**Data Protection Policy**

Organisation Name: Clonmel Triathlon Club

|  |  |  |
| --- | --- | --- |
| Version Number | Review Date | Nature of Revisions |
| 1.0 | 7 December 2018 |  |
|  |  |  |

**1. Introduction**

**1.1. The General Data Protection Regulation**

The General Data Protection Regulation 2016 [EC/2016/679] replaces the EU Data Protection Directive [95/46/EC] and supersedes the laws of individual European Union member states that were developed in compliance with Data Protection Directive [95/46/EC]. The purpose of the General Data Protection Regulation (hereafter referred to as the “GDPR”) is to protect the “rights and freedoms” of natural persons (i.e. living persons) and to ensure that personal data is not processed without their knowledge, and wherever possible, that it is processed with their consent.

**1.2 Definitions**

*1.2.1 Material Scope – GDPR Article 2*

The GDPR applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

*1.2.2 Territorial Scope – GDPR Article 3*

The GDPR applies to the processing of personal data in the context of the activities of an establishment of a Controller or a Processor in the Union, regardless of whether the processing takes place in the Union or not.

The GDPR applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:

* the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or
* the monitoring of their behaviour as far as their behaviour takes place within the Union.

*1.2.3 Definitions – GDPR Article 4*

For the purposes of the GDPR, the following definitions apply:

Personal data means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Restriction of processing means the marking of stored personal data with the aim of limiting their processing in the future.

Filing system means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

Data controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Recipient means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

Third party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Supervisory Authority means an independent public authority which is established by a Member State pursuant to Article 51.

**1.3 Data Protection Acts**

The data protection acts to which Clonmel Triathlon Club is subject are the Data Protection Acts of 1988 and 2003 together with the Data Protection Act 2018 which gives further effect under Irish law to the General Data Protection Regulation 2016/679 and enactment of the Law Enforcement Directive [EC/2016/680].

**1.4 Club’s Obligations**

In undertaking the activities of Clonmel Triathlon Club (hereafter referred to as “The Club”), we create, gather, store and process personal data on a variety of data subjects including beneficiaries, clients, staff, volunteers, donors, suppliers and members of the public. The Club’s use of personal data ranges from member enquiries, photograph and video footage, financial transactions with customers, donors and suppliers through to the processing of beneficiary and client data throughout their journey and interactions with The Club. As The Club processes the personal data of staff, volunteers, beneficiaries and other individuals, it is defined as a Data Controller for the purposes of the GDPR.

The GDPR applies to all data relating to, and descriptive of, living individuals defined in the GDPR as personal data. Individuals are referred to as ‘data subjects’.

Some of the data that The Club creates, collects and processes may be sensitive data i.e. data concerning a data subject’s racial or ethnic origin, political opinions, religious beliefs, physical or mental health, sexual life, genetic data or trade union membership.

Data protection is an important part of The Club’s overall information security arrangements. All information must be handled safely and securely in accordance with The Club’s policies and procedures. In addition, some data sets are subject to external regulation/legislation and it is important that staff/volunteers recognise both categories when handling The Club’s information and data.

The GDPR and data protection acts place obligations on The Club and the way it handles personal data. In turn, the committee, coaches and volunteers in The Club have responsibilities to ensure that personal data is processed fairly, lawfully and in a transparent manner. Committee coaches and volunteers also have responsibilities to ensure that personal data is processed securely. The Club should only process data if we have a valid condition of processing (e.g. consent from the data subject or an implied agreement with the data subject) and we have provided information to data subjects about how and why we are processing their information (i.e. privacy notice). There are restrictions on what The Club is allowed to do with personal data such as passing personal information on to third parties, transferring information outside the European Economic Area or using it for the purposes of fundraising or direct marketing.

**2. Purpose of Policy**

This Data Protection Policy sets out the responsibilities of The Club, its committee, volunteers, coaches, members, agents, and third parties associated with The Club with respect to compliance with the GDPR and data protection acts. This policy and its associated policies and procedures, forms the framework from which committee, volunteers, coaches, members and associated third parties should operate to ensure compliance with the GDPR and data protection legislation.

