



The General Data Protection Regulation (GDPR) Basics

1. Data subject:
According to the GDPR the "data subject" (=member of a club) has a fundamental right to the protection of his personal data.
In order to ensure this fundamental right, the GDPR requires that the data subject (=member) has actively provided his or her consent, when data is stored.
2. Data controller:
The organisation, that stores the data is referred to or known as the "Data controller" in the GDPR.
The data controller must have received the required declaration of consent, when storing data.
If the data controller shares the data with a third party, which then processes this data, the data subject must first be informed in the active consent form that his or her data will be shared with a third party. The data subject must be in agreement.
3. Data processor:
If the data subject agrees that the data is to be disclosed, the data controller must conclude a written "order processing agreement" with the third party (referred to in the GDPR as "Processor").
4. Order processing agreement:
The order agreement shall specify exactly which data and the reasons for which the processor may store them and the duration thereof and further that he guarantees the technical safety and confidentiality of such stored data.
In our case, this means that each club, represented by the president or his/her database manager with the district, represented by the governor or its database manager must conclude such an order processing agreement in writing.
However, before this type of order processing agreement is reached, the database manager has to enter the data in a "data processing directory! On the basis of the data subject`s consent (member).

5. Data processing directory:

This data processing directory will list

- the data of the data controller (or his representative)
- the purposes of the data processing
- the details, such as the categories of the data subjects, i.e. club members, the legal basis, that refers specifically to membership in this case or if the club has already amended the statutes accordingly to include consent in the club statutes.

The district, which has stored the data subject`s data, wishes to share them with the Kiwanis District/Nation database, the district also has to conclude an order processing agreement with the operator of the Kiwanis District/Nation server in the same manner as between the club and the district.

Likewise, such an order processing agreement is to be concluded when the district agrees to a data transfer with KIEF.

6. Data transfer to KI:

If, however, the data is to be forwarded to Kiwanis International, i.e. to the US, the district or, provided it has been agreed, KIEF has to conclude a special US data transfer agreement with the US based on the standard clauses approved by the EU Commission. This is because the US is considered a non-secure third country in terms of data protection.

If such agreements are not concluded according to the standard clauses laid down by the EU, these agreements shall be deemed void.

You will find the following documents in the download area:

- a consent form
- a data processing directory (according to Art. 30 GDPR)
- an order processing agreement (according to Art. 28 GDPR)
- a proposal for a clause in the club statutes for the members who conclude the club statutes to also give their consent to data storage at the same time.

- **These documents serve as suggestions for formulation only!**
- **These documents are not exhaustive!**
- **Each controller and processor should find the wording most suitable for him and his club.**