

Appendix A – GDPR Overview & Compliance

This document provides an overview of the General Data Protection Regulation (GDPR) and the proposed measures that will need to be introduced in order to meet the compliance requirements to be discussed and voted upon as necessary to determine how the League proceeds.

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An Overview

The GDPR comes into force on Friday, 25th May 2018. This regulation will replace the existing 1995 EU Data Protection Directive 95/46/EC and 1998 UK Data Protection Act (*enacted the same year that Google was founded*) on that date. In doing so it introduces significant and far-reaching obligations for any organisation or individual that collects and processes personal data.

The aim of the regulation is to harmonise the law in respect of personal data privacy across the EU, giving individuals much greater control over who collects and has access to their personal data and how it is used. The regulation applies to any organisation or individual, wherever they are in the world, that/who collects and/or processes personal data relating to individuals physically present in the EU. Any infringement of the laws set out in the GDPR can lead to fines of up to €20 million or 4% of annual worldwide turnover, whichever is the greater.

The GDPR makes the obligations when handling personal data relating to children even more stringent. Any requirement for consent as a basis to collect and process personal data, for example, can only be directly applied to children aged 13 (*– that being the age proposed in the Data Protection Bill which is subject to government approval*) or over. For those children under that age consent will be required from whoever holds parental/guardian responsibility for the child.

Full details regarding the GDPR can be found on the ICO (UK Data Protection Regulator) website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>.

The Principals of the GDPR

The GDPR sets out the following principles governing the use of personal information that must be complied with, unless an exemption applies:

- 1) Personal data shall be **processed fairly and lawfully** and, in particular, shall not be processed unless at least one of the conditions in Schedule 2 is met and in the case of sensitive personal data, at least one of the conditions set out in Schedule 3.
- 2) Personal data shall be obtained **only for one or more specified and lawful purposes**, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3) Personal data shall be **adequate, relevant and not excessive** in relation to the purpose or purposes for which they are processed.
- 4) Personal data shall be **accurate and, where necessary, kept up to date**.
- 5) Personal data processed for any purpose or purposes **shall not be kept for longer than is necessary** for that purpose or those purposes.
- 6) Personal data shall be **processed in accordance with the rights of data subjects** under this regulation.
- 7) **Appropriate technical and organisational measures** shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 8) Personal data **shall not be transferred to a country or territory outside the European Economic Area**, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Lawful Basis for Processing

There are eight lawful bases under which personal data may be processed. These are:

- 1) **Consent**
 - Personal data may be processed on the basis that the data subject has consented to such processing. However, under the GDPR, valid consent has become significantly harder to obtain than previously.
- 2) **Contract**
 - Personal data may be processed on the basis that such processing is necessary in order to enter into or perform a contract with the data subject.
- 3) **Legal Obligation**

- Personal data may be processed on the basis that the controller has a legal obligation (*under EU law or the laws of a Member State*) to perform such processing.
- 4) **Vital Interests**
- Personal data may be processed on the basis that it is necessary to protect the "vital interests" of the data subject (*or of another natural person*). This essentially applies in "life-or-death" situations.
- 5) **Public Task**
- Personal data may be processed on the basis that such processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest. *It is important to note that processing carried out on this basis may be subject to objections from data subjects.*
- 6) **Legitimate Interests**
- Personal data may be processed on the basis that the controller has a legitimate interest in processing that data, provided that such legitimate interest is not overridden by the rights or freedoms of the affected data subjects that require protection, particularly where the data subject is a child.
 - Parental permission is required to process the personal data of children (*– a child is anyone under the age of 16 under the GDPR*). In some contexts (*especially online*) proving that parental permission has been obtained may be difficult.
- 7) **Special Category Data**
- Personal data that comprises special category data may be processed once a lawful basis processing has been identified and a separate condition for processing special category data as set out under Article 9 has also been identified.
 - There are [ten conditions](#) for processing special category data in the GDPR itself, but the Data Protection Bill will introduce additional conditions and safeguards.
 - i. **Consent must be valid.** A data subject must give consent by a statement or a clear affirmative action.
 - ii. **Consent must be given freely.** Consent will not be valid if the data subject has no genuine and free choice, or is unable to refuse or withdraw consent without detriment.
 - When assessing whether consent is freely given, utmost account must be taken of whether the performance of a contract is made conditional on the data subject consenting to processing activities that are not necessary for the performance of that contract.
 - Wherever possible, organisations should avoid making the performance of a contract conditional upon the data subject's consent to the processing of personal data.
 - iii. **Consent must be "specific".** Blanket consent that does not specify the exact purpose of the processing is not valid consent.
 - iv. **Consent must be "informed".** In order for consent to be valid, data subjects must be provided with sufficient information to enable them to understand what they are consenting to.

