

Privacy Notice for Coaching and personal training clients of enjoyrunning

Introduction and about me/my company

1. The 'enjoyrunning' brand is part of Orbit Health Services Limited, a private limited company registered in England & Wales (Company No 11020654). Coaching and personal training services are provided under the 'enjoyrunning' brand by Orbit Health Services Limited and its staff. This Privacy Notice sets out details of the information that Orbit Health Services Limited, and those who provide PT/Coaching services on its behalf under the 'enjoyrunning' brand, may collect from you and how that information may be used. Please take your time to read this Privacy Notice carefully
2. In this Privacy Notice I use "the company", "We" or "our" or "us" to refer to Orbit Health Services Limited and its staff
3. If you have any queries, comments or concerns in respect of the manner in which I have used, or potentially will use, your personal information then you should contact me directly
 - 3.1. using my company email, admin@orbithealth.co.uk, or
 - 3.2. by telephone (0121 705 9045) or
 - 3.3. by mail (2 Saintbury Drive, Solihull, B91 3SZ) and I would be happy to discuss further.
 - 3.4. The company's data protection officer (DPO), who is responsible for data protection compliance for Orbit Health Services Ltd, can also be contacted using these details.

Your personal data

4. I am a Data Controller in respect of your personal information which I hold about you. This will mainly relate to the data collected about you so that I can provide PT/coaching services to you safely but it also includes other information such as financial data in relation to billing. I must comply with the data protection legislation and relevant guidance when handling your personal information, and so must any company staff who assists me in such provision. Your personal data may include any images taken in relation to the provision of services to you which must not only be managed in accordance with the law, this Privacy Notice but also all applicable professional standards including guidance from the Register of Exercise Professionals and UK Athletics.
5. I will provide PT/coaching services to you at an agreed location convenient to both of us. This may include a park, a track, your home or another, as yet unspecified, location. I will collect data from you to enable me to safely provide this service in accordance with the law, the principles of this Privacy Notice and to the extent that it is necessary to do so. Although I may feel it would be beneficial for you to avail of the services of other providers (e.g. a medical practitioner, a dietician), I will only suggest such actions to you and will not share any data with those practitioners except with your express permission.

6. Your personal information will be handled in accordance with the principles set out within this Privacy Notice. This means that whenever I use your personal data, I will only do so as set out in this Privacy Notice. From time to time, I may process your personal information at a site other than the site at which PT/coaching services are provided.

What personal information do I collect and use?

7. I will use "special categories of personal information" (previously known as "sensitive personal data") about you, such as information relating to your physical and mental health but only in the context of gathering the information that is required to ensure I can provide PT/coaching services to you safely
8. If you provide personal information to me about other individuals (including financial information) you should inform the individual about the contents of this Privacy Notice. I will also process such information in accordance with this Privacy Notice.
9. In addition, you should note that in the event you amend data which I already hold about you (for instance by amending a pre-populated form) then I will update our systems to reflect the amendments. Our systems will continue to store historical data.

Personal information

10. As one of my clients, the personal information I hold about you may include the following:
 - a) Name
 - b) Contact details, such as postal address, email address and telephone number (including mobile number)
 - c) Financial information, such as credit card details used to pay us
 - d) Occupation
 - e) Emergency contact details, including next of kin

Special Categories Personal Information

11. As one of my clients, I will hold information relating to your physical fitness, some of which may be considered to be medical information. This is known as a special category of personal data under the law, meaning that it must be handled even more sensitively. It may include the following:
 - a) Details of your current or former fitness, physical or mental health, including information about any healthcare you have received from other healthcare providers such as GPs or hospitals (private and/or NHS), which may include details of clinic and hospital visits, as well as medicines administered. I will provide further details below on the manner in which I handle such information.
 - b) Details of any genetic data or biometric data relating to you

10. The confidentiality of your information is important to me, and I make every effort to prevent unauthorised access to and use of information relating to your current or former fitness, physical and mental health (or indeed any of your personal information more generally). In doing so, I will comply with UK data protection law, including the Data Protection Act 2018 and all applicable medical confidentiality guidelines issued by professional bodies including, but not limited to, the Register of Exercise Professionals and UK Athletics.

