



## GDPR – Club Checklist 2018

The following information is for club head coaches/secretaries of IJA clubs following on from the GDPR regulations introduced on the 25th May 2018. GDPR replaced the existing data protection framework under the EU Data Protection Directive. It is important that clubs have the relevant information to prepare for this and make necessary changes.

### **Specific Steps for Irish Judo Association (IJA) Clubs to ensure Compliance.**

It is imperative that every IJA club understands the principles of Data Protection and how the 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 IJA club or Province will be accountable for how it collects, uses and stores information about IJA members under their remit. It is critically 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, Online 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. The IJA does not engage in Direct/Online Marketing, so be mindful if you do at club level.

#### **Ensure Understanding**

It is imperative that each IJA club understands exactly what Personal Information it holds (and is responsible for). To ensure this is clear, it is important that every club makes an inventory of the personal data that it holds (registration forms, entry forms, photos etc.) 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?



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Obviously, the primary source of Personal Information held by an IJA club is its Membership database. All registered members' information is stored on the Irish Judo Association Membership System and responsibility for this information is the club's as well as the Irish Judo Association's.

Specific consideration must also be given to Club and IJA 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 IJA has updated its paper & electronic forms for the remainder of this year and beyond, a sample of consent and declaration is listed below should your club use Club Membership forms, amend the consent & declaration as you see fit:

### ***Declaration to be completed by applicant/Parent/Guardian***

*I certify that to the best of my knowledge & belief the foregoing details are correct. I undertake to abide by the constitution & Bye-Laws of the Irish Judo Association together with any amendments that may be made during my period of membership. Please note the policy of 'No Licence - No Insurance - No Judo' is in force & cost of personal accident insurance is included in the above categories. I further confirm that I am not a member of any other Judo Federation. I will adhere to the Irish Anti-Doping rules.*

### ***Consent to be completed by applicant/Parent/Guardian***

*Personal information gathered from memberships are used for the sole purpose of promoting the sport of judo. This information may be used to keep clubs/parents/guardians up to date with events, offers and general information regarding regulation and promotion of Judo. Direct Marketing is not undertaken by the Association. Personal Data is handled in accordance with the requirements of the GDPR. If you do not wish to receive any information electronically, please tick the box:*

*Privacy Statement is available at [www.irishjudoassociation.ie](http://www.irishjudoassociation.ie)*

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, social media) will be aware of GDPR and will be able to advise on how they are ensuring compliance. The IJA has sought third-party consent from its providers, so if your club is using a third-party system/provider you should contact them to verify that they are in compliance with GDPR.

Other likely categories of Personal Information held by IJA clubs will include:

- Information required for Garda Vetting
- Application forms
- Text or messaging systems
- Email lists or distribution groups
- Entry Forms
- Information captured on club websites to include social media pages



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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 the former Data Protection law, it was always 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 (e.g. Garda Vetting) 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
- The right of members to complain if they are unhappy with the club's implementation of GDPR
- Other specific personal privacy rights relevant under GDPR (as outlined in Personal Privacy Rights section)

The Irish Judo Association has obtained advice on how the above requirements should be reflected on IJA membership forms & entry forms, membership forms have been updated already and entry forms are ready for the next IJA National Event.

## **Ensure Personal Privacy Rights**

GDPR enshrines certain rights for individuals that must be supported by every Data Controller, including IJA clubs. It should be noted by members that these rights extend to all sections of the Irish Judo Association and third parties they may deal with i.e. insurance company, social media companies. 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. The reply must be provided within one month of request. Note: This will include data held at club and association level.
- To have inaccuracies corrected
- To have information erased
- To object to direct marketing (not undertaken by the association)
- 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 (this may not seem relevant to IJA clubs but must be supported if requested)



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## **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 a consent or be unaware that they are giving consent, however it must be noted to prospective members that registration with the Association falls under our existing policy of 'No Licence, No Insurance, No Judo', so be prepared to listen to objections and consult the IJA office if an individual has concerns about 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. Note: Where paper forms are used to collect personal information (e.g. Membership applications), the retention period (how long its kept for) for the form, or relevant portion of the form, should align with the need to demonstrate consent. For your information, the Association will retain paper membership records for 6 years and will minimise electronic data after 6 years.

Under GDPR, children are not permitted to give consent for Data Processing. A child's Parent or Guardian must give consent on their behalf, so please ensure all forms are completed in full.

## **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. We ask each club to contact the Irish Judo Association immediately when a club becomes aware of a Data Breach.

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.

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.

## **Ensure Privacy by Design**

GDPR seeks to ensure that all significant new processes, initiatives or projects that are undertaken consider and ensure GDPR compliance. This requires that a Data Protection Impact Assessment must be undertaken to understand the potential impact of that project/initiative on the privacy of individuals. IJA clubs that are considering projects with 'high risk' processing (i.e. new technology) or installing CCTV should conduct a Data Privacy Impact Assessment by meeting relevant stakeholders, identifying potential privacy issues and agreeing on ways to mitigate the risk of issues occurring. The Irish Judo Association has a Privacy Impact Assessment form available for clubs through the IJA office.



## Identify Designated Data Protection Representative

Every IJA 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 (files in houses/clubhouses, mobile phones, laptops etc), ensuring that consent is obtained in the appropriate manner and maintained accordingly. The Irish Judo Association has a Data Protection Person who will provide guidance for any Data Protection queries that require additional advice. Queries of this nature can be submitted to [admin@irishjudoassociation.ie](mailto:admin@irishjudoassociation.ie)

## Top Tips

### 1. Why is it being held?

For the purposes of registering a member to their local judo club and getting further individual membership registered to the National Governing Body

### 2. How was it obtained?

By email, by post, by hand

### 3. Why was it originally gathered?

Take a look back at why you have it, what was the original purpose? If it was for the purposes of registering a member to their local judo club and getting further individual membership registered to the National Governing Body, that's fine, if not, its time to destroy the records

### 4. How long is it being retained for?

The National Governing Body has selected 6 years, yours can be less, but should not be more

### 5. How secure is it?

Is it on my personal phone, my personal laptop – have I encrypted my devices if lost or stolen? Have I checked the attic? What ledgers, membership folders, or old licence books do I still have, is it time to destroy old records

### 6. Is it shared with any third parties?

If yes, is there a legitimate reason in line with the purposes of collecting the data i.e. membership registration, competition entry, insurance renewal etc, well then that's ok, as long as you have received consent. If you have no legitimate reason to share, don't share!