

Schools Water Polo South Africa - Player and Related Persons Privacy Policy

This policy explains how Schools Water Polo South Africa (SWPSA) uses Personal Information provided by, or received in respect of, players and persons associated with such players and SWPSA events (but other than those employed or contracted by, or whom are volunteers of, SWPSA) including, player family members, event officials, managers, coaches, province staff, and the personnel of current and prospective broadcast partners and other official licensees (collectively referred to as Related Persons, and individually as you or your), in accordance with the Protection of Personal Information Act 4 of 2013 and other applicable data protection legislation including the Promotion of Access of Information Act 2 of 2000.

We keep our privacy practices and procedures under review and we may amend this policy from time to time. This version is dated September 2021.

PLEASE READ THIS POLICY, TOGETHER WITH ANY OTHER PRIVACY NOTICES, WHICH WE MAY PROVIDE TO YOU, CAREFULLY SO THAT YOU ARE AWARE OF AND UNDERSTAND THE WAYS IN WHICH WE COLLECT AND USE YOUR PERSONAL INFORMATION.

This policy applies to our use of your Personal Information, but other organisations such as your school (each a School), your provincial schools water polo association (Province) and Swimming South Africa (SSA) (as applicable) are also likely to collect and use your Personal Information and you should also refer to their respective privacy policies to understand how each of these organisations collect and use your Personal Information.

1. BACKGROUND

- 1.1 When Personal Information is collected and used for the purposes of this policy, SWPSA is a "Responsible Party" under the Data Protection Law which means that we are responsible for deciding how we use the Personal Information that we collect about you.
- 1.2 In accordance with the Data Protection Law, we will ensure that the Personal Information we hold about you is, at all times:
 - 1.2.1 used fairly, lawfully, and transparently;
 - 1.2.2 collected for limited, specific purposes only;
 - 1.2.3 adequate, relevant to and limited to what is necessary for those purposes;
 - 1.2.4 kept accurate and up-to-date;

- 1.2.5 not kept for longer than is necessary; and
- 1.2.6 held securely.
- 1.3 We shall be accountable for and able to demonstrate our compliance with our obligations under the Data Protection Law, and this policy is one of the ways in which we do that.
- 1.4 We have appointed a Data Protection Lead to oversee compliance with this policy and our data protection compliance activities.

2. **WHAT PERSONAL INFORMATION WE COLLECT AND WHEN**

- 2.1 Personal Information means any information about you from which you can be identified. It does not include information where your identity has been removed (i.e. anonymous information / data). There are also more sensitive Personal Information which require a higher level of protection, for example Personal Information revealing or concerning a person's religious or philosophical beliefs, race or ethnic origin, political persuasion, health or sex life or biometric information of a data subject and Personal Information relating to criminal convictions and offences (Criminal Offence data). We collect and use a range of Personal Information, including some Special Personal Information and Criminal Offence data in certain circumstances, depending on your role or relationship with SWPSA or SWPSA events.
- 2.2 You provide some of your Personal Information to us directly (or via your Province or School):
 - 2.2.1 the information you submit in SWPSA event registration forms (for example, the Inter Provincial Team Entry and Player Registration Forms);
 - 2.2.2 the information contained in identification documents you are required to provide in order to confirm your identity and eligibility (for example, birth certificate, passport and/or identity documents);
 - 2.2.3 the information you provide when you enrol in programmes and training initiatives and other events administered by SWPSA;
 - 2.2.4 the information you provide in order to register to use certain digital platforms and/or services we provide to you;
 - 2.2.5 your photograph and other media recordings (for example, for an SWPSA tournament programme, website or mobile app);

- 2.2.6 the information you submit when completing forms and surveys issued by us as and when required (for example, dietary requirements);
- 2.2.7 details of incidents and/or allegations of suspected abuse of or unsuitable behaviour towards a child or adult at risk in accordance with our rules and safeguarding policies;
- 2.2.8 your contact details and any emergency contact details; and
- 2.2.9 any other personal information you share with us, including by way of email, telephone call or interview.

- 2.3 When you are asked to provide non-mandatory information to SWPSA this will be clearly indicated.

- 2.4 We will also collect other Personal Information relevant to your SWPSA-related activities from your Province or School or other third parties.

