

Club resource

# **General Data Protection Regulation (GDPR)** Action required

July 2017

**British  
Gymnastics**  
More than a sport

## **GDPR overview**

# **General Data Protection Regulation (GDPR)**

## **The background**

The Data Protection Act currently governs the way in which data is collected, stored and processed.

This directive was passed in 1995, a time when the internet was in its infancy. As the world has evolved, and how we access digital content and share our personal data has changed, so must the way data is governed.

GDPR is a new regulation which is intended to strengthen and unify data protection law within the European Union. It aims to give data subjects across Europe (including the UK) increased ownership and control over their personal data assets – ensuring the right to a private life and to provide a simplified one-stop-shop set of rules for the collection, use and storage of personal data.

This change in legislation should drive all organisations to review how they collect and process data, and to operate in a compliant and lawful manner, or face tougher fines for non-compliance and breaches.

# The basics

As a club, you are responsible for ensuring your organisation aligns to the requirements of the GDPR, supporting the rights of your members as individuals and protecting their personal data.

If you are unfamiliar with GDPR, here are some words and phrases that may be new to you:

## Data Controller

This is the person or organisation that determines which personal data is going to be captured, stored and processed, and for what reason – that's you or your club.

## Data Processor

This is a person or organisation that processes the data on behalf of the Data Controller.

## Data Subject

This is the living individual that the personal data relates to. This could be a gymnast, a parent or one of your team and applies to all ages, even if they are under 16.

## Personal data

Personal data means data which relates to a living person who can be identified from the data. This could be a name and date of birth or contact details such as an email address. Think of how much information you collect about your members just to carry out the basic administration of your club – most of this will fall into the category of personal data.

## Special categories of data (sensitive data)

This is different from personal data and includes information such as medical details, health conditions and some of the equality and diversity data (e.g. religion or ethnicity). This data is subject to additional protection and you may require additional justification to process this information.

## Processing

The term 'processing' covers virtually any use of personal data. In your everyday activities as a club you will be processing personal information relating to your members, customers and employees. You may already manage this in different ways such as through a database system, Excel spreadsheets or paper forms, but these will all need to be GDPR compliant.

## Examples of how you might process data include:

- Storing the data of your members, including names, phone numbers, addresses, email addresses etc.
- Collating information from other clubs or providing information to other organisations for competition and events.
- Advertising and marketing to your members including newsletters, emails, social media etc.
- Gathering personal information as part of activities to raise funds for your club.

**All organisations must be fully compliant with the regulation by 25 May 2018.**

## GDPR overview

### How to get started

The first thing is not to worry. We are working really hard behind the scenes to make sure our community is supported in being compliant. British Gymnastics has the same requirement for compliance as you have so we are going through the process ourselves. Our absolute commitment is to make sure we all become GDPR compliant together. So lets take some action...

#### Awareness

It's important that anybody in your club who deals with collecting, using, storing, deleting or any other data processing activities understands that things are changing with GDPR. Please feel free to share all of our support documents around in your club. Get your teams up to speed on the coming changes and start thinking about what information you collect, when and how you collect it and how you store it. This is a great first step to work out where you are right now as it will help you to understand where you need to get to. It will also make sure that you are compliant with time to spare rather than have a last-minute panic in May 2018.

#### Data you process

You need to start documenting what personal data you hold, how you hold it, where it came from, what you do with it and who you share it with. This may seem like a time-consuming task around running a busy club, but it is essential to complete this task. Some of the things you do with personal data may be obvious, such as the use of gymnast and parent information provided on club membership forms, but please also make sure you explore all the different ways personal data may be processed by your club, including on

your website or social media and where you gather information from other clubs or share it with other external service providers. Doing this job well the first time will save you time in the future. We will have templates soon available to help you with this task.

You will also need to identify a lawful basis for every processing activity i.e. a legal reason for each different purpose for which you use the data. The GDPR sets out the legal reasons you can rely on for processing personal data. There are some different legal reasons if the data you are processing is sensitive.