- v. Consent can be provided by any appropriate method enabling a freely given, specific and informed indication of the data subject's wishes. For example, depending on the circumstances, valid consent could be provided verbally, in writing, by ticking a box on a web page, by choosing technical settings in an app, or by any other statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of their personal data. Organisations need to give careful thought to ensuring that their consent mechanisms are appropriate to the nature of the consent being sought.
- vi. **Silence is not consent.** Silence, pre-ticked boxes, inactivity, failure to opt-out or passive acquiescence do not constitute valid consent.
- vii. **Consent must be distinguishable from other matters.** If consent is given in the context of a written declaration which also concerns other matters, the request for consent must be presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language. If the data subject is asked to consent to something that is inconsistent with the requirements of the GDPR, that consent will not be binding.
- viii. **Valid consent must be demonstrable.** The controller must be able to demonstrate that it has obtained valid consent from the affected data subjects.
- ix. **Consent must be able to be withdrawn.** The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject must be informed of the right to withdraw consent. It must be as easy to withdraw consent as to give it.
- x. **Consent can provide a lawful data transfer mechanism.** In the absence of other safeguards, transfers may take place if the data subject has explicitly consented to the transfer, having previously been informed of its possible risks. This does not apply to public authorities in the exercise of their powers.
- The condition for processing special category data must be determined before processing under the GDPR begins, and it must be documented.

8) Criminal Offence Data

- Personal data relating to criminal convictions and offences or related security measures may only be processed:
 - i. Under the control of an official authority; *or*
 - ii. When permitted under EU or Member State law.
- Any comprehensive register of criminal convictions may be kept only under the control of official authority.
- Member States may impose restrictions on the processing of personal data for the purposes of enforcing civil law claims.

Individual Rights

On the whole, the rights an individual (known as the “Data Subject”) has under the GDPR are broadly similar to those under the 1998 Data Protection Act (DPA) but include some significant changes to enhance those rights. The GDPR provides the following rights for the data subject:

- 1) Right to be informed**
 - A data subject has the right to be informed about his/her personal data.
- 2) Right of access**
 - A data subject has the right to obtain:
 - i. Confirmation that his/her personal data is being collected and processed.
 - ii. Access to his/her personal data.
 - iii. Access to any other supplementary information held.
- 3) Right to rectification**
 - A data subject has the right to have personal data rectified if it is inaccurate or incomplete.
- 4) Right to erasure**
 - A data subject has the right to request the erasure of personal data (*also known as 'the right to be forgotten'*) in certain circumstances, if it is no longer necessary in relation to the purpose for which it was originally collected/processed.
- 5) Right to restrict processing**
 - A data subject has the right to request that the processing of his/her personal data is suppressed in certain circumstances. For example, in the event the data subject contests the accuracy of the personal data.
- 6) Right to data portability**
 - A data subject has the right to receive a copy of his/her personal data, free of charge, from the data controller in a commonly used and machine-readable format to be able to store that data for further personal use on a private device.
- 7) Right to object**
 - A data subject has the right to object to:
 - i. Direct marketing (*including profiling*).
 - ii. Processing of his/her personal data based on legitimate interests or the performance of a task in the public interest.
 - iii. Processing of his/her personal data for the purposes of scientific/historical research and statistics.
- 8) Right in relation to automated decision making**
 - A data subject has the right not to be subject to a decision based upon automated processing.
- 9) Right to data breach notification**
 - A data subject has the right, when a personal data breach is likely to result in a high risk to his/her rights, to be notified of the data breach by the data controller without undue delay.

Important points to note with respect to the individual's rights and the OXL are:

- a) Transparency is a key requirement under GDPR.

- b) A data subject must be informed of the following privacy information that is being collected at the time their personal data collected from them:
 - The purpose(s) for processing the personal data
 - The retention period(s) for that personal data
 - Who the personal data will be shared with
- c) A data subject has the right to object to processing based on legitimate interests.
- d) All such requests can be made either verbally or in writing and must be responded to within one calendar month.
- e) The following right is not applicable with respect to the personal data collected and processed by the OXL as no automated processing takes place:
 - Right in relation to automated decision making

Compliance Requirements

The following 12 steps are to be taken in order to meet the GDPR compliance requirements:

1) GDPR Awareness

- a) The OXL management committee is already fully aware of the impact and requirements of the GDPR as documented in recent management meeting minutes.
- b) Member clubs, Oxfordshire AA and any other third parties as detailed below will also be made aware by the publishing and distribution of the AGM documentation in advance of the 2018 AGM scheduled to be held on Wednesday, 16th May at Exeter Hall, Kidlington.

2) Documentation of Information Held

- a) The systems that house personal data are:
 - i. OXL Google account
 - ii. OXL Website
 - iii. League Manager's computers, server and backup media
 - iv. League Treasurer's computer
 - v. Past League officials' computers
 - vi. England Athletics (EA)
 - 1. EA Affiliation Database – accessed via:
 - a. Club Secretaries' Portal
 - b. EA Licence Check Facility
 - 2. Power of 10:
 - a. Publishing of national results
 - vii. Back of Race Number
- b) The following items of personal data are being collected and processed:
 - i. Member club contact details:
 - 1. First Name
 - 2. Last Name
 - 3. Club Role
 - 4. First Claim Club
 - 5. Telephone Number