- 2.5 Provinces and Schools may provide us with (as applicable):
 - 2.5.1 copies of coach and manager agreements which include additional Personal Information, including details of remuneration;
 - 2.5.2 details of staff roles and qualifications (where relevant);
 - 2.5.3 details of staff and player training;
 - 2.5.4 a player's performance history and related data (where necessary for selection or performance assessment purposes);
 - 2.5.5 information on your behaviour in relation to personal conduct including records of incidents and allegations of SWPSA event, Province and School rule breaches and details of how such incidents and allegations have been resolved; and
 - 2.5.6 certain medical and health data including in relation to COVID-19 testing.

- 2.6 We may also collect or receive (and in the case of 2.6.2 below license the creation by our broadcast partners, but as separate responsible parties) the following (as applicable):
 - 2.6.1 live in-pool performance data (for example, positioning, distance swum and passes made) (Tracking Data), other match event data (for example, goals scored or fouls conceded) (Event Data) and match-related photographs and still images;

- 2.6.2 match-related broadcasts, transmissions, videos and other recordings;
 - 2.6.3 information in relation to a player's education records (for example, exam results) from the School;
 - 2.6.4 information on your behaviour in relation to personal conduct including records of incidents and allegations of SWPSA, Province and School rule breaches and details of how such incidents and allegations have been resolved;
 - 2.6.5 information regarding racial or ethnic origin or other Special Personal Information as part of the SWPSA's monitoring and promotion of equality of opportunities (our Transformation Programmes); and
 - 2.6.6 contact details for the personnel of current and prospective broadcast partners and other official licensees and other Personal Information as required for the negotiation and performance of contractual and commercial arrangements.
- 2.7 Please note that we may collect and use your Personal Information (including from public sources) without your knowledge or consent where this is required and/ or permitted by law. For more information on how we collect, use and store Personal Information relating to the above please refer to our safeguarding policy.

3. HOW AND WHY WE USE YOUR PERSONAL INFORMATION

- 3.1 We collect and use Personal Information for a range of specific and legitimate reasons which will vary depending on your role or relationship with SWPSA. We only collect and use Personal Information in accordance with Data Protection Law. For the most part, we collect and use Personal Information because it is necessary for our legitimate interests that is, in order to operate, administer, promote, regulate and govern Schools Water Polo events and competitions and to support Provinces' associated activities in an effective and lawful manner.
- 3.2 In particular, it is necessary:
 - 3.2.1 to confirm identity and eligibility in the application of rules and regulations relating to player registration in order to ensure that players are eligible to play for, and where relevant be employed as a coaches / staff by, their Province in SWPSA events and competitions;

- 3.2.2 to confirm identity and eligibility in the application of rules and regulations relating to Province employment and qualifications in order to ensure individuals are eligible to undertake certain roles at Provinces (for example, coaches, managers or administrators);
- 3.2.3 to create an accurate picture of racial, ethnic diversity within water polo to allow for informed assessments to be made about, and action taken in respect of equality of opportunity in Schools water polo in South Africa;
- 3.2.4 for identity verification purpose so as to maintain a high level of security at matches and other SWSPA events (including by producing event accreditation cards);
- 3.2.5 to audit School and Province development and training initiatives to ensure they are meeting the standards set out in SWPSA strategic plans;
- 3.2.6 to administer, deliver and support player education and coach development;
- 3.2.7 to prevent unauthorised access to confidential information (including personal information) by creating registered accounts for use of certain digital platforms/ services which may be provided to you;
- 3.2.8 to record and confirm player match appearances and performances;
- 3.2.9 for safeguarding vulnerable individuals in accordance with our safeguarding policies;
- 3.2.10 to comply with health and safety and other legal obligations and uphold our duty of care towards you and other individuals;
- 3.2.11 to act against online abuse, bullying, and racism;
- 3.2.12 to resolve disputes and allegations;
- 3.2.13 to communicate with you;
- 3.2.14 to promote and/or commercialise SWSPA water polo including by publishing or sharing photographs of and information on players and match officials and their performances and by sharing information such as Tracking Data and Match Data with broadcast partners and/or commercial partners;
- 3.2.15 to protect and enforce our rights and, where necessary or appropriate, take legal action;

- 3.2.16 to generate internal reports to help develop and improve SWSPA rules, policies, procedures and strategies;
- 3.2.17 for preserving the history of Schools water polo and SWPSA competitions; and
- 3.2.18 for other administrative and statistical tasks required to discharge SWPSA's function as a governing, regulatory and organising body of Schools water polo.

3.3 Before using your Personal Information for our legitimate interests, we make sure that we take into account any potential impact that such use may have on you to ensure that your interests and fundamental rights and freedoms do not override those interests. In other words, we have determined that SWPSA has a legitimate need to process your Personal Information and we are not aware of any reasons that, on balance, mean we should not be doing so. If you have concerns about our processing please refer to Your Rights in Connection with Your Personal Information below.