12. From 25 May 2018, the current Data Protection Act will be replaced by the EU General Data Protection Regulation (GDPR) and a new Data Protection Act. All uses of your information will comply with the GDPR and the new Data Protection Act from that date onwards

How do I collect your information?

13. I will normally collect information directly from you although in exceptional cases (e.g. the need to liaise with a family member), I may collect data from third parties.

14. Information may be collected directly from you when:
 - 14.1. You enter into a contract with me for the provision of PT/Coaching services
 - 14.2. You use those services
 - 14.3. You complete enquiry forms inquiring about the possibility of receiving PT/Coaching services from me
 - 14.4. You submit a query to me including by email or by social media
 - 14.5. You correspond with me by letter, email, telephone, video or social media

15. As detailed in the previous section, it may be necessary to seek information from third parties when, with your consent:
 - 15.1. I liaise with your family
 - 15.2. I deal with experts (including medical experts) and other service providers about services you have received or are receiving from me
 - 15.3. I deal with NHS health service bodies about services you have received or are receiving from us
 - 15.4. I liaise with credit reference agencies
 - 15.5. I liaise with debt collection agencies

How will I communicate with you?

16. I may communicate with you in a range of ways, including by telephone, SMS, email, videocall and / or post. If I contact you using the telephone number(s) which you have provided (landline and/or mobile), and you are not available which results in the call being directed to a voicemail and/or answering service, I may leave a voice message on your voicemail and/or answering service as appropriate, and including only sufficient basic details to enable you to identify who the call is from, very limited detail as to the reason for the call and how to call me back.

17. However:

- 17.1. to ensure that I provide you with timely updates and reminders in relation to your PT/coaching services (including basic administration information and appointment information (including reminders)), I may communicate with you by SMS and/or unencrypted email (where you have provided me with your SMS or email address) in each case where you have expressed a preference in the client registration form to be contacted by SMS and / or email.
- 17.2. to provide you with PT/coaching services information and/or invoicing information, I may communicate with you by email (which will be encrypted) where you have provided me with your email address and have expressed a preference in the client registration form to be contacted by email. The first time I send you any important encrypted email that I am not also sending by post or which requires action to be taken, I will endeavour to contact you separately to ensure that you are able to access the encrypted email you are sent.

18. Please note that although providing your mobile number and email address and stating a preference to be communicated by a particular method will be taken as an affirmative confirmation that you are happy for us to contact you in that manner, I am not relying on your consent to process your personal data in order to correspond with you about services being provided to you. As set out further below, processing your personal data for those purposes is justified on the basis that it is necessary to provide you with PT/coaching services.

What are the purposes for which your information is used?

19. I may 'process' your information for a number of different purposes, which is essentially the language used by the law to mean using your data. Each time I use your data I must have a legal justification to do so. The particular justification will depend on the purpose of the proposed use of your data. When the information that we process is classed as a "special category of personal information", I must have a specific additional legal justification in order to use it as proposed.
20. Generally, I will rely on the following legal justifications, or 'grounds':
 - 20.1. Taking steps at your request so that you can enter into a contract with me to receive PT/coaching services from us.
 - 20.2. For the purposes of providing you with PT/coaching services pursuant to a contract between you and the company. I will rely on this for PT/coaching services activities.
 - 20.3. I have an appropriate business need to process your personal information and such business need does not cause harm to you. I will rely on this for activities such as quality assurance, maintaining my business records, monitoring outcomes and responding to any complaints.
 - 20.4. I have a legal or regulatory obligation to use such personal information.
 - 20.5. I need to use such personal information to establish, exercise or defend my legal rights.
 - 20.6. You have provided your consent to my use of your personal information.

21. Note that failure to provide your information further to a contractual requirement with me may mean that I am unable to set you up as a client or facilitate the provision of PT/coaching services to you.