6. Mobile Phone Number
7. Website Address
8. Email address
- ii. Volunteer fixture officials and marshals contact details:
 1. First Name
 2. Last Name
 3. Role
 4. First Claim Club
 5. Telephone Number
 6. Mobile Phone Number
 7. Email address
- iii. Third party supplier contact details:
 1. First Name
 2. Last Name
 3. Service Provided
 4. Telephone Number
 5. Mobile Phone Number
 6. Website Address
 7. Email address
- iv. Athlete fixture entry details:
 1. First Name
 2. Last Name
 3. Date of Birth
 4. Gender
 5. URN
 6. First Claim Club
 7. Second Claim Club
 8. EA Registration Status
 9. Age category
 10. Race number
 11. Race entered
 12. Fixture photographs/videos
- v. Athlete fixture results details:
 1. First Name
 2. Last Name
 3. First Claim Club
 4. Second Claim Club
 5. Age category
 6. Race number
 7. Race entered
 8. Race finish time
 9. Race finish position
 10. Fixture photographs/videos
- c) The following personal data is being collected and processed on the following systems:
 - i. Member club contact details
 1. OXL Google account
 2. League Manager's computers and server
 3. League Treasurer's computer
 4. Past League officials' computers

- ii. England Athletics (EA) fixture officials contact details
 - 1. League Manager's computers and server
 - 2. Past League officials' computers
 - 3. Host member club fixture officials' computers
 - iii. Volunteer fixture marshals contact details
 - 1. League Manager's computers and server
 - 2. Past League officials' computers
 - iv. Third party supplier contact details
 - 1. League Manager's computers and server
 - 2. Past League officials' computers
 - 3. OXL Website
 - v. Fixture entry data
 - 1. Entry and results system author's computer
 - 2. League Manager's computers and server
 - 3. Past League officials' computers
 - 4. Oxfordshire AA officials' computers (*with respect to combined County Championship fixtures*)
 - 5. Member club team managers' computers
 - 6. Member club secretaries' computers
 - 7. Official race photographer's computer
 - 8. Original entry and results system author
 - 9. Potentially in the future:
 - a. Third party chip timing providers
 - vi. Fixture results data
 - 1. Entry and results system author's computer
 - 2. League Manager's computers and server
 - 3. Past League officials' computers
 - 4. Official race photographer's computer
 - 5. Original entry and results system author
 - 6. Potentially in the future:
 - a. Third party chip timing providers' systems
 - vii. Medical and contact details in the event of an emergency
 - 1. Back of race number
- d) The following personal data is shared with the following third parties:
- i. Member club contact details
 - 1. Member club officials
 - 2. Member club team managers
 - 3. Member club fixture hosting officials
 - 4. England Athletics
 - ii. England Athletics (EA) fixture officials contact details
 - 1. Member club fixture hosting officials
 - 2. England Athletics
 - iii. Volunteer fixture marshals contact details
 - 1. Member club officials
 - 2. Member club fixture hosting officials
 - iv. Fixture entry data
 - 1. Member club officials
 - 2. Member club team managers
 - 3. Oxfordshire AA officials (*with respect to combined County Championship fixtures*)

4. Original entry and results system author
 5. Official race photographer
 6. England Athletics
 7. Potentially in the future:
 - a. Third party chip timing providers
 - v. Fixture results data
 1. General public via OXL website
 2. Member club officials
 3. Member club team managers
 4. Original entry and results system author
 5. Official race photographer
 6. Local and national press:
 - a. Oxford Mail
 - b. Athletics Weekly
 7. Potentially in the future:
 - a. Third party chip timing providers
 - vi. Medical and contact details in the event of an emergency
 1. Third party medical service provider personnel
 2. Fixture director
 3. Member club team manager(s)
 4. Oxfordshire AA officials (*with respect to combined County Championship fixtures*)
- e) Who within the third party organisations has access to that personal data is detailed below:
- i. Member club officials
 1. *Refer to current master member club contacts spreadsheet*
 - ii. Member club team managers
 1. *Refer to current master member club contacts spreadsheet*
 - iii. Member club fixture hosting officials
 1. *Refer to current master member club contacts spreadsheet*
 - iv. England Athletics
 1. *The contact details are currently supplied on the following webpage under the Contacting Membership Services section:*
<https://www.englandathletics.org/clubs--community/club-affiliation>
 - v. Official race photographer
 1. *Barry Cornelius contactable via*
<http://www.oxonraces.co.uk/contact/>
 - vi. Third party suppliers
 1. *Refer to current master suppliers list document published on the OXL website*
 - vii. Original entry and results system author
 1. *Fraser Howard (Witney RR)*
 - viii. Oxford Mail
 1. *Jack Johnson*
 2. *Newsquest Sportsdesk – sportsdesk@nqo.com*
 - ix. Athletics Weekly
 1. *Results department – results@athletics-weekly.co.uk*

- f) The above personal data is to be retained on an ongoing basis with the details to be reviewed on an annual basis. Initially data is to be reviewed in advance of each season and subsequently during the course of the cross-country season as required.
- g) The purpose for which the personal data is being held is:
 - i. To facilitate the organisation of cross-country fixtures.
 - ii. To allow athletes to enter/be entered for races at the scheduled fixtures during the course of each season.
 - iii. To publish the fixture race results along with the individual and team standings.
 - iv. To promote the sport of cross-country and athletics.

3) Privacy Information Communication

The following privacy information documents are to be published on the OXL website and distributed to all member clubs and other third party contacts:

- Privacy Policy
- Cookies Policy

The purpose of these policies is to identify who the OXL is, how and for what purposes the organisation uses the personal data it collects and processes, the lawful basis under which the data is collected and processed, what data retention periods are in place.