3.4 Given that we are processing Special Personal Information, we generally rely on your consent in order to process your Special Personal Information. In the circumstances, we will specifically inform you and seek to obtain this from you in all event and/or competition registration forms. Please note that you will have the ability to withdraw your consent at any time, but that the withdrawal of same is likely to impact your participation in the event and/or competition.

3.5 Note too that in rare circumstances, and in accordance with Data Protection Law, we may also use your Personal Information because:

3.5.1 we need to comply with a legal obligation (for example, because a court has ordered us to do so); or

3.5.2 it may be necessary to protect yours or someone else's vital interests in emergency situations.

4. **ADDITIONAL USE OF SPECIAL PERSONAL INFORMATION AND CRIMINAL OFFENCE DATA IN SPECIFIC CIRCUMSTANCES**

4.1 We also use Special Personal Information in accordance with the Data Protection Law and if:

4.1.1 it is necessary for the purposes of:

- 4.1.1.1 measures designed to protect the integrity of a sport or a sporting event. This includes measures to prevent or protect against dishonesty, malpractice or other seriously improper conduct, or failure by a person participating in the sport or event in any capacity to comply with standards of behaviour set by a body or association with responsibility for the sport or event. We rely on this condition in performing our governing, regulatory and oversight function for SWPSA competitions; or
- 4.1.1.2 measures designed to eliminate (including to identify or prevent) doping which are undertaken by or under the responsibility of a body that is responsible for eliminating doping in a sport generally and for the purposes of providing information about doping or suspected doping to such a body or association (such as the South African Institute for Drug-Free Sport and the World Anti-Doping Authority). We rely on this condition in performing our governing, regulatory and oversight function for SWPSA competitions; or
- 4.1.1.3 the prevention or detection of an unlawful act which must be carried out without the consent of the data subject so as not to prejudice such purposes. We may need to rely on this condition in performing our governing, regulatory and oversight function for SWPSA competitions;
- 4.1.1.4 protecting children and individuals at risk from neglect or physical, mental or emotional harm, or protecting the physical, mental or emotional well-being of an individual where consent cannot be or reasonably expected to be obtained or may prejudice the provision of protection. We rely on this condition for our safeguarding policy too; or
- 4.1.1.5 identifying or keeping under review the existence or absence of equality of opportunity between groups of people with a view to enabling equality to be promoted or maintained. We rely on this condition in relation to our Transformation Programmes.
- 4.1.2 It is necessary for the establishment, exercise or defence of legal claims or where you have already made the information public. We may need to rely on this condition in performing our governing, regulatory and oversight function for SWPSA competitions, and may also need to do so under our safeguarding policy.
- 4.1.3 We have your explicit consent. In limited circumstances, we may approach you for your express consent to allow us to process certain Special Personal Information where there

is no other legal basis. If we do so, we (or a third party) will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. For example:

- 4.1.3.1 we are interested in collecting information about player's racial or ethnic origin to ensure meaningful equal opportunity monitoring and reporting, and players' are given the option to submit this information to us via their Province or School on the relevant form; and
- 4.1.3.2 we request information concerning a player's medical, dietary and other additional needs so that we can run tournaments and other events safely.

You have the right to withdraw your consent at any time and can do so by contacting us using the details provided below.

- 4.1.4 **In emergency situations.** We may need to process your Special Personal Information or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent.
- 4.2 Unless otherwise required or permitted by law, before using your Personal Information for a purpose unrelated to the reason we collected it, we will notify you and explain the purpose and legal basis which allows us to do so.
- 4.3 If you have any questions or require any additional information about the purposes for which your Personal Information is required and/ or our legal justification you can contact SWPSA's dedicated Data Protection Team using the contact details set out below.

5. **WHO WE SHARE YOUR PERSONAL INFORMATION WITH**

- 5.1 In order to function effectively as a governing, regulatory and organising body of schools water polo and administer our relationship with you and your role within water polo as set out above we may share certain elements of your Personal Information with other individuals and organisations, always on a need-to-know-basis and for legitimate prescribed reasons:
 - 5.1.1 we share relevant player registration and identity information with Swimming South Africa for verification and administrative purposes (including team sheets for the purpose of facilitating national team selection);

