

Leisure Services Privacy Notice

This document explains how we use your personal data. We are committed to ensuring the privacy of all individuals whose personal data Exeter Leisure collect, hold, process and destroy.

Such individuals may include our members and those end users of our services, those employees of our clients and users of our services, other visitors to our website, sole traders, partnerships, self employed suppliers and those employees of our suppliers and contractors.

In this policy we explain how we hold, process and retain your personal data.

1. How Is Your Personal Data Used?

1.1. This section provides you with information about: a) what personal data we hold and process; b) in respect of personal data that we did not collect from you directly, from where we obtained that data and what types of data we have collected; c) the purposes for which we may process your personal data; and d) the legal grounds on which we process your data.

MEMBERS, CUSTOMERS AND END USERS OF OUR SERVICES

1.2. Contact Data. We may process information that you provide to us ("contact data"). This contact data may include your name, address, telephone number, email address, date of birth, and may be provided to us in person or through our website or app. We may use this contact data during the course of providing our services, in conjunction with our partners, suppliers and client, to you. The legal basis for this processing is for the purposes of performing our contract with you, or in taking steps at your request prior to entering into a contract. Where you have provided your consent for us to do so, we may contact you regarding the latest promotions and offers regarding our products and services, and those of our partner organisations, and to send you newsletters.

1.3. Member / Customer Data. If you are a member or customer, we may process information that you provide to us ("member/customer data"). This data may include your name, address, telephone number, email address, date of birth, gender, employment details, a photograph of you, driving licence information, date of birth, vehicle details, doctor's name and address, CCTV imagery and information contained within images or texts that you send us which may contain locational data, and may be provided to us in person, through our website or the online portals that we provide. We may use this data to provide you with pricing information, for administering your account(s) with us, and for providing our services to you. The member/customer data may also be processed during the course of your use of the services that we provide, and for the purposes of administering and renewing your membership, performing our contract with you or in taking steps at your request prior to entering into a contract. Your data may also be anonymised for the purposes of our analysing and monitoring trends in activity. We may also ask for relevant health and long term injury information, information about any disability you may have and other important medical information for the purposes of fitness and health checks and the safe delivery of activities you engage in. This data is a special category of personal data and we will only process it with your explicit consent for agreed purposes at the point of collecting it or in extremis we may share it with medical professionals in the event of a need for treatment. The consent to use this information needs to be provided by the parent for children under the age of 16. Anyone over the age of 16 can provide consent for use of their data under GDPR. Where you have provided your consent for us to do so, we may contact you regarding the latest promotions and offers regarding our products and

services, and those of our partner organisations, and to send you e-newsletters, text messages or printed information. We do not share your data with any third parties with the exception of companies within our Group and our processing partners who are covered by this policy and who only process your data on our behalf. You will not be contacted by any third party for marketing purposes. If we need to share your details, e.g. for the purposes of fulfilling a competition prize, this will be communicated in the terms and conditions of the competition or other activity and we will endeavour to make you personally aware of this before they are shared. They will not be held by the third party or used for any purpose other than that which is stated. Where you have entered a competition, we will announce our winner on social media by tagging your account. Through other media we will endeavour to protect your identity by not publishing full details, e.g. Mr J Bloggs.

1.4. Payment Data. We may process payment information relating to products and services that you purchase from us and your membership ("payment data"). The payment data may include your contact details, your card details and the transaction details. The payment data may be processed for the purposes of administering the payment, for the supply of the purchased goods and services, and keeping proper records of those payments. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract, and our legitimate interests, namely our interest in the proper administration of our website and business. We will store your bank account number and sort code data where you have a Direct Debit mandate in place. We process bank card information at the time we take payment. This data is not stored on our systems and is processed on Payment Card Industry Data Security Standard compliant banking systems.

1.5. Shared Data. We run services on behalf of other organisations such as NHS, Schools, Clinical Commissioning Groups, Government Departments and Trusts. These services are often run under a formal agreement or contract. Data may be shared with these organisations at a summary level but not at a personally identifiable level. For our health related services, with your consent, we may share identifiable information with your GP and NHS services. We will also share your data as required by the NHS Track and Trace system. This is a requirement by the Government in the fight against Covid-19 or any future infectious disease.

1.7. These organisations will be a Data Controller in their own rights, and where they do process your data will inform you directly or through their services such as a website about the data they hold and what processing they undertake.

