



## **Adopted Constitution for the Protected Wreck Association (PWA)**

**(authors Dave Johnston, Mike Williams)**

This Constitution was adopted by unanimous vote of those present at an open meeting of individuals working on the UK's legally-protected underwater cultural heritage sites, held at the Copthorne Hotel, Plymouth on 1<sup>st</sup> Feb 2019.

### **(1) Name**

The Protected Wreck Association (hereafter 'the Association').

### **(2) Definitions**

For the avoidance of doubt, the following definitions apply in this constitution:

- "protected sites" are any and all foreshore, intertidal and underwater cultural heritage sites around the UK coastline which have legal protection under United Kingdom legislation and its equivalents in the devolved administrations of the UK (at the time of adoption of this constitution: The Protection of Wrecks Act 1973, The Ancient Monuments and Archaeological Areas Act 1979, The Protection of Military Remains Act 1986, The Marine (Scotland) Act 2010), The Historic Environment (Wales) Act 2016 and any successive or amending legislation .
- "licence" is the formal legal permission granted to an individual or group of individuals to allow them to work on a "protected site" irrespective of (a) the legislation under which that site is protected and (b) the strict legal name of the system under which permissions are granted (licensees, permits, permitted persons etc. etc.).
- "licence teams" are the groups of individuals who work together in a coordinated fashion to survey, monitor, excavate and research a "protected site" under a "licence".
- "licensee" is any individual who is a member of a "licence team".
- "maritime" includes freshwater "protected sites".

### **(3) Aims and Objectives**

(3.1) The Association is intended to be a forum to:

- facilitate open communication, discussion, collaboration, support and cooperation within the community of avocational and professional archaeologists who work to monitor, survey, excavate or research foreshore, intertidal and underwater cultural heritage sites around the UK coastline which are protected under United Kingdom underwater cultural heritage legislation or its equivalents in the devolved administrations of the UK.
- raise awareness of protected sites, the legislation they are protected under, the threats they face and the work being undertaken on them.
- help attract new members into the maritime archaeological community and the Association.
- Encourage participation in the activities of the Association

(3.2) In order to achieve these aims, the Association may:

- operate a secretariat, steering group or formal committee.
- organise or help co-organise meetings of the UK maritime archaeological community involved in work on protected sites.
- operate a www site (<http://www.protectedwrecks.org.uk/>) and other social media forums as deemed appropriate for both restricted discussion between members of the Association and open (public) discussion.
- undertake any other lawful activities which may be deemed necessary for achieving the above aims, including but not limited to:
  - applying for grants and seeking sponsorship to support its activities.
  - operating a dedicated bank account to manage funds; the Chair, Secretary and Treasurer shall be the designated signatories any two may sign a financial instrument.
  - collecting, collating and publicising data from the work of the Association's members.
  - lobbying for amendments to the regulatory framework surrounding the activities of the Association and its members in order to further the work of the Association and its members.

(3.3) As a result of the above activities we intend that the Association will come to be recognised as the official voice of the teams authorised to work on protected sites, and so allow them to have formal recognition by heritage policy makers and representation on relevant policy bodies and advisory and stakeholder groups.

## **(4) Membership and Observers**

(4.1) The following categories of membership shall apply.

- (a) principal member - the nominated leader of a licence team.
- (b) full member - any other active member of a licence team whose is named on the licence.
- (c) associate member - an individual who is affiliated to a licence teams and contributes to the effort and output of the licence team but does not require a licence to make their contribution - for example individuals who undertake conservation work, archive research, maintain web sites etc..

(4.2) Membership of the Association shall be granted by submission of a membership form and meeting the requirements of 4.1.

(4.3) In addition, observer status is granted to any other individual with an interest in the work of the Association, for example, individuals from the relevant heritage agencies and commercial contractors who are not part of licence teams.

(4.4) All members agree to comply with all relevant current UK and devolved administration legislation pertaining to their work on protected sites and to abide by the Annex of the UNESCO Convention on the Protection of Underwater Cultural Heritage 2001.

(4.5) Any member found to be in breach of any current UK or devolved legislation pertaining to protected sites or the Annex of the UNESCO Convention on the Protection of Underwater Cultural Heritage 2001 may forfeit membership of the Association.