#### Legal reasons for processing data

The GDPR requires data controllers to identify a legal reason for each processing activity. There are two separate lists of legal reasons; one set which applies to processing personal data and another set for special categories of personal data. Processing will only be lawful if at least one of the relevant legal reasons applies.

The following are the legal reasons that apply to the processing of personal data (i.e. not special categories of data) that are most likely to be relevant to gymnastics clubs, together with examples of the type of processing to which they could be applied:

- The data subject has **consented** to the processing (see next section on consent).
- The processing is necessary for the **'performance of a contract'** which the data subject is part of. An example of that in your club could be the need to process bank details for members to pay their club administration fees through direct debit or standing order. This condition also covers processing that is necessary prior to entering into a contract at the request of the data subject e.g. holding personal information on a club waiting list.



- The processing is necessary for the data controller (the club) to comply with a **'legal obligation'**. An example could be if you are required to process data under statutory law (e.g. to meet a health & safety obligation), or to comply with common law responsibilities (e.g. 'duty of care').
- The processing is necessary to protect the **'vital interests'** of the data subject or another person. An example could be if you had to call for an ambulance, you would need to provide the 999 service with information regarding the injured person.
- The processing is necessary for the purpose of **'legitimate interest'** carried out by the controller or by a third party e.g. using specific data about members to complete a funding application. When using legitimate interest as the legal basis for processing, individuals must be provided with enough information at the point of collection that they can reasonably understand what processing will happen with their data.

### Consent

If none of the other legal reasons apply, you may need to get the data subject's agreement to process their data for your purpose. You need to be aware that consent can be withdrawn at any time by the individual and this would mean that you would no longer be able to use their data for this purpose. If you think you would still need to use this information for the specific purpose, you cannot rely on consent and must look again at whether you can apply one of the other legal reasons.

The GDPR imposes strict conditions for consent. You will need to be able to prove that you have the data subject's consent. For the existing data that you hold, you will need to review whether you can demonstrate this already and also check

that the consents you have obtained meet GDPR requirements.

GDPR says that consent must be freely given, specific, informed and unambiguous. When you are thinking about obtaining consents, you need to think about how you ensure the data subject is fully informed about why you are collecting the data and about each different thing you want to do with it. Without this, any consent provided will not be valid.

Under the GDPR, consent requires a positive agreement and cannot be based on silence or pre-ticked boxes. If you think about buying something online, currently the opt-in boxes may be already ticked or grouped into one general 'I understand' tick box. That is not GDPR compliant.

Consent in relation to data processing must also be clearly separated from any other contractual agreements.

If your existing consents meet these standards you should be able to rely on them, providing they

*How to get started continued overleaf...*

## GDPR overview

### How to get started continued...

were obtained in the last couple of years and the individual has the ability to opt out. If not, you will need to refresh your consents.

GDPR also brings in some special protection around children's data and, given that our sport generally has young participants, this is particularly important. If you provide any online-based services to children aged under 16, and require consent, you must ensure you get consent from the child's parent/legal guardian and take reasonable steps to verify the individual's age to ensure they are over 16 years old. We know that clubs don't ask children under 16 to fill in membership forms but in most instances, it is the child (not the parent) who is the data subject, so your privacy notices and consent statements must be written in a way that children can also understand what they are consenting to.

We will be helping you in the next few months with understanding the different legal reasons you can rely on to process data and other things like writing privacy notices. We will be providing you with further help and training in this area to make sure it is easy to implement the changes to your current process.



# Frequently Asked Questions

## **What is GDPR?**

The General Data Protection Regulation (GDPR) is a new regulation which is intended to strengthen and unify data protection law within the European Union. It aims to give data subjects across Europe increased ownership and control over their personal data assets – ensuring the right to a private life – and to provide a simplified ‘one-stop shop’ regulatory environment for the acquisition, the use and the storage of the personal data of European citizens.