OUR SUPPLIERS AND CONTRACTORS

1.8. Supplier Data. If you are a sole trader, partnership or self-employed we will collect personal data about you such as your use your name, address, telephone number, email address, employment details, qualifications, photograph, NI Number, date of birth and CCTV imagery ("supplier data"). We will process this information to ensure the efficient management of our contract and relationship with you (this could include for the purposes of, financial and pricing data, auditing and debt recovery), and the accurate processing of any related correspondence with you. The legal basis for this processing is for the purposes of performing our contract with you, or in taking steps at your request prior to entering into a contract. We also use your supplier data to understand your service performance and financial stability for the purposes of supplier monitoring. The legal basis for this processing is our legitimate interests in managing our relationship with you and ensuring that we are able to maintain the quality levels in our service. The supplier data may also include your card or bank details and the details of any transaction we enter into with you. This supplier data may be processed for the purposes of administering the payment, for the supply of the purchased goods and

services from you, and keeping proper records of those payments. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract, and our legitimate interests, namely our interest in the proper administration of our business.

1.9. Point Of Contact Data. If you are employed by a supplier of goods, services or consultancy which has a contractual arrangement with Exeter Leisure and its subsidiary companies for the provision of such services (the “main contractor”), we may use your information such as your name, email address, telephone number, qualifications, photograph, NI Number, date of birth, CCTV imagery or employment details (the “point of contact data”) to enable us to: a) provide supplier contact details for our multi-site operations; b) create and maintain project management stakeholder lists; c) create and maintain contact lists as required; and d) create and maintain a list of past, current and potential suppliers to enable us to contact you for business purposes. We will treat the main contractor as the controller of any point of contact data that we are provided with. We may receive personal data in respect of such points of contact direct from the main contractor. We will process any such personal data referred to in this paragraph 1.9 strictly in accordance with the instructions of the main contractor, not the individual point of contact, including sharing all such data with the main contractor. The legal basis for this processing is our legitimate interests in receiving products or services from the main contractor, and in managing and administering our relationship and contract with the main contractor.

1.10. Shared Data. Your data may be shared with the authorities with whom Exeter Leisure are working in partnership, in order to operate and administer our relationship and contract with you, develop our products and services, systems and relationships with you, understand your requirements, detect and prevent crime, recover debt and demonstrate legislative compliance. The legal basis for this processing is our legitimate interests in ensuring that we receive high levels of service from our suppliers and contractors. Your data will not be shared for marketing purposes.

1.11. Enquiry Data. We may process information contained in any enquiry you submit to us regarding your services (“enquiry data”). Any email sent to us, including any attachments, may be monitored and used by us for reasons of security and for monitoring compliance with office policy. Email monitoring or blocking software may also be used. You have a responsibility to ensure that any email you send to us is within the bounds of the law. The enquiry data may be processed or stored for the purpose of communicating with you regarding your goods and services.

OUR BUSINESS CLIENTS

1.12. Point Of Contact Data. If you are employed by one of our corporate clients, which has a contractual arrangement with Exeter and its subsidiary companies for the provision of services (the “main contractor”), we may use your information such as your name, email address, telephone number and employment details (the “point of contact data”) to enable us to: a) provide services to you in accordance with the contract that we have with the main contractor; b) communicate with you regarding the provision of such services; c) improve the services that we provide and to ensure that we maintain our levels of client care; d) marketing our products, services, promotions and offers to the main contractor; and e) creating of contact lists or stakeholder lists for specific projects or activities. We will treat the main contractor as the controller of any point of contact data that we are provided with. We may receive personal data in respect of such points of contact direct from the main contractor. We will process any such personal data referred to in this paragraph 1.11 strictly in accordance with the instructions of the main contractor, not the individual point of contact, including sharing all such data with the main contractor. The legal basis for this processing is our

legitimate interests in supplying products or services from the main contractor, in managing and administering our relationship and contract with the main contractor, and in marketing our products and services to the main contractor.

1.13. Shared Data. Your data may be shared with the authorities who Exeter Leisure are working in partnership with, in order to operate and administer our services to you, develop our products and services, systems and relationships with you, understand your requirements, and demonstrate legislative compliance. The legal basis for this processing is our legitimate interests in ensuring that we maintain high levels of service to our members, clients, and other end users of our services.

COMPLAINTS

1.14. Complaint Data. When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint (the "complaint data").

1.15. We will only use the complaint data to process the complaint and to check on the level of service we provide or how contracts are performed. We do compile and publish statistics showing information like the number of complaints we receive, but not in a form which identifies anyone. We usually have to disclose the complainant's identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person's record is in dispute. If a complainant doesn't want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

1.16. Similarly, where enquiries are submitted to us we will only use the information supplied to us to deal with the enquiry and any subsequent issues and to check on the level of service we provide. When we take enforcement action against someone, we may publish the identity of the defendant in our Annual Report or elsewhere. Usually we do not, identify any complainants unless the details have already been made public.

1.17. We will keep complaint data contained in complaint files in line with our retention policy. This means that information relating to a complaint will be retained for two years from closure. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

1.18. The legal basis for this processing is our legitimate interests in dealing with the complaint appropriately and transparently.