## **(5) Finances and Subscriptions**

(5.1) The Association will operate on a not-for-profit basis so that any financial surplus shall accrue to the Association and cannot be distributed to members, past, present or future for personal gain.

(5.2) Whilst it is anticipated that the Association can operate with minimal administrative expense the Association shall set a membership fee. For the removal of doubt, such membership fee may be set at a 'zero rate' and shall be so set for the first year after adoption of this Constitution.

(5.3) The Association may request a set contribution from attendees of any meeting it organises or co-organises to contribute towards covering the costs of that meeting only (including room hire, catering etc.).

(5.4) If the Association decides to disband, any financial surplus shall be donated to an organisation with similar objectives.

## **(6) Meetings and Communication**

(6.1) When practicable and if finances and /or sponsorship permit, it is intended to hold, at minimum, an Annual Meeting of the Association to coincide with another regular gathering such as the Plymouth Shipwreck Conference or the NAS Conference or such similar event. That meeting will include an Annual General Meeting to consider any formal business of the Association.

(6.2) There may be occasions when Association members present at a meeting organised or co-organised by the Association may wish to discuss matters *in camera* in order to formulate an opinion or raise issues which they are not willing to discuss in a wider forum. As a consequence, any meeting organised or co-organised by the Association shall afford the opportunity for *in camera* discussion:

- between members (principal, full and associate) in the absence of observers.
- between principal members in the absence of full and associate members and observers.

Any such sub meeting can, by majority decision of those members participating in that sub meeting, invite specific individuals from the wider forum back into that meeting under any conditions that the members in that sub meeting wish to impose.

(6.3) If it is not possible, for any reason, to hold a physical AGM, Association business will be undertaken by email to registered members. Any member wishing to stand for a position on any formal committee, steering group or secretariat may self-nominate by notification to the designated Secretary and may be elected by online poll of registered members.

(6.4) Notification of any Association meeting shall be given to members by email at least 21 days in advance and also advertised on other Association social media and by any other means which the formal committee, steering group or secretariat deems appropriate (e.g. heritage agency newsletters).

(6.5) Should any Association matter require a formal vote, each principal, full and associate member shall have a single and equal vote and a motion will be carried by a simple majority of those who vote whether in person or by email.

## **(7) Administration and Management**

(7.1) The Association will establish a formalised administration in order to:

- provide a primary point of contact with relevant heritage and licencing agencies.
- organise / co-organise meetings.
- coordinate communication, web site, social media etc..
- manage any funds supplied to, donated to, or raised by the Association.

(7.2) rather than having a formal committee structure (Chair, Vice Chair, Secretary, Treasurer and ordinary members), the Association may elect to have a steering group of volunteers drawn from its membership or a simple secretariat.

(7.3) A formal committee or a steering group shall include a designated Secretary who will be the primary contact for the group.

(7.4) Should the Association receive donations or fees or need to hold funds or apply for grants, a formal committee, steering group or secretariat shall also include a designated Treasurer who will be responsible for managing, recording and reporting finances.

(7.5) Volunteers from the membership to form any formal committee, steering group or secretariat shall self-nominate prior to, or at, the Association's AGM and shall be elected by a simple show of hands of members attending (principal, full and associate), including attending through remote access, to serve until the next AGM, when they can seek re-election.

(7.6) Licence teams and protected sites are spread across the country and therefore blind copy email, web forums and other social media will be used for communication with the membership as appropriate.

(7.7) Changes to this constitution can be suggested by any member at any time by email to the Secretary. Proposed changes will be considered at the next AGM and adopted by a 2/3 majority vote of those members attending.

(7.8) The Association will operate a data protection policy to remain compliant with current UK legislation. A copy of that policy shall be appended to this constitution but stands separate to it.

## **Appendix: Protected Wreck Association - Data Protection Policy / Privacy Notice (version 1, adopted 01 February 2019)**

### **Protected Wreck Association - Data Protection Policy**

The Constitution of the Protected Wreck Association requires it to operate a Data Protection Policy. This policy stands independent of the Constitution in order to facilitate any necessary rewording to reflect changes in UK legislation and in Association administration and communication methods.

The policy is based on current UK legislation; the Data Protection Act 2018 (the UK's implementation of the EU General Data Protection Regulation (GDPR) - <https://www.gov.uk/data-protection>).

The Association management will maintain a database of personal information related to individual members who have supplied their data to the Association and consented to the Association holding and using that data for Association administration purposes (including a membership database) and for keeping Association members updated and informed by email.

