

## SPORTS MASSAGE ASSOCIATION LTD - PRIVACY POLICY

We take your privacy very seriously. Please read this privacy policy carefully as it contains important information on (i) who we are and (ii) how and why we collect, store, use and share your personal information. It also explains the rights that you have and how to contact us, or our supervisory authority, in the event that you have a complaint.

We collect, use and are responsible for certain personal information about you. As such, we are subject to the (i) Data Protection Act 2018 and (ii) General Data Protection Regulation (the **GDPR**) which applies across the European Union (and in the United Kingdom), and we are responsible as a 'controller' of that personal information for the purposes of the GDPR.

### 1. KEY TERMS

#### 1.1. In this policy:

- we or us:** means Sports Massage Association Ltd (Company Number: 04322299), whose registered office is at Providence House, Providence Place, Islington, London, N1 0NT (and **our** will be construed accordingly).
- personal information:** means information relating to an identified or identifiable individual.
- special category personal information:** means personal information revealing (i) racial or ethnic origin (ii) political opinions (iii) religious beliefs (iv) philosophical beliefs (v) trade union membership (vi) genetic and biometric data and/or (vii) data concerning health, sex life or sexual orientation.

### 2. MEMBERS AND CUSTOMERS PERSONAL INFORMATION

- 2.1. If you are one of our members, or if you are not one of our members but purchase products from us, we may collect and use the following personal information about you:
- your name and contact information including (without limitation) your email address, telephone number, residential address, delivery address and billing address;
  - information to enable us to check and verify your identity (e.g. your date of birth);
  - your billing, transaction, VAT (where required) and payment card information;
  - any further relevant delivery information required to enable us to deliver our products to you; and
  - information about how you use our website, through the use of cookies and IT, communication and other systems.
- 2.2. In rare circumstances, we may also collect and hold personal information regarding:
- your health, where it is necessary to allow for modifications to our services; and
  - complaints against you as a Soft Tissue Therapist, to allow us to update, and provide you with, our services and to modify your membership and professional details,
- (as detailed in paragraph 5 below, 'Use of Personal Information').
- 2.3. This personal information is required to provide our products and services to you. If you do not provide the personal information that we ask for, it may delay or prevent us from providing our products and services to you.

### 3. SUPPLIER AND THIRD PARTY PERSONAL INFORMATION

- 3.1. If you are one of our suppliers, we may collect and use the following personal information about you:
- your name and contact information including (without limitation) your email address, telephone number, company details and forwarding address;
  - the name and contact information of our main point(s) of contact, including (without limitation) their email address and telephone number;
  - the name and contact information of your company directors where necessary, including (without limitation) their email address and telephone number;

- d) your billing information, transaction, VAT and payment information;
  - e) information to enable us to check and verify your identity (e.g. your date of birth and other information contained in any identification documents that we hold);
  - f) your insurance information and the necessary policies which are specified in our contract with you; and
  - g) information to enable us to collect the relevant supplied products or materials, where applicable.
- 3.2. This personal information is required by us in order to receive the products, materials and services that are provided by you and to pay you for them. If you do not provide the personal information that we ask for, it may delay or prevent us receiving the relevant products and services, and/or delay or prevent us paying for them.

#### 4. COLLECTION OF INFORMATION

- 4.1. We collect most of this personal information directly from you i.e. in person, by telephone, text, email and/or via our website. However, we may also collect information:
- a) from publicly accessible sources such as Companies House, the Complementary and Natural Healthcare Council, and the websites of our members and suppliers;
  - b) directly from a third party e.g. our suppliers such as Stitch-it (one of our chosen product suppliers), CPD Me (the online facility we use for recording and storing CPD data, to which members have personal access to amend or delete information), or our chosen delivery provider (which may, from time to time, be subject to change);
  - c) directly from a third party in relation to payment e.g. PayPal and/or by banking transfer/payment;
  - d) from third parties with your consent e.g. from professional advisers (for example, to assist with any complaints against a member) and/or from third party suppliers; and
  - e) via our IT systems and website e.g. from our website host (Wild Apricot), through automated monitoring of our website(s) and other technical systems, such as our computer networks, and through the use of cookies, e-mail and other communication systems.

#### 5. USE OF PERSONAL INFORMATION

- 5.1. Under data protection law, we can only use your personal information if we have a proper reason for doing so. These reasons include (without limitation):
- a) to comply with our legal and regulatory obligations;
  - b) for the performance of our contract with you (or to take steps at your request before entering into a contract with you);
  - c) for our legitimate interests or those of a third party; or
  - d) if you have given us your explicit consent.
- 5.2. A legitimate interest is when we have a professional, ethical, business or commercial reason to use your information, as long as this is not overridden by your own rights and interests.
- 5.3. The table below explains what we use/process your personal information for and our reasons for doing so:

USE OF YOUR PERSONAL INFORMATION	REASON(S)
To provide products and services to you or (as applicable) to receive products/materials and services from you. This may include liaising with, and passing your personal information to, third parties i.e. passing delivery information between our customers/members and our chosen delivery provider.	For the performance of our contract with you or to take steps at your request before entering into a contract.
To detect and prevent fraud against you or us.	For our legitimate interests or those of a third party i.e. to minimise fraud that could be damaging for us and for you.

