

# **Gymnastics NZ**

## **Membership Data Regulation**

**Commencement Date**

**23 January 2009**

**Revised January 2020**

# **GymSports New Zealand Incorporated Membership Data Regulation**

## **1. Purpose and Status of Regulation**

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- 1.1 GymSports NZ, trading as Gymnastics New Zealand, has established and will maintain a National Database of Members and their parents/guardians/caregivers ("Related Contacts"). This Membership Database will record personal information about individuals who are Club Members (and their parents/guardians/caregivers), Life Members, Honorary Members, Technical Members, Administrative Members and any other Category of Membership of Gymnastics NZ as determined by the Board.
- 1.2 The Database will record the following Personal Information for each individual Member : Full Name, Category of Membership, Date(s) of Joining, period(s) of membership, gender, date of birth, ethnicity, school (if applicable), contact details (address, phone, and email), emergency contact(s), disability, and any other details as agreed by the Member or their Related Contacts. For individual Members under the age of 18 years at the Date of Joining, the Database will also record the name, telephone number(s), and relationship of that individual's Related Contacts. The purposes of the Membership Database are to:
- Assist Member Clubs to comply, and ensure Gymnastics NZ complies, with the Incorporated Societies Act 1908 by having a register of their members, and with the Privacy Act 1993.
  - Communicate efficiently and effectively with individuals who are Members of Gymnastics NZ, or are participating in, gymsports in New Zealand.
  - To better understand Member needs and preferences and to ensure the strategies and programmes of Gymnastics NZ are appropriate to meet their expectations.
  - Enable Gymnastics NZ and Member Clubs to seek funding, sponsorship and/or philanthropy to support the sport of Gymsports nationally and locally, whilst protecting the privacy of individuals.
  - Reduce the administration tasks that are associated with club and national service requirements.
  - Establish and provide a Database platform that can be used by Member Clubs for their own purposes.
  - Enable resources, products and services to be readily available to members.
  - Determine the amount of membership fees due to Gymnastics NZ.
- 1.3 This Regulation was adopted by the Board on 23 January 2009 in accordance with Rule 25 (Regulations) of the Constitution. The latest amendments approved by the Board in February, 2020.

## **2. Commencement Date**

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- 2.1 This Regulation, as updated, shall take effect and come into force on 23 January 2009.

### 3. Definitions

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3.1 Every reference to the Constitution shall mean the GymSports NZ Constitution unless specified otherwise.

3.2 The words and phrases used in this Regulation shall have the same meanings as defined in the Constitution unless specified otherwise.

3.3 In the case of persons under 18 years of age, every reference to an individual includes (where applicable) that individual and/or their Related Contacts.

3.4 The following words and phrases used in this Regulation shall mean as follows:

**“Administrative Member”** means a person who is deemed to be a member in accordance with Rule 9.2 of the Constitution.

**“Authorised Persons”** means those individuals who have been assigned by the Member Club, and approved by GymSports New Zealand by allocating access to the Membership Database in accordance with Section 5.20 of this Regulation.

**“Category of Membership”** means either the category of membership of Gymnastics NZ specified in Rule 4 (Members) of the Constitution or the categories of Gymnastics NZ Club Membership specified in Annexure 1, as applicable.

**“Club Management System” or “Database”** means the database utilised by Member Clubs to collect Member Information and manage club activity.

**“Club Member”** means a person or organisation that is a member of a Member Club.

**“Constitution”** means the constitution of GymSports NZ Incorporated

**“Date(s) of Joining”** means the date or dates in each calendar year on which an application for membership of a Member Club and/or Gymnastics NZ is accepted by the Member Club or Gymnastics NZ. For the purpose of this Regulation, the Database may record all dates on which a member has previously joined a Member Club or Gymnastics NZ.

**“Gymnastics NZ Staff”** means all employees of Gymnastics NZ.

**“Honorary Member”** means an individual who has been granted honorary membership of Gymnastics NZ in accordance with Rule 6.2 of the Constitution.

**“Inactive Member”** means an individual Club Member or Gymnastics NZ Member listed on the Membership Database who resigns as a Member, or is no longer a current financial Member, or has

their membership of a Member Club or Gymnastics NZ terminated as noted in clause 6.8 of this Regulation.