**3. Scope**

The policy applies to all staff, volunteers, coaches, members, agents and third parties associated with The Club, and all items of personal data that are created, collected, stored and/or processed through any activity of The Club, across all its services, programmes and departments. Unless specifically stated otherwise, personal data and sensitive data will be referred to equally as personal data in this policy.

**4. Data Protection Principles**

The Club is required to adhere to the data protection principles as set out in Article 5 of the GDPR, meaning that information must be collected and used fairly, stored safely and not shared with any other person unlawfully. The data protection principles are set out in sections 4.1 to 4.7 inclusive.

**4.1 Lawful, fair and transparent processing**

Data shall be processed lawfully, fairly and in a transparent manner in relation to individuals.

The Club will ensure that at least one of the lawful basis for processing listed below will be met whenever data processing takes place.

- Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract.

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

- Processing is necessary for compliance with a legal obligation.

- Processing is necessary to protect someone’s vital interests.

- Consent has been obtained from the data subject for the processing of his or her personal data for one or more specific purposes.

- Processing is necessary for the purposes of the legitimate interests pursued by the data controller or a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject, which require protection of personal data, in particular where the data subject is a child.

In circumstances where The Club processes sensitive data (i.e. special categories of data), extra more stringent conditions will be met in accordance with Article 9 of the GDPR.

In circumstances where The Club relies upon consent from the data subject as the basis for data processing, consent must be freely given, informed and unambiguous and indicated through the provision of a clear statement or other clear affirmative action, signifying the data subject agrees to the processing of his or her information.

In the interests of fairness and transparency, The Club will make the data subject aware of the following information at the time the data is collected directly:

- Name of the Data Controller (Club Committee) and name and contact details of the Data Protection Liaison (Membership Secretary) Contact in The Club

- Purpose and legal basis for processing including an explanation of the legitimate interest of The Club if legitimate interest is the basis for personal data processing.

- The data subject’s rights to request access, rectification, restriction, withdraw consent, complain to the Data Protection Commissioner’s office.

- Recipients of the personal data.

- Data retention periods or criteria used to calculate data retention period.

- Legal basis for intended international transfer of personal data to a third country or organisation.

In circumstances where The Club does not collect personal data directly from the data subject, the source of the data, in addition to the information listed above, will be provided to the data subject within 30 days of obtaining the data. Information will not be provided to the data subject if it will require disproportionate effort or seriously impair the purpose for processing.

A fair processing notice will be placed in a visible position where activity is recorded by The Company on CCTV or video.

The data subject’s personal data will not be disclosed to a third party other than to a third party contracted to The Company and engaged in processing activities on its behalf.

**4.2 Data collected for specified, explicit and legitimate purposes**

Data shall be 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 subject to appropriate data privacy safeguards.

The data subject will be informed of the purposes for which The Club processes data at the time the data is collected or within 30 days if obtained by a third party. Data will not be processed further in a way that is incompatible with these purposes by The Club unless the consent of the data subject has been obtained, or processing is for archiving purposes in the public interest or scientific or historical research, or statistical purposes and appropriate data safeguards are in place and there is no risk of breaching the privacy of the data subject.

**4.3 Data should be adequate, relevant and limited**

The Club will ensure that the data it processes shall be adequate, relevant and limited to what is necessary for the purposes for which it is being processed and for the purposes informed to data subjects. Data will not be kept for longer than is necessary for the purpose(s) for which it was collected.

**4.4 Data should be accurate**

The Club will ensure that data collected will be kept accurate and, where necessary, kept up to date; and every reasonable step taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

**4.5 Identification of data subjects for no longer than is necessary**

The Club will ensure that data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes 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.

