

# The Triumph Mayflower Club

GDPR Regulations 2018

Compliance Document

TRIUMPH



CLUB

This document is a record as required by the UK ICO that TMC have documented its decisions on Legitimate Interest and can demonstrate compliance with the Act. It contains the checks and assessments the Act Requires.

A copy shall be kept by the General Secretary.

Contact address: TMC General Secretary, 19 Broadway North, Walsall, WS1 2QG

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This document has been produced to record the club's compliance with the General Data Protection Act 2018 and associated Regulations (GDPR) and to set down in writing as the Act requires a record of the club's steps to ensure compliance with the provisions of the GDPR (herein after referred to as The Regulations).

## 1. **Responsible Officers**

1.1 **The Data Controller**, a required role under the Regulations, is established, after advice from the ICO as the club's management committee. The contact details of the controller as required under the Act are those of the General Secretary of the club.

1.2 Any communications to the Data Controller shall be made to the Club General Secretary.

1.3 **The Data Processor**, a required role under the Regulations, is deemed to be the person holding the role in the club known as the Membership Secretary.

1.4 The contact details of the Membership Secretary are those shown in the list of current club officers in the club magazine and on the club website.

1.5 **Data Protection Officer:** Someone has to be designated as the person responsible for Data Protection Compliance. This role fits with the normal activities of our Membership Secretary – small organizations are not required to have a full time person specifically for this role, nor formally designate anyone for it.

1.6 **International:** Since we have members in other EU states and other places we are required under the Regulations to designate where the Lead Supervisory Data Protection Authority is located and document it. It is the UK, where the club has its predominant volume of members and activities.

1.7 **Registration:** We do not have to register; this is because the uses to which we put data are for "leisure activities."

**2. Legitimate Interest:** This is the class of reason we have for processing personal data. The ICO lays down a three part test for this which is shown below.

- 2.1 We have to identify a legitimate interest.  
*The Legitimate interest of the club is to know who our members are and how to contact them.*
  
- 2.2 We have to show that “Processing” (as defined in the Act) is necessary to achieve our Legitimate Interest.  
*Lists of members by area and name and address are necessary to be able to communicate with members either in geographical groups or with the whole membership. Their personal data is not used for any other purpose.*
  
- 2.2.1 We have to balance this against the individual’s interests or broader societal benefits.  
*We only keep personal details of members and all members volunteer to join the club so they are aware of the uses to which we put their data.*

### **3 Legitimate Interest Assessment:**

- 3.1 We are required to make a checklist following the ICO guidelines. This is shown below.
- 3.1.1 We have checked that legitimate Interest is the most appropriate basis  
*This seems to be the only way to keep track of who our members are and what cars they own.*
- 3.1.2 We understand our responsibility to protect the individual's interests  
*In this context we do not reveal full address details of members to other members, nor do we keep any record of bank or other payment details.*
- 3.1.3 We have conducted a legitimate interest assessment and kept a record of it to ensure we can justify our decision.  
*This is it.*
- 3.1.4 We have identified the relevant legitimate interests  
*These are:*
- a. Maintenance of membership records*
  - b. Ability to communicate with members*
  - c. Collection of subscriptions*
  - d. Ability to control sales to members only*
  - e. Allowing members to see where other members who have opted in to this facility live. (Details constrained to general area or country)*
- 3.1.5 We have checked that the processing is necessary and that there is no less intrusive way to achieve the same result.  
*See 3.1.1 above.*
- 3.1.6 We have done a balancing test and are confident and are confident that individual's interests do not override those legitimate interests.  
*TCM's Balancing test can be seen at Appendix 1.*
- 3.1.7 We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.  
*Yes.*
- 3.1.8 We are not using people's data in ways they would find intrusive or which would cause them harm, unless we have a very good reason.  
*True.*
- 3.1.9 If we process children's data we take extra care to make sure we protect their interests.

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*Not applicable as full members must be adults. Children may be a family member but in this case their personal details are not recorded by the club.*

- 3.1.10 We have considered safeguards to reduce the impact where possible. *We have. Example is not publishing full address details only the county in the members' directory.*
- 3.1.11 We have considered whether we can offer an opt-out. *We have: members must opt-in to the members' directory. Opting out otherwise (i.e. completely) would mean relinquishing membership of the club as the member's records would no longer be available to manage their membership. This could be done by request in which case the member's personal data would be completely deleted.*
- 3.1.12 If our Legitimate Interest Assessment (LIA) identifies a significant privacy impact we have considered whether we need to conduct a Data Protection Impact Assessment (DPIA). *It is not considered in the context of the data we have and the uses to which it is put that this need arises. The data we hold is likely to be in the public domain anyway via telephone directories and electoral rolls. When recording subscriptions we will create a field in the club database to record whether a renewal or application form was received; if this is not the case the contact and publish permissions will be automatically set to N –(Not in Members' Directory)*
- 3.1.13 We keep our LIA under review and repeat it if circumstances change. *A process to ensure this is done. Review of renewal/application form at the AGM just before renewal time is an appropriate event to trigger this annually.*
- 3.1.14 We include information about our legitimate interest in our privacy notice. *We do. See Appendix 2 –Wording of Privacy Notice.*

