

Privacy Policy

Swim England Qualifications respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

In this privacy policy we explain how we collect and use your personal information. 'We' are a ring fenced department within The Amateur Swimming Association (Swim England) Limited (hereinafter referred to as SEQ) and we are the data controller for the purposes of the Data Protection Act 2018 and the UK General Data Protection Regulation. This Data Protection Policy should be read in conjunction with our Learner Name Change Policy.

Details of how to contact us if you have any questions about privacy or data protection can be found below in the Contact Details section.

We must have a lawful basis to process your personal data, and this policy explains what our lawful basis is in respect of each purpose for which we keep and use information about you. Generally, we are allowed to process your personal data where it is necessary in connection with a contract between us (such as a contract to supply our products or services), where it is necessary in order for us to comply with our legal obligations, or where we have a legitimate interest to do so (but we will always consider whether your right to privacy overrides our interest).

Please note that links from our website may take you to external websites which are not covered by this policy. We recommend that you check their privacy policies before submitting any personal information to such sites. We will not be responsible for the content, function or information collection policies of these external websites.

Our website was created and continues to be managed by SKYLAB and as such they will process your data on our behalf when you visit our website. They will only use your data for the purposes outlined below.

This Policy supports the Ofqual General Conditions of Recognition A5, B4, B7, D5 and I4.

What information do we collect about you and how do we collect it?

You are not required (by law or by any contract with us) to provide personal information to us via our website. We will only require you to provide personal information to us where it is necessary for us to provide you with a service at your request.

Information you provide to us

We collect personal information about our learners when our Approved Training Centres upload your personal data to our systems.

We may receive personal information about you whenever you contact us. For example, by doing the following:

- Enquiring about our courses, CPD modules or awards
- Seeking information regarding certificates
- Raise a concern with us
- Seek to appeal a decision by an Approved Training Centre
- Using and browsing our website
- Telephoning, texting, writing by post or emailing us
- Enquiring about, or applying for, job vacancies or volunteering opportunities
- Raising a whistleblowing concern.

This information may include the following:

- Normal identification information, such as your full name, date of birth, age, gender
- Contact information, such as your postal address, email address and telephone number
- Additional information relevant to your use of our site and services, such as your marketing preferences, survey responses and feedback
- Records of your interactions with us such as telephone conversations, emails and other correspondence and your instructions to us
- Payment information (this is securely collected and processed by our payment provider)
- In respect of job applications, your CV including details of your education and employment history (and any other information which you may choose to provide to us with your CV).

Information we collect about you on our website

We collect information using cookies and other similar technologies to help distinguish you from other users of our website. These can streamline your online experience by saving you from re-inputting certain information and also allows us to make improvements to our website.

For more information about how and why we use cookies, please take a look through our Cookie Policy, which can be found here: <https://www.swimming.org/swimengland/cookies/>.

When you visit our website we may collect the following information:

- Which pages you view and which links you follow
- Your IP address and general location
- Details of the hardware and software that you are using to access the site
- Any passwords that you use on our website
- If you choose to log in using a third party, we will record your login provider
- A device identifier (cookie or IP address) for fraud prevention
- Details of your visits to our website and the resources that you access, including, but not limited to, toolkits, weblogs and other communication data.

We do not knowingly process Personal Data of anyone under 13 years old, if we become aware that a data subject is under 13 years old we will only process their data with the valid

consent of the parent or holder of parental responsibility of the data subject to the processing of that Personal Data.

Information we collect about you from other sources

We may collect information about you from other sources. This may include the following:

- Publicly available information, from sources such as Companies House and the Electoral Roll
- Information you have shared publicly, including on social media
- If you apply for a job, we may collect information about your criminal record by obtaining a DBS check through an approved agency.
- Information from third party databases or data suppliers, such as credit reference agencies.

This list is not exhaustive and, in specific instances, we may need to collect additional data for the purposes set out in this policy.

Information we receive about you from other sources

Sometimes you will have given your consent for other websites, services or third parties to provide information to us, in particular to an Approved Training Centre to provide us with information about your participation in a training course for a SEQ qualification and the outcomes for such.

This could include information we receive about you if you use any of the other websites that we operate or the other services that we provide, in which case we will have informed you when we collected that data if we intend to share such data internally and combine it with data collected on this site. We will also have told you for what purpose we will share and combine your data.

It could also include information from third parties that we work with to provide our products and services, such as payment processors, delivery companies, technical support companies and advertising companies. Whenever we receive information about you from these third parties, we will let you know what information we have received and how and why we intend to use it.