**“Life Member”** means an individual who has been granted life membership of Gymnastics NZ in accordance with Rule 6.1 of the Constitution, or of a Member Club in accordance with its constitution.

**“Member”** has the meaning set out in Rule 4.1 of the Constitution. It includes: Member Clubs, Life Members, Honorary Members, Associate Members, Club Members, Technical Members, Administrative Members, and any other Category of Membership as determined by the Board.

**“Member Club”** means a club that is a member of Gymnastics NZ as defined in Rule 5 of the Constitution.

**“Member Information”** means the information requested by Gymnastics NZ, as outlined in Clause 1.2.

**“Minor Non-Compliance”** means any act, omission, or failure to comply with this Regulation which is not regarded as Serious Non-Compliance.

**“Name”** means the full name (title, first name, and surname) of an individual.

**“National Database” or “Database”** means the database of Member Information collected and held electronically by Gymnastics NZ in accordance with this Regulation.

**“Privacy Officer”** means the Chief Executive Officer or their delegate with responsibilities as defined in the Privacy Act

**“Related Contacts”** means the parent(s), guardian(s), or caregiver(s) of any Club Member who is under 18 years of age at the time the Membership Form is completed for that Club Member.

**“Serious Non-Compliance”** means any act, omission, or failure to comply with this Regulation, done knowingly or recklessly, which threatens or causes harm to the integrity of the Membership Database as described in clause 8.1 of this Regulation and includes the failure of any Member Club to use the Membership Form. Any act, omission, or failure to comply that is done on more than one occasion may amount to Serious Non-Compliance even if that act, omission, or failure might otherwise be regarded as a Minor Non-Compliance.

**“Software Licence(s)”** means the licence or licences to use the software for the Membership Database which has been agreed to and purchased by Gymnastics NZ and/or the Member Clubs. The term of the licence(s) and any renewal will be determined by the software provider in agreement with Gymnastics NZ.

**“Technical Member”** means a person who is a judge, coach or other official that is accepted as a member of Gymnastics NZ in accordance with Rule 9.1 of the Constitution.

**“Term”** means the primary school term dates as prescribed by the New Zealand Ministry of Education.

#### 4. **Scope of Regulation and Amendment**

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- 4.1 **Scope:** This Regulation applies to all Members of Gymnastics NZ as defined in Rule 4 of the Constitution and all Gymnastics NZ staff, contractors, or other Authorised Persons who are given access to the Membership Database in accordance with this Regulation.
- 4.2 **Amendment:** This Regulation may be amended by the Board in accordance with Rule 25 (Regulations) of the Constitution provided such amendments are not inconsistent with the Constitution.

#### 5. **Database Access**

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##### **Club Management System Database**

- 5.1 All Members Clubs are required to utilise the Club Management System (Database) as specified by Gymnastics NZ. Each Member Club will maintain their Software Licence directly with the service provider, as each club will obtain a dedicated and independent Database platform. Each Member Club can assign login credentials to any Authorised Person as deemed as appropriate. Gymnastics NZ will not have any access to the independent Member Club Database platforms.

##### **National Database**

- 5.2 **Member Club Authorisation:** Gymnastics NZ will grant Database access and permission to each Member Club, in accordance with this Regulation, the Constitution and all other associated documents. Thereafter, each Member Club can assign and allocate login credentials to an Authorised Person(s). In accepting this position, the Authorised Person hereby is bound by the Constitution, Regulations, Policies and associated documents of Gymnastics NZ. This provision must be brought to the attention of any person seeking to undertake this role.
- 5.3 **Individual Member Authorisation:** All current coaches, judges and international tour members will be granted access to the Database platform. To assign access to the Database, each Member (in accordance with the aforementioned roles) is required to register online with approval to be determined by Gymnastics NZ.

#### 6. **Member Information**

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- 6.1 **Condition of Membership:** It shall be a condition of membership of all Member Clubs and of Gymnastics NZ that all Member Clubs, Club Members, Technical Members, and Administrative Members must supply all the information requested on the on-line registration system (Member Information) in accordance with clause 6.2 of this Regulation (except for the information which is expressly stated to be optional on the on-line registration system) or to be completed by the Club or Gymnastics NZ). If the Member Information is not supplied in accordance with clause 6.2 then, subject to clause 6.9

(Objection to Supplying Information), the application for membership must be declined and the Club shall request full completion of the Form by the applicant.

