April 2023) are given notice with a choice to supply a contact email for SMYC marketing use.

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## **Email Correspondence 'Unsubscribe':**

To comply with GDPR use of email marketing, SMYC emails have an 'unsubscribe' tab at the footer of the email. If a member no longer wants to receive email correspondence the unsubscribe tab should be selected to stop any future emails for SMYC. SMYC uses a secure email service provider (such as Mail Chimp, or google) to ensure we process email correspondence legally.

## **Telephone and Post Correspondence 'opt out':**

If a member does not want to receive correspondence by telephone or post, then a letter to the Secretary of the club should be sent to Severn Motor Yacht Club, Bath Road, Worcester, WR5 3HR, to request so. However, if SMYC does not have a means of contact with the member, membership cannot be renewed due to correspondence is deemed necessary to produce invoices along with in the interest of safety of not being able to communicate with the member in such cases of works being carried out or members property such as boats being insecure causing a danger to others.

## **Data Security:**

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>



Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated Committee members shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and these organisations shall provide evidence of the competence in the security of shared data.

#### **Data Access Requests (Subject Access Requests):**

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within 40 days and they should be made in writing to: The Secretary, Severn Motor Yacht Club, Bath Road, Worcester, WR5 3HR

A charge may be applied to process the request.

#### **Photographs and Video:**

Images of members and guests may be captured at appropriate times and as part of event activities. Consent will be verbally asked on any rejections of pictures being used in the members monthly Ensign magazine.

It is our policy that external parties may not capture images of members and guests during such activities without prior consent.

#### **CCTV:**

SMYC Clubhouse and Grounds has CCTV for the prevention or detection of crime or equivalent malpractice. Identification and prosecution of offenders. Monitoring of the security of the SMYC premises. Ensuring that health and safety rules and procedures are being complied with.

If you do not want your boat / caravan to be covered on CCTV, a request in writing to the Secretary must be made aware and the CCTV will be blanked off in the appropriate area.

Anyone can ask to see images that SMYC has recorded of them. If images are requested, SMYC will usually provide the footage free of charge within 1 calendar month.

There are no laws that prohibit surveillance cameras in public places.

#### **Data Disposal:**

Our organisation recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held will be destroyed on request of any members wishing to not renew their membership with SMYC.