22. I provide further detail on these grounds in the sections below.

Appropriate business needs

23. One legal ground for processing personal data is where I do so in pursuit of legitimate interests and those interests are not overridden by your privacy rights. Where I refer to use for my appropriate business needs, I am relying on this legal ground.

The right to object to other uses of your personal data

24. You have a range of rights in respect of your personal data, as set out in detail in later sections of this privacy notice (starting at section 55). This includes the right to object to me using your personal information in a particular way (such as sharing that information with third parties), and I must stop using it in that way unless specific exceptions apply. This includes, for example, if it is necessary to defend a legal claim brought against me, or it is otherwise necessary for the purposes of your ongoing treatment.

You will find details of my legal grounds for each of our processing purposes below. I have set out individually those purposes for which I will use your personal information, and under each one I set out the legal justifications, or grounds, which allow me to do so. You will note that I have set out a legal ground, as well as an 'additional' legal ground for special categories of personal information. This is because I have to demonstrate additional legal grounds where using information which relates to a person's special category data (e.g. medical data).

Purpose 1: To set you up as my client

25. As is common with most business, I have to carry out necessary checks in order for you to become a client. These include standard checks, using data provided by you, which I cannot perform without using your personal information.

26. Legal ground: Taking the necessary steps so that you can enter into a contract with me for the delivery of PT/coaching services.

27. Additional legal ground for special categories of personal information: The use is necessary for reasons of my legitimate interests.

Purpose 2: To provide you with PT/coaching services

28. Clearly, the reason you come to me is to provide you with PT/coaching services, and so I have to use your personal information for that purpose.

29. Legal grounds:

- 29.1. Providing you with PT/coaching services
- 29.2. Fulfilling my contract with you for the delivery of PT/coaching services

30. Additional legal grounds for special categories of personal information:

- 30.1. I need to use the data in order to provide safe PT/coaching services to you
- 30.2. The use is necessary to protect your vital interests where you are physically or legally incapable of giving consent (e.g. should you collapse unexpectedly whilst receiving PT/coaching services)

Purpose 3: For account settlement purposes

31. I will use your personal information in order to ensure that your account and billing is fully accurate and up-to-date

32. Legal grounds:

- 32.1. My providing you PT/coaching services
- 32.2. Fulfilling my contract with you for the delivery of PT/coaching services
- 32.3. My having an appropriate business need to use your information which does not overly prejudice you
- 32.4. Your consent

33. Additional legal grounds for special categories of personal information:

- 33.1. I need to use the data in order to provide PT/coaching services safely to you
- 33.2. The use is necessary in order for me to establish, exercise or defend my legal rights
- 33.3. Your consent

Purpose 4: For service audit purposes

34. I may process your personal data for the purposes of local audit of my services – i.e. an audit carried out by myself or my direct team for the purposes of assessing outcomes for clients and identifying improvements which could be made to our services for the future. I am able to do so on the basis of my legitimate interest and the public interest in statistical and scientific research, and with appropriate safeguards in place. You are, however, entitled to object to my using your personal data for this purpose, and as a result of which I would need to stop doing so. If you would like to raise such an objection, then please contact me using the details provided in paragraph 3 above.

Legal grounds:

- 34.1. I have a legitimate interest in helping improve my service provision and have put appropriate safeguards in place to protect your privacy

Additional legal grounds for special categories of personal information:

- 34.2. The processing is necessary in the public interest to ensure my services are appropriate and safe and are monitored to ensure they remain so

Purpose 5: Communicating with you and resolving any queries or complaints that you might have.

35. From time to time, clients may raise queries, or even complaints, with me/my services and I take those communications very seriously. It is important that I am able to resolve such matters fully and properly and so I will need to use your personal information in order to do so.

36. Legal grounds:

36.1. Providing you with PT/coaching services

36.2. Having an appropriate business need to use your information which does not overly prejudice you

37. Additional legal grounds for special categories of personal information:

37.1. The use is necessary for the provision of safe PT/coaching services pursuant to a contract with you

37.2. The use is necessary in order for me to establish, exercise or defend my legal rights

Purpose 6: Communicating with any other individual that you ask us to update about the PT/coaching services provided to you.

