

# FACULTY OF SPORT AND EXERCISE MEDICINE UK



## Data Protection and Privacy Policy

Faculty of Sport and Exercise Medicine UK  
1a Hill Square  
EDINBURGH  
EH8 9DR

## **1. Introduction**

The Faculty of Sport and Exercise Medicine UK (FSEM) endeavours to maintain high standards of professional competence and conduct. FSEM has a varied and multidisciplinary membership and conducts online examinations through its external examination provider TestReach. This is an extremely important function with far reaching implications for healthcare. FSEM understands that in any circumstance, member and candidate privacy rights must continue to be respected, whilst high standards and examination integrity are maintained.

## **2. Online Proctored Examinations**

An online proctored examination service enables a candidate to remotely access their examination via their computer whilst at a suitable venue of their choice and without having the need to travel to an Examinations Centre. The associated technology platform adopted by FSEM for this purpose also serves as a method of fraud-detection.

Maintaining the integrity of the examination requires that the candidate is the person they claim to be (*so identification is necessary*) and that the candidate provides answers to the exam without committing fraud by employing prohibited / suspicious behaviour. Therefore, visual inspection (*monitoring*) of the exam process is needed.

The process of online proctoring necessarily involves the collection of a candidate's personal data and triggers the application of data protection laws. In accordance with the requirements of the UK General Data Protection Regulation (GDPR), the following Privacy Policy is intended to inform the examination candidate how their personal data are handled in this respect.

### **2.1 Who is responsible for the processing of my personal data?**

FSEM is responsible for the data processing described in this Data Protection and Privacy Policy.

### **2.2 Who is the Data Controller and how can I contact them?**

FSEM is the Data Controller for the processing of personal data and special category data of members and examination candidates registered with the Faculty. FSEM is committed to protecting your privacy and maintaining the security of any personal information you provide to us. We are registered on the Data Protection Register of the Information Commissioner's Office (ICO) with registration number Z9390844. Our entry may be viewed at

<https://ico.org.uk/>

There are two options to contact the Data Controller about any matter. You can either write to or email our Data Protection Officer as follows:

*Write to:*

**Faculty of Sport and Exercise Medicine UK**  
**1a Hill Square**  
**EDINBURGH**  
**EH8 9DR**

*Email:*

[exams@fsem.ac.uk](mailto:exams@fsem.ac.uk)  
[membership@fsem.ac.uk](mailto:membership@fsem.ac.uk)

### **2.3 What types of personal data are processed?**

In undertaking online proctored examinations, FSEM will process the following personal data and special category data via its processors and sub-processors:

- i. Your photo ID Card (e.g. passport or driving licence), degree certificates and/or other evidence to confirm your eligibility for a specific examination and, if applicable, to confirm your specific requirements (e.g. additional time)
- ii. Your photo – taken via webcam prior to the start of the examination
- iii. Your video & audio file – recording of you and the environment in which you are taking the exam
- iv. Your Candidate Ref. No (*unique system id*), name, email Address and date of birth, mobile number and country code
- v. Screen activities including screenshots, during online proctoring
- vi. The internet pages that you visit whilst taking the exam
- vii. Your system access credentials - username/password
- viii. Your answers to the exam, marks and result
- ix. The extra time taken in the exam, if applicable

When using the proctoring application, the following are retrieved by the application to ensure reliable provision of the online assessment and invigilation service and to solve potential technical problems if necessary:

- Exam candidate personal information is used to identify the candidate to ensure that they take the correct exam and to ensure their specific exam requirements are met. This includes name, email address, phone number, demographic information, company (if applicable), group or department (if applicable), and special adjustments for the exam (e.g. additional time allocation).
- Computer information is used to maintain the integrity of the test, to investigate and resolve any issues that may arise and to help TestReach improve the service offered.

This includes IP address, browser header data (user agent), processes running, RAM and CPU usage statistics, installed drivers, peripherals connected and also cookies are used.

- Candidate exam information is recorded and used as part of the assessment process. It is also used for exam security and integrity purposes and to help TestReach improve the services offered. This may include the responses given by the candidate, candidate score, results data, access and activity data, video of the candidate taking the exam (during remote invigilation).

