



## General Privacy and Personal Data Protection Policy

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## 1. INTRODUCTION

World Sailing (“**WS**”) is the international governing body for the sport of sailing and in its everyday operations, WS gathers and makes use of a variety of different types of data about individuals. These can include, without limitation:

- Sailors
- Race Officials
- Members of Council, committees, commissions, working parties etc.
- Current, past and prospective employees
- Users of the WS website
- Subscribers
- Other stakeholders

In the collection and use of this data, WS is acting as a data controller, and is therefore subject to a variety of legislation. This policy sets out the relevant legislation and how WS will collect, handle and store your personal data to comply with data protection standards.

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy policy. If you have any queries or concerns about our use of your personal data under this policy or any of our privacy notices listed at Annex 1, please contact the Data Protection Officer at [\*\*legal@sailing.org\*\*](mailto:legal@sailing.org)

**Address:** World Sailing, 3 Shortlands, London W6 8DA

## 2. PURPOSE

The principles underlying this privacy and data protection policy ensures WS:

- Complies with Data Protection legislation and follows good practice.
- Protects the rights of staff, participants and partners.
- Is open about how the organisation stores and processes individuals’ data.
- Protects itself from the risks of a data breach or cyber-attack on its system.

## 3. SCOPE

- 3.1. This policy applies to all personal data and special categories of personal data (previously known as sensitive data) processed by WS and as defined under the General Data Protection Regulation (**GDPR**), including structured sets of personal data held in electronic or other filing systems that are accessible according to specified criteria.
- 3.2. “**Personal Data**” means any information relating to an identified or identifiable living individual. Identifiable living individual means a living individual who can be identified, directly or indirectly, in particular by reference to:
  - a) an identifier such as a name, an identification number, location data or an online identifier, or
  - b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
- 3.3. For personal data to be processed lawfully, as set out in Article 6 of the UK GDPR, at least one of the following bases must apply:

|                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consent:</b> you have given clear consent for your personal data to be processed for a specific purpose.                                                                                                                                                        | <b>Vital interests:</b> the processing of your data is necessary to protect someone's life.                                                                                                      |
| <b>Legal obligation:</b> the processing of your data is necessary for us to comply with the law (not including contractual obligations).                                                                                                                           | <b>Public task:</b> the processing of your data is necessary to perform a task in the public interest or for our official business functions, and the task or function has a clear basis in law. |
| <b>Contract:</b> the processing of your data is necessary for us to enter into a contract you, because you have asked for specific steps to be taken before we enter into a contract.                                                                              |                                                                                                                                                                                                  |
| <b>Legitimate interests:</b> the processing of your data is necessary for our business' legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect your personal data which overrides those legitimate interests. |                                                                                                                                                                                                  |

3.4. Special category data is personal data that needs more protection because it is sensitive. Article 9 of the UK GDPR lists the conditions for processing special category data:

- a) explicit consent;
- b) employment, social security and social protection (if authorised by law);
- c) vital interests;
- d) not-for-profit bodies;
- e) made public by the data subject;
- f) legal claims or judicial acts;
- g) reasons of substantial public interest (with a basis in law);
- h) health or social care (with a basis in law);
- i) public health (with a basis in law); and
- j) archiving, research and statistics (with a basis in law).

3.5. Personal data relating to criminal allegations, proceedings and convictions are not included, as separate rules apply. Special categories of data consist of information which relates to:

- a) personal data revealing **racial or ethnic origin**;
- b) personal data revealing **political opinions**;
- c) personal data revealing **religious or philosophical beliefs**;
- d) personal data revealing **trade union membership**;
- e) **genetic data**;
- f) **biometric data** (where used for identification purposes);
- g) data concerning **health**;
- h) data concerning a person's **sex life**; and
- i) data concerning a person's **sexual orientation**.

Special category data includes personal data revealing or concerning the above types of data. Therefore, if details about someone which fall into the above categories have been inferred or guessed, this data may count as special category data. It depends on how certain the inference is, and if the inference is being deliberately drawn.

## 4. POLICY

### Data Protection Principles

4.1. This policy sets out WS's commitment to protecting personal data, how this commitment is implemented with regard to the collection and use of personal data, and how WS ensures the rights of individuals whose data is held (the "**Data Subject**") can be exercised as prescribed by the UK GDPR. WS is committed to complying with the seven key principles set out by the UK GDPR:

- ❖ lawfulness, fairness and transparency;
- ❖ purpose limitation;
- ❖ data minimisation;
- ❖ accuracy;
- ❖ storage limitation;
- ❖ integrity and confidentiality (security); and
- ❖ accountability.