- 6.2 **Membership Registration:** From **1 January 2020**, all Member Clubs must use the on-line registration system of the national database to collect Member Information from Club Members, unless otherwise agreed in writing by the Board of Gymnastics NZ.
- 6.3 **Provision in Rules:** As soon as reasonably practicable and by no later than **1 June 2020** each Member Club shall, by a rule or rules in its constitution, require its Club Members to supply their Member Information using the registration system of the national database upon joining and renewal of membership. Each Member Club shall take such steps as are necessary to enforce such requirements.
- 6.4 **Submission of Member Information:** Each Member Club shall ensure that the information for all members has been entered in to the registration system of the national database in accordance with the set term timelines outlined in the annual membership regulations update.
- 6.5 **Software Licence & Training:** In order for a Member Club to directly access the Club Management System Database and enter/supply data (including Member Information) directly in accordance with this Regulation, each Member Club must:
- a. Obtain the applicable Software Licence, send confirmation to Gymnastics NZ and pay the service provider any necessary fees.
  - b. Once confirmed, the service provider will provide appropriate training and support for the Database.
  - c. Member Clubs and Members do not require a Software Licence to access the National Database. Adequate training will be provided to Club Administrators for undertaking services provided through the Database portal.
- 6.6 **Access to Member Information:** The following parties may access Member Information on the National and Club Management System Databases on the terms and conditions noted below.
- a. **Gymnastics NZ:** All Gymnastics NZ Staff have the right to access, use, and disclose Member Information in accordance with this Regulation. For clarity, this only applies to the National Database.
  - b. **Authorised Persons:** Subject to clause 6.5 of this Regulation each Member Club, through its Authorised Persons, shall have the right (either directly or through Gymnastics NZ) to access, use, and disclose only that information on the Database which is about its members.
  - c. **Members:** Any individual whose Member Information is recorded in the Membership Database may request a copy of such information by written notice to Gymnastics NZ and/or their Member Club. Gymnastics NZ and/or the Member Club shall, upon receipt of such request in writing, respond to it as soon as practicable being no later than 20 working days after the day on which the request is received (unless it is an Urgent Request), and in accordance with the Privacy Act and any other applicable law. If an individual making a request for a copy of the Member

Information makes an Urgent Request that individual shall give his or her reasons why the request should be treated as urgent.

6.7 **Change to Member Information:** Any Member that is required to make changes to their personal details can do so via the Database portal. Alternatively, the Member may notify the Member Club or Gymnastics NZ to make the necessary changes. The Authorised Person shall update the Database as soon as practicable, but no later than 14 days after the receipt of the change notification, and in accordance with the Privacy Act and any other applicable law.

6.8 **Removal from Register:** Any individual Member listed on the Database who does not renew, or resigns as a Member, or is no longer a current financial Member, or has their membership of a Member Club or Gymnastics NZ terminated, shall have their Member Information kept on the Membership Database as an Inactive Member for a maximum period of three years, unless the individual concerned requests Gymnastics NZ to remove their Member Information (which application must be made in writing to the Chief Executive of Gymnastics NZ with verifiable proof of their resignation, non-financial status, or termination). Upon receipt of this proof the individual's Membership Information shall be removed from the Database by Gymnastics NZ as soon as practicable. Such removal shall not prevent Gymnastics NZ from retaining information relating to that membership that does not identify the individual concerned.

6.9 **Objection to Supplying Information:** Should any individual wishing to be a member of a Member Club and Gymnastics NZ object to providing any of the Member Information required by this Regulation the following process shall be followed:

- a. The individual concerned must advise their Member Club or Gymnastics NZ in writing of their objection and the reasons for it;
- b. On receiving an objection the Member Club or Gymnastics NZ must refer it to the Gymnastics NZ Privacy Officer;
- c. The Privacy Officer shall explain to the individual concerned the reasons for requiring the information, how privacy is maintained and the consequences of failing to provide Member Information; and

if the individual does not then withdraw the objection, the Gymnastics NZ Privacy Officer shall inform the Member Club and Gymnastics NZ of this fact, and the application for membership must be declined. If the individual concerned still wishes to become a member of a Member Club, the individual may submit a written request to the Gymnastics NZ Board seeking the Board's approval of their membership. The Board shall determine in its complete discretion whether or not to permit the Member Club to accept the individual as a member, notwithstanding the objection to supplying certain Member Information.

