



## Consent

Much of the discussion in the wider media about the General Data Protection Regulation (GDPR) has revolved around the issue of *consent* and the new stringent requirements attaching to it.

What needs to be clarified is that *consent* is only one of the possible lawful bases for collecting and processing data, and because of its strict requirements it may well not be the most suitable one to use for most of the needs of our member clubs and counties.

Other [lawful bases for collecting and processing data](#) are:

- **Contract:** if the processing is necessary for a contract you have with the individual.
- **Legal obligation:** when the processing is necessary for you to comply with the law (not including contractual obligations). This includes legal obligations to do with accounting records and employment records
- **Vital interests:** if the processing is necessary to protect someone's life; this is unlikely to apply to any bridge club or county.
- **Public task:** when the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law; this applies primarily to official authorities.
- **[Legitimate interests](#):** when the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

You need to identify which of these is the lawful basis for your data collection. You may use different bases for different purposes, but only one for each category of data processing.

It is the final basis, *legitimate interests*, that will cover most of the activities of our member clubs and counties, and is the lawful basis that we, the EBU, give for the collection and processing of most of our data. This covers cases where you use people's data in ways they would reasonably expect and which have a minimal privacy impact. To use this basis you need to:

- identify a legitimate interest;
- show that the processing is necessary to achieve it; and
- balance it against the individual's interests, rights and freedoms.

It follows from this that you should not collect more data than necessary, nor should you use it in ways that your members would not expect. You should make clear to them what data you collect, what you use it for, who has access to it, how long you keep it for and what they can do to check it, correct it, or ask for it to be deleted.

## When should you use consent as your lawful basis?

Whenever you wish to collect more data than is strictly necessary or you wish to use the data you have collected in ways that the data subjects could not reasonably be assumed to expect, you need to get their *consent*. One example of this is if you wish, as some clubs do, to make their members' contact details available on a list for other members so that they can arrange games with them. This is something that would require the consent of each and every member who is to be on the contact list.

The GDPR sets a high standard for consent, needing it to offer individuals real choice and control. Here is a summary of what is required in cases where you want to use it as your lawful basis for data processing.

- Consent requires a positive opt-in. You must not use pre-ticked boxes or assume consent in any other way.
- Explicit consent requires a very clear and specific statement of consent, separate from other terms and conditions.
- You must be specific and 'granular' so that you get separate consent for separate things. Vague or blanket consent is not sufficient.
- You should be clear and concise.
- You must name any third party controllers who will rely on the consent.
- You need to make it as easy for people to withdraw consent as it was to give their consent in the first place, and you must tell them how to do this.
- You should keep evidence of consent – who, when, how, and what you told people.
- You must not make consent to processing a precondition of a service.