USE OF YOUR PERSONAL INFORMATION	REASON(S)
<p>Conducting checks to identify our suppliers and manufacturers, and to verify their identity.</p> <p>Screening for financial and other sanctions, in relation to our manufacturers and suppliers.</p> <p>Other processing necessary to comply with legal and regulatory obligations that apply to our organisation e.g. under health and safety regulations or safe working practices.</p>	<p>To comply with our legal and regulatory obligations.</p>
<p>Conducting checks to verify that sufficient policies of insurance are in place, with regards to the manufacture and supply of our products and services.</p>	<p>For the performance of our contract with you or to take steps at your request before entering into a contract.</p> <p>To comply with our legal and regulatory obligations.</p>
<p>Conducting criminal records information, including the results of Disclosure and Barring Service (DBS) checks</p> <p>Information may be shared with DBS and other regulatory authorities as required</p>	<p>For the performance of our contract with you or to take steps at your request before entering into a contract.</p> <p>To comply with our legal and regulatory obligations.</p> <p>For reasons of substantial public interest and protecting the public against dishonesty.</p>
<p>Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies.</p>	<p>To comply with our legal and regulatory obligations.</p>
<p>Ensuring operational and regulatory policies are adhered to e.g. policies covering health and safety, security and internet use.</p>	<p>To comply with our legal and regulatory obligations.</p> <p>For our legitimate interests or those of a third party, i.e. to ensure we follow our own internal procedures so that we can deliver the best service to you and/or improve our relationships with our members and suppliers.</p>
<p>Operational reasons, such as improving efficiency, training and/or quality control.</p>	<p>To comply with our legal and regulatory obligations.</p> <p>For our legitimate interests or those of a third party, i.e. to be as efficient as we can so that we can deliver the best service to you at the best price and/or improve our relationships with our members and suppliers.</p>
<p>Ensuring the confidentiality of commercially-sensitive information.</p>	<p>For the performance of our contract with you or to take steps at your request before entering into a contract.</p> <p>For our legitimate interests or those of a third party, i.e. to protect confidential and other commercially valuable information.</p> <p>To comply with our legal and regulatory obligations.</p>
<p>Statistical analysis to help us manage our organisation e.g. in relation to our financial controls, membership base, supplier base, range of available products and services and/or other efficiency measures.</p>	<p>For our legitimate interests or those of a third party i.e. to be as efficient as we can so that we can deliver the best products and service to you at the best price and/or improve our relationships with our members and suppliers.</p>
<p>Preventing unauthorised access and modifications to our systems.</p>	<p>For our legitimate interests or those of a third party i.e. to detect and prevent criminal activity that could be damaging for us and for you.</p> <p>To comply with our legal and regulatory obligations.</p>

USE OF YOUR PERSONAL INFORMATION	REASON(S)
Updating and enhancing our records.	For the performance of our contract with you or to take steps at your request before entering into a contract.  To comply with our legal and regulatory obligations.  For our legitimate interests or those of a third party, e.g. making sure that we can keep in touch with you about the products and services that we provide.
Statutory returns.	To comply with our legal and regulatory obligations.
Marketing our products and services to: <ul style="list-style-type: none"> <li>- existing, prospective and former members;</li> <li>- third parties who have previously expressed an interest in our products or services; and</li> <li>- third parties with whom we have had no previous dealings.</li> </ul>	For our legitimate interests or those of a third party i.e. to promote our organisation and any products or services that may be of use or interest to existing, prospective and/or former members and third parties.
External audits and quality checks and the audit of our accounts.	For our legitimate interests or those of a third party, i.e. to maintain our accreditations so we can demonstrate we operate at the highest standards.  To comply with our legal and regulatory obligations.
Assisting with complaints made against members and suppliers.	Explicit Consent.  For the performance of our contract with you or to take steps at your request before entering into a contract.
Updating and modifying your membership.	For the performance of our contract with you or to take steps at your request before entering into a contract.
Making necessary reasonable adjustments and modifications to our services and provide the necessary information about services you provide, in relation to the health information provided to us by you.	Explicit Consent.  To comply with our legal and regulatory obligations.

5.4. The above table does not apply to special category personal information, which we will only process with your explicit consent.

