

# PRIVACY NOTICE (TIER 4)

## 1. Scope

All data subjects whose personal data is collected, in line with the requirements of the GDPR.

## 2. Responsibilities

- 2.1 The Data Protection Officer / GDPR Owner is responsible for ensuring that this notice is made available to data subjects prior to Functional Fitness Solutions Ltd collecting/processing their personal data.
- 2.2 All Employees/Staff of Functional Fitness Solutions Ltd who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and, where appropriate, their consent to the processing of their data is secured.

## 3. Privacy notice

### 3.1 Who are we?

*[This needs to be like an executive summary. Identify who you are as an organisation, what you do and the products and services you provide.]*

Our Data Protection Officer / GDPR Owner and data protection representatives can be contacted directly here:

- ([www.functionalfitnesstrx.co.uk](http://www.functionalfitnesstrx.co.uk))
- Leon Wormley (DPO)
- Tel No. 07740188212

The personal data we would like to *collect from you* is:

<b>Personal data type:</b>	<b>Source:</b> <ul style="list-style-type: none"><li>- <b>Health Care Professional Referral (Direct from a health care professional (HCP);</b> <b>Or</b></li><li>- <b>Physical Activity Readiness Questionnaire</b></li></ul>
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Personal Details (Referral Form or Physical Activity Readiness Questionnaire)	Name, Age, DOB, Address, Postcode, Contact No. Emergency Contact No. Email Address, medical history and information.

The personal data we collect will be used for the following purposes:

- Conforming with the legalities of the Register of Exercise Professionals (REPS) and best practice guidance recommended by 'NICE' on the prescription of exercise to the general public and people with long term health conditions.
- Providing personal information so that the exercise specialist can contact the client to book their first session, monitor their referral and keep their medical records up to date, keeping them eligible for appropriate exercise.
- All personal detail is used to be able to better manage and prescribe the right level of exercise for the individual and to be able to manage the relationship between Functional Fitness and the client more effectively.
- Personal data may be used for monitoring and evaluation purposed when presenting our work and findings back to commissioners and funders.

Our legal basis for processing for the personal data:

- Functional Fitness will only ever print off referrals sent from HCP's straight off of our NHS Email. No referral will be downloaded and stored on any software or computer cloud.
- All hard copy referral forms and PAR-Q's are stored in a locked cabinet on site when not in use.
- All personal detail will be kept and filed for a maximum of 3 years.

Any legitimate interests pursued by us, or third parties we use, are as follows:

- All clients will be asked to consent to their information being used to set up a profile of them on our online booking system – Mindbody <https://www.mindbodyonline.com/>
- Our Mindbody application allows us to sign people in online, track payments and their visits.

The special categories of personal data concerned are:

- Health Data – This will enable us to prescribe safe, appropriate exercise and tailor sessions to suit individuals with comorbidities.
- Contact details so that we can effectively keep in touch with individuals throughout their journey with us.
- Personal Details such as: Address, Age, Gender, Ethnicity, Emergency Contact, DOB

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### 3.2 Consent and compliance with the NHS National Data Opt Out System

By consenting to this privacy notice you are giving us permission to process your personal data specifically for the purposes identified.

Where consent is required for Functional Fitness Solutions Ltd to process both types of personal data, but it must be explicitly given. Where we are asking you for sensitive personal data, we will always tell you why and how the information will be used.

You may withdraw consent at any time by writing to Functional Fitness, Unit 2, Galax Business Centre, Fitzwilliam Rd, Rotherham (S65 1SL) or by contact Leon Wormley (DPO) at [functionalfitnessstrx@gmail.com](mailto:functionalfitnessstrx@gmail.com)

#### NHS National Data Opt Out System (NDOOS):

Functional Fitness Solutions Ltd complies with the NHS National Data Opt Out System, as we:

- Have no data disclosures requiring opt outs to be applied.
- Only process medical information on the basis of consent (or other section 6 / section 9 exemption); therefore, this data is exempt from the NHS NDOOS.
- Only process anonymised data for research or planning purposes; therefore, this data is exempt from the NHS NDOOS.
- By agreeing to be referred by a Health Care Professional or by completing a PAR-Q, the individual agrees for their personal details and medical history to be handled and stored by Functional Fitness for a minimum of 3 years.

### 3.3 Disclosure

Functional Fitness Solutions Ltd will NOT pass on your personal data to third parties without first obtaining your consent. As part of our management systems we use an online booking system called MINDBODY, which will be used to set up individual profiles and allow participants to manage their own bookings, payment and visits.

Third country (non-EU)/international organisation	Safeguards in place to protect your personal data	Retrieve a copy of the safeguards in place here:
Organisation name and geographic location		
Functional Fitness Solutions Ltd / Active for Life Solutions Ltd (S65 1SL)	All client information and personal details will be stored as hard copies in a locked cabinet at S65 1SL.	A copy of the safeguards in place can be retrieved on request to the DPO in writing

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		either by post or email shown above.

### 3.4 Retention period

Functional Fitness Solutions Ltd will process personal data within 2 weeks of receiving it and will store the personal data for 3 years from when it was first received. *Refer to DSP DOC 01-1.2.1h Retention Period Procedure] – 2020 8yrs Retention Period.*

### 3.5 Your rights as a data subject

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right to rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply to have a right to restrict the processing.
- Right to portability – you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling.
- Right to judicial review: in the event that Functional Fitness Solutions Ltd refuses your request under rights of access, we will provide you with a reason as to why. You have the right to complain as outlined in clause 3.6 below.

All of the above requests will be forwarded on should there be a third party involved (as stated in 3.4 above) in the processing of your personal data.