## **7. Purposes of Collection, Use and Disclosure of Information**

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- 7.1 All Member Information shall only be collected, used, and/or disclosed by Gymnastics NZ or Member Clubs for one or more of the following purposes:
- a. Processing applications for membership including notifying the Member Club and Gymnastics NZ of the member registration details for the purposes of the Member Club and Gymnastics NZ compiling a register of members, compiling a national database of members and participants (accessible only in accordance with the Constitution and Regulations of Gymnastics NZ), and for requesting the Member to renew if their membership lapses;
  - b. Contacting the Member or their Related Contact regarding their membership, gymsports activity or in the case of an emergency.
  - c. Publishing any of the Member's gymsports results in a Member Club's and/or Gymnastics NZ's newsletters and on Gymnastics NZ and/or Member Club websites;
  - d. Selecting and naming publicly competitors and teams to represent Member Clubs and Gymnastics NZ at gymsports events;
  - e. Providing Members with information and activities relating to their Member Club and Gymnastics NZ and other gymsports matters;
  - f. Including a Member's photograph or other imagery on Member Club and/or Gymnastics NZ websites, in newsletters, annual reports, or similar official publications (unless the Member has opted out of receiving such information in their member profile);
  - g. Enabling Member Clubs and/or Gymnastics NZ to contact Members with information about the products and services of a Member Club or Gymnastics NZ sponsors or funders (members can unsubscribe from receiving this information at any time);
  - h. Enabling the Club and Gymnastics NZ to comply with any statute, regulation, by-law or other regulatory instrument that requires collection or disclosure of an individual's personal information;
  - i. Retaining the information provided during the member registration process if a Member's membership lapses (as an inactive member) for a maximum period of three years for the above purposes; and
  - j. Any other purpose as agreed to in writing.



## 8. Failure to Comply

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- 8.1 **Serious Non-Compliance:** Any Serious Non-Compliance will be dealt with in accordance with clause 8.3 of this Regulation. Such matters will be regarded as a breach in terms of Rule 11.3(a) (Discipline) of the Constitution.
- 8.2 **Minor Non-Compliance:** Any Minor Non-Compliance will be dealt with in accordance with clause 8.4 of this Regulation. Such matters will not be regarded as a breach in terms of Rule 11.3(a) (Discipline) of the Constitution.
- 8.3 **Process where Serious Non-Compliance:** Where, upon reasonable enquiries by Gymnastics NZ, it appears that Serious Non-Compliance may have occurred involving any Member, Member Club, or person who has been granted access to the Database under this Regulation, Gymnastics NZ will notify those persons concerned of the allegation of Serious Non-Compliance. Having provided such notice, the Gymnastics NZ Board may:
- a. immediately suspend access to the Database for that Member Club and/or the person(s) concerned; and
  - b. refer the matter to the Judicial Committee for investigation or determination, and that Committee, having given those concerned the right to be heard, may impose any sanction including suspension or termination of membership of Gymnastics NZ as specified in the Constitution and Regulations; or
  - c. make its own enquiries, (including appointing a person independent of the Board to undertake such enquiries and provide a recommendation to the Board), and having given those concerned the right to be heard, may impose any sanction that it has the authority to impose under this Constitution, the Regulations, or through any other lawful means.

This clause does not apply to Gymnastics NZ Staff. Any breach of this Regulation by a member of the Gymnastics NZ Staff will be dealt with under their employment contract or as required by the law.

- 8.4 **Process where Minor Non-Compliance:** Where, upon reasonable enquiries by Gymnastics NZ, the Chief Executive considers that Minor Non-Compliance may have occurred involving any Member, Member Club or person having been granted access to the Database under this Regulation, Gymnastics NZ must notify the Member Club or person concerned of the allegation of Minor Non-Compliance. Having provided such notice, the Gymnastics NZ Chief Executive:
- a. Shall provide the Member Club or person concerned with reasonable time and assistance to comply with the Regulation which shall be no more than 14 days; and
  - b. If after such time and assistance has been provided there is a continued failure, without reasonable justification or explanation, to comply it will be regarded as Serious Non-Compliance and clause 8.3 will apply.