Statutory data retention periods may exist in relation to types of data being processed e.g. health and safety, employment regulations. Where statutory data retention periods are not specified, data retention periods will be set to limit the storage of data for a period no longer than is necessary for which the data is processed.

Once the data retention has expired, the data will be deleted/destroyed in the absence of a new lawful basis for processing to retain it. The Club may store the data for longer periods for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes ensuring appropriate safeguards are in place i.e. data anonymisation.

**4.6 Secure processing**

Data collected and processed is kept secure 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. The Club will consider the nature of the data, the costs associated with implementing measures and technological developments when determining security measures. The Club shall keep under review the associated risks of proposed data processing and the impact on an individual’s privacy in holding personal data about them.

**4.7 Accountability**

Article 5(2) states that data controllers are responsible for and must be able to demonstrate compliance with the data protection principles.

In demonstrating compliance with the GDPR, The Club:

* Keeps an internal record of all data processing activities in accordance with Article 30 – “Records of Processing Activities.” These records will be disclosed to the Supervisory Authority i.e. Data Protection Commissioner’s Office upon request.

When the Club Committee is acting as Data Controller this record (referred to internally as a Data Matrix) will contain the following:

- List of personal data being processed

- Categories of data subjects

- Source of personal data

- Processing activities and location where data is stored

- Categories of recipients (i.e. with whom data will be shared)

- Data retention period for each type of personal data being processed

- Methods for deleting data

- International data transfers and safeguards (measures) in place to ensure transfers are lawful

- Details of security measures implemented in respect of processed data

- Contact details for the Data Controller and Data Protection Liaison Contact

When members of The Club Committee are acting as Data Processor the record (Data Matrix) will contain the following:

- Categories of processing carried out on behalf of the Data Controller

- International data transfers and safeguards (measures) in place to ensure transfers are lawful

- Name of the Data Controller and contact details including those of the Data Protection Liaison (Member Secretary) Contact

* The Club maintains a Data Protection Management File which contains all data protection policies, procedures and training records.
* The Club will appoint a Data Protection Officer if required in circumstances where:
* The Club regularly and systematically engages in large scale processing of personal data; or
* The Club engages in large scale processing of sensitive personal data.
* The Club ensures that data protection by design is addressed both at the planning stage and throughout the lifecycle of data processing activity.
* The Club implements data protection by default processing only the personal data that is necessary and selecting the most data protective settings by default.
* If a high degree of risk to the rights and freedoms of data subjects may arise from the processing activities of The Club, a Data Protection Impact Assessment will be conducted.

**5. Subject Access Requests and Data Subject Rights**

The GDPR and data protection acts give individuals the right to access information held about them by The Club. The Club must respond to all requests for personal information and will normally provide information free of charge. Individuals may request to see any personal information The Club holds about them including copies of email correspondence. The Company will manage requests in a timely manner within the timelines stipulated by the GDPR and Data Protection Act 2018.

Where a data subject makes a formal request to The Club with respect to the information held by The Club, such a request gives rise to the following access rights under the GDPR and in accordance with the Data Protection Act 2018:

* The right to be informed
* The right of access
* The right to erasure
* The right of rectification
* The right to restrict processing
* The right to object
* The right to data portability
* The right to withdraw consent for data processing
* Rights with respect to data profiling and automated decision-making

Where necessary, subject access requests will be forwarded to The Club’s designated Data Protection Liaison Contact in a timely manner and processed efficiently and in accordance with The Club’s Subject Access Request procedure.

**6. Sharing Data with Third Parties**

Data subject’s information will not be shared with third parties for marketing or fundraising purposes.

