



IRISH SQUASH

May 2018

GDPR for Clubs



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Introduction

The General Data Protection Regulation (GDPR) will come into force on the 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive, which will have an impact on how Irish Squash at all levels, engages with its members. It is important that every Club, and indeed every member, is aware of how these changes in the law will affect the ways in which members' personal information can be collected and used.

The objective of this document is to provide Irish Squash clubs with clear guidance to ensure they have the tools to be compliant.

As a regulation, it will not generally require transposition into Irish law (regulations have 'direct effect'), so organisations involved in data processing of any sort need to be aware the regulation addresses them directly in terms of the obligations it imposes. The GDPR emphasises transparency, security and accountability by data controllers, while at the same time standardising and strengthening the right of European citizens to data privacy.

The aim is to try to alleviate some of the concerns raised due to the changes and facilitate a smooth transition to future data privacy standards for data controllers and data subjects alike.

Many of the main concepts and principles of GDPR are much the same as those in our current Data Protection Acts 1988 and 2003 (the Acts) so if you are compliant under current law, then much of your approach should remain valid under the GDPR. However, GDPR introduces new elements and significant enhancements which will require detailed consideration by everyone involved in processing personal data. Some elements of GDPR will be more relevant to certain organisations than others, and it is important and useful to identify and map out those areas, which will have the greatest impact on your business model.



What is GDPR

GDPR is an important change in government legislation regarding data protection and stands for The General Data Protection Regulation. It effectively provides an update to the Data Protection Act, bringing in new requirements and increasing the penalties for breaches. Any organisation that is required by law to comply with GDPR must do so by the 25th May 2018.

Individual rights under the GDPR

- The right to be informed
- The right to access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.



Steps for Irish Squash Clubs

It is imperative that every Irish Squash club understands the principles of Data Protection and how the upcoming changes in legislation will affect them. The following are key steps clubs should take:

Increase Awareness

GDPR will benefit all of us, it will ensure that our Personal Information is protected from misuse by any organisation. It will also ensure that, as a Data Controller, each Club, will be accountable for how it collects, uses and stores information about their members under their remit. It is important that every member is aware of the changes that GDPR will bring and how that impacts them, either as a volunteer working on behalf of the club or as an individual Club Member. This awareness will also benefit all of us in our personal lives as GDPR also relates to Banks, Insurance Companies, Utility providers, On-line Marketing etc. Clubs should ensure that information relating to GDPR is made available to Committee Members, Club Members, Coaches, Volunteers or anyone who is in anyway involved with the Club.

Ensure Understanding

As the saying goes, ‘You can’t manage what you can’t measure’ and this is especially true regarding Data Protection. It is imperative that each Club understands exactly what Personal Information it holds (and is responsible for). To ensure this is clear, it is important that every club makes a list of the personal data that it holds and examines it under the following headings:

1. Why is it being held?
2. How was it obtained?
3. Why was it originally gathered?
4. How long is it being retained for?
5. How secure is it?
6. Is it shared with any third parties?

Obviously, the primary source of Personal Information held by an Irish Squash Club is its Membership database. All registered members’ information is stored on our database and responsibility for this information is jointly held by the Irish Squash centrally.

Specific consideration must also be given to Paper Membership forms and how these are managed once they have been completed and received by the club. It is OK to collect information on paper forms, and to



retain them in hard copy after they have been completed, as long as the member is made aware of this at the time they are completing the form. Tick boxes (or similar) should be used to obtain the person's consent to process their information. It is vitally important that any completed forms are stored securely in a specified location.

The same logic should be applied to any other system or database used to assist a club when managing its membership. It is OK to use technology supports in this way but careful attention must be paid to how and where data is stored (it must be secure and should be encrypted) and individuals must be informed if a third party is being used to provide a system for this purpose. Most of the third-party providers of these kinds of systems (online registration, text messaging, fundraising) will be well aware of GDPR and will be able to advise on how they are ensuring compliance. If your club is using a third-party system you should contact them to verify that they are in compliance with GDPR.