## 9. Membership Database Security and Operation

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- 9.1 **Control:** The Club Management System Database will be developed and maintained by the service provider, in conjunction with the Member Clubs and Gymnastics NZ. The structure, functionality and format of the Database will be managed by all parties subject to this Regulation.
- 9.2 **Ownership:** The respective service providers own the copyright and intellectual property rights of the Database operating systems All data remains the property of the Member Clubs and Gymnastics NZ.
- 9.3 **Server:** The respective Databases are cloud-based and stored at numerous sites around New Zealand and the world and will be compliant with NZ Privacy laws
- 9.4 **Persons Authorised to Access the Membership Database:** Subject to clause 9.5, Gymnastics NZ will take all reasonable steps to ensure that all Member Information held on the Database is secure and only accessible via password by:
- a. Gymnastics NZ Staff.
  - b. Authorised Persons from each Member Club.
  - c. Members.
  - d. Employees or contractors of any computer or database service provider undertaking development or maintenance services on the Database. Gymnastics NZ will take all reasonable steps to ensure that any contracted provider agrees to appropriate terms for the safe storage of the Database, and limitations on the access the provider has to the information.
- 9.5 **Limited Access:** The persons specified in clause 9.4, shall only have access to the following information on the Database:
- a. Gymnastics NZ Staff shall have access to all information on the National Database. Gymnastics NZ will not have access to the individual Club Management System Databases.
  - b. The Authorised Persons from each Member Club shall have access to all information relating to Members of that Member Club.
  - c. Members shall only have access to their own Member Information.
  - d. Employees or contractors of any computer or database service provider shall have access to such information on the Database as is necessary, and for the period of time necessary, to undertake development or maintenance services on the Membership Database.
- 9.6 **Conditions of Access:** Every Member seeking access to the Membership Database and any other person seeking to be an Authorised Person must:
- a. Agree in writing to terms and conditions associated with the authorisation and access to the Database;
  - b. Not use or distribute any part of the Database other than in accordance with this Regulation. This includes not disclosing information contained on the Database to any third party, other than in accordance with the Regulation;

- c. Not provide any other person with their login credentials.
- 9.7 **Notification where Unauthorised Access:** Any person who becomes aware of circumstances in which there may be unauthorised access or use of the Database, including allegations of Minor Non-Compliance or Serious Non-Compliance, must contact the Chief Executive of Gymnastics NZ immediately.
- 9.8 **Restriction on Sale or Release of Member Information:** No Member Information held on the Membership Database shall be sold, distributed, circulated, or otherwise given or supplied by any Member Club or Gymnastics NZ to any third party, including a mailing house, other than as specified in this Regulation or approved by the Chief Executive of Gymnastics NZ. This does not prevent any Member Club or Gymnastics NZ from sending promotional material and other information from or on behalf of third parties to individuals named on the Membership Database, provided that the use is in accordance with the purposes specified in this Regulation. This clause does not prevent an individual recipient of an unsolicited commercial electronic message from unsubscribing to such message in accordance with the Unsolicited Electronic Messages Act 2007.

## **10. Breach of Regulation**

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- 10.1 Any breach of this Regulation shall be dealt with in accordance with the Constitution and relevant Regulations of Gymnastics NZ, and or any applicable laws and regulations including the Privacy Act, and/or the applicable constitution or regulations of the applicable Member Club.

## Annexure 1

### Gymnastics NZ Categories of Club Membership

<b>Membership Categories</b>	<b>Description</b>
Pre-School	Children under 5 years of age, enrolled and attending weekly sessions and any Club Member participating in programmes for under fives.
Recreation	Club Members over 5 years of age enrolled and attending weekly sessions in programmes not included in the competitive categories below.
Junior Competitive	This is sport specific. Athletes who wish to compete in the national competitive programmes and fit the following criteria: Sport specific categories/levels are outlined in the Membership Fee Regulation.
Senior Competitive	Athletes who wish to compete in the national competitive programmes and fit the following criteria: Sport specific categories/levels are outlined in the Membership Fee Regulation.
High Performance	Competing in High Performance or Open competition at the New Zealand Gymnastics Championships. Sport specific categories/levels are outlined in the Membership Fee Regulation.