In addition those policies include the information that individuals have a right to complain to the ICO in the event an individual thinks there is a problem with the way the OXL is handling his/her personal data. How the ICO may be contacted is also included.

The proposed OXL policies are detailed under the section of that name below.

4) Individual's Rights Procedures

With respect to individual's rights it is imperative that the following information is known:

- The location of the data
- Who is responsible for correcting/deleting the data
- Any data requested must be provided in a commonly machine readable format – *i.e. .csv file*.
- The service must be provided **free of charge**.
- Any request must be dealt with within a period of one month.

All individual rights requests should be referred directly to the OXL's designated Data Protection Officer.

All requests pertaining to Individual's rights requests are to be recorded in the OXL Individuals' Rights Requests Register to be maintained under the online OXL Google account as well as recorded in the management committee meeting minutes.

5) Access Request Procedures

With respect to data access requests it is imperative that the following information is known:

- The location of the data
- Who is responsible for providing the data
- Any data requested must be provided in a commonly machine readable format – *i.e. .csv file.*
- The data must be provided **free of charge.**
- Any request must be dealt with within a period of one month.

All access requests should be referred directly to the OXL's designated Data Protection Officer.

All requests pertaining to Individual's access requests are to be recorded in the OXL Access Requests Register to be maintained under the online OXL Google account as well as recorded in the management committee meeting minutes.

6) Lawful Basis for Processing Personal Data Identification

Legitimate Interest is the primary lawful basis under which personal data is collected and processed. However other bases may be applicable under certain circumstances.

The following bases cover the personal data being collected and processed:

- a) Legitimate Interests
 - Fixture organisational contact data
 - Athlete fixture entry data
 - Athlete fixture results data
 - Press coverage
- b) Consent
 - Athlete photography
 - Press coverage
- c) Contract
 - In the event of the introduction of chip timing this basis will apply.
- d) Vital Interests
 - Sharing of medical information on the back of race number with the fixture medical services provider and fixture officials.
- e) The following bases are not applicable to the personal data handled by the OXL:
 - Legal Obligation
 - Public Task
 - Criminal Offence Data
 - Further information is to be sought from the ICO in relation to the sharing of criminal offence data as a basis to ensure the protection of anyone, young athletes in particular, attending a fixture. This is particularly pertinent in the light of a known paedophile present at a fixture last season.*

7) Consent

The obtaining of consent for the request will be required in relation to certain data for the following personal data:

- Athlete photography

- Press coverage

as detailed under the Lawful Basis for Processing Personal Data Identification section previously.

In all cases consent will be requested from the athlete himself/herself on the entry form via checkboxes to be ticked, be that paper-based or online. With respect to young athletes parental consent will, in line with England Athletics policy, apply to all athletes aged 17 and under and that consent will also be requested on the entry form.

Consent records will be retained for a period to be confirmed at the forthcoming AGM for legal purposes.

8) Children

- A review of how the OXL currently obtains and processes the personal data of children in terms of fixture entries and results needs to be undertaken.
- A clearly defined system needs to be put in place to verify the personal data required on the fixture entry form and how, in addition, parental or guardian consent is obtained to allow online entries.
- The manner in which results are published on the website and distributed to the press will remain unchanged albeit all athletes including children need to be informed.

9) Data Breaches

- The ICO only needs to be informed of a breach where it is likely to result in a risk to the rights and freedoms of individuals. Where, for example, such a breach could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.
- Any personal data breach must be reported to the Data Protection Officer immediately and without delay. Please refer to item 10 of this section below where the person responsible is specified.
- All parties whose personal data has been compromised must be informed immediately via email. In the event a of serious breach telephone notification is preferable.
- The OXL has a duty to report certain types of personal data breach to the relevant supervisory authority. This must be done **within 72 hours** of becoming aware of the breach, where feasible.
- Failure to report a breach incident when required to do so can result in a fine, in addition to a fine for the breach itself.
- All data breaches are to be recorded in the OXL Data Breaches Register to be maintained under the online OXL Google account as well as recorded in the management committee meeting minutes

10) Security

- a) A Data Protection Impact Assessment (DPIA) has been carried out to establish what additional security measures need to be adopted to ensure that any personal data is held securely and without any potential exposure.
- b) The following measures have been identified to improve personal data security:
 - i. No personal data is to be distributed via removable media other than in person.
 - ii. As simply deleting files/folders does not remove the data from a device, any removable media containing personal data must after the transfer of the data has been completed either be:
 - 1. Low-level reformatted
 - 2. Destroyed
- c) Any transfer to personal data must be recorded in the OXL Data Transfer Register to be maintained under the online OXL Google account.

11) Data Protection Officer

- a) The person responsible for maintaining personal data protection for the OXL is the current OXL League Manager.

12) International implications

- a) This aspect of the GDPR is not deemed to be applicable to the OXL.

Proposed Privacy & Cookies Policies

The following 12 steps are to be taken in order to meet the GPDR compliance requirements:

Proposed OXL Privacy Policy

This is the main privacy policy for oxonxc.org.uk and for any services provided through this website by the Oxfordshire Cross Country League (OXL). It outlines your rights as a data subject as well as this organisation's compliance with the General Data Protection Regulation (GDPR).

