

Irish Sailing Joint Data Controller Agreement for Category 1 Clubs

Your members are automatically members of Irish Sailing. The purpose of this joint data controller agreement is to protect the personal data of all our members and in compliance with General Data Protection Regulations as of 25 May 2018.

Irish Sailing processes personal information to administer and conduct Irish Sailing related activities. This includes club affiliation, direct membership and event / regatta registrations, class / regional / national / international squads, disciplinary processes, communications and notifications of Irish Sailing events, personal proficiencies, legal licenses, training and coaching qualifications and compliance related requirements (i.e. vetting and insurance).

BETWEEN

(1) Category 1 Club: “the Lead Data Controller”

and

(2) Irish Sailing
registered at 3 Park Road, Dun Laoghaire, Co. Dublin “**the Joint Controller**”

RECITALS

- (A) For the purposes of having mutually-agreed and compliant access to any personal data held by the Joint Controllers, the Club will act as the Lead Data Controller, guiding and coordinating the joint data management activities of the Joint Controllers and hosting the personal data collected through the course of this collaboration.
- (B) The Club will set out data management guidelines, by means of this Agreement, by which the Joint Controller(s) will access and process the personal data in a compliant and efficient manner.
- (C) The Joint Controllers will respect the personal data of its data subjects for the following reasons:
 - a. Data sharing between the Joint Controllers for the purposes of affiliation to the National Governing Body (Irish Sailing), eg. to be covered to sail under World Sailing regulations.
 - b. For statistical purposes and grant funding with accredited Government Agencies such as Sport Ireland, Department of Tourism, Transport and Sport and Department of Marine.
 - c. Collaborations and communications on projects and programmes of mutual interest.
- (D) The Joint Controllers remain Data Controllers in their own right and will jointly recognise the Club as their agent in this regard.
- (E) The Club will act on behalf of the Joint Controllers in guiding their obligations regarding Data Protection best practice. This will include [fulfillment of Subject Access Requests, data disclosure requests and monitoring of Data Protection compliance, etc.].
- (F) The Joint Controllers will jointly recognise the decisions of the Irish courts in seeking to resolve any dispute arising from the processing of personal data within the global network.

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- (G) Under the Irish Data Protection regulations, each Data Controller is required to put in place an Agreement between the Data Controller and any organisation which processes personal data on its behalf or under its authority, governing the processing of that data.
- (H) The parties now wish to enter into this Agreement in order to regulate the provision and use of Personal and Sensitive Personal Data which the Joint Controllers will be processing as part of this data sharing arrangement.
- (I) In order to ensure the compliance of data processing by the Joint Controllers, they will be required to enter into this Agreement as a condition of access to any connected data processing facility.

AGREEMENT

1. DEFINITIONS AND INTERPRETATION

- 1.1 The following words and phrases used in this Agreement and the Schedules shall have the following meanings except where the context otherwise requires:

Term	Definition
Joint Controllers	means the organisations who have formally agreed to establish a data sharing agreement
“The Joint Controller Network”	means the collective term for the Joint Controllers (the ‘network’)
“Master Contract”	means the main contract between the Lead Data Controller and each of the Joint Controllers, setting out the terms and conditions for the data management services to be provided by the network.
“Agreement”	means this data sharing agreement, under which the individual Joint Controllers manage personal data within the network.
Data Processor	means any legal entity processing personal data on behalf of one or other of the parties, but who is not an employee of that party, and who processes such personal data under the terms of a formal, written contract (the Data Processor Agreement)
"Data Subject"	means any living individual whose personal data is acquired and

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	processed for the purposes and objectives of the network;
“Personal Data”	means any data which relates to a living individual who can be identified from that data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the Data Controllers, and includes both Personal Data and Sensitive Personal Data as defined by the Irish Data Protection legislation.
“Sensitive Personal Data”	means any personal data relating to the specific characteristics of the living individual, including their ethnic or racial identity, their political, ideological or religious preferences, or beliefs of a similar nature, their medical condition, sexual orientation, criminal record or trade union membership
“Services”	means the data management services to be carried out by the Data Controllers during the ordinary activities of the Joint Controller network, under the terms of the Master Contract.

1.2 This Agreement shall continue in full force and effect unless terminated for breach by either party.

2. OBLIGATIONS OF THE DATA CONTROLLERS

2.1 As individual Data Controllers, the parties shall undertake to ensure that the Personal Data for which they are responsible is managed in a manner compliant with their respective national Data Protection legislation.

2.2 Each Joint Controller shall formally recognise the Lead Controller as having the authority to act on their behalf, within the terms of this Agreement, with regard to providing guidance on the appropriate management of personal data within the network and shall engage constructively and in a timely manner with the Club in this regard.

2.3 As individual Data Controllers, the parties shall separately manage the commercial and data management activities of their respective Data Processors, providing them with such personal information as the Data Processors may reasonably require in order for the Data Processors to provide their Services.

2.4 The data management instructions given by the parties to their respective Data Processors, within the context of the work of the network, shall at all



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times be in accordance with their appropriate national Data Protection legislation, and shall be formalised within a written contract.

4. **GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with Irish law and each party hereby submits to the non-exclusive jurisdiction of the Irish courts.

Signed.....*Harry Herman*..... Date....25th May 2018.....

CEO, Irish Sailing