

GENERAL DATA PROTECTION REGULATION (GDPR) BRIEFING NOTE
TO BRITISH WALKING FEDERATION MEMBER CLUBS

The General Data Protection Regulation (GDPR) is an EU regulation which comes into force in the U.K. from 25th May 2018. Its aim is to overhaul and modernise data protection rules across the EU member states. In the U.K., the Data Protection Act 1998 will be repealed and replaced by a new Act, but until that process has been completed, the GDPR regulations are in addition to the existing data protection rules.

GDPR applies to all personal data used to identify a person (e.g. name, address, telephone number, e-mail address, photographs, etc.)

Article 5 of the GDPR states that personal data shall be:

- a) Processed lawfully, fairly and in a transparent manner in relation to individuals.
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which you are processed.
- d) Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which you are processed, are erased or rectified without delay.
- e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

As an independent club, you are responsible for compliance with the above principles and must be able to demonstrate your compliance should you be asked to do so.

In order to process personal data, consent must be freely given to your club by the individual. Consent must be a positive 'opt-in' and cannot be inferred by silence. In order to comply with this, it is likely that your club membership forms, walk entry forms and other similar paperwork will need to be updated to include an 'opt-in' box that will need to be ticked by the individual.

There are also new provisions relating to children's personal data. For any child under the age of 16, consent will be required from the person holding 'parental responsibility' for that child.

The GDPR creates some new rights for individuals and strengthens some of the rights that currently exist under the Data Protection Act. The GDPR provides the following rights for individuals:

1. The right to be informed.
2. The right of access.
3. The right to rectification.
4. The right to erasure.
5. The right to restrict processing.

6. The right to data portability.
7. The right to object.
8. Rights in relation to automated decision making and profiling.

Under GDPR, you are expected to put into place a policy and to be able to demonstrate that you comply with the principles.

If you discover a data breach (i.e. an individual's data has got into the wrong hands), then this breach will need to be reported to the Information Commissioner's Office if it is likely to result in a risk to the rights and freedoms of individuals and if such a breach is likely to have a significant detrimental effect on individuals. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, you must also notify those individuals concerned. If a data breach is not reported within 72 hours of the club becoming aware of it, then significant fines can be imposed.

As an independent club, it is your responsibility to ensure that your own procedures are up to date and the data you hold is secure and complies with the GDPR. Although your club is a member of the BWF, we are unable to undertake this on your behalf, although we are able to provide some limited advice and guidance (see below).

This brief is designed as an outline guide only. More detailed information can be obtained by visiting the Information Commissioner's Office website at www.ico.org.uk or by telephoning your helpline for small organisations on 0303 123 1113 (option 4).

Useful guides which are available from the I.C.O.'s website are:

1. Preparing for the General Data Protection Regulation (GDPR) – 12 steps to take now.
2. Overview of the General Data Protection Regulation (GDPR).
3. Privacy notices, transparency and control.

The BWF has reviewed its own procedures in light of the GDPR and you will notice additional information and consent boxes appearing on future forms (including club registration forms) – please do not ignore these boxes, as without the correct consent in place, we will not be able to communicate with you regarding certain information. In addition, without the necessary consent, we may not be able to publish your club events contact details in the Event & Permanent Trails yearbook or on the BWF website.

GUIDANCE FROM BWF

The following is a suggested list of questions clubs should be asking themselves with regard to consent. It may be that you will think of other questions once you have looked at the ICO website. BWF accepts no responsibility that arises from this suggested list.

MEMBERSHIP

Do you have membership lists?

How do you contact your members?

Do you hold data about members?

How is that data stored?

Why do you need it?

What do you do with it?

How long do you keep it?

What do you do with it when it is no longer needed?

Do you have written permission to contact people – by email? By phone? By post? (Remember you need tick boxes for members to 'opt-in' and not pre-filled forms.)

PUBLICATIONS

Do you produce a newsletter?

Who is it sent to?

What data do you keep on people who receive the newsletter?

What data do you keep on people who contribute to the newsletter?

Do you have written permission to use photographs?

Do the people in the photographs know that their images will be used?

Have you have written permission from person with parental responsibility for the child/ children to use the photographs of children?

PERMANENT TRAILS

Have the PT organisers given written permission for their details to be used on the club website?

Have the PT organisers given written permission for their details to be used on the BWF website?

Have the PT organisers given written permission for their details to be published in the BWF Events & Permanent Trail yearbook?

Have the PT organisers given written permission for their details to be sent to the IVV and to IVV-Europe?

What data do you keep on people who complete your PT's?

How long do you keep the data on people who have completed your PT's?

What do you do with the data when it is no longer needed?

WALK ORGANISERS

What data do you keep on walk organisers?

Have the walk organisers given written permission for their details to be used on the club website?

Have the walk organisers given written permission for their details to be used on the BWF website?

Have the walk organisers given written permission for their details to be published in the BWF Events & Permanent Trail yearbook?

Have the walk organisers given written permission for their details to be sent to the IVV and to IVV-Europe?

How long do you keep data on walk organisers?

What do you do with it when it is no longer needed?

COMMITTEE MEMBERS

Do you have a committee?

What data do you keep on committee members?

How is that data stored?

Who do you share the data with?

How long do you keep the data?

What do you do with it when it is no longer needed?

Do you have written consent from committee members for their data to be used on the club website and published in club newsletters etc?

Do you have written consent for their data to be published in the BWF Events & Permanent Trail yearbook?

Do you have written consent for their data to be sent to the IVV and to IVV-Europe?

CONSENT – see checklists ‘Asking for consent’, ‘Recording consent’, ‘Managing consent’ on the ICO website. (Go to www.ico.org.uk then follow the link ‘For Organisations’; look under ‘In your Sector’ for small organisations; look under ‘Guide to GDPR; look under ‘consent’).

On the BWF website, under ‘Useful Documents’, you will find links to BWF’s updated forms covering Individual Membership, Photograph Consent and a Permanent Trail Form. You will also find the BWF Privacy Policy. Please feel free to use these as a basis for your club’s consent forms and Privacy Policy. However, if in any doubt please contact the ICO help line.