Other likely categories of Personal Information held by Irish Squash Clubs will include:

- Information required for Garda Vetting
- Text or messaging systems
- Training details
- Email lists or distribution groups
- Information captured on club websites
- Images on social media

There may also be others, depending on individual clubs, and it is important that each club has a record of all of the Personal Data that it 'controls'.

Clear Communication

As noted above, it is required that individuals are made aware of certain information such as why their data is being collected and who will have access to it, before their data is obtained. Under existing Data Protection law, it has always been a requirement to provide some of this information to individuals. GDPR builds on this requirement and expands the information that must be given to Individuals in advance of collecting and using their data.



Existing membership forms, and other forms used to collect data must be updated to specifically tell individuals the following:

- The Clubs identity
- The reasons for collecting the information
- The uses it will be put to
- Who it will be shared with
- If it's going to be transferred outside the EU
- The legal basis for processing the information
- How long it will be retained for
- Other specific personal privacy rights relevant under GDPR (See Appendix)

Ensure Personal Privacy Rights

GDPR enshrines certain rights for individuals that must be supported by every Data Controller, including Irish Squash Clubs. It should be noted by members that these rights extend to any entity that holds your information including Financial institutions, utility companies etc. These rights include:

Access to all information held about an individual (Subject Access Request) – This allows for any member to request a copy of all information held about them. This must be provided within one month.

They may request access to their data for the following reasons:

- To have inaccuracies corrected
- To have information erased
- To object to direct marketing
- To restrict processing of their information including automated decision making
- Data portability - Ability to receive all of their information in a standard format to move to another provider (more relevant for switching banks or utility providers than Clubs but must be supported).

Obtain and Manage Consent

GDPR is very clear that an individual must be informed of what their personal information is going to be used for, who will have access to it, where it will be stored and how long it will be held for. They must give their consent for their data to be used. Consent must be 'freely given, specific, informed and unambiguous'.



Members cannot be forced into consent or unaware that they are giving consent. Obtaining consent requires a positive indication of agreement – it cannot be inferred through silence (not objecting), pre-ticked boxes or inactivity.

Consent must also be verifiable – Data Controllers must be able to demonstrate that consent was given and an audit trail should be maintained.

There are additional protections for children's personal data. If you collect children's personal data then you need to make sure that your privacy policy is written in plain simple English. If you offer an online service to children, you may need to obtain consent from the parent or guardian to process the personal data. Under GDPR, children are not permitted to give consent for Data Processing. A child's Parent or Guardian must give consent on their behalf.

Data Retention

Data Retention policies need to be clear. You can't keep data for longer than is necessary for the purpose for which it was collected. You also need to inform people how long you will keep their personal data and you can't keep it indefinitely.

Report Data Breaches

If unauthorised access to Personal Data occurs or Personal Data is lost or stolen, this must be notified to the Data Protection Commissioner within 72 Hours of being identified. This is a requirement for all paper information and all electronic information (unless the data is encrypted or anonymised). If the breach is likely to cause harm to the individual (Identity Theft or breach of confidentiality) then the individual must also be informed. A procedure to detect, report and investigate data breaches should be in place.

It is imperative that Data Breaches or possible Data Breaches are not ignored in the hope that no one will notice, they must be investigated and reported if appropriate to do so. Advice on data protection queries can be obtained by emailing dataprotection@Squash.ie.

Note: The 72-hour deadline for notification to the Data Protection Commissioner applies irrespective of any steps being taken to understand the causes of the breach. Please see Loss Handling templates in Appendix.



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Identify Data Protection Officers

Every Club should identify someone to coordinate their approach to meeting their Data Protection obligations. This will include identifying and recording the specific locations where data is held in each club, ensuring that consent is obtained in the appropriate manner and maintained accordingly.

Key Things To Do

- Assign somebody on the committee – for example club secretary.
- Need to demonstrate compliance.
- Need to have a genuine legal reason to have information held.
- Each club needs to do an action plan - be transparent - club will also have to put down information that will be shared to Irish Squash as the NGB.
- Update club application form and put clause in to explain that information is shared with Irish Squash (see sample membership form in appendix).
- Remove old records - no reason to retain them.
- Update club constitution to include data sharing agreement - slight change to that rather than an independent data agreement.

