

# Data Sharing Agreement

between

**Earwig Leisure Reporting Ltd (ELRL) T/A Butterfly and**

**Schools that have agreed to use the Butterfly service.**

Butterfly is an educational software package, provided by ELRL, that enables swim teachers to record the attendance, achievements and progress of each pupil whilst attending school swimming lessons.

This document details the data objects and items that are shared, the use of, use by, storage and storage duration, safeguarding and security of the data that you, will share with Butterfly (ELRL). This agreement supports our joint obligation to comply not only with the Data Protection Act 2003 and the Information Commissioner's Office (ICO) mandate, but also the General Data Protection Regulations (GDPR) in force from May 2018.

## Transfer and Use of Personal Information

For the purpose of allowing authorised users to use Butterfly we require the input of specific personal information. The data will in part be classified in accordance with the UK Government's Information Security Design Manual Business Impact Levels.

### 1. Personal information about pupils who are currently on roll:

- Name
- Gender
- Assigned class/year group
- Pupil Premium
- EAL
- SEN
- Looked After
- Relevant medical information

### 2. Information about the school:

- Name
- Address
- Name and contact details of selected Butterfly Administrator

## Use of Data

The Use of Data policy is provided for schools to ensure that, as data controllers, they have the ability to share data and that they consider there to be appropriate measures in place, ensuring that the data is held securely and confidentially. This document sets out how ELRL supports these objectives.

ELRL and its suppliers will be acting as 'data processors' as defined by the 2003 Data Protection Act. ELRL has taken all reasonable measures to ensure the safety and security of personal information and continues to review these measures on an on-going basis.

The data will be used to tag attendance and assessments and present these in a coherent way to swim teachers, management and school staff.

## Data Storage

ELRL stores and manages the data described above in accordance with its Privacy Policy which forms Schedule 1 of this Agreement.

This information gives details of the management of data security in relation to the use of Butterfly. Information is input into Butterfly from data lists provided by the schools.

The information from schools is held inside the Butterfly platform, which is hosted on a dedicated server based in the UK. You can find out more about the security and safety policies that affect your data by looking on the Butterfly website or by contacting ELRL.

In summary, the data you transmit to us is protected from exposure by multiple layers of firewalling, authentication, intrusion detection and physical access control.

## Support

The Support team at ELRL are able to resolve or advise you on any technical issues that you encounter while using our products. Occasionally it can be necessary for our support technicians to view the issue with you, in order to diagnose it fully and offer a solution. In circumstances where support technicians need to view the issue with you they may use remote access tools to view your computer with you, in which case you should remain at your computer and supervise the entire session.

All of our remote sessions allow you to retain control and allow you to terminate the session at any time. If your issue escalates and an additional support technician is required, then they may also be invited to join the remote session.

If your issue is a platform issue or requires changes to your account configuration, then ELRL staff may perform such configuration on your behalf from our secure management platform without requirement for remote access. You are reminded that you should avoid sending personal information, such as student/contact records, to us directly via email. You certainly should only send such information when supported by strong encryption, if there is an explicit requirement to do so. ELRL staff will advise the most secure method for transfer if there is such an explicit requirement.

## Data Life Cycle

Your data's point of origin remains in the school MIS. Changes made in the MIS are communicated by the school and updated in the Butterfly system by the swim teacher.

When a swim course is closed Butterfly immediately archives the data and retains this historic activity indefinitely, to provide audit.

### Who is responsible for managing my information?

Butterfly is provided by ELRL and its suppliers. ELRL is responsible for ensuring that your data is adequately protected in relation to the operation of the Butterfly platform.

### How can I update my data?

The data in Butterfly reflects the data given to the swim teacher, by each school, hence to correct any inaccuracies you should audit the data given by each school and inform Butterfly of any changes.

## Browser Cookies

Butterfly makes use of browser cookies for the following purposes:

To manage user authentication and to track individual user behaviour in order to continuously improve the product functionality and performance.

### Who can I contact if I have queries about this Agreement?

If you need any further assistance, please contact ELRL at [swimming@earwigacademic.com](mailto:swimming@earwigacademic.com).

## SCHEDULE 1 Butterfly Privacy Policy

Earwig Leisure Reporting Ltd (T/A Butterfly) holds private information about people. Protecting your privacy and the security of your information is a vital part of our business. The following policy statement describes how we provide this and the terms under which we hold your data.

Providing data security, in this context means ensuring:

- that the data is never lost or corrupted and is always available to the data holder
- that only authorised people can access the data
- that your email address is not given to any third parties

Butterfly has been set up to store data securely. All the data recorded, input or uploaded by a staff member is backed up daily and stored in secure facilities in more than one location around the country.

For some aspects of our service we need to collect specific personal details from you. We collect and store personal information in line with Data Protection Act 2003 the Information Commissioner's Office (ICO) mandate and the General Data Protection Regulations (GDPR).

This means:

- We will only use the information for the purposes we have stated.
- We will only hold on to the information as long as is necessary for these purposes.
- We will not pass on your details to other organisations without your permission, unless we are legally obliged to do so.
- You have the right to see what personal details we hold about you.

Personal information is information that is unique to you (such as your name, address, e-mail address, telephone number). We do not collect or retain your credit card information. We only collect personal information from you to offer you our service. Because protecting your information is important to us, we do not sell any personal information to third parties. This information is only available to certain employees who have a need to it in the execution of their job.

We may use independent contractors to provide services on our behalf such third parties may have access to your personal information in the course of providing services on our behalf. Any personal information that we provide to such third parties is protected under a confidentiality agreement. Such third parties will take commercially reasonable measures to keep your personal information safe, private and secure. Independent contractors who service our technical hardware and software requirements have no possible access to this information.

We automatically collect and store: the name of the domain and host from which you access the Internet; the Internet protocol (IP) address of the computer you are using; the date and time you access our sites; and the Internet address of the site from which you linked directly to our sites.

We use this information only as anonymous aggregate data to determine the number of visitors to different sections of our sites, to ensure the sites are working properly, and to help us make our sites more useful. We do not use it to track or record information about individuals.

When you use our services as a registered user, we utilise cookies to store information about your visits to make your revisits more efficient for you and us. It is necessary to place the cookie on your computer's hard drive in order for us to do this. This is a common practice used by most websites. We do not sell or give this information to any outside parties. A "cookie" is a small text file that a website can place on your computer's hard drive in order, for example, to collect information about your activities on the site or to make it possible for you to use an online "shopping cart" to keep track of items you wish to purchase. The cookie transmits this information back to the website's computer which, generally speaking, is the only computer that can read it. Many consumers do not know that "cookies" are being placed on their computers when they visit websites. If you want to know when this happens, or to prevent it from happening, you can set your browser to warn you when a website attempts to place a "cookie" on your computer.

Protecting your information is very important to us, and we use commercially reasonable measures to provide secure transmission of your personal information to us. You should be aware that there is a level of risk involved in transmitting information over the Internet. As a result, we cannot ensure or warrant the security of the information that is transmitted over the Internet, and that you do so at your own risk.

Currently, Butterfly does not work with third parties that provide advertisements to our site. This could change in the future, and if it does, a revised privacy policy will be issued.

Our website may contain links to other sites for your convenience. In most cases, those sites are not under our control, and they have their own policies regarding privacy, which you should review before using them. We bear no responsibility for linked websites and provide these links solely for your convenience and information.

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