#### **4. Record of Privacy Notice.**

We have to supply each member whose details we hold with a “Privacy Notice” the minimum contents of which are mandated by the Regulations. This must be available to the member at the time he supplies his details.

##### **4.1 Privacy Notice Details Required under the Act:**

The following list of details is **mandatory** and must be provided.

- 4.1.1 The identity and contact details of the Controller.  
*Mgt Committee & contact address of the club.*
  - 4.1.2 Contact details of the Data Protection Officer where applicable.  
*Membership Secretary.*
  - 4.1.3 The purpose for the processing.  
*Managing the club.*  
The legal basis for processing.  
*Legitimate Interest.*
  - 4.1.4 The Legitimate Interest pursued by the Controller.  
*Management of the club.*
  - 4.1.5 The recipients of personal data.  
*[1] The club’s officers; [2] Restricted Data to other club members who have indicated agreement to being in the Members’ Directory.*
  - 4.1.6 Whether the Controller intends to transfer personal data to a third country (i.e. outside the EU) and the existence or absence of an adequacy decision by the Commission .  
*Briefly the overseas Technical Officers are classed for the purposes of the Act as additional Data Processors and as such are deemed to be under the control of the Data Controller of the club. Thus there is no differentiation between those in the EU or UK or those in Third countries outside the EU.*
- ##### **4.2 Additional data to be presented to the subject at the same time.**
- 4.2.1 The period for which the data will be stored –or the criteria for determining that period.  
*Period of membership plus 6 months in case of late renewal.*
  - 4.2.2 The existence of the right to request access to the subject’s data and to rectification or erasure of personal data.  
*The right exists –listed in Privacy Notice.*
  - 4.2.3 The right to withdraw given consent at any time.  
*The right exists –listed in Privacy notice.*

- 4.2.4 The right to lodge a complaint with the supervisory Authority.  
*Stated, it exists in Privacy notice.*
- 4.2.5 Whether the data is a statutory or contractual requirement or necessary to enter into a contract as well as whether the subject is obliged to provide the data and consequences of failure to provide the data.  
*Necessary to become a member. Non provision means not possible to be a member- Noted in Privacy Notice.*



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**APPENDIX 1 Balancing Test:**

As part of the Legitimate Interest Assessment we are required to undertake a Balancing Test wherein we balance the interests of the individual member against those of the Club. The ICO website, under Legitimate Interest lays down some criteria against which such a test may be made. These are reproduced below together with our club responses.

- 1 What is the nature of your relationship with the individual?  
*Individuals volunteer to join the club for the benefits it confers; the membership papers include the club Rules which explain what we do and our expectations of members.*
- 2 Is any of the data particularly sensitive or private?  
*No, only names and addresses and membership No and type of membership.*
- 3 Would people expect you to use their data this way?  
*Yes.*
- 4 Are you happy to explain it to them?  
*Yes.*
- 5 Are some people likely to object or find it intrusive?  
*This is unlikely.*
- 6 What is the possible impact on the individual?  
*Of a data security breach, Not much, only name and address.*
- 7 How big an impact might it have on them?  
*Cannot visualize that it would be very significant.*
- 8 Are you processing children's data?  
*No*
- 9 Are any of the individuals vulnerable in any other way?  
*We have no way of knowing. The data we have is not likely to be damaging even if lost.*
- 10 Can you adopt any safeguards to minimize the impact?  
*None - only keep data secure in the first instance.*
- 11 Can you offer an opt out?  
*Yes –opt out to members' register of members is offered; No opt out to other main data base as it would render it impossible to communicate with the member concerned.*

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## Appendix 2 –Wording of Privacy Notice.

**This contains all the mandated elements.** –It may be printed on the back of the application and renewal forms or form a separate enclosure.

“Under the terms of the UK General Data Protection Act which came into force on 25<sup>th</sup> May 2018 we have to provide you with information regarding how we use and manage your personal data. Under the act the only personal data we collect and record is your name, membership Number, address, email and telephone contact details.

