



## **SMCC Data Protection Policy**

1. The Shepton Mallet Caving Club (the Club) recognises the requirements of the EU General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018, as amended by the DPPEC (Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit)) Regulations 2019, and this policy identifies the means by which the Club will comply with the requirements thereof.
2. This policy shall be held by the Membership Secretary and reviewed at least annually, or following any changes in legislation or any significant changes in Club organisation.
3. The Club is committed to ensuring that personal information is:
  - (a) processed lawfully, fairly and transparently;
  - (b) used only for legitimate purposes;
  - (c) limited to what is necessary for us to be an effective Club;
  - (d) accurate and up to date;
  - (e) retained for no longer than is necessary; and
  - (f) processed securely.
4. The Club holds and processes personal information on its members on the basis of legitimate interests. The Club has undertaken a Legitimate Interests Assessment (LIA) to (i) identify a legitimate interest, (ii) show how the processing is necessary to achieve it, and (iii) balance it against the individual's interests, rights and freedoms (see Appendix 1).
5. Only sufficient personal information will be sought and retained to administer the Club and communicate with its members, specifically:
  - (a) member's name;
  - (b) date of birth (for members under 18 years old);
  - (c) address;
  - (d) telephone number;
  - (e) e-mail address; and
  - (f) details of past caving experience and club membership.
6. No sensitive or special category data is processed.
7. These details are all provided voluntarily by the members concerned and recorded on an electronic spreadsheet database (the Membership List).

8. A single copy of the Membership List is held and maintained by the Membership Secretary in a secure online database.
9. Access to the Membership List shall be restricted to the following Club Officers, who require access to fulfil the duties of their committee position:
  - the Secretary,
  - the Editor,
  - the Webmaster,
  - the Newsletter Editor,
  - the Treasurer, and
  - the Hut Warden
10. Club Officers may download a temporary copy of the Membership List for the purposes of fulfilling the duties of their committee position, but should ensure that all personal data is stored on a password-protected device and securely deleted at the earliest opportunity.
11. Any Club Officer who suspects that personal data has been accidentally or unlawfully lost, altered, disclosed or accessed should immediately report the matter to the Membership Secretary.
12. Members may consent to share their personal data with other Club members via the password-protected members-only area of the Club website. The Membership Secretary will be responsible for keeping a record that consent has been given, and reminding members to review their consent on an annual basis. Sharing personal data in this way is not a condition of Club membership. Members may only use personal information about other members for Club-related activities (e.g. organising trips). They may not reveal, pass or sell the data on to anyone else.
13. If a member wishes to contact another member who has not consented to their personal data being shared, they may make a request via the Membership Secretary, who will seek consent before releasing any personal information.
14. All personal information shall be processed in accordance with the following rights of data subjects.
  - (a) The right to be informed. The Club's Privacy Notice explains to members how their personal information will be processed. An up to date version of the Privacy Notice is available on the Club's website. Temporary and Probationary Members are informed of how the Club processes their personal information at the time they make their membership application.
  - (b) The right of access. All members have a right to access a copy of their personal information. Such access requests can be made verbally or in writing to the Membership Secretary.
  - (c) The right to rectification. All members can check the accuracy of their personal information at any time by contacting the Membership Secretary. Members can make a request for rectification verbally or in writing to the Membership Secretary.
  - (d) The right to erasure. All members can exercise their right to erasure at any time by writing to the

Membership Secretary. Personal information relating to that member (except name and years of membership) will be erased within one month. The Membership Secretary will request that any third party data processors (e.g. BCA and email service provider) also erase the personal information that they hold. If, however, the erasure of personal information would prevent the Club from administering that person's membership, the Club may be forced to terminate their membership.

- (e) The right to restrict processing. All members can make a request to the Membership Secretary to restrict the processing of their personal information for a limited period in the following circumstances:
    - i. the individual contests the accuracy of their personal information;
    - ii. the information has been unlawfully processed; or
    - iii. the individual has objected to the processing of their information on the grounds of legitimate interest.
  - (f) The right to data portability does not apply because the lawful basis for processing members' information is legitimate interest and the processing is not by automated means.
  - (g) The right to object. All members have the right to object to processing based on legitimate interests. Members may exercise this right at any time by writing to the Membership Secretary to resign their membership.
15. In the event of a data breach leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the Club will consider the likelihood and severity of any risk to people's rights and freedoms. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the Club will inform those individuals without undue delay.

#### Revision history

Revision	Date	Purpose
01	June 2014	First draft issue
02	August 2014	Updated in line with committee comments.
03	September 2018	Updated to bring policy into line with new GDPR requirements.
04	May 2020	Updated with details of opt-in system for sharing data.
05	September 2021	Updated to reference new DPPEC Regulations 2019.