About Us

The Oxfordshire Cross Country League (OXL) organises a series of 5 fixtures each season, with the season currently running from the beginning of November to the beginning of March. The OXL is affiliated to England Athletics; its registration number is 2662602.

Our Principles

- 1) The OXL takes its security obligation seriously. The OXL will strive to protect your personally identifiable information by using security technology appropriately. This means we ensure that:
 - i. Appropriate security measures will be in place to protect your personal information.
 - ii. When we ask another organisation to provide a service for us, that they will also have appropriate security measures in place.

- 2) We will respect your privacy and will not send any marketing material to you. However, we may email you to confirm data entered using the forms on this website to ensure data accuracy.
- 3) We will only collect and use the personal data you have freely entered on the forms this website provides.
- 4) We will be clear in our dealings with you as to what information about you we will collect and how we will use it.
- 5) We will use personal information only for the purposes for which it was originally collected and we will ensure it is deleted securely when as required.
- 6) Our site is accessible via the Internet. It therefore means that people around the world who access our website can see anything posted on the website, namely the fixture results.
- 7) The OXL does not transfer any information out of the European Economic Area (EEA).

What Personal Data We Collect

The data we may collect about you depends upon your relationship with the OXL (*– whether you are a club athlete, club official, fixture hosting official and third party supplier, for example*) and is listed below:

- i. Generic data:
 1. First Name
 2. Last Name
 3. Email address
 4. Password
 5. IP address
- ii. Club, official, volunteer and third party supplier specific:
 1. First Name
 2. Last Name
 3. Club/Organisation
 4. Role
 5. Service Provided
 6. Telephone Number
 7. Mobile Phone Number
 8. Website Address
- iii. Athlete specific:
 1. Date of Birth
 2. Gender
 3. URN
 4. First Claim Club
 5. Second Claim Club
 6. EA Registration Status
 7. Age category
 8. Race number
 9. Race entered
 10. Race finish time
 11. Race finish position
 12. Race photographs/videos

13. Emergency contact first name
14. Emergency contact last name
15. Emergency contact relationship
16. Emergency contact number
17. Emergency contact email address

Why We Collect Your Personal Data

We may collect your personal data for the following principal reasons, depending upon your involvement with the League:

- a) To help organise fixtures for the League.
- b) To provide a fixture entry service for the League.
- c) To verify athlete entry data and competition eligibility using the England Athletics (EA) Licence Check tool.
- d) To provide a fixture results service for the League.
- e) To deal with fixture entry and results enquiries and queries.
- f) To promote the sport of cross-country and athletics.
- g) To help us to monitor and improve the performance of our website.

Use of Children's Data

We will collect personal information about young athletes under the age of 18 solely for the purpose of fixture race entry and results publishing. Any athlete under the age of 18 will require parental or guardian consent in line with the policy of England Athletics.

Sharing Your Data

The OXL may share personal data in relation to the following criteria with the certain people/organisations as is required:

- a) Athlete entries
 - Member club officials
 - Member club team managers
 - Oxfordshire AA officials (*with respect to combined County Championship fixtures*)
 - Original entry and results system author
 - Official race photographer
 - England Athletics
 - Potentially in the future:
 - Third party chip timing providers
- b) Fixture results
 - General public via this website
 - Member club officials
 - Member club team managers
 - Original entry and results system author
 - Official race photographer
 - Local and national press:
 - i. Oxford Mail
 - ii. Athletics Weekly
 - Potentially in the future:
 - i. Third party chip timing providers
- c) Back of race number emergency medical and contact details
 - Third party medical service provider personnel

- Fixture director
- Member club team manager(s)
- Oxfordshire AA officials (*with respect to combined County Championship fixtures*)

Note: All athletes are encouraged to complete the medical information and emergency contact details on the back of their race number to ensure safe treatment and prompt notification in the event of an emergency on the day of a fixture. That information is only shared with medical service provider personnel and fixture officials in the event of an emergency.

OXL will not share your personal data with anyone for the purposes of marketing.

Data Retention

We will retain your personal data for such time as appropriate for administering your involvement in the League, after which we will securely delete/destroy your data:

- Online Entry Information: *??? years for insurance purposes – period tbc..*
- Young Athlete (8, 9 and 10 years olds on the day) On-the-day Paper Entry Forms: *??? years for insurance purposes – period tbc.*
- Consent Records: *??? years for insurance purposes – period tbc.*
- Incident Forms: *??? years for insurance purposes – period tbc.*
- Athlete fixture entry data: *??? years for insurance purposes – period tbc.*
- To provide a fixture/race results service for the League: **INDEFINITELY.**

Your Rights

You have the following rights under the GDPR:

- 1) Right to be informed**
 - A data subject has the right to be informed about his/her personal data.
- 2) Right of access**
 - A data subject has the right to obtain:
 - Confirmation that his/her personal data is being collected and processed.
 - Access to his/her personal data.
 - Access to any other supplementary information held.
- 3) Right to rectification**
 - A data subject has the right to have personal data rectified if it is inaccurate or incomplete.
- 4) Right to erasure**
 - A data subject has the right to request the erasure of personal data (also known as 'the right to be forgotten') in certain circumstances, if it is no longer necessary in relation to the purpose for which it was originally collected/processed.
- 5) Right to restrict processing**
 - A data subject has the right to request that the processing of his/her personal data is suppressed in certain circumstances. For example, in the event the data subject contests the accuracy of the personal data.
- 6) Right to data portability**
 - A data subject has the right to receive a copy of his/her personal data, free of charge, from the data controller in a commonly used and

machine-readable format to be able to store that data for further personal use on a private device.