Useful Resources

[GDPR and You](http://gdprandyou.ie/wp-content/uploads/2017/05/The-GDPR-and-You-2.pdf) - <http://gdprandyou.ie/wp-content/uploads/2017/05/The-GDPR-and-You-2.pdf>

[GDPR Infographic](http://gdprandyou.ie/wp-content/uploads/2017/05/GDPR-Infographic-Final.pdf) - <http://gdprandyou.ie/wp-content/uploads/2017/05/GDPR-Infographic-Final.pdf>

[Full text of the General Data Protection Regulation](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN)

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

[Five Steps to Secure Cloud-Based Environments](https://dataprotection.ie/viewdoc.asp?DocID=1689&ad=1)

<https://dataprotection.ie/viewdoc.asp?DocID=1689&ad=1>

<http://www.arthurcox.com/wp-content/uploads/2018/01/Sports-clubs-and-GDPR-Jan-2018.pdf>



Frequently Asked Questions

What is GDPR and what does it mean for clubs?

GDPR is an important change in government legislation regarding data protection and stands for The General Data Protection Regulation. It effectively provides an update to the Data Protection Act, bringing in new requirements and increasing the penalties for breaches. Any organisation that is required by law to comply with GDPR must do so by the 25th May 2018.

Does this apply to our club?

The GDPR applies to any “data controllers” or “data processors”. Those are technical terms but, in essence, if you collect any personal data in running your club (which you will do if you have any members) then the GDPR will apply to you.

My club is only a small one with a few members: surely this won’t apply to me?

Although the risk is lower, if you collect and store any personal data you will have to manage the data in accordance with strong data protection principles.

What are the key things to consider for clubs?

The principles of data protection still exist. All clubs need to ensure that with regards to personal data:

- they process it securely
- it is updated regularly and accurately
- it is limited to what the club needs
- it is used only for the purpose for which it is collected and
- used for marketing purposes if the individual has given the club consent to do so.

I looked at the impact of the existing Data Protection Act on my club and am happy that my club is compliant, so what is new about GDPR?

More communication!

You will need to tell people about how and what you do with their data at the point you collect it.

For example, we have listed the activities where the data may be used and the organisations with which the data can be shared.

In becoming a member of Irish Squash, Irish Squash will collect certain information about you which will include your name, gender, email address, names of the Irish Squash affiliated clubs that you are a member of and details of any coaching or training awards you hold.



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You could also use this definition of data as it is likely that the same information could be used in the administration of your club. This should be included within your privacy notice (Template in Appendix.)

In addition to passing data to Irish Squash the use of data is likely to include the following activities and more:

Training and competition entry

- Share data with club coaches or officials to administer training sessions
- Share data with club team managers to enter events
- Share data with training providers to develop skills

Funding and reporting purposes

- Anonymised data shared with a funding partner as condition of grant funding e.g. Local Authority
- Anonymised data analysed to monitor club trends

Membership and club management

- Processing of membership forms and payments
- Share data with committee members to provide information about club activities, membership renewals or invitation to social events
- Publishing of competition results
- Website management

Marketing and communications (where separate consent is provided)

- Sending information about promotions and offers
- Sending club newsletter
- Sending information about selling club kit, merchandise or fundraising



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Section 4 – List of Appendices



Appendix 1 - Privacy Notice

Privacy Notice Checklist

What?

Decide what to include by working out:

- What personal information you hold;
- What you do with it and what you are planning to do with it;
- What you actually need
- Whether you are creating new personal information; and
- Whether there are multiple data controllers.

If you are relying on consent, you should:

- Display it clearly;
- Ask individuals to positively opt-in;
- Given them sufficient information to make a choice;
- Provide a clear and simple way for them to indicate they agree; and
- Include a separate unticked opt-in box for direct marketing.

When?

