

## Questions & Answers



*This is a living document that will be updated and amended as more questions are received.*

- **We publish a list of all our members and their contact details in our club diary. Can we continue to do this?**

Since this would be outside of your club's *legitimate interests*, in the sense that it is not essential for the running of the club and would not be expected by new members, you would need another lawful basis, such as *consent*, in order to do this. You can find a document giving more detail about [consent](#) on our [GDPR webpage](#).

- **Like many other clubs with a Bridgewebs website, ours contains a full list of members, their emails, phone numbers etc which club members can access using a password via the Members Only tab. Is this still permissible under the new regulations?**

As in the previous case, you would need to get consent from each and every person to be included on the list. Once again, you should read the document about [consent](#) on our [GDPR webpage](#)

- **Where a club membership renewal date is after the 25<sup>th</sup> May does the club have to contact all members in advance and seek their permission re the use of their personal data to ensure compliance on the 25<sup>th</sup> May or can the club wait until their own renewal date ?**

You need to take all reasonable measures to ensure that your members know about your [Privacy Policy](#) before the 25<sup>th</sup> May. You should be able to reach most of them by email, by putting up notices at the club, or by information on your website. If you think there are any members who will not be reached by these methods, you should try to contact them by post or by phone. It would be wise to update your membership form as soon as possible to cover the new legislation and we have a [template form](#) available to download.

- **Do competition entry forms need to have the content amended ?**

Whenever you collect new data, you should give some information about why you are collecting that data, but it is legitimate to direct individuals elsewhere, such as to a Privacy Policy on your website, for fuller information.

- **The information sent to counties and clubs talks of clubs and counties being separate legal entities from the EBU. Many counties and most clubs are not legal entities at all.**

When we say that the clubs and counties are separate legal entities, it doesn't mean that they are all constituted within a legal framework such as a limited company, but that from a legal perspective they are distinct from the EBU. This means that they all have responsibility for compliance and can't just rely on being "part of the EBU".

- **For direct and student members the EBU currently gives the individual three months after their non renewal payment before removing them from the EBU database (and county list). Will the EBU be continuing this practice ?**

We state in the [EBU's Privacy Policy](#) that we retain members' data after they leave or their membership lapses, unless they ask us not to, and we give the reason for this. This is distinct from the grace period we give direct members for renewal before marking them as lapsed, which is a separate question outside the scope of the GDPR.

- **Our club has in the past had protracted problems with individuals, and these situations were discussed in email correspondence. Would these discussions need to be disclosed in answer to a Subject Access Request?**

There is not much change to this in the new regulation. It is already possible for a person to issue a Subject Access Request and you would have to comply with it. The main differences are that in future you will only have one month to comply, instead of 40 days, and you will not be able to charge them for providing this data in most cases. Suggestions for dealing with these matters would include not keeping emails for longer than necessary, and taking care that you would not be compromised by whatever you write being disclosed in response to such a request. Every time you write something about one of your members, remember that they are entitled to make a request to read it.

- **We have followed your [link to the ICO's self-assessment tool](#) and found we do not have to register as a Data Processor. Does this mean we don't need to do anything?**

No it doesn't mean that! You still have to comply with all the requirements of the GDPR, as outlined in our [information document](#).

- **Our county would like not to keep a database at all and just download information from My EBU as we need it. Can we do this?**

You can certainly do this, but you are still collecting and processing data during the period from when you have downloaded it until you delete it. So you do still need to comply with the GDPR, although you may find it convenient to follow this practice to reduce concerns about the security of your data.

- **What counts as processing?**

The regulation says "'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;" so this covers pretty much any use except that which is purely personal, even if the data is simply copied and not changed in any other way.

- **Are photographs "personal data"?**

Yes, they are, so you would be advised to get permission from your members before using their photos on your website or in newsletters etc.

- **What should we do to ensure our passwords are effective?**

The main thing is to ensure that as few people as possible know your passwords. That means changing them whenever your committee changes, and not giving them to anyone else. You can identify club scorers so that they can upload results directly from their own My EBU and do not need to log in to the My EBU of the club.

Performing a web search for “strong passwords” will produce [useful articles like this](#).

- **We use our scoring program as our database. Are there any problems associated with this?**

All scoring programs contain some database capabilities, but many users store no more information in them than the minimum required to correctly identify EBU members. If you wish to use your scoring program as your primary database and store additional personal data in it, you will need to take as much care with it as if you had a separate database.

- **Our club keeps the names and phone numbers of members’ next-of-kin in case of an emergency. Will this still be possible under the new regulations if they are stored in a secured place.**

This sounds like more information than can be assumed to be part of the club’s *legitimate interests* so it would be best for you to ask for [consent](#) from those members, and from their next-of-kin, to ensure that both parties are happy for you to have, and store, this information. As always, you should take all reasonable measures to ensure the security of your members’ data.

- **Is a standard computer password enough security for computer records? If full encryption is needed can you offer any advice on this?**

There is some information on passwords a bit higher up in this document. For encryption you should first consult the two documents issued by the ICO:

<https://ico.org.uk/media/for-organisations/guide-to-data-protection/encryption-1-1.pdf>

<https://ico.org.uk/for-organisations/guide-to-data-protection/encryption/>

If you do decide that you need to encrypt your laptop/PC, a search of the web should turn up helpful documents about how to do it, such as [this one](#).