The Association takes your privacy seriously. We are a "controller" of the personal information that you provide to us and this Data Protection Policy and its accompanying Privacy Notice set out how, why and for how long we will use your personal data, as well as who it is shared with. It also explains your legal rights as a data subject and how to exercise them.

The key principles underlying the Association's Data Protection Policy and its accompanying Privacy Notice are that:

- data is captured and maintained in a secure manner.
- individuals are made fully aware of what data is captured and what it will be used for.
- explicit consent is given by the individual for the Association to hold data.
- data is updated regularly and accurately.
- data is limited to what the Association needs.
- data is used only for the purpose for which it is collected for.
- data is only kept for as long as it is necessary.
- any member can, at any time, request a copy of the data pertaining to them which is held by the Association and this must be provided in a timely fashion and updated / edited / deleted as that individual requests.

How we will operate these principles is detailed in the Association's Privacy Notice.

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#### **(1) The types of data that we may hold**

Data held may include any information (electronic or paper) which an individual member has voluntarily supplied to the Association and consented to the Association using for the purpose of

Association administration and communication, including (but not limited to); name, address, email address, telephone number(s), protected site involved in, status in licence team, relevant interests and skill sets.

## **(2) How we use your personal data**

Personal data will be used solely for the purposes of Association administration.

These data shall remain private to the Association and shall not be shared with any third party except for:

- (1) the purposes of email distribution of Association updates and newsletters to members using a secure 3<sup>rd</sup> party facility (see section 3).
- (2) where we might be required by UK legislation to release specific information to the authorities for e.g. law enforcement purposes.

On notification to the Association's Secretary of a member's wish to terminate their membership, the Association will delete all personal information that it holds for that member.

## **(3) Email correspondence and emailed newsletters**

The Association will send updates and newsletters to its members who have supplied us with a valid email address for the purpose of keeping them updated. The association will use a secure online marketing / email distribution service to send these communications on its behalf.

The Association will use Mail Chimp ([www.mailchimp.com](http://www.mailchimp.com)) and supplies Mail Chimp with a list of email addresses to use for each specific mailing. Mail Chimp holds our data securely in compliance with GDPR. Its privacy policy can be viewed here: <https://mailchimp.com/legal/privacy/>.

Each email sent through Mail Chimp provides the recipient with the option to unsubscribe from all future mailings from the Association at any time. Unsubscribed email addresses are held securely by Mail Chimp and used to screen lists of email addresses supplied by the Association and remove any unsubscribed ones before it compiles the recipient list for that mailing.

Individuals can also unsubscribe at any time by contacting the Association's Secretary.

All email correspondence from the Association to its members shall be by blind copy.

## **(4) Data Security**

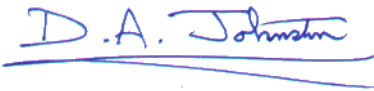
For the purposes of the Data Protection Act 1998, the Secretary of the Protected Wreck Association shall be responsible for the security of member information and for compliance with relevant data protection legislation.

## **(5) Your Rights**

Under the Data Protection Act 2018 and the EU General Data Protection Regulation you have rights to your data held by the Association. You have the right to:

- view any personal data relating to you that is held by the Association
- have that data corrected, edited or deleted in full or in part
- opt out of receiving any further communication from the Association

Please contact the Association Secretary with any enquiries you have about any data that we hold for you

<p>Policy Approved</p>    <p>Date: 01 Feb 2019</p>	<p>Signed:</p>   <p>Printed Name: Dr. David A. Johnston</p>  <p>Position in Association: Secretary</p>
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**Version History**

Version 1 - 01 Feb 2019



## Membership Application Form

Name	
Email address	
Address (optional)	
Telephone number (optional)	
Protected Site	
Role in Project Team	
Membership type requested:	please tick relevant box below
principal	
full	
associate	
Specific Interests	
Specific Skill Sets	
Data Protection Policy Agreed	Please circle choice                      YES NO
Include in email distribution list	Please circle choice                      YES NO
Signed and dated	

Principal member - the nominated leader of a licence team.

Full member - any other active member of a licence team whose is named on the licence.

Associate member - an individual who is affiliated to a licence teams and contributes to the effort and output of the licence team but does not require a licence to make their contribution.