

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. It is important that athletes and their parents understand how we use their information and what we do with it. Athletes should therefore ask their parents or another adult if they do not understand this Privacy Notice.

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

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

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

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

Who we are

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

If athletes or their parents want to contact us about their personal information or have any questions about this Privacy Notice or our data protection practices, they can contact our Compliance Lead who is Sarah Tiernan. They can speak to the Compliance Lead direct on +33458980104 or email sarah.tiernan@apex2100.org.

The type of information that we process

We collect and use a variety of different information about athletes and parents. This will include by way of example:

- personal identifiers and contacts (such as name, contact details, address and next of kin)
- characteristics (such as ethnicity and language)
- bank details and other financial information, e.g. about parents who pay fees to the Academy
- safeguarding information
- medical (such as doctors information, child health, allergies, medication and dietary requirements)
- physiological measurements (results from bloods etc. that are bio markers for performance and health)
- attendance, including absences and absence reasons
- training assessment and attainment (such as school references and results from physical assessments)



- behavioural information
- Images taking 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)

Sometimes the information we process is more sensitive. This information is called special category data and relates to athletes' health, genetics, biometrics (but only where this is used for identification purposes) racial or ethnic origin, political opinions, sexual orientation, sexual life and religious beliefs. By way of an 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 and parents as part of our daily operation. Some of this is in order to fulfil our legal rights, duties or obligations – including those under the contract with parents. Other uses are because it is within our legitimate interests or the legitimate interests of another (provided that these are not outweighed by the impact on athletes and parents and does not involve special or sensitive types of data).

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

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



The use of athlete and parent 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 asked for your consent to process your personal information in a particular way, for example, to send you direct marketing or to share images of athletes with a journalist.

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

- For reasons of substantial public interest, for example, to safeguard athletes' welfare and provide appropriate pastoral (and where necessary, medical) care, for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of activities or trips who need to be made aware of dietary or medical needs;
- As part of any complaints, disciplinary or investigation process that involves such data, for example if there are health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with our legal obligations and duties of care.
- In order to protect an individual's life, for example, to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so.
- For health and social care purposes, for example, where it necessary to share Athlete information with a health professional
- For public health reasons, for example, where Athlete information needs to be collected and used in connection with a public vaccination programme or in response to a pandemic such as the Covid-19 pandemic. Where this happens, the data is handled by a health professional such as a nurse or someone who the law says must keep your information confidential.

Less commonly, we may process this type of information where it is needed in relation to legal claims or another legal process.

We may process special category, in limited circumstances, with the individual's explicit written consent. We will not usually need consent to use special categories of personal information. However, if at any time it appears to us that we would like to use personal data in a way which means that we would need explicit consent then we will explain to the individual what we want to do and ask for their consent. This may be, for example, where we are involved in activities which are not really part of our job as a training provider but we are involved because we think it would benefit our Athletes.



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 sarah.tiernan@apex2100.org.

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.

How we collect information

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

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

When we give personal information to others

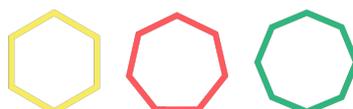
We will never share your information with anyone outside the Academy without your consent unless a law says we can.

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, a certain amount of any athlete's information will need to be provided to staff more widely in the context of providing the necessary care and training that the athlete requires. We do this because these people need the information so that they can support our athletes.

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

- professional advisers (e.g. lawyers, insurers, PR advisers)
- government authorities (e.g. the police)
- appropriate regulatory bodies (e.g. the Information Commissioner's Office)
- 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.

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- 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.

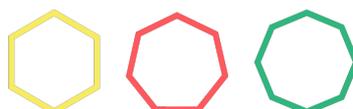
Finally, in accordance with Data Protection Law, where some of our processing activity is carried out on behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance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

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

How long we keep information

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

Most of the information we have about Athletes and their parents will be stored in the Athlete's personal file within our Data Management systems. We usually keep these until the 7 years from the athlete leaving the Academy. We have a policy which explains 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

Athletes and their parents have these rights:

- To ask us for a copy of the information we have about them
- To ask us to correct any information we have about them if they think it is wrong
- To ask us to erase information about them (although 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.

Any individual wishing to exercise these rights should contact the Compliance Lead direct on +33458980104 or email sarah.tiernan@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).

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

If parents and/or Athletes have any concerns about the way in which their personal data has been or is being processed by the Academy, it should first raise this with the Compliance Lead. Parents and athletes may also complain about what we do with their personal information to the Information Commissioner's Office:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 to use a national rate number.

Athlete requests

Athletes can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Academy, they have sufficient maturity to understand the request they are making (see "[Whose Rights?](#)" below). An athlete of any age may ask a parent or other representative to make a subject access request on his/her behalf.

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

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



Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates 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. They will only process personal information on the Academy's instructions and they are subject to a duty of confidentiality.

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