## **2.4 What are the Purposes of the Processing?**

FSEM has adopted an Online Proctored Examinations Platform to allow for examination candidates to sit their examinations online at a suitable venue of their choice. This involves a change from physical proctoring at, for example, an exams venue to online proctoring via the candidate's venue of choice.

The personal data highlighted in Section 2.3. above are processed for the following purposes:

- Administration of the candidate, including confirmation of eligibility and enrolment in an online examination
- Communication with the candidate
- Establishing the identity of the candidate participating in a remote examination
- Control of time – checks whether the candidate has completed the test within the relevant timeframe
- Ensuring the integrity of the examination and minimising any potential for fraudulent activity

Including:

- Ensuring the candidate is who they say they are. For example, a candidate Photo ID card is recorded on video for this purpose
- Ensuring the candidate does not use any unauthorised external sources as a prohibited aid when taking an examination
- Ensuring the candidate does not cooperate with others without permission
- Ensuring the Candidate does not switch between the examination and other sources of information on their computer during the examination
- Ensuring the candidate does not perform any activities other than answering the examination questions

## 2.5 Further Information

- The processing of personal data described in Section 2.3. above is necessary to support these purposes.
- The personal data described are used only for the purposes mentioned above.
- FSEM cannot identify an alternative, less intrusive means to achieve this purpose.
- FSEM has no basis for additional processing of this data.
- As such, any further processing of your personal data would require your consent.

## 2.6 What is the lawful basis for processing?

FSEM must have a lawful basis for processing your data. The lawful basis for processing your personal and special category data for online proctored examinations is '*legitimate interests*'. The further condition in support of processing special category data, in this case relating to your photo, photo ID and your video/audio file, is '*substantial public interest*'. More specifically, this relates to '*protecting the public against dishonesty etc.*'.

Given that FSEM has patient safety and improvement in professional standards as its primary goals, the online proctored examination platform provides evidence that whenever examinations are being taken remotely, they are being conducted appropriately and high standards, with reference to examination integrity, are being maintained.

### 2.6.1. Legitimate Interests of the Faculty (Data Controller)

It is in the interests of FSEM to allow examination candidates to sit their examinations remotely. It is also in the interests of the Faculty that in doing so, the integrity of the examination is maintained.

In order to guarantee the integrity of the examination, it is necessary to:

- remotely identify a candidate.
- monitor the exam process for detection and prevention of fraud and for compliance with regulations.
- check that the examination has taken place within the allotted time.

### 2.6.2. Legitimate Interests of the Candidate (Data Subject)

It is in the interests of the candidate to be able to sit their examinations online. This makes this activity accessible to the candidate in times where normal methods for the delivery of examinations is not possible and provides for continual professional development and career progression.

## 2.7. Further Information

The following links provide further information on the areas of the legislation applicable to this Privacy Statement:

<b>Relevant Data Protection Clause</b>	<b>Article/Schedule</b>	<b>Section</b>
Lawfulness of processing	Article 6	Section 1(f)
<a href="https://www.legislation.gov.uk/eur/2016/679/article/6">https://www.legislation.gov.uk/eur/2016/679/article/6</a>		
Processing of special categories of personal data	Article 9	Section 2(g)
<a href="https://www.legislation.gov.uk/eur/2016/679/article/9">https://www.legislation.gov.uk/eur/2016/679/article/9</a>		
Substantial public interest conditions	Schedule 1, Part2	Section 11.1(c) & 11.2(a)
<a href="https://www.legislation.gov.uk/ukpga/2018/12/schedule/1/part/2/enacted">https://www.legislation.gov.uk/ukpga/2018/12/schedule/1/part/2/enacted</a>		

## 2.8. Will my data be shared with a third party?

We will share your information with trusted third parties, to act on our behalf, in providing your products and services. The products and services include, but are not limited to:

- TestReach acts as a data processor for FSEM, and FSEM is the data controller related to all aspects of your examination. This means that TestReach acts according to FSEM's instructions and data protection policy, which is in line with the UK GDPR/EU GDPR. TestReach's privacy policy can be accessed here: <https://www.testreach.com/testreach-privacy.html>.
- GoldVision is the client management system where your application is submitted to for review. FSEM has a contract with GoldVision, enabling the collection and storage of FSEM's data on this client management system, allowing FSEM to manage its database of members and registered users (e.g. exam candidates). Esteiro Business Solutions Canada, Inc. are an internal third party of GoldVision and act as joint controllers or processors. Any personal data will be treated in accordance with FSEM's services and will not be shared by GoldVision with any external third party, unless in accordance with the law.
- GoldVision's full privacy policy can be found here: <https://www.gold-vision.com/privacy-notice/>.