The Data Controller for the purposes of the Act is the Triumph Mayflower Club, its address is that of the General Secretary of the club and the telephone contact is The General Secretary’s number. Email: tmclubmail@triumphmayflowerclub.com. The Data Protection Officer is the Membership Secretary of the club whose contact details are: johnchoaker@btinternet.com. The purpose for collecting your data is to manage the affairs of the club. The Legal Basis for collecting your data is Legitimate Interest. The Legitimate Interest pursued by the Controller is management of the club. The recipients of your personal data are the club’s officers. Only where you have indicated agreement will restricted data (excluding your full postal address) will be made available on the club directory which is available to club members only. For EU members your data may be available to the Technical Officer in your country or area if there is one. For members outside the EU your personal data may be available to the Technical Officer in your area if there is one. All such data is protected by password from an encrypted database in the UK. Your data will be securely kept in the UK encrypted database for the period of your membership and a short period thereafter until the membership is deemed to have lapsed permanently. An abstract of car details and your name may be kept in the Restricted Archive indefinitely for purposes of future vehicle authentication. You have the right to request access to your data and ask for rectification of any errors. You have the right to erasure of your personal data at any time. Full erasure would mean loss of membership as contact details would be lost. Withdrawal of permission to share data in the members’ directory may however be made at any time. You have the right to lodge a complaint with the UK Supervisory Authority. The data you give the club is required to become a member and is necessary for the contract of membership between you and the Club.”

### **Appendix 3: Wording of Notice to Officers and others.**

#### **Notice to all Committee Members**

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##### **Introduction & Explanation.**

Within the UK a new set of regulations which will apply to all holders of what is deemed "Personal data" will come into effect on 25<sup>th</sup> May 2018.

Anything which could potentially be used to identify an individual person is classed as "Personal Data". Organisations and companies which hold such data whether electronically or otherwise will be required to comply with the new law, referred to as the GDPR, **General Data Protection Regulations**. This is to comply with an EU Regulation.

It applies to "Personal Data" as described above, not any other data. A compliance document and procedural guidelines have been produced for our club to ensure that we comply with the regulations. Penalties for non compliance are severe.

Our Membership Secretary is ensuring that the club's data bases and associated systems are or will be compliant with the new law. The committee will need to assess what the effects on us as a club will be and what actions we need to take to be and remain compliant.

There are two defined "Roles" which affect those of us who run the club. The first of these is what the Act deems the "Data Controller". This is the person who decides what is done with data, how it is handled, etc. Although the Regulations refer to this role as a single person, enquiries have revealed that in cases such as ours where no one person can take decisions on their own, the role can be a multi-person body of people. Under our club rules the Management Committee takes all such decisions about the club's affairs and thus everyone on the Management Committee is a part of the club's "Data Controller".

The second key person referred to in the Regulations is the Data Processor. Our Data Processor is our Membership Secretary. Data processing is however very broadly defined: even making a list of names and addresses is considered "Processing" under the Act.

We are required under the Act to ensure, inter alia, that all Personal Data we hold is kept securely and only used for the purposes that those who gave it to us would expect. Breaches of security have to be reported.

This raises the issue of the security and use of Personal data that is transferred to others. We are advised that we have to retain control of such data –the Act envisages contractual obligations with recipients of data but enquiries of the ICO (**Information Commissioner's Office**) who are the national authority for GDPR in this country, indicate we must have in place, if not a contract, then a written understanding that the holder of our data will only use it as the club and the individuals whose data it is, would expect, and that holders will keep it securely.

Thus it must be password protected on holder's computers. The ICO considers such persons who hold data released to them to be additional Data Processors.

Note that details of cars are not considered Personal Data and do not fall under the provisions of the Act.

Transfers of Personal Data to other countries: we are allowed to do this - and the ICO makes no differentiation between EU and "Third" (i.e. non EU) countries if we are transferring data only to our own members (so within the same entity) as they consider they are or should be under our control.

Personal Data which is no longer needed for the purposes for which it was given us must be deleted from all systems and databases. This means that non renewing members' data should be deleted; we are allowed to set our own time for this – and clearly we have to allow some elapsed time to ensure late renewing members are not prematurely deleted from the system.

Thus we (as the Controller) have to ask all those to whom we transmit Personal Data, which includes members of the Management Committee who have access to the full membership database for a variety of reasons, to agree to the conditions stated below.

#### **DECLARATION**

I have read and understand the explanation above and I agree to comply with the conditions stated below.

I will only use the Personal data received by me from the TMC for the purposes of communicating with members for club matters.

I will keep all Personal Data in my possession secure and not allow third party access to it.

I will remove from my record any Personal Data no longer required.

I will remove all Personal Data from my records upon relinquishing the post I now hold in the club.