PRIVACY NOTICE

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 Privacy Notice as 'parents') including past athletes and parents, and prospective athletes and parents, as well as donors, prospective donors and other supporters of the Academy. It also covers current and former employees in relation to fundraising and development activities. We are committed to processing personal data in accordance with the EU General Data Protection Regulation ("GDPR"), the French Data Protection Act (Loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés, as amended) and other applicable data protection laws.

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 personal data, for example when collecting information via an online or paper form. 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.

The Privacy Notice will be reviewed at least annually. Any substantial changes that affect the rights of the individuals covered by this Privacy Notice will be advertised on our website and, in so far as is reasonably practicable, will be provided directly to them. Individuals should please check the Privacy Notice page of our Website to make sure they are satisfied with any changes.

Who we are

The Academy is the organisation responsible for the personal information of individuals covered by this Privacy Notice and is therefore the Data Controller. The postal address of the Academy is 61 Route de Lavachet, 73320 Tignes, France. Our Website is at www.apex2100.org.

If individuals 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 the Compliance Lead direct on +33458980104 or email chris@apex2100.org.

The type of information that we process

We collect and use a variety of different information about individuals covered by the Privacy Notice. This will include by way of example:

- personal identifiers and contacts (such as name, contact details, address and next of kin)
- characteristics (such as nationality 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
- Images taken from the Academy's CCTV cameras
- images of athletes (more details about this are in our Use of Images Policy)
- academic results from previous schools
- correspondence with parents (e.g. emails)
- fundraising and supporter information (such as donations made, responses to event invitations, event attendance, dietary requirements, fundraising preferences and communication with the Academy)
- information relevant to donor due diligence, including public media reports, professional information, corporate affiliations, regulatory findings and sanctions information
- information used to assess potential major donors' capacity to give, philanthropic interests and affinity with the Academy, including professional background, publicly available wealth indicators, philanthropic activities

Under the GDPR, certain types of personal data are subject to additional protection and are known as special category data. The special category data processed by the Academy principally includes information concerning athletes' health. By way of example, we collect athletes' allergy information in order to keep them safe.
Very occasionally we collect and use information about criminal offences but only where the law allows us to do this.

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, parents and other individuals 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).

Examples of the situations in which we will process personal information 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
- For legal and regulatory purposes, including child protection, diversity monitoring and health and safety, and where necessary to comply with our legal obligations and duties of care.
- 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
- To manage our fundraising and development activities, including communicating with individuals who may wish to support the Academy, managing donations and organising fundraising events
- To identify relevant connections between supporters, prospective donors and organisations to facilitate introductions and referrals, and to identify members of the same household to avoid duplicate communications
- To carry out donor due diligence and reputational checks to assess the legal, ethical and reputational risks of accepting donations
- To identify and research prospective major donors, including individuals with no prior relationship with the Academy, using relevant information already held and information from credible public sources. This may include assessing and rating their capacity to give, philanthropic interests and affinity with the Academy to prioritise fundraising approaches. These assessments are subject to human review before being used and do not affect other aspects of the individual's relationship with the Academy.

The Academy may use AI tools to assist with prospect research and donor due diligence, with safeguards to protect personal data and prevent its use by AI providers for unrelated purposes. AI-generated findings are checked by staff for accuracy and relevance against credible sources before use. Internal assessments and ratings of prospective donors are also subject to human review before being relied upon.

Employees' participation in fundraising activities is entirely voluntary. They may refuse or withdraw consent to fundraising emails, or object to fundraising communications, without adverse consequences for their employment or relationship with the Academy. Minor athletes are included in the fundraising database only to record relevant family relationships; fundraising and prospecting are not directed at them.

The use of personal 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.
- It is necessary in order to protect someone's life.
- We have a legitimate interest in carrying out fundraising and development activities in order to support the Academy and its activities, including maintaining relationships with existing supporters and identifying individuals who may be interested in supporting the Academy, provided that these interests are not overridden by the rights and interests of the individuals

concerned. We rely on consent to send fundraising emails, including appeals, updates and communications about the impact of donations.
- We have asked for your consent to process your personal information in a particular way, for example, to send you our marketing newsletter or to share images of athletes with a journalist.

In addition, the Academy will on occasion need to process special category personal data, including health information. Where we process such information, we must have both a lawful basis under Article 6 of the GDPR and an applicable condition under Article 9.

Depending on the purpose and circumstances of the processing, this may include:
- where processing is necessary for preventive medicine, medical diagnosis or the provision of health care or treatment, where the applicable legal requirements are met and the information is processed by or under the responsibility of a healthcare professional or another person subject to an obligation of professional secrecy;
- where processing is necessary for the establishment, exercise or defence of legal claims;
- where the individual has given explicit consent to the processing for one or more specified purposes, where consent is an appropriate basis and participation is genuinely optional;
- where processing is necessary to protect the vital interests of an individual who is physically or legally incapable of giving consent, for example, in a medical emergency ;
- where processing is necessary for reasons of public interest in the area of public health and is authorised by applicable EU or French law, for example in connection with a public vaccination programme or other public health measures.

The Academy may collect health and physiological information as part of athlete monitoring, including information relating to body composition and other measurements used to support athlete development, injury prevention and performance. Such information will only be collected where necessary for the relevant purpose and subject to the applicable requirements for the processing of health data. Where the Academy relies on explicit consent, participation will be optional and consent may be withdrawn at any time.