FSEM uses the following Processors and Sub-processors to support online proctored examinations and/or all aspects of FSEM membership:

### 2.8.1. Data Processors

- TestReach, our provider of online examinations, does not use sub-processors.
- GoldVision is responsible for the collection of your photo ID Card (e.g. passport or driving licence), degree certificates and/or other evidence to confirm your eligibility for a specific examination and, if applicable, to confirm your specific requirements (e.g. additional time). GoldVision also uses other companies (sub-processors) to deliver our service. GoldVision is also providing FSEM's CRM system and stores your FSEM membership data (e.g. name, address, email address, phone number, qualifications, EDI information).

### 2.8.2. Data Sub-Processors

- Dropbox – storage of personal data (e.g. electronic copy of passport)
- Wordpress/One Limited – data are collected through our website hosted by WordPress and administered by One Limited
- Google Analytics - visit monitoring web application (USA, EU)
- Edinburgh copy shop – provision of full name for certificate printing
- Softmides provides website development services for the Faculty and implements an API integration between the Faculty's website ([www.fsem.ac.uk](http://www.fsem.ac.uk)) and the CRM system Gold Vision.
- GoldVision collaborates with Esteiro Business Solutions Canada, Inc. who are acting as joint controllers or processes, and who are based in Canada and provide coordinated sales implementation and support services, which may relate to you as an exam's candidate or a member of the Faculty.

### 2.8.3. External third parties

- Professional advisers including lawyers, accountants and auditors based in the UK who provide legal and accounting services.
- HM Revenue & Customs, regulators and other authorities based in the United Kingdom who may require reporting of processing activities in certain circumstances.

## **2.9. Will my personal data be transferred to countries outside the European Union?**

Limited personal data is transferred outside the EU. Personal data will be stored within the UK and/or EU, unless otherwise specified. Processing tasks associated with data backup

and recovery happens in the same location where data is stored. GoldVision's sub-processor Esteiro hold data securely in the UK, but Esteiro's employees may view your data over secure internet devices outside the European Economic Area (EEA) in countries such as Canada and the US. This classifies as an international data transfer. For example, Esteiro Business Solutions Limited and Esteiro Business Solutions Canada, Inc. are sister companies that operate jointly to support GoldVision's customer base.

Whenever GoldVision transfers your personal data out of the EEA, the company ensures that the data is transmitted using secure, encrypted protocols and subject to the same security processes as the UK business.

## **2.10. What if I object to online proctoring?**

In order to protect the integrity of every FSEM examination, candidates must be observed throughout, whether this is invigilated in an exam hall for a paper-based written exam, or online video proctoring. If you object to being proctored, unfortunately, you will not be able to sit this examination.

## **2.11. How do we secure your personal data?**

FSEM has adopted appropriate technical and organisational measures to prevent unlawful processing or the loss of personal data. Your personal data can be viewed only by individuals authorised to do so based on their role/position.

### **2.11.1. Access Controls**

Only authorised FSEM, TestReach and GoldVision staff can view candidate personal information as described in Section 5 above. Access to data is based on individual roles/positions.

### **2.11.2 Storage and Transmission of Data**

FSEM, its processors and sub processors utilise encryption methods and dual authenticated password protected methods in their storage and transmission of personal data. FSEM will share information across internal departments to improve communication and services, and with third parties and external parties as outlined in sections. 2.8.1. to 2.8.3. for the effective delivery of services and in order to improve clinical practice and medical training. FSEM will not sell information about members and other service users to third parties.

### **2.11.3 Access to Webcam Video and Special Category Data**



Only authorised individuals can request access to candidate video files and only in specific circumstances such as, suspicion of fraud.