7) Right to object

- A data subject has the right to object to:
 - i. Direct marketing (including profiling).
 - ii. Processing of his/her personal data based on legitimate interests or the performance of a task in the public interest.
 - iii. Processing of his/her personal data for the purposes of scientific/historical research and statistics.

8) Right in relation to automated decision making

- A data subject has the right not to be subject to a decision based upon automated processing.

9) Right to data breach notification

- A data subject has the right, when a personal data breach is likely to result in a high risk to his/her rights, to be notified of the data breach by the data controller without undue delay.

Our Lawful Basis for Processing Your Personal Data

The following lawful bases are those under which the OXL will collect and process your personal data:

a) Legitimate Interests

- Fixture organisational data
- Athlete fixture entry data
- Athlete fixture results data
- Press coverage

b) Consent

- Athlete photography
- Press coverage

c) Contract

- In the event of the introduction of chip timing this basis will apply.

d) Vital Interests

- Sharing of medical information on the back of race number with the fixture medical services provider and fixture officials.

Use of Cookies

This website only uses cookies for the purposes of site administration and website performance and statistics.

For detailed information on the use of cookies please refer to this website's Cookies Policy page.

Advertising

Our site does not currently contain any advertising. It does however contain links to other websites that are clearly branded as 'sponsored by' in exchange for services provided by the third party to help promote the OXL represent sponsored content, advertisement features and foundation funded features respectively.

Legal & Contact Information

Under the General Data Protection Regulation (GDPR) that replaces the 1995 EU Data Protection Directive 95/46/EC and 1998 UK Data Protection Act (DPA) we are obliged to say who the '**data controller**' is for **oxonxc.org.uk** and any services

provided through our websites. The data controller is the organisation responsible for collecting and protecting information and, in our case, is **The Oxfordshire Cross Country League**, 2 School Road, West Hanney, Oxfordshire OX12 0LA.

Personal Data Access

If you would like access to or a copy of the personal information we hold about you, to request a correction, or have any questions about how we may use it or to make a complaint, please contact the Data Protection Manager at the address shown above or via email: dpo@oxonxc.org.uk.

Complaints

Complaints will be dealt with by the Data Protection Manager, and will be responded to within 30 days at the latest.

If you are not satisfied with the way your complaint has been handled, you may be able to refer your complaint to your local data protection regulator. In the case of the United Kingdom this is the Information Commissioner's Office (ICO):
<https://ico.org.uk>.

Changes to Our Privacy Policy

Should the decision be taken to change our privacy policy we will post the changes here. Where the changes are significant, we may also choose to email all our registered contacts with the new details. Where required by law, your consent will be obtained to make these changes.

Changes to this policy by date

24 April 2018: *Proposal for separate GDPR compliant Privacy and Cookie Policies to be published on the website.*

Proposed OXL Cookies Policy

This page contains information on what cookies are, the cookies used by the Oxfordshire Cross Country League's (OXL) website, how to switch cookies off in your browser, how to specifically switch off cookies, and some useful links for further reading on the subject. If it does not provide the information you were looking for, or you have any further questions about the use of cookies on the OXL's website, please email dpo@oxonxc.org.uk.

What Are Cookies?

Cookies are small text files that are stored by the web browser (*for example, Firefox, Google Chrome, Internet Explorer, Opera or Safari*) on your computer or mobile phone. They allow websites to store things like user preferences. Cookies can be thought of as a means to provide a 'memory store' for the website, so that it can recognise you when you return and so that the website can respond appropriately.

Examples of some of the different types of cookies available that can be deployed on a website are listed below, followed by descriptions of what they are and how the user is tracked:

- **Site Performance Cookies**

This type of cookie remembers your preferences for tools found on the OXL's website, so you don't have to re-set them each time you visit.

Examples can include: Volume settings for a site's video player, whether you see the latest or the oldest article comments first and video streaming speeds that are compatible with your web browser.

- **Anonymous Analytics Cookies**

Every time someone visits our website, software provided by another organisation generates an "anonymous analytics cookie".

These cookies can tell us whether or not you have visited the site before. Your browser will tell us if you have these cookies and, if you don't, we generate new ones. This allows the OXL to track how many individual users we have, and how often users visit the site.

Unless you are signed in to the OXL website, these cookies cannot be used to identify individuals. We use these cookies to gather usage statistics, for example, the number of visits to a page. If you are logged in, we will also know the details you gave to us for this, such as your username and email address.

- **Google Analytics**

We use Google Analytics on our site for anonymous reporting of site usage. If you would like to opt-out of Google Analytics monitoring your behaviour on our site please use the following link:

<https://tools.google.com/dlpage/gaoptout/>

- **Geotargeting Cookies**

These cookies are used by software that tries to work out what country you are located in from the information supplied by your web browser when you click on a web page. This type of cookie is completely anonymous, and it is only used to help target content – such as whether or not you see a UK or US home page – and associated advertising.

- **Registration Cookies**

When you register with the OXL website, we generate cookies that let us know whether you are signed in or not.