How we use your personal information?

We take data protection law seriously, so below we have set out exactly how and why we use your information, and what our legal basis is to be able to use your information in each way.

Providing our Services

It is necessary for us to use your personal information to perform our contractual obligations and pursue our and your legitimate interests. Using your information in this context is necessary so that we can:

- Administer our qualifications, including but not limited to confirming your qualifications, providing you with certificates and processing any appeal you may make.

- Perform any contract we may have with you or your company.
- Provide you with information on courses, CPD and any updates to qualifications.
- Carry out any obligations arising from a contract we hold with you or others.
- Deal with any complaints that you may have.
- Administer our website, including troubleshooting problems, analyzing statistics, conducting research and tests and keeping the site secure.

Complying with our regulatory requirements

SEQ is recognised and regulated by the Office of Qualifications and Examinations Regulator (Ofqual) and Qualifications Wales as an awarding organisation to design, develop and award vocational qualifications. We may process your personal information because of a necessary regulatory obligation we hold to either organisation, such as an information request made by Ofqual or the provision of data pursuant to Condition of Recognition B4, or any other official organisation where we hold a relevant legal obligation.

Making our organisation better

We have a legitimate interest in always wanting to seek to provide the best service that we can. Sometimes this means that we will need to use your personal information to find ways that we can improve what we do or how we do it.

In this context, we will only use your personal information where it is necessary so that we can:

- Review and improve our existing services or develop new ones.
- Review and improve the performance of our processes, staff or systems.
- Improve our site to ensure that content is presented in the most effective manner for you and your device.

Contacting you

We want to stay in touch with you. Sometimes we may need to use the information that we have about you in order to respond to your questions or let you know about important changes.

We will only use your information in this respect where it is necessary so that we can:

- Interact and respond to any communications you send us, including where you use the 'Contact Us' section, and any social media posts that you tag us in.
- Process any complaints and appeals you have made.
- Let you know about any important changes to our business or policies.

Verifying your identity

We may use your information where it is necessary for us to do so in order to meet our legal obligations or to detect and prevent fraud, money-laundering and other crimes.

Protecting you and others from harm

We may use your information where it is necessary to protect your interests, or the interests of others. This may include in the event of criminality such as identity theft, piracy or fraud.

We need all the categories of information listed above to allow us:

- (i) to provide our services to you;
- (ii) to enable us to comply with legal obligations; or
- (iii) to pursue legitimate interests of our own or those of third parties (provided your interests and fundamental rights do not override those interests).

Legal Bases

The situations in which we will process your personal data are listed set out in the table below and indicate the purpose or purposes for which we are processing or will process your personal information.

Type of Data	Purpose	Legal Basis
<i>Learners</i>		
Name, previous surnames, D.O.B, course registrations, course results, certificates, LEE audit checks, unique learner number, EV reports	Certification of our qualifications	Legitimate Interest
Address, telephone number, email address	Certification of our qualifications Informing you of any benefits, competitions, courses, CPD or any updates to our qualifications	Legitimate Interest
Ethnicity, disabilities, reasonable adjustments	To improve the development of our qualifications	Legitimate Interest Legal Obligations
Formal appeals data	To maintain a record of your interaction with SEQ regarding your appeal	Legitimate interest
Formal complaints data	To maintain a record of your interaction with SEQ regarding your complaint and to improve our services	Legitimate Interest
<i>Educators</i>		
Reference number, role, status, name, D.O.B., phone number, address, email address, qualifications/CPD that can be taught	To enable us to monitor course registration	Legitimate Interest

Notes, standardization test books and results, complaints log, Centre review reports, EV reports, Health Check data, consultation responses	Quality assurance	Legitimate Interest
<i>Consultants</i>		
Name, address, email address, phone number, CV, qualifications, training attended, DBS status, confidentiality agreements, conflict of interest declarations, training video, photographs, EV reports, Centre reviews	Quality assurance	Legitimate Interest
<i>Contacts at Approved Training Centres and other third party partners</i>		
Name, address, email address, phone number, invoices, complaints log	To enable us to comply with our contracts Quality assurance	Contractual obligation Legitimate interests

Please note that the legitimate interests may include, but not be limited to:

- Retaining records to properly administer and manage your qualifications data with us.
- Ensuring that Approved Training Centres provide a high quality service to their learners.
- Improving our qualifications.
- Providing you with a complaints and appeals system in case there are any issues with your qualification or course.