Data will only be shared with third parties for the purposes set out below:

Third Party Description Purpose for Sharing Data

Coaches and Volunteers To help The Club to run our activities in an effective manner under our terms and conditions of engagement with data subjects

Cloud Service Providers To store information legitimately held by The Club for club activity purposes

IT Back-up Providers To store information legitimately held by The Club for club activity purposes

IT Service Providers To store information legitimately held by The Club for club activity purposes and for IT security and services

Email Service Providers To help The Club to run our business in an effective manner for club activity purposes

Internal Members Databases To run internal members database in an effective manner under The Club’s terms and conditions of engagement/contract with data subjects

**7. Photographs and Video**

Images of club coaches, club members club volunteers and committee members may be captured at appropriate times as part of our club activities. Unless prior consent has been obtained from club coaches, club members club volunteers and committee members, The Club will not use such images for publication or communication to external sources. It is The Club’s policy that external parties (including family members and friends associated with club coaches, club members club volunteers and committee members) may not capture images of club coaches, club members club volunteers and committee members and other participants attending The Club’s events, races and activities without prior consent.

**8. Organisational Measures**

The Club shall ensure that appropriate organisational measures are taken with respect to personal data collection, personal data storage and personal data processing. These measures include:

All club coaches, club members, club volunteers and committee members or other third parties working on behalf of The Club will be made fully aware of their individual responsibilities and The Club’s responsibilities under the GDPR and be provided with an opportunity to read The Club’s Data Protection Policy and Information Security Policy.

All club coaches, club members club volunteers and committee members or other third parties working on behalf of The Club will have access to personal data held by The Club, if they need access to and use of personal data to carry out their assigned duties.

All club coaches, club members club volunteers and committee members or other third parties working on behalf of The Club will be appropriately trained in the handling of personal data and are required to comply with any and all of The Club’s guidelines and instructions for the processing of personal data.

club coaches, club members club volunteers and committee members and other third parties working on behalf of The Club are bound by the principles of the GDPR and this Data Protection Policy by contract and must ensure that all of their employees and associates, who are involved in the processing of personal data, are held to the same conditions as the club coaches, club members, club volunteers and committee members of The Club arising out of the GDPR and this Data Protection Policy.

The performance of all club coaches, club members club volunteers and committee members or third parties working on behalf of The Club handling personal data will be reviewed and evaluated regularly.

The Club recognises that the secure disposal and erasure of redundant personal data is an important element to compliance with the GDPR. All personal data held in any form of media shall only be passed to a data disposal partner with demonstrated competence in providing secure disposal services.

Personal data collection, storage and processing methods will be reviewed and evaluated regularly.

**9. Transferring Personal Data outside of the European Economic Area**

The transfer of personal data to a country outside of the European Economic Area will only take place if one or more of the following applies:

* The country has been determined by the European Commission to have an adequate level of protection for personal data.
* The country or international organisation provide appropriate safeguards in the form of binding corporate rules, a legally binding agreement between public authorities or bodies, or complies with an approved code of conduct approved by a supervisory authority.
* The transfer is necessary to protect the vital interests of the data subject(s).
* The transfer is made with the informed consent of the data subject(s).
* The transfer is necessary for the conduct of legal claims.
* The transfer is made from a register that is publically accessible under Irish or EU law.

**10. Data Breach Notification**

The Club treats data breaches very seriously. Any club coaches, club members club volunteers or committee members who becomes aware of a likely data breach and fails to notify the Data Protection Liaison Contact, may be subject to a sanction or expulsion from the Club depending on the severity of the breach.

The Club’s Data Breach Notification Procedure with respect to club coaches, club members club volunteers and committee members and communication with the Data Protection Commission is contained in a separate document and should be read in conjunction with this Data Protection Policy.

**11. Policy Implementation**

The Club ensures that any individual or entity that processes personal data on its behalf does so in a GDPR compliant manner. Failure of a data processor to process and manage The Club’s personal data in a GDPR compliant manner will be viewed as a breach of contract. Failure of club coaches, club members club volunteers and committee members of The Club to process and manage personal data in compliance with this Data Protection Policy may result in the application of a warning, sanction or expulsion from the club.

**12. Data Protection Liaison Contact**

The contact details for The Club’s designated Data Protection Liaison is:

The Club Secretary/Membership Secretary

Email: clonmeltri@gmail.com