## Appendix 1 Legitimate Interests Assessment (LIA)

### Part 1 - Purpose test: Is there a legitimate interest behind the processing?

1	Why do you want to process the data?	<p>The data needs to be processed to allow the club to function as a membership organisation. Specifically, personal data needs to be collected for:</p> <ul style="list-style-type: none"> <li>• processing membership applications;</li> <li>• administering the Club email distribution list;</li> <li>• distributing the club journal, newsletters and other publications;</li> <li>• general Club administration – e.g. collecting annual subscriptions, organising Club events;</li> <li>• administering access to the Club hut;</li> <li>• arranging public liability insurance; and</li> <li>• maintaining a historical record of Club activities.</li> </ul>
2	What benefit do you expect to get from the processing?	The member gains from the processing by being able to access the benefits of membership, and all members of the club benefit from the ability to go caving (and other related activities) as a group using shared resources (e.g. ropes, rigging equipment).
3	Do any third parties benefit from the processing?	The BCA and its members benefit from the processing by being able to function as the national authority of an internationally recognised sport.
4	Are there any wider public benefits to the processing?	<p>The public liability insurance scheme administered by the BCA on behalf of all members benefits landowners by indemnifying them against liability from granting access to their land.</p> <p>The Shepton Mallet Caving Club is a member of the Council of Southern Caving Clubs and takes part in cave conservation to help maintain the underground environment for future generations.</p>
5	How important are the benefits that you have identified?	The benefits are essential for ensuring that caving activities in the UK are conducted safely and with appropriate insurance.
6	What would the impact be if you couldn't go ahead with the processing?	If we couldn't contact members, they would miss out on all the benefits of BCA membership as well as club membership. The BCA negotiates and administers a group insurance scheme on behalf of all cavers; membership is a requirement for all club members.
7	Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation)?	Not applicable.
8	Are you complying with other relevant laws?	Yes.

9	Are you complying with industry guidelines or codes of practice?	No.
10	Are there any other ethical issues with the processing?	No.

Assessment: there is a legitimate interest behind the processing.

**Part 2 - Necessity test: Is the processing is necessary for the purpose you have identified?**

1	Will this processing actually help you achieve your purpose?	This processing is essential for the club and BCA to provide services to members.
2	Is the processing proportionate to that purpose?	Yes. No additional processing is carried out other than that required to service the needs of members.
3	Can you achieve the same purpose without the processing?	No. You would become an individual caver with no shared resources.
4	Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?	The processing is the minimum required for the purpose. We do not: <ul style="list-style-type: none"> <li>• Circulate address lists to members;</li> <li>• Maintain a list of next of kin details or keep information on the medical conditions of members;</li> <li>• Engage in any sales or marketing activity.</li> </ul>

Assessment: the processing is necessary for the purpose identified.

**Part 3 - Balancing test: what impact is there on individuals' interests and rights and freedoms and does this overrides your legitimate interests?**

The Shepton Mallet Caving Club did not meet any of the mandatory or optional requirements for a data protection impact assessment.

<b>Nature of the personal data</b>		
1	Is it special category data or criminal offence data?	No.
2	Is it data which people are likely to consider particularly 'private'?	No. The processing is the minimum required by the club and the BCA for providing membership services (i.e. name, address, telephone number email address and date of birth). No data is held on member's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health; sex life, or sexual orientation.
3	Are you processing children's data or data relating to other vulnerable people?	Potentially, yes. The Club offers Junior Membership to persons under 18 years old, subject to the completion of a participation statement by the parents or legal guardian.
4	Is the data about people in their personal or professional capacity?	Personal.
<b>Reasonable expectations</b>		

1	Do you have an existing relationship with the individual?	Yes.
2	What's the nature of the relationship and how have you used data in the past?	The club is a membership organisation that promotes and facilitates underground exploration. Data has essentially been processed in the same way since the club was formed in 1949. Individuals are known to the Club before their personal information is collected.
3	Did you collect the data directly from the individual? What did you tell them at the time?	Yes; individuals apply for membership by voluntarily completing a membership application form. Since 2014, new members have, on joining, given their consent for their personal information to be stored electronically on a database for administrative use and for some of their details to be forwarded to the BCA in order to provide insurance. Members joining prior to 2014 have been notified of the Club's Data Protection Policy.
4	If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?	Not applicable; no third party data is processed.
5	How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?	Data has been collected since the club was founded in 1949, and continues to be as new members join the Club. An email distribution list to facilitate communication among current members was established ca. 2000 and Facebook group was established ca. 2012.
6	Is your intended purpose and method widely understood?	Yes. The club has a constitution that clearly defines its purpose. The constitution is circulated to the membership periodically and is well understood by the membership.
7	Are you intending to do anything new or innovative?	No.
8	Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation?	All members are able to (and do) feedback their expectations at well attended annual general and meetings and ca. quarterly committee meetings. The expectations of members are formally minuted.
9	Are there any other factors in the particular circumstances that mean they would or would not expect the processing?	Members expect the club to process the data in this way as the club would be unable to function without it.
<b>Likely impact</b>		
1	Is the processing likely to negatively impact the individual's rights, or result in any unwarranted harm or distress to the individual?	No. The processing is designed to provide the benefits of Club membership.
2	Will individuals lose any control over the use of their personal data?	No. They are invited to check its accuracy at any time by contacting the Membership Secretary and can resign (and therefore have their data deleted) at any time.

3	What is the likelihood and severity of any potential impact?	Members would lose the benefits of belonging to Shepton Mallet Caving Club and possibly also of BCA membership (although individuals can be an individual member of the BCA or hold membership through another caving club).
4	Are some people likely to object to the processing or find it intrusive?	No. Members are made fully aware of their right to object and to withdraw.
5	Would you be happy to explain the processing to individuals?	Yes. The Club's Data protection Policy is administered by the Membership Secretary who is happy to explain the processing to individuals.
6	Can you adopt any safeguards to minimise the impact?	The Club uses a web-based email distribution system to ensure that communications from club officers to club members by cannot be accidentally CC:'ed to all members.
7	Can you offer individuals an opt-out?	Individuals can opt out of being on the email distribution list and Facebook Group if they want.

Assessment: this clearly demonstrates that the club's legitimate interests are not outweighed by the risks that have been identified.