Change of purpose

We may contact you in the future to advertise and market new membership benefits and offers from our sponsors and suppliers. However, we will always seek your consent before sending such material and we would always give you the opportunity to unsubscribe.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Who do we share your personal information with?

Sharing your information within Swim England

We share the information that you provide to us internally with our staff so that we can provide our services to you and to allow us to properly administer the sport of swimming on a local, regional and national level.

We may share the information that you provide to us with, clubs, bodies, associations and organisations affiliated to Swim England or Swim England Regions in order to allow them and us to properly administer the sport of swimming on a local, regional and national level.

Sharing your data with Approved Training Centres

We may receive your personal data from an Approved Training Centre when you enroll on a course for one of our qualifications. We may also share your personal data with an Approved Training Centre as part of our quality assurance measures.

As a part of our Approved Training Centre review process, we require the Training Centres to have a privacy policy that informs you about how your personal data will be used to award you a Swim England Qualification and for the purposes of the Personal Learning Record ('PLR').

Sharing your information with other third parties

We may share your personal information with Gordon Associates, who provide the software we use to register and certify learners.

We may share your personal information with third party consultants for the purposes of external verification for qualifications and review of the performance of Approved Training Centres. We place measures in the contracts for such consultants designed to protect your personal information.

We may share your data with other selected third parties. For example, we may share your information with:

- Our subsidiary company Swim England Trading Limited
- Internet hosting providers to host the website, related infrastructure, services and applications
- Service providers: for example, payment processors, supply chain partners and sub-contractors and IT services (including CRM).

There are certain exceptional circumstances in which we may disclose your information to further third parties. This would be where we believe that the disclosure is:

- Required by the law, or in order to comply with judicial proceedings, court orders or legal or regulatory proceedings
- Necessary to protect the safety of our employees, our property or the public
- Necessary for the prevention or detection of crime, including exchanging information with other companies or organisations for the purposes of fraud protection and credit risk reduction.
- Proportionate as part of a merger, business or asset sale, in the event that this happens we will share your information with the prospective seller or buyer involved.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Personal Learning Record ('PLR')

The PLR is an internet-based register of learners and achievement data, designed to assist learners with their personal learning development. It allows learners to view their education and training qualifications in a single place. A unique learner number ('ULN') is required to access a record, which is unique to each learner.

An Approved Training Centre is responsible for creating and providing a valid ULN for those learners who do not already possess and want one. It is also the responsibility of an Approved Training Centre to inform learners that their data will be processed for the purpose of creating a ULN and updating their personal learning record. We shall upload your achievement information to the PLR.

Some of the information you supply to an Approved Training Centre upon enrolment will be used by Education and Skills Funding Agency (ESFA) to fulfil its statutory functions, issue/verify your ULN and update/check your personal learning record. The ESFA may share your ULN and personal learning record with other education related organisations, such as careers service, school, college, university, government departments and public bodies responsible for funding your education. Please note that you can opt out of the ESFA regarding sharing your information but not retaining it. Further details of how your information is processed and shared can be found at <https://www.gov.uk/government/publications/lrs-privacy-notices>.

How long do we keep your personal information?

We will only store your personal information for as long as we need it for the purposes for which it was collected. Where we provide you with any service, we will retain any information you provide to us at least for as long as we continue to provide that service to you.

If you apply for a job vacancy (or otherwise send us your CV) we will retain your CV (and any publicly available information, for example from social media) for a period of 6 months. If we are considering you for a particular role, we may retain this information for longer than that period.

In all other circumstances, we will keep all physical and electronic records of your information for a period of 6 years after your last contact with us. Exceptions to this rule are:

- Information on an individual's qualifications shall be retained for as long as necessary for us to comply with our regulatory requirements.

- Information that may be relevant to personal injury claims, or discrimination claims may be retained until the limitation period for those types of claims has expired. For personal injury or discrimination claims this can be an extended period as the limitation period might not start to run until a long time after you have worked for us.

How do we protect your personal information?

We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this policy.

We try to ensure that all information you provide to us is transferred securely. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to us; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

All information you provide to us is stored on our secure servers. Only nominated members of Swim England Qualifications, including Approved Training Centres, have access to personal data and process this information in accordance with the requirements of the awarding function. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

No personal data is used for the purposes of marketing, unless the data subject provides written consent to confirm that this is acceptable.

What rights do you have in respect of your personal information?