- **Encryption seems a bit of a nightmare as far as selecting the appropriate product. Presumably the EBU will determine the product to be used for data transfer between clubs/Bridgewebs & Pianola/EBU. Does website encryption require a different product and is the EBU going to issue a list of approved encryption suppliers for use by Clubs?**

We are not offering advice or recommendations about this, but the answer above should provide you with some helpful information. When you upload your results to the EBU, whether directly or using Pianola, they are encrypted as standard. When you upload results to Bridgewebs they will be encrypted if your scoring program is designed to do so.

- **What do we need to do about guests visiting our club? Should we ask them to fill out a membership form.**

Providing they are members of the EBU, you shouldn't need to collect any more data from them than their name and EBU number, which should fall under the lawful basis of your *legitimate interests*. If you wish to collect more data from them than that, you should do so on a suitably-amended [club's joining form](#), which would draw their attention to your club's [Privacy Policy](#).

- **The ICO website states that if the club's legal basis is legitimate interests then an LIA (legitimate interest assessment) has to be conducted. How should this be done?**

In response to this question we have now added a [document](#) explaining this further and an [example](#) of such an LIA.

- **If we are confident that 'legitimate interests' can be used as a lawful basis for processing in our particular circumstances, do we need to get consent for anything?**

No, if '*legitimate interests*' properly apply as the lawful basis for your processing and you inform your members of this, as in a Privacy Policy, you do not need a second basis (and indeed should not try to use one as it will just create confusion).

The only things you would need to get consent for are those that are not covered by '*legitimate interests*', such as if you want to use your members' data in a way they would not expect.

- **Our Committee Minutes and correspondence contain some items of personal data, mostly of a trivial kind, for instance thanks recorded to individuals for doing certain jobs. Should we modify the first section of our Privacy Policy to say something like:**

***"We store Committee Minutes and some Correspondence (both electronic and hard copy) which may contain some personal data of individual members"?***

Yes, it is sensible to modify your [Privacy Policy](#) in any way that you feel better reflects the actual practices of your club.

- **If we have records of complaints or disciplinary matter, does this count as "special data"?**

The definition of "[special data](#)" under the GDPR is perhaps surprising in that it doesn't include things you might expect, like financial information or disciplinary records. In fact, for most bridge clubs the only thing you might record that comes within its scope is "health" in the form of a record of members who require stationary positions. Such a record should only be kept at the member's request.

- **We have honour boards located in a shared room, which record people who have held posts such as President or Chairman or who have won various trophies over the years. Is this “personal data”?**

The [ICO definition](#) says:

*Personal data means data which relate to a living individual who can be identified –*  
*(a) from those data, or*  
*(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.*

And further:

*By itself the name John Smith may not always be personal data because there are many individuals with that name. However, where the name is combined with other information (such as an address, a place of work, or a telephone number) this will usually be sufficient to clearly identify one individual.*

So it seems clear that a name on an honours board is personal data, but that doesn't mean you can't keep them, nor that they require explicit consent. This is clearly a use that would be expected in an organised, competitive game and it should come squarely under *legitimate interests*. Furthermore, while you might try to accommodate someone who didn't want their name on an honours board, if it is already there then you should be able to rely on the section in the Privacy Policy that says:

*Historical ranking lists and prize lists are required for archiving purposes and names cannot be removed from them. Similarly, archived news articles, whether on the website, or in the EBU's magazines (both printed and online), will not usually be deleted.*

- **Should our weekly duplicate results on our website be public access or member only access? Presently we are public access, and in consequence the names of the players are accessible to anybody who cares to look.**

This seems to come squarely under the *legitimate interests* basis for processing, in that it's exactly what people would expect of a bridge club. Furthermore, you aren't giving away any information about the players other than their names and score, so there doesn't seem to be any associated risk. If anyone is unhappy about this they could become an anonymous member, but they would of course lose all the benefits of EBU membership if they did that.

- **We do not own a building but rent a room three nights per week. The secretary for the club keeps the membership details on completed membership forms and disposes of any that are not current by shredding. As this data is kept in a home which does not have CCTV I assume that the regulations do not apply to us.**

You still need to comply with the regulations because you are collecting and processing data, even if you only keep it for a short while. So you do need to ensure that your lawful basis for processing, such as *legitimate interests*, has been determined and stated, and that your members are given all the appropriate information such as in a Privacy Policy statement and on the club's membership application forms.

- **Our county sends out emails advertising our events, not only to our members, but also to anyone who has entered any of our events in the past, which will include members of other counties, and indeed people who are not even members of the EBU. Can we continue to do this after May 25th? Is this covered by "legitimate interest" or do we need written consent to continue sending such emails?**

It seems to fall under *legitimate interests* that you collect data from entrants to enable you to process their entry. However, it does not follow from this that you can then assume that you can re-use it to publicise other events, so you should get [consent](#) for such additional uses of that data.

- **I am a bridge teacher. Does the GDPR affect me at all?**

If you teach under the auspices of a bridge club and the students' details are processed by the club, you should be covered by the club's Privacy Notice as long as you follow their data protection practices. If you teach independently of a club (even if you use the club's premises) you need to ensure you comply with the GDPR and you can find more about this on the [EBED website](#).

EBU