



iSPORTS Group
www.isportsgroup.co.uk

Lawful basis for the transfer of personal data between institutions

Team Sheets

Pre March 2019 Situation

We understand that until this point that participating colleges/institutions rely on the lawful basis of consent in order to comply with certain Sport competitions terms and conditions with regard to the exchange of student personal data contained within a Team Sheet and exchanged with the competing college/institution at each fixture. The standard of consent under the GDPR is high and this would require each college/institution to seek and obtain the correct standard of consent from each student (or person with parental responsibility) in order to exchange that information. This places additional burden on the respective colleges/institutions and is proving a barrier to the administration and management of events.

March 2019 Onwards Recommendation

We would suggest that an alternative lawful basis that can be relied upon for this processing activity would be that it is necessary for the purposes of the legitimate interests of the college/institution.

The GDPR states that processing is lawful if it is undertaken for the purposes of the legitimate interests of the organisation (or a third-party organisation) unless those interests are overridden by the rights and freedoms of the individual, particularly in respect of children.

When considering whether or not this lawful basis can be relied upon, guidance provides that where the processing is likely to be within the reasonable expectation of the individual and where this is unlikely to be unnecessarily intrusive or have the potential to cause harm, it may be an appropriate lawful basis to rely upon. The processing must be made clear and be within the reasonable expectation of the individual.

With respect to children, communication of such processing must be made clear within the college/institution privacy notice and all rights and interests of the child be protected. This is achieved where each child can continue to exercise their rights with respect to their data processed under this lawful basis.

Legitimate Interests Assessment

Added to this, all processing is still subject to the principle of transparency and each controller must evidence its consideration and subsequent decisions around the processing of data in order that it can comply with its accountability obligations under the GDPR. This can be achieved by the completion of a Legitimate Interests Assessment. Each assessment should address the following questions:

1. Is there a legitimate interest behind the processing?
2. Is the processing necessary for that purpose?
3. Is the legitimate interest overridden by the individual's interests, rights or freedoms?

With respect to the exchange of student data, we would suggest the following are considered and contribute to such an assessment.

1. The legitimate interest would be for the purposes of management and administration of events. To enable player eligibility to be checked and any subsequent challenges and appeals to be administered by the colleges/institutions and by iSPORTS Group, and to comply with the iSPORTS Group and subsequently Interactive Business Limited Terms and Conditions.
2. Processing in this way is a targeted and proportionate way of achieving the purpose. The categories of personal data exchanged are limited to only those which are required in order to achieve the purpose.
3. All students are informed that their data will be shared with the competing college/institution for the above purposes. This is outlined in the [college/institution privacy notice]. Potential impact on the rights and freedoms of students is deemed minimal both due to the nature of the personal data provided (name, DOB and location of event) and due to the strict internal retention and deletion procedures imposed by the iSPORTS Group and subsequently Interactive Business Limited Terms and Conditions. All students for whom personal data is exchanged are able to exercise their rights to the full extent under the GDPR.

Privacy notices – Institutions

Each college/institution we are associated with will be a data controller under the GDPR as it will be responsible for determining the use of the personal data it collects.

iSPORTS Group does not impose specific wording on our college partners for insertion into their respective privacy notices. However, the below wording is GDPR compliant with regard

to the exchange of student at each competition and which refers to legitimate interests as being the relevant lawful basis for the transfer of information.

Purpose of processing	Categories of personal data	Lawful basis for processing
To administer your attendance at competitions and other events and to enable us to administer any challenges or appeals as a result of your participation in an event.	Name, date of birth, location	Your data will be shared with the education institution and iSPORTS Group. This processing is necessary for our legitimate interests in order that we may effectively manage competitions and administer any challenges and appeals. This processing is also necessary to enable us to comply with the iSPORTS Group Terms and Conditions.

Within their respective privacy notices, each college/institution will be required to communicate the recipients of the personal data they collect. The following is example wording that can be incorporated into the relevant section of their privacy notice:

“When you enter into competitions we will share some of your personal data with the competing institution, as detailed above. Your data will be retained by that institution for up to 14 days following the date of the competition following which it will be securely deleted as required by the Interactive Business Limited Terms and Conditions. We will also share your personal data with iSPORTS Group and the subsequent competition managing companies for the purposes of player eligibility and movement verification. iSPORTS Group confirms it respects the security of your personal data and treats it in accordance with the law. Should you require further information as to how iSPORTS Group processes your personal data you can access the iSPORTS Group Privacy Policy at www.isportsgroup.co.uk/privacy-policy_.”

Data Sharing Agreements

Each college/institution and iSPORTS Group are all independent controllers of personal data, and not joint controllers (or processors processing data on behalf of another). Under the GDPR no Data Sharing Agreement is necessary to be entered into prior to exchanging any student data in relation to the above, which is only the case for joint controllers.