### Roles and Responsibilities of WS

4.2. Under the UK GDPR, we are considered a data controller, which can be defined as:

*'the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law' ("Data Controller").*

4.3. As a Data Controller, we are responsible for ensuring that our processing of data is compliant with the UK GDPR. Our responsibilities include the following:

- a) **Compliance with the data protection principles:** we agree to comply with the data protection principles listed in Article 5 of the UK GDPR, as set out in paragraph 4.1 of this policy;
- b) **Individuals' rights:** we ensure that you can exercise your rights regarding your personal data, including the rights of access, rectification, erasure, restriction, data portability, objection and those related to automated decision-making. We have set these rights out in more detail at paragraph 4.8;
- c) **Security:** we have implemented appropriate technical and organisational security measures to ensure the security of personal data;
- d) **Choosing an appropriate processor:** in instances where we share your data with a third-party processor, we agree to only use a processor that provides sufficient guarantees that they will implement appropriate technical and organisational measures to ensure their processing meets UK GDPR requirements. We accept responsibility for assessing that any third-party processor is competent to process your personal data in line with the UK GDPR's requirements;
- e) **Processor contracts:** any contracts with third-party processors will contain the compulsory provisions as specified in Article 28(3);
- f) **Accountability obligations:** we agree to comply with the UK GDPR accountability obligations, such as maintaining records and carrying out data protection impact assessments.
- g) **International transfers:** we agree to comply with the UK GDPR's restrictions on transfers of personal data outside of the UK, as set out in paragraphs 4.14 - 4.17;

- h) **Co-operation with supervisory authorities:** we agree to cooperate with supervisory authorities (such as the ICO) and help them perform their duties; and
- i) **Data protection fee:** as a not-for-profit company, we are exempt from paying a fee.

## Data Storage

- 4.4. We have adopted measures, including administrative, technical, physical and contractual measures, to protect personal information in our custody and control against theft, loss and unauthorized access, use, modification or disclosure.

## Data Use

- 4.5. We restrict access to personal information on a need-to-know basis to employees and authorized delegated third parties and service providers who require access to fulfil their designated functions. The organisations we share personal information with are bound by the same standards as us when they handle your personal information. These standards include protecting your personal information, deleting it when no longer needed, being transparent, and allowing you to exercise rights like the right to access your personal information. Your personal information will be kept in accordance with the criteria and retention periods set out in Annex 2 Retention periods in Annex 2 can be extended where required by law or for the purpose of conducting the data usage you have consented to.

## Data Accuracy

- 4.6. Article 5(1)(d) of the UK GDPR states that:

*“Personal data shall be: accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’)”.*

In practice, this means that we shall:

- take reasonable steps to ensure the accuracy of any personal data;
  - ensure that the source and status of personal data is clear;
  - carefully consider any challenges to the accuracy of information; and
  - consider whether it is necessary to periodically update the information.
- 4.7. There are clear links between the principle of accuracy and individuals’ right to rectification, outlined below in section 4.8.

## Rights of the Individual

- 4.8. You have rights with respect to your personal information under the International Standard for the Protection of Privacy and Personal Information and under data protection laws, including rights to access, rectification, restriction, opposition and deletion (in certain circumstances), and remedies with respect to any unlawful processing of your data. You also have the right to lodge a complaint with us. The UK GDPR provides the following rights for individuals:

|                                  |                                                                                                                                                                                                                                                                                                                         |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>The right to be informed:</b> | You have the right to be informed about the collection and use of your personal data, this is a key transparency requirement of the UK GDPR. This notice and any other relevant privacy notices shall act as the provision of privacy information by us. However, if we plan to use personal data for any new purposes, |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

we shall update the relevant privacy notices and notify you of any changes.

**The right of access:** You have the right to access and receive a copy of your personal data, and other supplementary information, via a subject access request (“**SAR**”). You may make a SAR verbally or in writing, including via social media. We shall use all reasonable efforts to respond within one month of receipt of the request, or in certain instances where the SAR is complex, within two months.

**Right to rectification:** You have the right to have inaccurate personal data rectified. Whilst there is not a definition for the term accuracy, the DPA 2018 identifies personal data as inaccurate if it is incorrect or misleading as to any matter of fact. You may make a request for rectification verbally or in writing, and we shall respond to your request within one calendar month. If we are satisfied that the personal data we possess is correct, we shall notify you of our intention to not amend the data, with an explanation for our decision.

