

△ ITF MEMBERSHIP STATUS AND DATA PROTECTION

The four common elements of any organization include common purpose, coordinated effort, division of labor, and hierarchy of authority.

The By-Laws to the Constitution of ITF and the Appendices attached thereto complement the ITF Constitution, additionally confirming and regulating those articles not specified in the ITF Constitution.

According to the By-Laws to the ITF Constitution and the Appendices, **Article 2:**

- **Gup (Grade) holders are** the members of the ITF, who have passed the Gup Grading tests from 10th Gup to 1st Gup and have been awarded the Gup Certificates issued by the ITF, or the National Associations, or the Instructors.

According to the By-Laws to the ITF Constitution and the Appendices, **Article 3:**

- **Dan (Degree) holders are** the members of the ITF who are awarded the Dan Certificate of the 1st Dan (Degree) up to 9th Dan (Degree)

Conclusion: ALL the individuals bearing any ITF rank are ITF Members.

Therefore, ITF as the Controller is responsible for, and demonstrate compliance with the Data Protection Principles, and is responsible for enforcing them to protect the data privacy of its members.

ITF as the data Controller is accountable for data processing done by data processors, such as Continental Federations, NGBs/AGBs, Clubs, Instructors or any external service providers.

According to the EU General Data Protection Regulation only the Controller (ITF) determines what data the organisation collects, how it is collected and how it is processed. Only the Controller (ITF) can decide either to process data within the organization or to delegate processing activities to an external organization.

The processors (Continental Federations, NGBs/AGBs, Clubs, Instructors) may not engage another processor without the specific written authorization of the Controller.

To regulate collection, storage, sharing and use of the information of the ITF members, the ITF has decided that:

- 1) All the Dan Degrees in all countries under ITF are registered by the ITF HQ
- 2) All the Gup Grades (from 10 Gup) certificates and their holders in all countries must be registered by all NGBs/AGBs until June 30th, 2022.
- 3) From June 30th, 2022, members may will be added to the ITF DB with 10 Gup only.

Definitions

GDPR is a legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU). GDPR was introduced in May 2018 to ensure personal data is not misused, disclosed, destroyed or lost.

Personal data is any information relating to an identified or identifiable living individual. An identifying characteristic could include a name, ID number or location data. You should treat such information as personal data even if it can only be potentially linked to a living individual.

Data Protection Authority (DPA) is an independent public authority that supervises the application of the data protection law, handles data breach reports and protects the fundamental rights and freedoms of individuals (data subjects) related to the processing of personal data. The DPA should handle complaints against the violation of the General Data Protection Regulation.

European Data Protection Supervisor (EDPS) is the EU DPA which has the power to issue fines for infringing on data protection law, including the failure to report a breach. The specific failure to notify can result in a fine of up to 10 million Euros or 2% of an organisation's global turnover, referred to as the 'standard maximum'.

Data Controller is an entity that determines what data the organisation collects, how it is collected and how it is processed. The Controller must be responsible for, and demonstrate, compliance with the Data Protection Principles, and is accountable for enforcing them. Data Controller is accountable for data processing done by data processors and needs to ensure there are agreements, contracts, and other measures to ensure GDPR compliant personal data processing.

Data Processor is the legal or natural person, organization, agency, authority, or institution which processes personal data on behalf of the Controller. Usually, the data processor is a third-party entrusted by the data controller to process the data. Data Processor does not own the data, does not define the purpose of the data processing activity or the means in which data will be used, and answers to the data controller. As the **WP29** elaborates, the existence of a data processor depends on decisions taken by the Controller.

Data Protection Officer (DPO) is an organization's security leadership role required by the General Data Protection Regulation (GDPR). The primary role of the Data Protection Officer (DPO) is to ensure that his/her organisation processes the personal data of its staff, customers, providers or any other individuals (also referred to as data subjects) in compliance with the applicable data protection rules.

The GDPR **Article 38** and **Article 39** outline the DPO position and defines a Data Protection Officer, including what they do, their legal obligations and the post's specific responsibilities:

- a. The controller and the processor shall ensure that the data protection officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data. According to the clarifications made by the The

Data Protection Commission (DPC), the obligation to involve the DPO “in a timely manner” requires that the DPO must be involved at a point in time in which the organisation is deciding its course of action in respect of the data protection issue. It is not sufficient for the DPO to be involved after the organisation has made its decision, in a binary approval/disapproval role. It also requires that all relevant information necessary for the DPO to advise on that data protection issue must be provided at a point in the timeline that enables the DPO to make a meaningful contribution.

- b. The **DPO is uniquely protected from internal interference from the organisation. Other employees legally can't give the DPO any instructions about their actions.** The controller and processor shall support the data protection officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations.
- c. The position is also bound by strict confidentiality and reports directly to the highest level of management.
- d. The DPO is responsible for **tracking compliance with the GDPR by the organization.** In this role, they must collect information that identifies the processing activities that are taking place, ensure that those activities satisfy GDPR principles and advise the controller or processor accordingly.
- e. The DPO must cooperate with **Data Protection Authorities (DPAs)** and act as a contact point for DPAs on issues relating to processing.
- f. Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation.

Reference

[Articles 37, 38 and 39](#) and [Recital \(97\) of the GDPR](#)