

## Summary research KNLTB

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

## Reason for the investigation

The KNLTB announced in newsletters and on its website at the beginning of 2018 that it would collect personal data from members were 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 reason for a submit a tip to the AP. In addition, a KNLTB member has sought out the media to publicly ask the question ask whether the new policy of the KNLTB was in line with the (then upcoming) GDPR.

In the summer period of 2018, the AP received complaints about the KNLTB. It concerned members who called had been approached with a promotional campaign, where they had been 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 reporting by the KNLTB, the media attention and the conversation prompted the AP to start an investigation into the aforementioned conduct in October 2018 of the KNLTB.

## Why did the AP take this up?

The Supervisory Framework 2018-2019<sup>1</sup> 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 extra income to compensate for declining contribution income due to declining membership numbers.

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

members. Upon receipt, the sponsor forwarded this file to a company that has the addresses at printed discount flyers and delivered the flyers to members.

On June 29, 2018, the KNLTB provided another sponsor with a file containing 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 action is at the request of the KNLTB terminated early.

1 [https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/toezichtkader\\_autoriteit\\_persoonsgegevens\\_2018-2019.pdf](https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/toezichtkader_autoriteit_persoonsgegevens_2018-2019.pdf)

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

In the report, the AP first established 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 is allowed processed if there is a basis for doing so. One of those principles is consent.

Consent must be given by means of a clear active act demonstrating that the data subject freely, specifically, informed and unambiguously 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 incompatible with the purpose of providing it to the sponsors. The AP has this compatibility is tested 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 established that the KNLTB should not have based the provisions 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.