Registration cookies are only currently deployed on the OXL website for any site administrator who logs in to administer the website.

Our web server uses these cookies to work out which account you are signed in with, and to determine whether or not you are allowed access to a particular service or page. They can also allow us to associate any comments you post with your username.

While you are signed into the OXL website, we combine information from your registration cookies with analytics cookies, that can be used to identify which pages you have viewed on the website.

If you have not selected "keep me signed in", your cookies get deleted when you either close your browser or shut down your computer.

- **Advertising Cookies**

Such cookies are used to help supply targeted advertising. Such cookies may be set by another organisation so more accurately targeted advertising can

be delivered to you. For example, adverts may be displayed about holidays if you have recently visited the travel section of a site. These cookies are anonymous – they store information about what you are looking at on a particular site, but not about who you are.

- **Third Party Advertising Cookies**

A lot of the advertisements you see on other websites are provided by other organisations and are not necessarily associated with the organisation of the website you are viewing. Some of these organisations use their own anonymous cookies to track how many people have seen a particular ad, or to track how many people have seen it more than once.

The companies that generate these cookies have their own privacy policies, and, we did allow them, we have no access to read or write these cookies. These organizations may use their cookies to anonymously target advertising to you on other websites, based on your visit to the OXL.

- **Other Third Party Cookies**

On some pages of a website, other organisations may also set their own anonymous cookies. They do this to track the success of their application, or to customise an application for you. Because of how cookies work, the host website cannot access these cookies, nor can the other organisation access the data in other cookies that the host website deploys.

For example, when you share an article using a social-media sharing button (*Facebook, Twitter, etc, for example*) on a website, the social network that has created the button will record that you have done this.

How Does This Website Use Cookies?

A visit to a page on the OXL's website We use cookies to ensure that we give you the best experience on our website. The cookies on our site are used for site administration login and Google Analytics purposes. The cookies deployed on this site are only used to provide website statistics for performance analysis. No cookies are used for targeted marketing purposes.

Within the Oxfordshire Cross Country League's website we do provide links to resources or documents that we believe to be useful, such sites are operated by third parties under different privacy policies therefore we cannot accept any responsibility for their content or control of their policies.

How Do I Turn Cookies Off?

It is usually possible to stop your web browser accepting cookies, or to stop it accepting cookies from a particular website. However, it is important to be aware that, if you have an account, a website cannot tell if you are signed in without using cookies, so you would not be able to post comments or view information provided specifically for your attention, for example.

All modern browsers allow you to change your cookie settings. You can usually find these settings in the Options or Preferences menu of your browser. To understand these settings, the following links may be helpful, or you can use the Help option in your browser for more details.

- Cookie settings in Firefox – <https://support.mozilla.com/en-US/kb/cookies-information-websites-store-on-your-computer?redirectlocale=en-GB&redirectslug=Cookies>
- Cookie settings in Google Chrome – https://support.google.com/chrome/answer/95647?hl=en&ref_topic=14666
- Cookie settings in Internet Explorer – <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies#ie=ie-10>
- Cookie settings in Microsoft Edge – <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy>
- Cookie settings in Opera – <https://www.opera.com/help/tutorials/security/privacy/>
- Cookie settings in Safari – https://support.apple.com/kb/PH21411?viewlocale=en_GB&locale=en_GB
- Cookie settings on Android mobile device – <http://www.allaboutcookies.org/mobile/index.html>
- Cookie settings in iOS – <https://support.apple.com/en-gb/HT201265>

If you are primarily concerned about third party cookies generated by advertisers, you can turn these off by going to the Your Online Choices site – <http://www.youronlinechoices.com/uk/>.

You can also visit the trade body representing these advertising platforms for more information:

- Network Advertising Initiative – <https://www.networkadvertising.org/>

They have provided a page (http://networkadvertising.org/managing/opt_out.asp) where you can control all third-party online advertising.

Useful Links

If you would like to find out more about cookies and their use on the Internet, you may find the following links useful:

- All About Cookies – <http://www.allaboutcookies.org/>
- Microsoft Cookies Guide – <https://support.microsoft.com/en-us/help/260971/description-of-cookies>
- What Are Cookies? – <http://www.whatarecookies.com/enable.asp>

The IAB has provided the following website to give information specifically about privacy issues around Internet advertising:

- <http://www.youronlinechoices.com/uk/>

Legal Information

For further legal information about privacy issues, you may find the following links useful:

- OXL Privacy Policy – **<link to be added>**
- The Information Commissioner's Office (ICO) – <https://ico.org.uk/>

- Data Protection Act 1998 – <http://www.legislation.gov.uk/ukpga/1998/29/contents>
- 1995 EU Data Protection Directive 95/46/EC – <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31995L0046>

If you would like to contact the OXL about cookies please email us at dpo@oxonxc.org.uk.

Changes to Our Cookie Policy

Should the decision be taken to change our cookie policy we will post the changes here.

Changes to this policy by date

24 April 2018: *Proposal for separate GDPR compliant Cookie Policy to be published on the website.*

Current Entry System Review

The demands placed upon the person(s) responsible for handling the OXL fixture athlete entries, following the rules introduced 2016 by England Athletics combined with the impending GDPR mean that it is now necessary to review the existing OXL entry system with a view to ensuring GDPR compliance and improving future data processing efficiency. It should also have a positive impact upon the speed and efficiency with which results are published in future.