38. In addition, other professionals or organisations may need to know about the services provided to you in order for them to provide you with safe and effective care, and so I may need to share your personal information with them. Further details on the third parties who may need access to your information is set out at section 56 below.

39. Legal grounds:

39.1. Providing you with PT/coaching services

39.2. I have a legitimate interest in ensuring that other professionals who are routinely involved in your care have a full picture of your care

40. Additional legal ground for special categories of personal information:

40.1. I need to use the data in order to provide safe PT/coaching services to you

40.2. The use is necessary for reasons of substantial public interest under UK law

40.3. The use is necessary in order for me to establish, exercise or defend my legal rights

Purpose 7: Complying with our legal or regulatory obligations, and defending or exercising our legal rights

41. As a provider of PT/coaching services, I am subject to a wide range of legal and regulatory responsibilities which is not possible to list fully here. I may be required by law or by regulators to provide personal information, and in which case I will have a legal responsibility to do so. From time to time, personal trainers and coaches are unfortunately also the subject of legal actions or complaints. In order to fully investigate and respond to those actions, it is necessary to access your personal information (although only to the extent that it is necessary and relevant to the subject-matter).

42. Legal grounds:

42.1. The use is necessary in order for us to comply with our legal obligations

43. Additional legal ground for special categories of personal information:

43.1. I need to use the data in order for others to provide informed care services to you

43.2. The use is necessary for reasons of the provision of health or social care or treatment or the management of health or social care systems

43.3. The use is necessary for establishing, exercising or defending legal claims

Purpose 8: Managing my business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (e.g. tax or legal advice)

44. In order to do this, I will not need to use your special categories of personal information and so I have not identified the additional ground to use your information for this purpose.

45. Legal grounds:

45.1. My having an appropriate business need to use your information which does not overly prejudice you

Disclosures to third parties:

46. I may disclose your information to the third parties listed below for the purposes described in this Privacy Notice. This might include:

- A doctor, nurse, carer or any other healthcare professional involved in your treatment
- Anyone that you ask me to communicate with or provide as an emergency contact, for example your next of kin or carer
- NHS (or comparable) organisations
- Private sector healthcare providers
- Your GP
- Other clinicians (including their medical secretaries)
- Our insurers
- Debt collection agencies
- Our third party services providers such as IT suppliers, actuaries, auditors, lawyers, marketing agencies, document management providers and tax advisers
- Selected third parties in connection with any sale, transfer or disposal of our business

47. I may communicate with these third parties in a variety of ways including, but not limited to, email, post, fax and telephone.

Automated Decision Making

48. An automated decision is a decision made by computer without any human input, and there will be no automated decision-making in relation to your treatment or other decisions which will produce legal or similarly significant effects.

How long do I keep personal information for?

49. I will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with my legal and regulatory obligations. My data Retention Policy is available on request using the details outlined in Section 3.

50. If you would like further information regarding the periods for which your personal information will be stored, please contact me using the details outlined in section 3.

International data transfers

51. I (or third parties acting on my behalf) may store or process information that we collect about you in countries outside the European Economic Area ("EEA"). It is currently not normal practice for us to store or process any data outside the EEA. However, should I make a transfer of your personal information outside of the EEA I would take the required steps to ensure that your personal information is protected.

52. I will only do so to the extent that it is relevant and necessary. Under certain circumstances, I may request your consent for such a transfer.

53. If you would like further information regarding the steps I take to safeguard your personal information, please contact me using the details provided in section 3 above.

54. We do not currently transfer personal data outside of the EEA. In the event that it is necessary to do so, we will update this Privacy Notice.

Your rights

55. Under data protection law you have certain rights in relation to the personal information that I hold about you. These include rights to know what information I hold about you and how it is used. You may exercise these rights at any time by contacting me using the details provided at section 3 above.