You have the right to be informed

We have a legal obligation to provide you with concise, transparent, intelligible and easily accessible information about your personal information and our use of it. We have written this policy to do just that, but if you have any questions or require more specific information, you can get in touch using Contact Us section of the website.

You have the right to access your personal data

You have the right to ask us to confirm whether or not we hold any of your personal information. If we do, you have the right to have a copy of your information and to be informed of the following:

- Why we have been using your information
- What categories of information we were using
- Who we have shared the information with
- How long we envisage holding your information.

In order to maintain the security of your information, we will have to verify your identity before we provide you with a copy of the information we hold.

The first copy of your information that you request from us will be provided free of charge, if you require further copies we may charge an administrative fee to cover our costs.

You have the right to correct any inaccurate or incomplete personal data

Where you have requested a copy of the information we hold about you, you may notice that there are inaccuracies in the records, or that certain parts are incomplete. If this is the case, you can contact us so that we can correct our records.

You have the right to be forgotten

There may be times where it is no longer necessary for us to hold personal information about you. This could be if:

- The information is no longer needed for the original purpose that we collected it for
- You withdraw your consent for us to use the information (and we have no other legal reason to keep using it)
- You object to us using your information and we have no overriding reason to keep using it
- We have used your information unlawfully
- We are subject to a legal requirement to delete your information.

In those situations, you have the right to have your personal data deleted. If you believe one of these situations applies to you, please get in touch using our website.

You have the right to have a copy of your data transferred to you or a third party in a compatible format

Also known as data portability, you have the right to obtain a copy of your personal data for your own purposes. This right allows you to move, copy or transfer your personal data more easily from one IT system to another, in a safe and secure way.

If you would like us to transfer a copy of your data to you or another organisation in a structured, commonly used and machine-readable format, please contact us. There is no charge for you exercising this right.

You have the right to object to direct marketing

You can tell us at any time that you would prefer that we do not use your information for direct marketing purposes. If you would not like to receive any direct marketing from us, please contact us or use the links provided in any of our marketing communications, and we will stop sending direct marketing immediately.

You have the right to object to us using your information for our own legitimate interests

Sometimes, we use your personal information to achieve goals that will help us as well as you. This includes:

- When we tell you about services, products or events that are similar to ones that you have already engaged with, bought or attended
- When we use your information to help us make our business better
- When we contact you to interact, communicate or let you know about changes we are making.

We aim to always ensure that your rights and information are properly protected. If you believe that the way we are using your data is not justified due to its impact on you or your rights, you have the right to object. Unless we have a compelling reason to continue, we must stop using your personal data for these purposes.

In order to exercise your right to object to our use of your data for the purposes above, please contact us.

You have the right to restrict how we use your personal data

You have the right to ask us to stop using your personal data in any way other than simply keeping a copy of it. This right is available where:

- You have informed us that the information we hold about you is inaccurate, and we have not yet been able to verify this
- You have objected to us using your information for our own legitimate interests and we are in the process of considering your objection
- We have used your information in an unlawful way, but you do not want us to delete your data
- We no longer need to use the information, but you need it for a legal claim.

If you believe any of these situations apply, please contact us.

You have rights related to automated-decision making and profiling

Any automated decision-making or profiling we undertake is solely for the purpose of tailoring the information which we provide to you. We will not use automated decision-making or profiling to make any decisions which will have a legal effect upon you or otherwise significantly affect you, and you have the right not to be subject to such decisions. If you have any concerns or questions about this right, please contact us.

Changes to our Privacy Policy

This policy and its procedures shall be reviewed biennially to ensure it remains fit for purpose, meeting the requirements of the data protection legislation in place at the time. It may also be updated to reflect organisational changes, feedback, and to meet the requirements of our Regulators (Ofqual and Qualification Wales).

Any changes we make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by email. Please check back frequently to see any updates or changes to our privacy policy.

Complaints

If you wish to make a complaint about our collection or use of your personal data, please contact us in the first instance so that we may seek to resolve your complaint.

You have the right to lodge a complaint with the Information Commissioner's Office (ICO), the statutory body which oversees data protection law in the UK.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113
ICO website: <https://www.ico.org.uk>

Contact Details

Our contact for data protection is Lois Jarvis, who can be contacted using the details below:

In the event of any query or complaint in connection with the information we hold about you, please email legal@swimming.org or write to us at Swim England, Legal Department, Pavilion 3, SportPark 3 Oakwood Drive, Loughborough University, Loughborough, Leicestershire, United Kingdom, LE11 3QF.