Actively give privacy information if:

- You are collecting sensitive information;
- The intended use of the information is likely to be unexpected or objectionable;
- Providing personal information, or failing to do so, will have a significant effect on the individual; or
- The information will be shared with another organisation in a way that individuals would not expect.



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How?

Write and present it effectively:

- Use clear, straightforward language;
- Adopt a style that your audience will understand;
- Don't assume that everybody has the same level of understanding as you;
- Avoid confusing terminology or legalistic language;
- Draw on research about features of effective privacy notices
- Align to house style; and
- Align to the organisation's values and principles;
- Be truthful;
- Ensure all the notices are consistent and can be updated rapidly; and
- Provide separate notices for different audiences.

Test and Review!

Before roll out:

- Test your draft privacy notice; and
- Amend if necessary.

After roll out:

- Keep your privacy notice under review;
- Take account of any complaints about information handling; and
- Update it as necessary to reflect any changes in the collect and use of personal data.



Appendix 2 - Loss Handling

Template Data Loss Report

Initial report of lost or stolen data

When data has been lost use this form to report the loss to management.

Describe what was lost:	
Did it contain personal data or sensitive personal data?	
How many records were lost or how many people are affected?	
Was the data lost, stolen or inappropriately disclosed?	
When did the loss occur?	
When was the loss discovered?	
Who discovered the loss?	
Where was the data lost or stolen?	
Describe how the data was lost?	

Reported by:	
Date:	



Investigation Template

1. Extent, nature and cause of the information loss:
 - Can this be determined, more or less immediately, with a high level of certainty?
 - Can this be determined within a number of days with a high level of certainty?
 - Can this not be determined with any level of certainty until much more detailed fact-finding research is carried out?
 - Is this, apart from the general location of the business area, effectively unknown until the media 'go public'?

2. Immediate actions identified that can be taken to address system/ procedural vulnerabilities already highlighted as a result of the information loss.

3. Sensitivity of the information lost, or potentially lost, e.g. personal or sensitive data relating to customers or staff (informed by business area's Information Assets Register).

4. Is the potential extent of the information loss incident such that it requires setting up a response team?

5. Is the extent and nature of the information loss such that it requires more or less immediate notification to the data subjects and if so will it need dedicated team/ special help-line?

6. Is there a need to escalate?



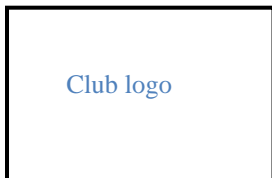
Template follow-up assessment of data loss and relevant findings

Use this template to record relevant findings about the data loss incident

Description of the data which was lost or stolen:	Include the volume of records, whether or not it contains personal or sensitive personal data, the number of people affected.
Is the loss major?	.
Explain your reasoning:	
How will the incident be handled?	Who will take overall control.
Who within club has been informed or needs to be informed?	
Can the data be retrieved or reconstructed?	Include what actions can or have been taken. For example, if accidentally sent to the wrong person they should be asked to delete/destroy it without reading; if lost in a public place or stolen it may be necessary to report to the police.
Can or has further loss been prevented?	Include what actions can or have been taken. For example, issue a staff instruction; remove system access; lockdown web services; carry out a system audit.
Is it likely that the loss will cause harm to individuals?	If the answer is, “yes,” include an explanation of the potential harm and the likelihood of it happening.
Do data subjects need to be informed?	If the answer is yes, consider how they should be informed, e.g. individually by phone, fax, e-mail or letter. Consider if a press release would suffice.



Appendix 3 - Membership Form



PLEASE COMPLETE ALL DETAILS IN BLOCK
CAPITALS & RETURN WITH YOUR
SUBSCRIPTION TO: **XXXXXX**

Welcome to XX. We are a Squash club open to members of any ability from x years of age.
To ensure we have the correct contact details for you, please fill out this form and return to **XXXXXXXX**

SECTION A: MEMBER DETAILS

First Name				Surname	
Address					
				Postcode	
Telephone				Mobile Number	
Date of Birth (DD/MM/YY)				Email Address	See note below
County of Birth					

Please note: The information above are required field, so your club secretary can generate your online account. Irish Squash will not market to you without your express consent.