56. There will not usually be a charge for handling a request to exercise your rights.

57. If I cannot comply with your request to exercise your rights, we will usually tell you why.

58. There are some special rules about how these rights apply to health information as set out in legislation including the Data Protection Act (current and future), the General Data Protection Regulation as well as any secondary legislation which regulates the use of personal information.
59. If you make a large number of requests or it is clear that it is not reasonable for me to comply with a request then we do not have to respond. Alternatively, I can charge for responding.

Your rights include:

The right to access your personal information

60. You are usually entitled to a copy of the personal information I hold about you and details about how I use it.
61. Your information will usually be provided to you in writing, unless otherwise requested. If you have made the request electronically (e.g. by email) the information will be provided to you by electronic means where possible.
62. Please note that in some cases I may not be able to fully comply with your request, for example if your request involves the personal data of another person and it would not be fair to that person to provide it to you.
63. You are entitled to the following under data protection law.
1. Under Article 15(1) of the GDPR I must usually confirm whether I have personal information about you. If I do hold personal information about you I usually need to explain to you:
 - i. The purposes for which I use your personal information
 - ii. The types of personal information I hold about you
 - iii. Who your personal information has been or will be shared with, including in particular organisations based outside the EEA.
 - iv. If your personal information leaves the EU, how I will make sure that it is protected
 - v. Where possible, the length of time I expect to hold your personal information. If that is not possible, the criteria I use to determine how long I hold your information for
 - vi. If the personal data I hold about you was not provided by you, details of the source of the information
 - vii. Whether I make any decisions about you solely by computer and if so details of how those decision are made and the impact they may have on you
 - viii. Your right to ask me to amend or delete your personal information
 - ix. Your right to ask me to restrict how your personal information is used or to object to my use of your personal information
 - x. Your right to complain to the Information Commissioner's Office

2. I also need to provide you with a copy of your personal data, provided specific exceptions and exemptions do not apply.

The right to rectification

64. I take reasonable steps to ensure that the information I hold about you is accurate and complete. However, if you do not believe this is the case, you can ask me to update or amend it.

The right to erasure (also known as the right to be forgotten)

65. I may update this Privacy Notice from time to time to ensure that it remains accurate, and the most up-to-date version can always be found using the details provided in section 3. In the event that there are any material changes to the manner in which your personal information is to be used then I will provide you with an updated copy of this Privacy Notice.
66. In some circumstances, you have the right to request that I delete the personal information I hold about you. However, there are exceptions to this right and in certain circumstances I can refuse to delete the information in question. In particular, for example, I do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, or for the purposes of establishing, exercising or defending legal claims.

The right to restriction of processing

67. In some circumstances, I must "pause" our use of your personal data if you ask me to do so, although I do not have to comply with all requests to restrict my use of your personal information. In particular, for example, I do not have to comply with your request if it is necessary to keep your information in order to perform tasks which are in the public interest, or for the purposes of establishing, exercise or defending legal claims.

The right to data portability

68. In some circumstances, I must transfer personal information that you have provided to you or (if this is technically feasible) another individual/ organisation of your choice. The information must be transferred in an electronic format.

The right to withdraw consent

69. In some cases, I may need your consent in order for my use of your personal information to comply with data protection legislation. Where we do this, you have the right to withdraw your consent to further use of your personal information. You can do this by contacting me using the details provided at section 3 above.

The right to complain to the Information Commissioner's Office

70. You can complain to the Information Commissioner's Office if you are unhappy with the way that I have dealt with a request from you to exercise any of these rights, or if you think I have not complied with our legal obligations.

71. More information can be found on the Information Commissioner's Office website:
<https://ico.org.uk/>

72. Making a complaint will not affect any other legal rights or remedies that you have.

Updates to this Privacy Notice

73. I may update this Privacy Notice from time to time to ensure that it remains accurate. In the event that these changes result in any material difference to the manner in which I process your personal data then I will provide you with an updated copy of the Policy.

74. This Privacy Notice was last updated on 29th October, 2018