- 5.1.2 we share player registration information (including details of player transfer fees) with the local organising committee of events or competitions for administrative purposes;
- 5.1.3 we provide player photographs or images from footage to:
 - 5.1.3.1 Provinces for use on their websites, social media and in matchday programmes;
 - 5.1.3.2 our broadcast partners (SuperSport Schools) for broadcasting matches and related content and for use on websites and social media; and
 - 5.1.3.3 our other commercial partners (as listed on our website from time to time) for use in certain of their promotional activities.
- 5.1.4 broadcasts, transmissions, video and other recordings of players, match officials and other participants (including match footage, promotional messages and preview or post-match interviews and/or features) recorded on behalf of SWPSA are shared with broadcast partners, SuperSport Schools;
- 5.1.5 we share certain Personal Information relating to Province staff, including details of qualifications with Swimming South Africa;
- 5.1.6 we share Personal Information concerning safeguarding issues with Provinces and Schools, Swimming South Africa and official authorities as necessary in accordance with our safeguarding policy;
- 5.1.7 we provide Personal Information (including, where necessary important medical and dietary information) to individuals engaged to work at tournaments and events administered by SWPSA;
- 5.1.8 we share Province staff contact details with SWSPA partners to allow relevant individuals to deal with each other directly;
- 5.1.9 we share limited (and nameless) injury data with a professional medical consultant to produce injury surveillance reports;
- 5.1.10 we procure the provision of Tracking Data and Match Data and video footage through our service providers to broadcast and other partners and other third party licensees for commercial, statistical and analysis purposes;

- 5.1.11 information may be shared between SWPSA and those individuals determining the outcome of disciplinary or regulatory proceedings and appeals in respect of such proceedings;
- 5.1.12 we make available contact details of the personnel of broadcast partners for access by those individuals, with whom SWPSA is joint Responsible Party of such Personal Information and relevant data subjects may assert their rights in respect of such processing by contacting either Responsible Party (please refer to Your Rights in Connection with Your Personal Information below).
- 5.1.13 We also share elements of your Personal Information with third parties who provide SWPSA with certain services to facilitate our business operations (as described above):
 - 5.1.13.1 web/app hosting;
 - 5.1.13.2 software/app development and maintenance;
 - 5.1.13.3 data/ document management systems;
 - 5.1.13.4 archiving and storage services;
 - 5.1.13.5 the production of accreditation and access management; and
 - 5.1.13.6 media production, including licensed photo agencies.
- 5.2 All third-party service providers who we share your Personal Information with are required to take appropriate security measures to protect your Personal Information and to comply with certain contractual terms in relation to the use of your Personal Information. We do not allow our third-party service providers to use your Personal Information for their own purposes. We only permit them to process your Personal Information for specified limited purposes and in accordance with our written instructions.

6. **TRANSFERRING PERSONAL INFORMATION OUTSIDE OF THE REPUBLIC SOUTH AFRICA**

- 6.1 Some countries outside of South Africa do not have laws that protect privacy rights and Personal Information as extensively as South Africa. Therefore, in accordance with Data Protection Law, if we do transfer your Personal Information outside of South Africa, we ensure

that your Personal Information is afforded a similar level of protection by requiring confirmation that specific safeguards are place.

- 6.2 We only routinely transfer Personal Information outside of South Africa in the following circumstances:
 - 6.2.1 We or our broadcast partners transfer broadcast footage, Tracking Data and/or Match Data to broadcast partners for public broadcast;
 - 6.2.2 in certain circumstances we share player Personal Information may be shared with FINA which is located in Switzerland; and
 - 6.2.3 we transfer Special Personal Information required to arrange and administer international SWSPA events (for example team sheets and to arrange visas).
- 6.3 If you would like further information on the specific mechanism used by us when transferring your Personal Information outside of South Africa please contact us using the details provided below.

7. **SECURITY OF YOUR PERSONAL INFORMATION**

- 7.1 SWPSA is committed to protecting your privacy and has appropriate security measures to prevent your Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Information to those volunteers, employees, service providers and other third parties who have a business need to know. They will only process your Personal Information on our instructions and they are subject to a duty of confidentiality. Details of these measures are available upon request using the details provided below.
- 7.2 We have put in place procedures to deal with any suspected data security breach and will notify you and the Information Regulator of a suspected breach where we are legally required to do so.
- 7.3 Where we have given you or you have chosen a password which enables you to access certain digital platforms/ services, you are responsible for using reasonable care in keeping this password confidential.