## 6. MARKETING AND PROMOTION

6.1. We may use your personal information to send you updates (by email, text message, telephone or post) about our services, including (without limitation) exclusive offers, promotions or new products and services.

6.2. We have a legitimate interest in processing your personal information for promotional purposes (see paragraph 5 above, 'Use of Personal Information'). This means we do not usually need your consent to send you promotional communications.

6.3. However, where your consent is needed, we will ask for your explicit consent separately and clearly.

6.4. We will always treat your personal information with the utmost respect and we will never share it with other organisations for marketing purposes.

6.5. You have the right to opt out of receiving promotional communications at any time by:

- a) logging into your online member account and updating your marketing/communication preferences;
- b) contacting us at admin@thesma.org; or
- c) using the 'unsubscribe' link in emails or 'STOP' number in texts.

6.6. We may ask you to confirm or update your marketing preferences if you instruct us to provide further services in the future, or if there are any changes to the law or in the structure of our organisation.

## 7. INFORMATION SHARING

7.1. We routinely share personal information with:

- a) law enforcement agencies and regulatory bodies such as the Complementary and Natural Healthcare Council, who will be provided with contact information for our members who choose to be (or are) registered with such bodies;
- b) third parties in order to provide 'practitioner search' facilities, in order to provide the general public with access to soft tissue therapists. For the avoidance of doubt, members will choose whether their information will be included on such 'practitioner search' facilities as well as what information this will hold. We may, however, provide information as to qualification level and stature for those members that have chosen to be included on the 'practitioner search' facilities;
- c) third parties we use to help deliver our products and services to you (e.g. CPD Me, Stitch-It) and by sharing information between our chosen delivery provider and our members/customers;
- d) third parties who we use to provide additional, desired or enhanced services to our members e.g. Centor Publishing Ltd (who publish the quarterly soft tissue magazine, Co-Kinetic Journal, and who also provide access to their online content);
- e) other third parties we use to help us run our organisation, e.g. PayPal marketing agencies, our chosen website hosting company (Wild Apricot) and other IT service providers;
- f) our insurers and insurance brokers (and our other professional advisers); and
- g) our bank.

7.2. We only allow our service providers and other third parties to handle your personal information if we are satisfied that they take appropriate measures to protect your personal information.

7.3. We impose contractual obligations on third parties and service providers to ensure they can only use your personal information to provide services to us and to you. We may also share personal information with external accountants e.g. in relation to the preparation of our annual accounts.

7.4. We may disclose and exchange information with law enforcement agencies and regulatory bodies in order to comply with our legal and regulatory obligations.

7.5. We will not share your personal information with any other third party.

## 8. HOLDING INFORMATION

8.1. Information may be held at our offices, on our IT systems and on those of our third party service providers, representatives and agents as described above (see paragraph 7 above, '*Information Sharing*').

8.2. Some of these third parties may be based outside the European Economic Area (EEA). For more information, including on how we safeguard your personal information when this occurs, see paragraph 9 below: '*Data Transfers*'.

8.3. We will keep your personal information while we are providing any products or services to you, or (as applicable) receiving any products/materials or services from you. Thereafter, we will keep your personal information for as long as is necessary:

- a) to respond to any questions, complaints or claims raised or made by you (or on your behalf);
- b) to show that we treated you fairly;
- c) to keep records as required by law.

8.4. We will not retain your personal information for longer than necessary for the purposes set out in this policy.

8.5. Different retention periods apply for different types of personal information:

- a) customer and member data will be held for 6 years following the end of our contractual relationship with you (e.g. from the expiry of your membership where such membership has not been renewed).
- b) potential or prospective customer or member data will be held until the customer/member changes their marketing preferences or exercises their rights to 'object' or 'to be forgotten'.
- c) supplier and manufacturer data will be held for 6 years after the end of the relevant contract.
- d) company records and data (i.e. statutory books, board minutes, company resolutions etc) will be held for 10 years from the date of the creation of such records or data.

8.6. When it is no longer necessary to retain your personal information, we will either delete the information or make the information anonymous.

## 9. DATA TRANSFERS

- 9.1. To deliver services to you, it is sometimes necessary for us to share your personal information outside the European Economic Area (EEA), for example:
- when relevant third parties (including members, customers, suppliers or service providers) are located or operate outside the EEA;
  - where website servers (or other items of IT hardware) are located outside the EEA (please note, specifically, that our website hosting company is based in Canada);
  - if you are based outside the EEA; or
  - where there is an international dimension to any of the services we are providing to you.
- 9.2. These transfers are subject to special rules under European and UK data protection law.
- 9.3. As detailed above, our website hosting company (Wild Apricot) is based in Canada. For the avoidance of doubt, Canada has been assessed by the European Commission as providing an adequate level of protection for personal information.
- 9.4. Non-EEA countries do not have the same data protection laws as the United Kingdom and the EEA. We will, however, ensure that any such transfer of data complies with applicable data protection law and that all personal information is secure. Our standard practice is to use template data protection clauses (that have been approved by the European Commission) in our contracts with the relevant third parties.
- 9.5. If you would like further information, please contact us (see paragraph 15 below, 'Contact').

