



# GDPR Guide

## Introduction

Swim Ireland first adopted its formal Data Protection Policy and associated documentation including Privacy Policy and Data Protection Retention Policy for clubs in 2014. There have been significant changes in this area during recent years and the new General Data Protection Regulations (GDPR) came into force on the 25th May 2018. Existing policies and procedures have been reviewed and revised for your club to consider and adopt.

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. It is particularly important that Data Protection is something that is considered on a day to day basis and these rights and processes should be embedded in the culture of our clubs.

The GDPR applies to any “data controllers” or “data processors”. Those are technical terms but 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.

The guidance outlined below is aimed at assisting Swim Ireland affiliated clubs with identifying the key areas that they should be addressing in relation to GDPR. It is imperative that clubs are aware of their responsibilities and the following steps will help identify what needs to be implemented within the club.

All clubs need to ensure that regarding 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 only if the individual has given the club consent to do so
- Breaches are reported and request for information from individuals regarding their data are satisfied

## Key Terms to consider

- Personally Identifiable information (PII) or Personal Data – Any information that can be used to identify an Individual. Examples could be names, addresses, telephone numbers right through to more sensitive types of information such as religion, ethnicity and disabilities
- Data Subject – This is an Individual. For The clubs this could be athletes, coaches or parents & guardians
- Data Controller - This is the owner and user of the gathered Personal Data. This is anybody gathering and retaining Personal Data, such as Swim Ireland and Clubs



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## Key Terms to consider (continued)

- Data Processor – This is a company, organisation or individual who processes the data on behalf of the Data Controller. Clubs do this on behalf of Swim Ireland through recording and uploading through the membership database
- Lawful Processing – The legitimate reason for holding and processing Personal Data, such as being necessary for performance of a contract with the athletes
- Subject Access Request (SAR) – This is a request from an Individual to the club to find out what information you hold on them. They also have the right to request that you change or permanently remove any details that you hold on them
- Breach – This is the loss of information. This could come from a hacker or physically losing files/folders

To further support and guide clubs the following steps help to ensure you follow the GDPR regulations.

### 1. **Becoming Aware**

It is imperative that key personnel in your club are aware of GDPR and include this into their future planning. Identify areas that could cause compliance problems under the GDPR. We suggest that the committee include GDPR as an agenda item at the next committee meeting to discuss this document.

### 2. **Communicating privacy information**

Look over your current privacy notices - messages you send people confirming how their personal data will be used and stored by the club - and make any necessary changes. Swim Ireland have developed a draft privacy statement for clubs to use on their membership forms or registration process. Each club will have to insert the name of the club and amend certain sections according to how the club operates. This should provide a useful guide or if you already have a privacy statement in place it will allow you to check that you are including the most important sections. This has been included in this email and should be displayed on the website and attached to membership forms for members

### 3. **Consent**

Review how you record consent and whether you need to make any changes. Refresh any existing consent forms you hold if they don't meet the GDPR standard. Swim Ireland have developed a template membership form that can be used by clubs, this has also been included in the email as an attachment.

### 4. **Special Category Data**

Clubs should ensure that they know whether they hold any “sensitive data” of their athletes or members such as data relating to the individual’s mental or physical health (including injuries). Explicit consent of the person about whom the data relates will be required to process this type of data.

### 5. **Data Protection Policy**

Review current data protection policy and adopt the Swim Ireland template



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## 6. Becoming Accountable

Using the Swim Ireland Club Processing Activities Log make an inventory of all personal data you hold and examine it under the following headings:

- Processing Activity
- Purpose
- Category of data processed
- Categories of data subject
- Categories of Recipient
- Format
- Location Held
- Accessible by
- Retention Period
- Third Party Access

This is a key step towards compliance with the GDPR's accountability principle, which requires organisations to demonstrate (and, in most cases, document) the ways in which they comply with data protection principles when transacting business.

## 7. Breaches

Ensure that the club has appropriate systems in place in the event of a data protection breach. You will only have 72 hours from being aware of a breach to report it to the Data Protection Commissioner or (ODPC). We will also require all clubs to notify Swim Ireland where there any data breaches at the email contact below.

An example of a data breach could be the following: If a membership secretary holds the membership data on their laptop and it is not encrypted and gets stolen - the data is now at risk and a breach would have to be reported. You need to make sure that personal data is held securely, i.e. that electronic documents are encrypted, and password protected and that they are backed up on a regular basis. You also need to make sure that your volunteers can identify when a breach has happened and that they know what they should do and who they should talk to.

For further detailed support please contact your Regional Support Officer or contact [dataprotection@swimireland.ie](mailto:dataprotection@swimireland.ie) who will be able to assist you in any questions you may have.