

## Information about contracts between the EBU and clubs/counties

- The ICO has a [document explaining in full the question of contracts](#) between Data Processors and Data Controllers.
- This initially led us to the view that the EBU, clubs and counties might have a Data Controller/Processor relationship with regard to members' data.
- However, with any new legislation its interpretation is often not established until cases have been brought that test its implementation, so we had a variety of opinions about this question expressed by clubs and counties, not always in accord.
- Consequently, we have taken formal, detailed, legal advice about this question and that counsel's conclusion is:
  - *In general, I do not consider that the EBU act as a data processor for affiliated clubs and county associations or vice-versa. Rather, these bodies each act as separate, or at most joint, data controllers. As such, (i) both are subject to the obligations of a data controller, and (ii) there is no requirement to have a written contract in place to govern a data controller / processor relationship.*
- Therefore, we do not think there is any requirement to have data processor/controller contracts between the EBU and its counties and clubs, and we intend to set aside those that have already been signed.
- Note that some clubs and counties use other Data Processors, such as Bridgewebs or Pianola, which may well constitute the sort of arrangement that does require a contract. This should be arranged directly with the organisation concerned.
- We have updated the [Club Terms of Affiliation](#) so that it now includes a simple statement concerning the data protection arrangements between clubs, counties and the EBU.
- All clubs and counties are responsible for ensuring that they comply with current legislation including the GDPR and other data protection legislation.
- Where clubs or counties do need to enter into contracts with anyone, in regard to data protection or any other matter, these contracts can only be made by the club or county itself if it is incorporated as a legal entity. In other cases, the contracts will need to be made by an individual personally, usually a member of the committee, acting on behalf of the unincorporated body.