### 3.6 Complaints

In the event that you wish to make a complaint about how your personal data is being processed by Functional Fitness Solutions Ltd (or third parties as described in 3.4

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above), or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority and Functional Fitness Solutions Ltd’s data protection representatives Data Protection Officer / GDPR Owner.

The details for each of these contacts are:

	<b>Supervisory authority contact details</b>	<b>[Data Protection Officer (DPO)] / [GDPR Owner] contact details</b>
Contact name:	Leon Wormley	Same as the left column
Address line 1:	Functional Fitness Solutions Ltd	
Address line 2:	Unit 2, Galax Business Centre	
Address line 3:	Fitzwilliam Rd	
Address line 4:	Rotherham	
Address line 5:	S65 1SL	
Email:	Functionalfitnesstrx@gmail.com	
Telephone:	07740188212	

### 3.7 Privacy statement

Read more about how and why we use your data here: [Functionalfitnesstrx.co.uk](http://Functionalfitnesstrx.co.uk)

## 4. [Online privacy statement

### Personal data

Under the EU’s General Data Protection Regulation (GDPR) personal data is defined as:

“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”

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### How we use your information

This privacy notice tells you how we, Functional Fitness Solutions Ltd, will collect and use your personal data for:

- Conforming with the legalities of the Register of Exercise Professionals (REPS) and best practice guidance recommended by 'NICE' on the prescription of exercise to the general public and people with long term health conditions.
- Providing personal information so that the exercise specialist can contact the client to book their first session, monitor their referral and keep their medical records up to date, keeping them eligible for appropriate exercise.
- All personal detail is used to be able to better manage and prescribe the right level of exercise for the individual and to be able to manage the relationship between Functional Fitness and the client more effectively.
- Personal data may be used for monitoring and evaluation purposed when presenting our work and findings back to commissioners and funders.

### Why does Functional Fitness Solutions Ltd need to collect and store personal data?

In order for us to provide you high quality, safe, physical activity and exercise, we need to collect personal data so that we can ensure our services can accommodate your needs and demands and be tailored to suit.- In any event, we are committed to ensuring that the information we collect and use is appropriate for this purpose, and does not constitute an invasion of your privacy.

In terms of being contacted for marketing purposes Functional Fitness Solutions Ltd would contact you for additional consent.

### Will Functional Fitness Solutions Ltd share my personal data with anyone else?

We may pass your personal data on to third-party service providers contracted to Functional Fitness Solutions Ltd in the course of dealing with you. Any third parties that we may share your data with are obliged to keep your details securely, and to use them only to *manage their bookings and attendances*. When they no longer need your data to fulfil this service, they will dispose of the details in line with Functional Fitness Solutions Ltd's procedures. If we wish to pass your sensitive personal data onto a third party, we will only do so once we have obtained your consent, unless we are legally required to do otherwise.

### How will Functional Fitness Solutions Ltd use the personal data it collects about me?

Functional Fitness Solutions Ltd will process (collect, store and use) the information you provide in a manner compatible with the EU's General Data Protection Regulation

(GDPR). We will endeavour to keep your information accurate and up to date, and not keep it for longer than is necessary. Functional Fitness Solutions Ltd is required to retain information in accordance with the law, such as information needed for income tax and audit purposes. How long certain kinds of personal data should be kept may also be governed by specific business-sector requirements and agreed practices. Personal data may be held in addition to these periods depending on individual business needs.

#### Under what circumstances will Functional Fitness Solutions Ltd contact me?

Our aim is not to be intrusive, and we undertake not to ask irrelevant or unnecessary questions. Moreover, the information you provide will be subject to rigorous measures and procedures to minimise the risk of unauthorised access or disclosure.

#### Can I find out the personal data that the organisation holds about me?

Functional Fitness Solutions Ltd at your request, can confirm what information we hold about you and how it is processed. If Functional Fitness Solutions Ltd does hold personal data about you, you can request the following information:

- Identity and the contact details of the person or organisation that has determined how and why to process your data. In some cases, this will be a representative in the EU.
- Contact details of the data protection officer, where applicable.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of Functional Fitness Solutions Ltd or a third party, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- If we intend to transfer the personal data to a third country or international organisation, information about how we ensure this is done securely. The EU has approved sending personal data to some countries because they meet a minimum standard of data protection. In other cases, we will ensure there are specific measures in place to secure your information.
- How long the data will be stored.
- Details of your rights to correct, erase, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority.
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are

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obliged to provide the personal data and the possible consequences of failing to provide such data.

- The source of personal data if it was not collected directly from you.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

### What forms of ID will I need to provide in order to access this?

Functional Fitness Solutions Ltd accepts the following forms of ID when information on your personal data is requested:

*[Passport, driving licence, birth certificate, utility bill (from last 3 months), etc.]*

### Contact details of the Data Protection Officer / GDPR Owner:

	<b>Data Protection Officer / GDPR Owner contact details</b>
Contact name:	
Address line 1:	
Address line 2:	
Address line 3:	
Address line 4:	
Address line 5:	
Email:	
Telephone:	

]

### **Document Owner and Approval**

The Data Protection Officer / GDPR Owner is the owner of this document and is responsible for ensuring that this record is reviewed in line with data protection law.

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A current version of this document is available to *all* members of staff on the website: [Functionalfitnesstrx.co.uk](http://Functionalfitnesstrx.co.uk) and is published and available as a hard copy at our HQ (S65 1SL).



Signature:

Date: 23.12.19

### Change History Record

Issue	Description of Change	Approval	Date of Issue
1	Initial issue	<Manager>	23.12.19

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