#### 2.11.4. Data Minimisation

FSEM, its processors and sub processors aim to reduce the amount of data stored and processed by ensuring that candidate data, specifically video files and other special category data are securely deleted from their systems as quickly as possible if the proctor and the video files demonstrate that the integrity of the examination was upheld.

### 2.12. How long do we retain your data?

FSEM handle all personal data carefully, securely and with respect for the data subject(s). FSEM also ensure that personal data is processed only for as long as is necessary. If an applicant submits data to the Faculty but is found not to be eligible to sit the relevant examination, data relating to personal evidence for eligibility purposes (e.g. passport) are destroyed as soon as possible after advising the applicant of the Faculty's decision, and the Faculty aims to delete all submitted data on the same working day.

FSEM collects data to carry out its activities, which includes offering membership services, providing examination services and communication. This data will be held for the duration of the person's direct engagement with the Faculty (i.e., duration of membership), plus an additional period of time as outlined below.

#### 2.12.1 Video Files

The video files special category data are subject to additional retention periods:

- Videos demonstrating a high level of examination integrity will be retained for 60 days before being destroyed.
- Videos demonstrating a low level of examination integrity and highlighted by the Proctor as demonstrating suspicious activity can be retained for up to one year before being destroyed. However, in practice, FSEM would seek to ensure that even in this case, the retention period is no more than 60 days.

#### 2.12.2 Examination data

Examination data is held for 7 years by FSEM. Thereafter, the data is minimised to ensure that FSEM do not hold any excessive and unnecessary data.

#### 2.12.3 Membership data

We will retain your membership data for 7 years after the duration of your membership. The membership data includes (but is not limited to) name, date of birth, contact information.

Whenever we collect or process your personal membership data, we will only keep it for as long as is necessary. At the end of our retention period, your data will be either: deleted, destroyed, deactivated or anonymised.

- We will keep data relating to your basic core information (including name, date of birth, UK region, country, member type, qualifications, joining and leaving dates) permanently as a historical record when your membership expires.
- Personal and contact information will be held on our database for other cross departmental purposes, such as sitting examinations, attending events or recording CPD.
- Direct debit bank details held on our database will be deleted once your direct debit is cancelled.
- Membership information held on our database will be deactivated once your membership has expired.

#### 2.12.4 Equality Monitoring Data

We will retain your equality monitoring data for 7 years after the duration of your membership. This equality monitoring data includes (but is not limited to) ethnicity, gender, religion etc.

#### 2.12.5 Professional Data

We will retain professional information data for 7 years after the duration of your membership. This professional information data includes (but is not limited to) occupation, employer, qualifications etc.

#### 2.12.6 Unsuccessful Examination Candidates

As referenced above in Section 2.12, that for any unsuccessful examination candidates, we will look to destroy any data that is used as personal evidence to check eligibility (e.g., passports) as soon as possible after advising the applicant of the Faculty's decision.

All other application data will be held for a period of up to 2 years after the applicant was notified of their unsuccessful application.

### 2.12.7 Unsuccessful Membership Applicants

For any membership application deemed unsuccessful, application data will be held for a period of up to 2 years after the applicant was notified of their unsuccessful application. Following this period, for any membership re-applications, the applicant will need to resubmit their personal information during their application.

### 2.13. How will we use your data?

We will not share the personal information you have provided as either a member of the Faculty, or exam candidate, with any third-party company out with the organisations referred to in 2.8, in accordance with the UK GDPR/EU GDPR and our Data Processing Agreement. We will not sell or lease your personal data to third parties unless we have your permission or are required to do so by law.

We would like to send email marketing communications to you, as a way for us to share communications relating to the Faculty that might be of interest to you. You have a right, at any time, to opt out of any of our optional communications. To do so, simply select the unsubscribe link at the bottom of the email.

As a member of the Faculty, you will receive important communications relating to your membership (e.g. notice of AGM, payment reminders) which you cannot unsubscribe from. By becoming a member of FSEM, you agree to receive non-optional communications from the Faculty. Upon membership termination, you will automatically be removed from all optional and non-optional mailing lists.

## 3. Equality, Diversity and Inclusion (EDI) data

FSEM is committed to ensuring equal opportunities across all its activities. We ask all exam and membership applicants to provide EDI data during the application process, although it is not a requirement to submit these as part of the exams or membership application process.