OTHER PROCESSING THAT WE MAY CARRY OUT

1.19. Website Data. We may process data about your use of our website and services ("website data"). The website data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the website data is our analytics tracking system, Google Analytics. The data collected is kept anonymous. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website. This website data may be processed for the purposes of analysing the use of the website and services. The legal basis for this processing is our legitimate interests, namely monitoring and improving our website and services.

1.20. Enquiry Data. We may process information contained in any enquiry you submit to us regarding our products or services ("enquiry data"). The enquiry data may be processed for the

purposes of offering, marketing and selling relevant products and/or services to you. The legal basis for this processing is our legitimate interests in responding to your enquiry appropriately.

1.21. Newsletter Data. We may process information that you provide to us for the purpose of subscribing to our newsletters and press releases ("newsletter data"). The notification data may be processed for the purposes of sending you newsletters. Where you are a point of contact at one of our corporate customers, the legal basis for this processing is our legitimate interests, namely the marketing of relevant products and services to you. Where you are a member or end user of our services, the legal basis for this processing is consent.

1.22. Correspondence Data. We may process information contained in or relating to any communication that you send to us ("correspondence data"). The correspondence data may include the communication content and metadata associated with the communication. Our website will generate the metadata associated with communications made using the website contact forms. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests, namely the proper administration of our website and business and communications with users.

1.23. Payment Data. We may process payment information relating to products and services that you purchase from us ("payment data"). The payment data may include your contact details, your card details and the transaction details. The payment data may be processed for the purposes of administering the payment, for the supply of the purchased goods and services, and keeping proper records of those payments. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract, and our legitimate interests, namely our interest in the proper administration of our website and business.

1.24. Other Processing Activities. In addition to the specific purposes for which we may process your personal data set out above, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

1.3 Profiling. We may also use automated profiling to provide a service/experience which is tailored to the data subject. i.e. algorithms may display content which we believe is relevant to the user based on automated profiling.

2. Providing Your Personal Data To Others.

Social Media Platforms. We operate the following social media pages including: Facebook, Twitter and Instagram. If you join one of our Social Media pages, please note that the provider of the social media platforms have their own privacy policies and we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data on our social media pages.

2.3. To Our Service Providers. We may also disclose your personal data to certain reputable third party service providers, such as cloud and IT services providers and other contractors whose services are required to enable Exeter Leisure to provide its services to clients.

2.4. Our Insurers/Professional Advisers. We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining and maintaining insurance coverage, processing insurance claims, managing risks, obtaining professional advice and managing legal disputes.

2.5. Where We Provide Your Personal Data To Any Third Party. Where we share your personal data with any third party, we will ensure this processing is protected by appropriate safeguards including a suitable data processing agreement with that third party.

2.6. Main Contractors. We may share personal data with the main contractor as set out in paragraphs 1.9 and 1.11 above.

2.7. To Comply With Legal Obligations. In addition to the specific disclosures of personal data detailed above, we may also disclose your personal data where such disclosure is necessary for compliance with a legal obligation we have to comply with, or in order to protect your vital interests or the vital interests of another individual.

3. Transfers Of Your Personal Data Outside Of The European Economic Area.

3.1 Where your personal data is transferred outside of the EEA, we will ensure that either (a) The European Commission has made an "adequacy decision" with respect to the data protection laws of the country to which it is transferred, or (b) we have entered into a suitable data processing agreement with the third party situated in that country to ensure the adequate protection of your data. In all cases, transfers outside of the EEA will be protected by appropriate safeguards.

4. Retaining And Deleting Personal Data.

4.1. Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

4.2. Unless we contact you and obtain your consent for us to retain your personal data for a longer period, we will retain and delete your personal data in accordance with Exeter City Council's Privacy Notice.

4.3. We may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

5. Amendments.

5.1. We may update this policy from time to time by publishing a new version on our website and app.

5.2. You should check this page occasionally to ensure you are happy with any changes to this policy.

5.3. We may notify you of changes to this policy by email.

6. Your Rights.

6.1. You may instruct us to provide you with any personal information we hold about you; provision of such information will be subject to: a) your request not being found to be unfounded or excessive, in which case a charge may apply; and b) the supply of appropriate evidence of your identity (for this purpose, we will usually accept a photocopy of your passport certified by a solicitor or bank plus an original copy of a utility bill showing your current address).

6.2. We may withhold personal information that you request to the extent permitted by law.

6.3. You may instruct us at any time not to process your personal information for marketing purposes.

6.4. In practice, you will usually either expressly agree in advance to our use of your personal information for marketing purposes, or we will provide you with an opportunity to opt out of the use of your personal information for marketing purposes.

6.5. Your Right To Access Your Data. You have the right to ask us to confirm whether or not we process your personal data and, to have access to the personal data, and any additional information. That additional information includes the purposes for which we process your data, the categories of personal data we hold and the recipients of that personal data. You may request a copy of your personal data; the most efficient manner to do so will be by using a Subject Access Request. The first copy will be provided free of charge, but we may charge a reasonable fee for additional copies.

