



## **Policy Statement**

- This Policy details the obligations of DCbrain SAS (hereafter referred to as “the Company”) regarding data protection and the rights of employees, customers, suppliers (here after referred to as “data subjects”) in respect of their personal data under the EU Regulation 2016/679 General Data Protection Regulation (hereafter referred to as “GDPR”).
- The GDPR defines “personal data” as any information relating to an identified or identifiable natural person (a “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, location data, an online identifier or to one or more factors specific to the physical, physiological, economic, cultural or social identity of that natural person.
- This policy sets the Company’s obligations and standards regarding the collection, processing, transfer, storage and disposal of personal data. The procedures and principles detailed within this policy are expected to be followed at all times by the Company, its employees, agents, contractors or any other party working in partnership or on behalf of the Company.

## **Why This Policy Exists**

- This policy is designed to help you better understand what data we hold and what we do with it, this policy also explains the rights available to you in respect of your personal data.
- Please read the following privacy policy statements to better understand how we collect and use your personal data, for example when you contact us, use one of our websites, portal or other parts of our network, apply for a job or use our products and services, regardless of how you access them.

## **Summary Data Protection Principles**

- This policy aims to ensure compliance with the GDPR. The GDPR sets out the following principles with which any party handling personal data must comply. All personal data must be:
  - Processed lawfully, fairly, and in a transparent manner in relation to the data subject.
  - Collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes or statistical use shall not be considered incompatible with the initial purpose.
  - Adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.
    - Accurate and, where necessary, kept up to date.
    - Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes subject to the implementation of the appropriate technical and organisational measures required by the GDPR to safeguard the rights and freedoms of the data subject.
    - Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

## **Data Subject Rights**

- The GDPR sets out the following rights applicable to data subjects:
- The right to be informed.
- The right of access.

- The right to rectification.
- The right to erasure (also known as the 'right to be forgotten').
- The right to restrict processing.
- The right to object.

### **Lawful, Fair and Transparent Data Processing**

- The GDPR seeks to ensure that personal data is processed lawfully, fairly and transparently, without adversely affecting the rights of the data subject. The GDPR states that processing of personal data shall be lawful if at least one of the following applies:
  - The data subject has given consent to the processing of their personal data for one or more specific purposes.
  - The processing is necessary for the performance of a contract to which the data subject is party, or to take steps at the request of the data subject prior to entering into a contract with them.
  - The processing is necessary for compliance with a legal obligation to which the data controller is subject.
  - The processing is necessary to protect the vital interests of the data subject or of another natural person.
  - The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority of the data controller.
  - The processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

### **Specified, Explicit and Legitimate Purposes**

- The Company collects and processes the personal data as set out in this policy. This includes:
  - Personal data collected directly from data subjects, for example contact details used when a data subject communicates with us.
  - Personal data obtained from third parties, for example contract details from a 3rd party data provider for marketing or sales leads provided by product partners.
- The Company collects, processes and holds personal data for the specific purposes set out in this policy (or for any other purpose expressly permitted by the GDPR).
- Data subjects are kept informed at all times of the purpose or purposes for which the company uses their personal data.

### **Adequate, Relevant and Limited Data Processing**

- The Company will only collect and process personal data for and to the extent necessary, for the specific purpose or purposes of which data subjects have been informed (or will be informed) as set out in this policy.

### **Accuracy of Data and Keeping Data Up-to-Date**

- The Company shall ensure that all personal data collected, processed, and held is kept up-to-date. This includes but is not limited to, the rectification of personal data at the request of a data subject.

- The accuracy of personal data shall be checked when it is collected and at regular intervals thereafter. If any personal data is found to be inaccurate or out-of-date, all reasonable steps will be taken without delay to amend or remove that data, as appropriate.

### **Data Retention**

- The Company shall not keep personal data for any longer than is necessary considering the purpose or purposes for which that personal data was originally collected, held, and processed.
- When personal data is no longer required, all reasonable steps will be taken to erase or otherwise dispose of it without delay.

### **Secure Processing**

- The Company shall ensure that all personal data collected, held, and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage.

### **Data Subject Access**

- Data subjects may make subject access requests (“SARs”) at any time to find out more about the personal data which the Company holds about them, what it is doing with that personal data, and why.
- Data subjects wishing to make a SAR may do so by emailing the manager of their local gym.
- Responses to SARs shall normally be made within 30 days of receipt, however this may be extended by up to 60 days if the SAR is complex and / or multiple requests are made. If such additional time is required the data subjects shall be informed.
- All SARs received shall be handled by the gym manager.
- The Company does not charge a fee for the handling of normal SARs. The Company reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

### **Rectification of Personal Data**

- Data subjects have the right to require the Company to rectify any of their personal data that is inaccurate or incomplete.
- The Company shall rectify the personal data in question, and inform the data subject of that rectification within 30 days of the data subject informing the Company of the issue. This period can be extended by up to 60 days in the case of complex requests. If such additional time is required the data subject shall be informed.
- In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.

### **Erasement of Personal Data**

- Data subjects have the right to request that the Company erases the personal data it holds about them in the following circumstances:
  - It is no longer necessary for the Company to hold that personal data with respect to the purpose(s) for which it was originally collected or processed.

- The data subjects wishes to withdraw their consent to the Company holding and processing their personal data.
- The data subjects objects to the Company holding and processing their personal data (and there is no overriding legitimate interest to allow the Company to continue doing so).
- The personal data has been processed unlawfully.
- The personal data needs to be erased in order for the Company to comply with a particular legal obligation.
- Unless the Company has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within 72 hours of receipt of the data subjects request. If additional time is required for any reason, the data subject shall be informed.
- In the event that any personal data that is to be erased in response to a data subject's request has been disclosed to third parties, those parties shall be informed of the erasure instruction (unless it is impossible or would require disproportionate effort to do so).

### **Restriction of Personal Data Processing**

- Data subjects may request that the Company ceases processing of the personal data it holds about them. If a data subject makes such a request, the company shall retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further.
- In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

### **Objections to Personal Data Processing**

- Data subjects have the right to object to the Company processing their data based on legitimate interests, direct marketing (including profiling).
- Where a data subject objects to the Company processing their personal data based on its legitimate interests, the Company shall cease such processing immediately, unless it can be demonstrated that the Company's legitimate grounds for processing override the data subject's interests, rights, and freedoms, or that processing is necessary for the conduct of legal claims.
- Where a data subject objects to the Company processing their personal data for direct marketing purposes, the Company shall cease such processing immediately.

### **Policy Implementation**

- This policy shall be in force as of 25th May 2018.