8. DATA RETENTION

8.1 In accordance with Data Protection Law, we will only keep your Personal Information:

8.1.1 for as long as necessary to fulfil the specific purposes we collected it for - for example, we will retain your contact details until such time as there is no foreseeable need to communicate with you. In a lot of cases, we wish to retain Personal Information because, although it is no longer necessary to process it currently, it is likely to become necessary to do so again in the near future. For instance, where you participate in a SWPSA event in one year and may do so again in the future;

8.1.2 to the extent reasonably necessary to comply with a legal requirement or legal reasons - for example, documents containing Personal Information may need to be retained for an extended period of time (generally for six years) if there is a real risk that they could be the subject of a claim, or may otherwise be relevant to future litigation; or

8.1.3 as advisable in light of certain legal issues (or potential issues)-for example, we may retain information in relation to safeguarding issues after the conclusion of an investigation so that we can address historical allegations in the future.

8.2 To determine the appropriate retention period for Personal Information, we consider the amount, nature, and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal requirements.

8.3 In accordance with SWPSA's data retention policies and Data Protection Law, after the applicable retention period has ended, the Personal Information will be either (as applicable):

8.3.1 securely deleted or destroyed -when the information is no longer required in any form;

8.3.2 anonymised (so that it can no longer be associated with you) - for example, where the data remains useful in an aggregated/ generic form for statistical purposes; or

8.3.3 transferred to SWPSA "archive" - an "archive" is a collection of Personal Information which is no longer necessary to achieve the purposes for which the information was originally collected or which is no longer used for general business activities, but are used only for historical, scientific or statistical purposes, dispute resolution, or investigations.

We wish to continue to retain some Personal Information as it effectively forms part of

the history of SWPSA, its competitions and the sport of water polo, for example, player registration information after the player has matriculated. We maintain appropriate measures to keep archived Personal Information secure, in accordance with Data Protection Law.

8.4 Specific details of retention periods for different aspects of your Personal Information are available upon request by using the contact details provided below.

9. **YOUR RIGHTS IN CONNECTION WITH YOUR PERSONAL INFORMATION**

9.1 Under Data Protection Law, you have certain rights (depending on the circumstances) in connection with your Personal Information, which include:

9.1.1 Request access to your Personal Information (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Information we hold about you and to check that we are lawfully processing it, provided always that this does not adversely affect the rights and freedoms of other people.

9.1.2 Request correction of the Personal Information that we hold about you. Where any of the information we hold about you is incorrect or incomplete we will act promptly to rectify this, including where you have requested us to do so.

9.1.3 Request erasure of your Personal Information. This enables you to ask us to delete or remove Personal Information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Information where you have exercised your right to object to processing (see below).

9.1.4 Object to use of your Personal Information where we are relying on our legitimate interests (see "How and why we use your Personal Information") and there is something about your particular situation which makes you want to object to our use on this ground.

9.1.5 Withdraw your consent to our use of your Personal Information where we do so in reliance on your consent. Once we have received notification that you have withdrawn your consent, we will no longer process your Personal Information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. Please note a withdrawal of consent may have adversely impact your ability to participate in any SWPSA event or competition.

- 9.1.6 Request the restriction of use of your Personal Information. This enables you to ask us to suspend the use of Personal Information about you, for example if you want us to establish its accuracy or the reason for using it.
- 9.2 We are committed to respecting your rights. You may action your rights (as applicable) by contacting us using the details provided below and we will comply with your requests within a reasonable period unless we have a lawful reason not to do so. Requests should be made in writing and to ensure that Personal Information is dealt with carefully and confidentially SWPSA will require the requestor to provide verification of their identity and all applications must be accompanied by copies of official documents, which show your name, date of birth and current address (for example, birth/ adoption certificate, identity document, drivers licence, passport).
- 9.3 Note: in responding to such requests, we will explain the impact of any objections, restrictions or deletions requested, which may be significant if our use of your Personal Information is necessary for you to fulfil your role or relationship with SWPSA.
- 9.4 We will not charge you a fee to exercise your rights unless your request for access is clearly unfounded or excessive, in which case we may charge you a reasonable fee. Alternatively, we may refuse to comply with the request in such circumstances.

10. **CONTACT US**

If you have any questions about this privacy policy or how we handle your Personal Information, please contact the Data Protection Lead using the following contact details:

Richard Irvine

13 Jameson Avenue, Melrose Estate, Johannesburg, 2196

richard.irvine@standardbank.co.za

11. **COMPLAINTS**

You also have the right to make a complaint at any time to the office of the Information Regulator (IR), the South African data protection authority. The IR's contact details as are follows: Information Regulator of South Africa, JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, (T) 012 406 4818 (W) <https://www.justice.gov.za/inforeg> (E) POPIAComplaints.IR@justice.gov.za