Where we rely on explicit consent to process special category personal data, we will explain clearly what information we wish to use and for what purpose, and we will ask for the individual's explicit consent.

Consent

In most cases, we will not ask for your consent to use Athlete and parent personal information.

Where we do ask for consent, we will explain clearly the reasons why we are seeking consent, and what we want to do with your personal information. 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) give their consent, they may change their mind at any time by contacting the Compliance Lead (direct on +33458980104 or email chris@apex2100.org), without affecting the lawfulness of processing carried out before withdrawal.

What happens 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. This may result in the Athlete not being able to join the programme. This does not apply where the provision of the information is optional or where the relevant processing is based on consent.

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 carry out fundraising and development activities, we may also obtain information about prospective donors and supporters from publicly available sources, such as company websites, official registers, institutional publications, press articles and information that individuals have made publicly available. Where personal data is obtained from sources other than the individual, the Academy will provide the information required under Article 14 of the GDPR within the applicable time limits. We may also obtain such information through specialist prospect research providers acting on our behalf.

When we give personal information to others

We will never share your information with anyone outside the Academy without your consent unless a law says we can.

We will normally give information about Athletes to their parents. Where appropriate, we will listen to the 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, certain information about an athlete may need to be provided to other members of staff where necessary to provide the care, training and support that the athlete requires. Only the information necessary for this purpose will be shared.

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 or supervisory authorities (e.g. the CNIL)
- consultants working as part of the Performance Programme
- analytics and search engine providers that help us to improve our Website and its use
- medical professionals

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.
- 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.

Sometimes the information we share with other people about you might be sensitive. This will usually be information relating to health, a medical need or special educational needs or disabilities. We share this information because these people need it in order to help and support you.

If at any time it appears to us that we would need consent then we will ask before a disclosure is made.

Some processing activities are carried out on our behalf by third-party service providers, such as IT, web development, email communications providers or cloud storage providers and specialist prospect research services. Where these providers act as processors, they are subject to contractual obligations requiring them to process personal data only on the Academy's documented instructions and to implement appropriate confidentiality and security measures.

We do not normally transfer personal information to countries outside the European Economic Area. This may, however, happen, for example, where a parent lives abroad, where an athlete moves to a school outside the European Economic Area and we are asked to share information, or where one of our service providers processes personal data outside the European Economic Area.
Where personal data is transferred outside the European Economic Area, the Academy will ensure that the transfer is made in accordance with Chapter V of the GDPR and that an appropriate level of protection is provided. This may include transfers to countries recognised by the European Commission as providing an adequate level of protection or transfers subject to appropriate safeguards, such as the European Commission's Standard Contractual Clauses. Where required, we will also provide individuals with relevant information about the transfer and the safeguards in place. Further information may be obtained from the Compliance Lead.

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.

We have a policy which explains the reason why we keep the personal file for this amount of time, and how long we keep other information. It is called a Records Retentions Policy and is available on request.

Individual rights

Individuals covered by this Privacy Notice have the following 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 this right only applies in certain
- circumstances and we may have good reasons why we cannot do this)
- To ask us to limit what we are doing with their information in certain circumstances
- To object to what we are doing with their information in certain circumstances
- To ask us to transfer their information to another organisation in a format that makes it easy for them to use in certain circumstances
- To withdraw consent at any time where we rely on consent, without affecting the lawfulness of processing carried out before withdrawal.
- To define instructions concerning the use of their personal data after their death, in accordance with French data protection law.

Individuals may object at any time to the use of their personal information for fundraising purposes by contacting the Compliance Lead using the details above. Individuals may also withdraw their consent to receive fundraising emails at any time by using the unsubscribe link included in each email or by contacting the Compliance Lead. Where an individual objects to fundraising processing, the Academy will retain only the minimum information necessary to respect that objection and any information required to be retained for legal or regulatory purposes.

Any individual wishing to exercise these rights should contact the Compliance Lead direct on +33458980104 or email chris@apex2100.org .

We will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits. If a request for information is manifestly unfounded or excessive, we may refuse the request or require a proportionate fee (but only where Data Protection Law allows it).

Individuals covered by this Privacy Notice 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).

If parents, athletes or other individuals covered by this Privacy Notice have any concerns about the way in which their personal data has been or is being processed by the Academy, they may contact the Compliance Lead using the contact details above.

If, after contacting the Academy, they consider that their data protection rights have not been respected, they may lodge a complaint with the Commission nationale de l'informatique et des libertés (CNIL):

- online, through the CNIL's complaint service available at www.cnil.fr/fr/plaintes; or
- by post, by writing to: CNIL – Service des Plaintes – 3 Place de Fontenoy – TSA 80715 – 75334 PARIS CEDEX 07 – France.

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. We will also consider whether processing the request is in the best interests of the athlete.

In France, parents or legal representatives generally exercise data protection rights on behalf of a minor. However, depending on the athlete's age and level of understanding, the nature of the request and the circumstances, an athlete may also be able to exercise certain rights directly. The Academy will consider each request in accordance with applicable law and the best interests of the athlete.

Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates no matter how old they are.

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 Compliance Lead of any significant changes to important information, such as contact details, held about them.

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. Where they process personal data on behalf of the Academy, they will only do so on the Academy's documented instructions and will be subject to appropriate confidentiality obligations.

Third party processors are also required to implement appropriate security measures and to process personal data in accordance with the Academy's documented instructions.