It is clear from the GDPR requirements placed on the OXL that it will be necessary to move to some form of online entry system to securely collect and process entry data from the individual athletes as opposed to the current system whereby athlete entries are submitted en block by team managers via email (*insecure*). In addition, a facility for athletes to correct their personal data entered will be required to be incorporated within the new system.

It must however be borne in mind that all athlete entry data undergoes EA Licence Checks to validate the following information to confirm whether or not an athlete is eligible to compete, both in terms of club membership and EA registration status, as well as in what age category:

- First Name
- Last Name
- Date of Birth
- Age Category
- URN
- First Claim Club
- Second Claim Club
- EA Registration Status

Currently any minor variances in athlete entry data in relation to the first name, last name and URN are corrected to match the EA athlete registration record. That facility will continue to need to be in place.

The EA Licence Check facility is used to verify an athlete's correct Date of Birth as registered with EA. That verification is used to determine the athlete's age as at 31st August prior to the start of the season in order to confirm the athlete's age category for

the season. Further information is inferred about an athlete's eligibility to compete based upon the athlete's first claim and second claim club status as well as whether or not an athlete's EA registration fees have been paid for the current season.

Using a system such as the RunBritain online entry system will not work as it only verifies whether or not an athlete is EA registered and has paid his/her registration fees. As far as it is known no online system includes the facility to validate an age category against a date of birth. Furthermore no current online system has the facility to validate an athlete's second claim club status.

There are clearly significant challenges ahead in order for a suitable and compliant system to be place.

Online Entry System Proposal

The proposal is therefore for the OXL to convene a meeting as soon as possible after the 2018 AGM to setup a working party comprised of representatives from any of the current member clubs (*with secure web and database development credentials*) for the purpose of developing and implementing a suitable online entry system.

The following data elements will be required to be captured:

- Athlete ID
- First Name
- Last Name
- Date of Birth
- Age Category (*to be calculated from athlete's Date of Birth entered and his/her age as at 31st August of the year of the start of the season*)
- URN
- First Claim Club (*an athlete must be a current club member and have paid his/her EA registration fee*)
- Second Claim Club (*an athlete cannot compete as second claim for a club if his/her first claim club is also competing in the OXL*)
- EA Registration Status
- Athlete/Parental Consent: Agreement to comply with medical and contact details information on the back of race numbers
- Athlete/Parental Consent: Agreement to results information being shared with the press and national governing body (*England Athletics*)
- Athlete/Parental Consent: Agreement the photographs may be taken by the official fixture photographer at fixtures, published on the official fixture photographer's website and be used in the press to publicise the League.

Currently any minor variances in athlete entry data in relation to the first name, last name and URN are corrected to match the EA athlete registration record. That facility will continue to need to be in place. In addition to the above data the athlete's age as at 31st August preceding the start of the season must be determined from the athlete's date of birth in order to confirm the athlete's age category for the season.

Fixture Photography

Barry Cornelius has been taking photographs of athletes (*free of charge*) at Oxfordshire Cross Country League fixtures since January 2014. The photographs taken

have been published on his website: <http://www.oxonraces.com> and links to them posted on social media. Barry's voluntary photography service has been an invaluable contribution to the OXL providing both an irreplaceable historic record of fixtures and in some instances providing an invaluable resource in helping to resolve results issues.

It is important to recognise that the only photographs published on Barry's website are of the senior men's and women's races. However, it is also important to note that consent of the athletes to having their photographs taken had been assumed. It must also be said that the feedback to Barry's contribution to the League from clubs and athletes has been overwhelmingly positive.

When a request was received regarding the publishing of photographs of athletes aged 17 it raised the question of consent, privacy and subsequently the GDPR. It also raised the issue in relation to photography being passed to the press for publication without athlete consent.

Under the GDPR a person's face is considered to be biometric data. Biometric data is listed on the ICO website as being **special category data**. Special category data is personal data that is deemed to be more sensitive, and so needs more protection. In order to lawfully process special category data, both a lawful basis as well as a separate condition for processing special category data must be identified. The lawful basis and condition do not have to be linked.

The condition for processing special category data has to be determined before processing under the GDPR begins, and it must be documented.

Currently there are ten conditions for processing special category data specified under the GDPR. However, it has been stated that the Data Protection Bill will introduce additional conditions and safeguards. The current ten conditions for processing special category data are as follows:

- a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
- b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- c) Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- e) Processing relates to personal data which are manifestly made public by the data subject;

- f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- g) Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
- i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In this particular case the only condition that can be met to allow fixture photography to continue to be processed is **Explicit Consent**. This is the reason for the notice and parental consent forms relating to photography hastily issued in advance of the Round 4 fixture earlier this year.

In order to meet GDPR compliance in respect of it is clear that simplest solution will be to incorporate athlete consent to fixture photography by placing a checkbox and explanation within a GDPR compliant entry form as proposed previously in this document.

In addition, OXL will require that GDPR compliant privacy and cookies policies will need to be added to the <http://www.oxonraces.com> website to meet the minimum mandatory GDPR compliance requirement.

Dene Stringfellow
League Manager

30 April 2018