**Right to erasure:** Under Article 17 of the UK GDPR, you have the right to have your personal data erased or ‘be forgotten’. The right to erasure is not absolute and only applies in certain circumstances. Note that the right only applies to data held at the time the request is received, it does not apply to data that may be created in the future. You may make a request for erasure verbally or in writing, and we shall respond to your request within one calendar month.

**Right to restrict processing:** Under Article 18 of the UK GDPR, you have the right to request the restriction or suppression of your personal data, however this is not an absolute right and only applies in certain circumstances. This right is an alternative to requesting the erasure of your data. When processing is restricted, we are permitted to store your personal data, but not use it. You have the right to request us to restrict the processing of your personal data under the following circumstances:

- you are contesting the accuracy of your personal data and we are verifying the accuracy of said data;
- your data has been unlawfully processed and you have opposed erasure and requested restriction instead;
- we no longer need your personal data, but you need us to keep it in order to establish, exercise or defend a legal claim; or
- you have objected to us processing your data under Article 21(1), and we are considering whether our legitimate ground override yours.

You may make a request for rectification verbally or in writing, and we shall respond to your request within one calendar month.

**Right to object:** The UK GDPR gives you the right to object to the processing of your personal data in certain circumstances. You have an absolute right to object to the processing of your personal data

if it is for direct marketing purposes. You may also object if the processing is for:

- a task carried out in the public interest;
- the exercise of official authority vested in you; or
- your legitimate interests (or those of a third party).

In these circumstances, your right to object is not absolute. You may make a request for rectification verbally or in writing, and we shall respond to your request within one calendar month.

**Rights related to automated decision-making including profiling:**

Only applies where any of our data processing falls under Article 22.

WS reserves the right to refuse to provide information, should an applicable exemption apply, or if the request is manifestly unfounded or excessive.

### **Data Protection Impact Assessments**

4.9. A Data Protection Impact Assessment (“**DPIA**”) is a way for us to analyse our data processing and help us identify and minimise data protection risks systematically and comprehensively. The focus of a DPIA is on the potential for harm – to individuals or to society at large, whether it is physical, material or non-material. A DPIA helps us document risks and assess whether or not any remaining risks are justified. Whilst DPIAs are a legal requirement for processing data that is likely to be high risk, we will be using DPIAs to demonstrate WS’s accountability to our Data Subjects.

4.10. We are embedding DPIAs into our organisational processes and shall be using these as an ongoing process that are subject to regular review.

### **Data Protection by Design and Default**

4.11. The UK GDPR requires all organisations who are controlling or processing data to put in place appropriate technical and organisational measures to implement the data protection principles effectively and safeguard individual rights. In order to comply with these requirements, we have integrated data protection into our processing activities and business practices.

4.12. Data protection by design is an approach that ensures we consider privacy and data protection issues at the design phase of our process for collecting your personal data, and consider these issues through the lifecycle of our data processing. In order to integrate data protection into our processing activities and business practices, we have developed organisational policies, processes and business practices that have privacy implications.

### **Contracts Involving Processing of Personal Data**

4.13. The lawful basis for contracts applies to WS in the circumstances where:

- a) we have a contract with you, and we need to process your personal data to comply with our obligations under the contract;
- b) we have a contract with you, and we need to process your personal data so that you can comply with specific counter-obligations under the contract (e.g., we are processing payment details); and/or



- c) we haven't yet got a contract from you, but you have asked us to do something as a first step (e.g., provide a quote) and we need to process your personal data to fulfil your request. This applies even if you don't go on to enter into a contract with us, as long as the processing of your data was in the context of a potential contract with you.

## **International Transfers of Personal Data**

- 4.14. As an international organisation please note your personal data may be made available to persons or parties located outside the country where you reside. For example, your data may be shared with our partners and other Event Organising Authorities with your consent, and for the purpose of the data usage, and these partners may reside in different countries. The data protection and privacy laws of these countries may not always be equivalent to those in your own country. Such transfers are a necessary consequence of your participation in organised sport and facilitate the usage of your data. In any case, our partners have been deemed to provide adequate protection by a number of regional and national data protection agencies, as well as the European Commission. In the event your information is transferred to another country, it will be subject to the laws of that country and may be disclosed to or accessed by the courts, law enforcement and other public authorities in accordance with those laws.
- 4.15. When we enter into a contract where we anticipate data will be transferred, we will carry out a risk assessment and also ensure that the third party receiving the data has policies and procedures in place (equivalent to World Sailing policies and procedures) to protect your data.