SECTION B: PARENT/CARER DETAILS

If you are under 18 years of age, please ask your parent/carer to complete the following section.

First Name				Surname	
Address					
				Postcode	
Telephone				Mobile Number	
Email Address	See note below				

Please note: The information above are required field, so your club secretary can generate your online account. Irish Squash will not market to you without your express consent.



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SECTION C: ADDITIONAL SUPPORT

Please detail below any disability you have and/or any additional support you may require from our club coaches

SECTION D: MEDICAL INFORMATION

Please detail below any important medical information that our walk leader/coach should be aware of (e.g. epilepsy, asthma, diabetes, allergies, etc.) **Please do not leave blank** – if there is no information please write 'None'.

Please note: This consent needs to be provided by the parent for children under the age of 13. Anyone over the age of 13 can provide consent for the use of data under GDPR)

- I consent to my special category personal data provided in section C and D to be shared with coaches for the purposes of the delivery of my safe participation in club activity. This data will not be shared or processed for any other purpose.

SECTION E: EMERGENCY CONTACT DETAILS

Please insert the information below to indicate the persons who should be contacted in event of an incident/accident.

Emergency Contact one name:	
Emergency Contact one number:	
Emergency Contact two name:	
Emergency Contact two number:	

SECTION F: PHOTOGRAPHY & VIDEO CONSENT (THOSE AGED 19 OR UNDER) **DELETE IF NOT APPLICABLE**

(INSERT Club or organisation) recognises the need to ensure the welfare and safety of all young people in Squash. In accordance with the Irish Squash Safeguarding policy and procedures, we will not permit photographs, video or other images of children/young people to be taken without the consent of the parents/carers and children/young people. The (Club or organisation) will take all possible steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately you should inform the Club Children's officer immediately.



INSERT NAME (parent/carer) consent to (INSERT club/organisation or a photographer appointed by Club or organisation) photographing or videoing my child’s involvement in Squash for the period shown on this form for the purposes of publicising and promoting the club or sport, or as a coaching aid

Signature	
Print Name	
Date:	

SECTION F: PHOTOGRAPHY & VIDEO CONSENT (THOSE AGED 19 OR OVER)

I am aware that my photograph or video image may be taken whilst attending or participating in Squash or activities connected with the Club and I consent to it being used by the Club for items like programmes, new letters, event reports or on the Club website or social media channels.

Signature	
Print Name	
Date:	

SECTION G: CLUB PRIVACY STATEMENT & COMMUNICATION PREFERENCES

[CLUB] (The Club) take the protection of the data that we hold about you as a member seriously and will do everything possible to ensure that data is collected, stored, processed, maintained, cleansed and retained in accordance with current and future data protection legislation.

Please read the full privacy notice carefully to see how The Club will treat the personal information that you provide to us. We will take reasonable care to keep your information secure and to prevent any unauthorised access.

DELETE IF NOT APPLICABLE: In addition to receiving general club communications please let us know how else you would like to hear from us:

- I would like to receive Information via email from the Club, Irish Squash, World Squash, European Squash & the PSA to keep up to date with news and information.

DELETE IF IT DOES NOT APPLY TO CLUB: In addition to email I am happy to receive communications via:



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SMS

Post

SECTION H: DATA SHARING WITH IRISH SQUASH

When you become a member of or renew your membership with [insert name of club] you will automatically be registered as a member of Irish Squash. We will provide Irish Squash with your personal data.

If you have any questions about the continuing privacy of your personal data when it is shared with Irish Squash, please contact: info@irishsquash.com

SECTION I: MEMBER/PARENT AGREEMENT

By returning this completed form, I confirm that I have read and understood the privacy statement and how data will be used and shared and am willing to abide by the club code of conduct for members [and parents]

Signature	
Print Name	
Date	

We look forward to welcoming you and your family to the club in the near future. To find out all the latest club information, please visit our website www.XX.ie