## 10. COOKIES

- 10.1. Our website is developed and hosted by a website development company, Wild Apricot, which deals with the use of cookies on our website. Cookies are text files placed on your computer to collect standard internet log-in information and visitor behaviour information.
- 10.2. Cookies are widely used in order to make websites work, or work more efficiently, as well as to provide information to us. These cookies help us recognise you and your device and store some information about your preferences or past actions and as such we use cookies and other similar tracking technologies on our website to help improve our site and to try and deliver a better and more personalised service.
- 10.3. Our website uses cookies for functionality (i.e. to effectively run the website or remember user details). You can block cookies by activating the setting on your browser which allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies as soon you visit our website.
- 10.4. Our legitimate interests (or, as applicable, those of a third party), for using cookies, are so that we can distinguish you from other users of our website, which helps us to provide you with a better user experience when you browse our website, and also allows us to improve our website and the services we provide through our website.
- 10.5. For further information on cookies generally, you can visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

## 11. YOUR RIGHTS

- 11.1. You have the following rights, which you can exercise at no cost:

<b>Access:</b>	The right to be provided with a copy of your personal information (the right of access).
<b>Rectification:</b>	The right to require us to correct any mistakes in your personal information.
<b>To be forgotten:</b>	The right to require us to delete your personal information, in certain situations. NB: we are not required to delete your personal information if this is held (i) for the performance of a contract (during the term of the contract) or (ii) to comply with a legal obligation.
<b>Restriction of processing:</b>	The right to require us to restrict the processing of your personal information in certain circumstances e.g. if you contest the accuracy of the personal information.
<b>Data portability:</b>	The right to receive the personal information you have provided to us, in a structured, commonly used and machine-readable format, and/or to transmit that personal information to a third party, in certain situations.

<b>To object:</b>	<p>The right to object:</p> <ul style="list-style-type: none"> <li>- at any time to your personal information being processed for direct marketing purposes (including profiling); and</li> <li>- in certain other situations, to our continued processing of your personal information e.g. where such processing is carried out for the purpose of our legitimate interests.</li> </ul> <p>NB: as above, we are not required to delete your personal information if this is held (i) for the performance of a contract or (ii) to comply with a legal obligation.</p>
<b>Not to be subject to automated individual decision-making:</b>	<p>The right not to be subject to a decision which is based solely on automated processing (including profiling) and that produces legal effects concerning you or otherwise significantly affects you.</p>

11.2. For further information on each of these rights, including the circumstances in which they apply, please contact us or see the guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under the General Data Protection Regulation.

11.3. If you would like to exercise any of these rights, please:

- a) email, call or write to us (see paragraph 15 below, 'Contact');
- b) let us have enough information to identify you (e.g. your full name, address and any applicable reference/reference number);
- c) let us have proof of your identity and address (e.g. a copy of your driving licence or passport and a recent utility bill); and
- d) let us know what right you want to exercise and the information to which your request relates.

## 12. SECURITY

12.1. We have implemented appropriate security measures to prevent your personal information from being lost or used/accessed unlawfully. We limit access to your personal information to those who have a genuine need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

12.2. We also have procedures in place to deal with any suspected data security breach. We will notify you, and any applicable regulator, of any suspected data security breach where we are legally required to do so.

## 13. COMPLAINTS

13.1. Should you have a complaint about our use of your personal information, please contact us (see paragraph 15 below, 'Contact').

13.2. We hope that we can resolve any query or concern that you may raise about our use of your personal information. However, the General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, you normally live or where any alleged infringement of the relevant data protection laws has occurred.

13.3. The supervisory authority in the UK is the Information Commissioner who can be contacted at <https://ico.org.uk/concerns> or on 0303 123 1113.

## 14. CHANGES TO THIS PRIVACY POLICY

14.1. This privacy policy was amended and published on 29 January 2020.

14.2. We may change this privacy policy from time to time. We will inform you via our website, or by email, as and when any changes are made.

## 15. CONTACT

15.1. Please contact us by post, email or telephone if you have any questions about this privacy policy or the information that we hold about you.

15.2. Our contact details are:

**Address:** c/o Bolt Burdon, Providence House, Providence Place, Islington, London N1 0NT

**Email:** [admin@thesma.org](mailto:admin@thesma.org)

**Telephone:** 07427 111725