## **Breach Notification and Reporting**

- 4.16. Under the UK GDPR, we have a duty to report certain personal data breaches to the relevant supervisory authority.
- 4.17. A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. Broadly speaking, a personal data breach can be defined as a security incident that has affected the confidentiality, integrity or availability of personal data.
- 4.18. Where feasible, we shall report all data breaches within 72 hours of us becoming aware of the relevant breach. If a breach is likely to result in a high risk of adversely affecting your rights and freedoms, we shall also inform you of the breach without undue delay.
- 4.19. We have put in place breach detection, investigation and internal reporting procedures in order to assess potential risks and facilitate decision-making about who we need to notify, if anyone. We will also keep a record of all personal data breaches, regardless of whether there is a requirement on us to notify of these breaches.

## **Contact Us**

- 4.20. We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any queries or concerns about our use of your information, please contact the Data Protection Officer at [legal@sailing.org](mailto:legal@sailing.org).



## 5. REFERENCES, LEGISLATION & GUIDANCE

- 5.1. The Data Protection Act 1998 (“**DPA**”) applies to any personal data that we process, and from 25 May 2018 this has been replaced by the General Data Protection Regulation (“**GDPR**”) and the Data Protection Act 2018 (“**DPA 2018**”) (together “**Data Protection Laws**”).
- 5.2. Data Protection and Digital Information (No.2) Bill updated on 15 March 2023.  
[Data Protection and Digital Information \(No. 2\) Bill - Parliamentary Bills - UK Parliament](https://www.pinsentmasons.com/out-law/news/data-protection-law-reforms-set-out-in-the-uk)  
<https://www.pinsentmasons.com/out-law/news/data-protection-law-reforms-set-out-in-the-uk>

## **ANNEX 1**

### **World Sailing's Privacy and Data Protection Notices**

This Policy shall act as the general privacy and data protection policy for World Sailing. All other Notices (listed below) shall be governed by this Policy, with specific guidance on collection, usage and distribution of the data collected under each different area of World Sailing.

1. Participants Privacy Notice
2. Training and Development Privacy Notice
3. Members / NOCs / Classes / Equipment Manufacturers / Race Officials Privacy Notice
4. Digital and Communications Privacy Notice
5. World Sailing Conferences / Meetings / Corporate Events Privacy Notice
6. Anti-Doping Privacy Notice
7. Staff Privacy Notice
8. Safety Privacy Notice

## ANNEX 2

### Data Retention Periods

World Sailing operates a policy that ensures that data is not held for longer than necessary. This Annex sets out World Sailing's process on the retention and disposal of records. It applies to all records, both in paper and electronic form.

Below sets out the maximum retention period for the relevant areas of World sailing.

| Category                                                          | Retention Period                 | Explanation                                                                                                                                                                                                                        |
|-------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Athletes                                                          | 100 years                        | We have a legitimate interest in retaining records whilst they may be required in relation to support, complaints, appeals, monitoring purposes, and in some cases, we may have legal or regulatory obligations to retain records. |
| Participants (anyone who is not an athlete but holds a Sailor ID) | 6 years                          | We have a legitimate interest in retaining records whilst they may be required in relation to support, complaints, appeals and monitoring purposes.                                                                                |
| MNAs / NOCs / Classes / Race Officials                            | 6 years                          | We have a legitimate interest in retaining records whilst they may be required in relation to support, complaints, appeals, monitoring and in some cases, we have legal or regulatory obligations to retain records.               |
| Training and Development Programme Attendees                      | 6 years                          | We have a legitimate interest in retaining records whilst they may be required in relation to support, complaints, appeals, monitoring and in some cases, we have legal or regulatory obligations to retain records.               |
| Website User / Mailing List Subscriber / Social Media Users       | As long as you give your consent | Retained in accordance with usual commercial practice.                                                                                                                                                                             |

|                                              |                                                                                                                        |                                                                                                                                                                                                                      |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contractor / Supplier / Partner / Consultant | 6 years                                                                                                                | Retained in accordance with usual commercial practice and regulatory requirements.                                                                                                                                   |
| Staff                                        | 3 years, unless litigation occurs, in which case the retention period shall be extended for the purposes of litigation | We have a legitimate interest in retaining records whilst they may be required in relation to support, complaints, appeals, monitoring and in some cases, we have legal or regulatory obligations to retain records. |
| Safety                                       | 25 years                                                                                                               | We have a legitimate interest in retaining records whilst they may be required in relation to promoting the safety of all participants in the sport of sailing.                                                      |