



GENERAL DATA PROTECTION REGULATION (GDPR)

Guidance Note for Affiliated Clubs and County Associations Issued: February 2018

INTRODUCTION

All membership organisations have a legal and moral duty to protect the data of their members. Many points of the GDPR already apply under current data protection laws.

The GDPR will become enforceable from 25th May 2018. It replaces the Data Protection Act 1998 and covers the storage and use of 'Personal Data'. ***Personal data is defined as any piece of personal information that can be used to identify an individual, either directly or indirectly.*** This includes information such as an individual's:

- Name
- Telephone Number
- E-mail address
- Date of birth
- Health information
- Location data
- Online identifier e.g. IP addresses or cookies

GDPR will apply across most of Europe and will be unaffected by Brexit.

PROGRESS TO DATE

Outline advice was presented to County Association representatives at the Bowls England Counties Meeting in November 2017 and circulated following that meeting.

Bowls England has since been seeking guidance from bodies such as Sport England and the Information Commissioners Office (ICO) with regard to GDPR and is in liaison with the English Indoor Bowling Association Ltd. However, there is very little information specific to sport at present.

Bowls England has received a number of individual queries from affiliated clubs and these have been responded to with the assistance of the ICO as necessary.

CURRENT ADVICE

At this stage, our key understanding is that the GDPR states that Personal Data can be held, without the need for consent, if it is adequate/relevant/non-excessive. This means that as long as a Club, or County Association, reasonably considers the storage of Personal Data to be relevant and non-excessive, they can continue to hold it. Under the GDPR, an organisation can lawfully process data only if at least one of the following conditions are met:

- The data subject has given their consent;
- If the processing is necessary for the performance of a contract;

- For compliance with a legal obligation;
- If the processing is necessary to protect the vital interests of the data subject;
- Public interest purposes;
- If there is a legitimate interest pursued by the data holder or a third party.

Bowls England therefore suggests that, for example, should a Club or County Association wish to 'publish' the telephone number of a member they should obtain 'consent' for this purpose – this must be 'opt in' rather 'opt out'.

PREPARING FOR GDPR – FIRST STEPS

The first step for any organisation will be to conduct an audit on the information they collect and ask questions such as - how they obtained it, where is it stored and why do they need it? Importantly, from May, consent must be obtained to use or process personal data. ***It also means that requests for consent must be obvious and cannot be hidden within lengthy terms and conditions, and pre-ticked boxes or inactivity will no longer constitute consent.***

REGISTRATION AND SELF-ASSESSMENT

Clubs and County Associations may need to register with the ICO under GDPR but the criteria is still being considered. Details may be found at: <https://iconewsblog.org.uk/2017/10/05/ico-fee-and-registration-changes-next-year/>

Clubs and County Associations may also conduct an online GDPR self-assessment at: <https://ico.org.uk/for-organisations/register/self-assessment/>

ADDITIONAL INFORMATION

The following documents are included with this briefing for your information:

- 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now' – ICO
- 'What you need to know about GDPR' – Sport & Recreation Alliance

CONCLUDING COMMENTS

GDPR, at its heart, will help to protect individuals against personal data breaches, but it is also going to help organisations develop a clear understanding of how to handle this sensitive information.

Bowls England is currently investigating the introduction of a central Membership Register that would address many of the concerns and safeguard our wider membership with regard to GDPR compliance, especially those involved in County and Club administration.

APPENDIX A: ACTION PLAN FOR CLUBS AND COUNTY ASSOCIATIONS

Clubs and County Associations can take a number of proactive steps to ensure that they comply with the GDPR.

1. **DO** organise an audit of information currently held
 - Where did it come from?
 - How is it stored – electronically/paper-based?
 - Who do you share it with?
 - How often do you review it?
2. **DO** hold contact information that is relevant
3. **DO NOT** hold any other information
4. **DO** ask members for consent annually as part of their membership renewal process
5. **DO** blind copy (“BCC”) members who are receiving circular e-mails
6. **DO NOT** send any correspondence to members that is not related to the sport of bowls or to their membership of the club without their informed consent
7. **DO NOT** share your member’s information with third parties without their informed consent
8. **DO** ensure that departing members are promptly removed from **ALL** databases
9. **DO** ensure that parents or official guardians accept receipt of information on behalf of children (aged under 18)
 - *In accordance with Bowls England’s Safeguarding Bowls Policy*

APPENDIX B: GOOD AND BAD PRACTICE

Suggested Good Practice includes:

- Holding a member’s current home address if the club has a genuine reason to do so (for example sending membership documents by post)
- Sending club-related correspondence to a member’s e-mail address
- Holding a member’s car registration number if the club has a car park
- Holding information relating to a member’s health if it could become directly relevant (such as diabetes or epilepsy)

Suggested Bad Practice includes:

- Sending club-related correspondence to a former member’s e-mail address
- Sending “junk” mail and/or email to members that do not relate to bowls or to their club membership
- Holding a member’s car registration number if the club does not have a car park
- Holding information relating to a member’s health if it could not reasonably be expected to become relevant