Diversity monitoring data is provided to us directly by you where you choose to provide it.

Diversity monitoring data is special category data under the UK GDPR and includes information regarding:

- Ethnicity
- Health data including information about disability
- Sexuality and gender identification, including reassignment
- Religious beliefs

### **3.1. Legal basis for EDI data collection**

As diversity monitoring data is special category data, we also require an additional legal basis for processing. We process diversity monitoring data under Article 9 of the UK GDPR for reasons of substantial public interest to ensure compliance with the Equality Act 2010 and Schedule 1 of the Data Protection Act 2018 to promote and maintain equality in sport and exercise medicine. Your anonymised data may be used for the following purposes within the Faculty to:

- compare diversity monitoring data of volunteers and to monitor whether our volunteer cohort reflects the breadth and diversity of our membership
- monitor and report on performance of exam candidates across the protected characteristics
- monitor and report of progression of trainees across the protected characteristics
- feed into the workforce census to support campaigning, influencing, workforce planning and evaluation of work such as retention initiatives
- ensure our examiner cohort reflects the breadth and diversity of our membership
- report on diversity across all awards, and monitor diversity within our events, media spokespeople and panel members and ensure it reflects our membership.

### **3.2 EDI data retention**

The EDI information you provide to FSEM is stored as part of your exam applicant or membership record with restricted access and used for equal opportunities monitoring. We do not use your personal data to make automated decisions or undertake profiling about you.

We regularly review the information we hold about you according to the following guidelines:

- If you submitted EDI data as part of an exams or membership application, and the Faculty found that you are not eligible for membership or to sit the exam, your data are destroyed as soon as possible after advising you of the Faculty's decision, and the Faculty aims to delete all submitted data on the same working day.
- If you are an exams candidate who did not pass the examination, or you successfully passed an examination but do not wish to apply for FSEM membership, your EDI data will be deleted as soon as all processes relevant to the examination sitting (e.g. psychometric analysis, distribution of exams results) is completed. The Faculty aims to delete all EDI data associated with past exams within eight weeks of the examination date.

- If you are a Faculty member, we will retain your EDI data for as long as you choose to provide it, or as long as your online account is active.

We will only retain your EDI information for as long as you choose to provide it or for as long as necessary to fulfil our legal or statutory obligations, our business need, or because it is of historical importance. This means that we may retain some of your personal information for a set period of time after our relationship with you has ended.

#### 4. Your Rights

You have the following rights in relation to your data:

- **Right of access** and right to have a copy of your personal data in a standard format (**right to data portability**). You can ask us for a copy of the information that we hold about you.
- Change any factual errors or inaccuracies (**right of rectification**). You can update your EDI data by contacting [enquiries@fsem.ac.uk](mailto:enquiries@fsem.ac.uk). It is your responsibility to update us of any changes to the personal information you have provided.
- Delete your personal data (called a **right to erasure**). We cannot delete all personal data as we may have a legal obligation or because we have a requirement to retain it for a task in the public interest, but we can delete non-essential data. You can also choose the 'Prefer not to say' option when providing us with your EDI data.
- Restrict the use of your data (**right of restriction**). You can request that we deactivate your FSEM membership account (if applicable) or that we only store your data but undertake no further processing. However, this only applies to certain circumstances.
- Object to processing (**right to objection**). You can ask that we stop using data that is not necessary for fulfilling our legal obligations.

#### 5. Contact FSEM

If you feel that FSEM is not complying with its privacy rules and/or its privacy policy, you can submit a complaint to the FSEM. You can also do this if you are dissatisfied with how a request or objection has been handled. You can submit a complaint or a question by e-mail to: [enquiries@fsem.ac.uk](mailto:enquiries@fsem.ac.uk)

All appeals or complaints must be lodged in writing in accordance with the Faculty of Sport and Exercise Medicine UK Complaints Procedure.

You can also submit a complaint to the Information Commissioners Office (ICO), the UK Data Protection Authority via its [website](#).

The ICO's address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Helpline number: 0303 123 1113

**This policy is regularly reviewed to ensure that they have the most up to date data protection and privacy information.**