

Summary research KNLTB

The Dutch Data Protection Authority (AP) imposes a decision on the Royal Dutch Lawn Tennis Association (KNLTB).
fine of 525,000 euros for unlawfully providing personal data of KNLTB members
to two sponsors. The KNLTB made money from this. The sponsors used the data to
approach members with a promotional campaign.

Reason for the investigation

At the beginning of 2018, the KNLTB announced in newsletters and on its website that it was collecting personal data from
members was going to provide to sponsors so that they could approach the members with
"tennis-related and other offers". For a number of members of the KNLTB this was a reason to
tip to submit to the AP. In addition, a KNLTB member has sought out the media to publicly ask the question
determine whether the new policy of the KNLTB was in line with the (then upcoming) AVG.

In the summer of 2018, the AP received complaints about the KNLTB. It concerned members who telephoned
were approached with a promotional campaign, where they were told that the promotion was in collaboration
with the KNLTB. At the beginning of October 2018, a conversation took place between the KNLTB and the AP.
The tips and complaints of those involved, the coverage of the KNLTB, the media attention and the conversation
prompted the AP to start an investigation into the aforementioned course of action in October 2018
of the KNLTB.

Why did the AP pick this up?

The Supervisory Framework 2018-2019¹ states that in these years the AP would focus in particular on the
trade in personal data. The AP thought and believes that people should be able to rely on it
that organizations do not pass on personal data without a basis.

Findings

The KNLTB indicated that it had two reasons for providing personal data to sponsors
namely creating added value for the membership and obtaining additional income to compensate for
declining contribution income due to declining membership numbers.

On June 11, 2018, the KNLTB provided a sponsor with a file with address details of 50,000

members. The sponsor forwarded this file upon receipt to a company that provides the addresses on printed discount flyers and delivered the flyers to members.

On June 29, 2018, the KNLTB gave another sponsor a file with personal data of members provided. This file contained more than three hundred thousand members including their telephone number, e-mail address, address details and date of birth. The data would be provided by the sponsor are used to contact 39,478 members by telephone with an offer. The promotion is at the request of the KNLTB ended early.

1 https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/toezichtkader_autoriteit_persoonsgegevens_2018-2019.pdf

The decision to provide member data to sponsors was taken by the KNLTB in 2007 and end 2017. In 2007 it was decided to provide member data for the purpose of advertising by post and end 2017 for the purpose of approach by telephone/telemarketing.

In the report, the AP first of all found that the collection of the provided member data was lawful, because it was necessary to become a member of the KNLTB.

Secondly, the AP established in the investigation that the members had not given permission to the KNLTB for passing on the personal data to the sponsors. Personal data may processed if there is a basis for doing so. One of those foundations is consent.

Consent must be given through a clear active act demonstrating that the data subject freely, specifically, informed and unambiguous with the processing of personal data agrees. That was not the case here.

Thirdly, the AP has established that for some of the personal data the purpose of the collection was not compatible with the purpose of providing it to the sponsors. The AP has this compatibility is assessed on the basis of a number of factors such as the framework in which the personal data has been collected. For the other part of the personal data provided, the AP found that the KNLTB should not have based the payments to sponsors on the basis legitimate interest.

Conclusion

After an investigation, the AP concludes that the provision of personal data by the KNLTB to the two sponsoring was in violation of the GDPR. The KNLTB should not have provided the information.