## **What is the purpose of the GDPR?**

The purpose of the GDPR is to give individuals total control over their own data and it enforces the need for all data controllers and processors (anyone who collects or uses their data) to give the individual (data subject) transparency in what is happening with their data, including what is being collected, what it will be used for, how long it will be stored, who it will be shared with, how the subject can remove their consent and enforce their ‘right to be forgotten’ when they are no longer engaged with an organisation. The underpinning principle is that the level of detail provided to individuals by organisations must be absolutely granular (i.e. extremely specific regarding the use, sharing, storage and so on) Plus it must be provided in a format that can be simply understood by the user (in our case this means it has to be able to be understood by both parents and children).

## **How does GDPR affect British Gymnastics membership join and renew process?**

In order to be GDPR compliant, we have to change the membership join and renewal process. Individuals will now need to complete their membership registration directly with us. This ensures that all data collected is compliant, all necessary consent is captured and can be evidenced if required.

## **What can clubs do with the parent/member information captured at the club?**

The GDPR is very specific on what data can be collected within a club on the basis of lawful processing. We will provide training for clubs to help manage these aspects of GDPR compliance. The data that you can retain under the new regulation is likely to be considerably less than you currently collect unless you can evidence the lawful basis for collecting the data. We will cover this subject in the training we are going to offer clubs. In addition, we are investigating how we can help clubs to collect information such as waiting lists in a compliant way to help to protect clubs from accidentally being of the wrong side of the regulation.

## **How is British Gymnastics going to support my club in handling data correctly?**

We are in the process of training a specialist team who will work across the whole of the UK to run regional and club training, including face-to-face workshops and online webinars. We are offering one-to-one club support where needed. This is to ensure clubs understand how to be GDPR compliant. However, it is important that clubs understand they are responsible for ensuring GDPR compliance. As the NGB, we will be supporting the community throughout this change.

*FAQs continued overleaf...*

## GDPR overview

### Frequently Asked Questions continued...

#### **What support is British Gymnastics going to provide?**

We will be providing lots of training and resources to support clubs to become GDPR compliant and help you to manage the change with your parents/members. We will provide resources specially created for clubs, to support your internal processes. In addition, there will be a specialist team working in the community to deliver training and one-to-one guidance to clubs, where required. Customer Service will offer specialist phone support and live chat in the usual way. However, clubs are ultimately responsible for their own compliance and ensuring their staff and volunteers who have access to personal data as part of their role have received appropriate training.

#### **What do I do with the paperwork I have in the club already, including old and current member information?**

The GDPR requires clubs to demonstrate accountability in respect of the data collected within a club and requires the identification of a lawful basis for every processing activity undertaken. We will be providing training to help clubs understand what is meant by 'lawful reasons' and how these might be relied upon and how to demonstrate GDPR compliance. The data that clubs can retain under the new regulation is likely to be considerably less than currently held unless the club can identify a lawful basis for continuing to use or hold the data. We will be creating guides and toolkits to assist you with asking yourselves these questions and evidencing consent.



## Support on offer

We are working hard behind the scenes to make sure you are supported in achieving GDPR compliance. Our support service includes:

- A dedicated team working within the community to help guide you through the steps to compliance.
- Training opportunities for your club including online modules, face to face workshops, webinars and 1-2-1 support.

- Online resources for you to share with your teams. We have already created a GDPR menu in the Resource Centre of GymNET.
- A GDPR helpline and specialist support in the Customer Service team who will be able to guide you through any assistance you need by phone, email or live chat.

British Gymnastics is committed to working closely with our clubs to implement these important changes that will have wide ranging benefits for individuals regarding their privacy.

Call our Customer Service team  
**0345 129 7129**

Email our Customer Service team  
**[customerservice@british-gymnastics.org](mailto:customerservice@british-gymnastics.org)**

Use live chat to engage with our  
Customer Service team via our website  
**[www.british-gymnastics.org](http://www.british-gymnastics.org)**