[View more about your rights.](#)

6.6. Your Right To Rectification. If we hold any inaccurate personal data about you, you have the right to have these inaccuracies rectified. Where necessary for the purposes of the processing, you also have the right to have any incomplete personal data about you completed.

6.7. Your Right To Erasure. In certain circumstances you have the right to have personal data that we hold about you erased. This will be done without undue delay. These circumstances include the following: it is no longer necessary for us to hold personal data in relation to the purposes for which they were originally collected or otherwise processed; you withdraw your consent to any processing which requires consent; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are certain general exclusions of the right to erasure, including where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for establishing, exercising or defending legal claims.

6.8. Your Right To Restrict Processing. In certain circumstances you have the right for the processing of your personal data to be restricted. This is the case where: you do not think that the personal data we hold about you is accurate; your data is being processed unlawfully, but you do not want your data to be erased; it is no longer necessary for us to hold your personal data for the purposes of our processing, but you still require that personal data in relation to a legal claim; and you have objected to processing, and are waiting for that objection to be verified. Where processing has been restricted for one of these reasons, we may continue to store your personal data. However, we will only process it for other reasons: with your consent; in relation to a legal claim; for the protection of the rights of another natural or legal person; or for reasons of important public interest.

6.9. Your Right To Object To Processing. You can object to us processing or automated profiling your personal data on grounds relating to your particular situation, but only as far as our legal basis for the processing or automated profiling is that it is necessary for: the performance of a task carried out in the public interest, or in the exercise of any official authority vested in us; or the purposes of our legitimate interests or those of a third party. If you make an objection, we will stop processing or automated profiling your personal information unless we are able to: demonstrate compelling legitimate grounds for the processing, and that these legitimate grounds override your interests, rights and freedoms; or the processing is in relation to a legal claim.

6.10. Your Right To Object To Direct Marketing. You can object to us processing your personal data for direct marketing purposes. If you make an objection, we will stop processing your personal data for this purpose.

6.11. Your Right To Object For Statistical Purposes. You can object to us processing or automated profiling your personal data for statistical purposes on grounds relating to your particular situation, unless the processing or automated profiling is necessary for performing a task carried out for reasons of public interest.

6.12. Automated Data Processing. To the extent that the legal basis we are relying on for processing your personal data is consent, and where the processing is automated, you are entitled to receive your personal data from us in a structured, commonly used and machine-readable format. However, you may not have this right if it would adversely affect the rights and freedoms of others.

6.13. Complaining To A Supervisory Authority. If you think that our processing of your personal data infringes data protection laws, you can lodge a complaint with the council via the complaints procedure. If you are not satisfied with the council's response, you can make a complaint to the Information Commissioner's Office.

6.14. Right To Withdraw Consent. To the extent that the legal basis we are relying on for processing your personal data is consent, you are entitled to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

6.15. Exercising Your Rights. You may exercise any of your rights in relation to your personal data by written notice to us in addition to the other methods specified above.

6.16. Point Of Contact Data. Paragraphs 6.1 – 6.14 shall not apply to data obtained or processed by Exeter Leisure in respect of points of contact in connection with a main contractor (as defined in paragraphs 1.9 and 1.11 above). In respect of such data: a. Exeter Leisure and trusted data partners including: ● Legend ● Xplor ● CAP2 ● Innovatise are acting as a processor of that data and the main contractor is the controller.

Points of contact should contact the main contractor to exercise the rights set out in this paragraph 6.

7. IP Addresses and Cookies.

7.1 Cookies are very small text files that are stored on your computer when you visit some websites.

7.2 We use cookies to help identify your computer, including where available, your IP address, operating system and browser type, for system administration so we can keep your activity secure, tailor your user experience and remember your preferences. This is statistical data and does not identify any individual. You can disable any cookies already stored on your computer or clear your browser storage but this may result in losing any preferences which you've set previously.

8. CCTV & Photographic Images

8.1 The use of CCTV is in line with the Exeter City Council CCTV policy.

8.2 The taking and use of photographic images is only permitted with the explicit consent of the individual.

9. Our Details

9.1. This website and software is operated under licence by Exeter City Council.

9.2. We are registered in England and Wales under registration number **Z5448502**, and our registered office is at The Civic Centre, Paris Street, Exeter, Devon, EX1 9SA.

9.3. You can contact us: a) by post, using the postal address given above; b) using our website contact form; c) by telephone, on the contact number published on our website from time to time; or d) by email, using the email address published on our website from time to time.

Data Protection Officer

Contact details:

Email: data.protection@exeter.gov.uk

Tel: 01392 265257

Write to: Data Protection Officer
 Executive Support Unit
 Exeter City Council
 Civic Centre
 Exeter EX1 1JN