

Consent and Release Guidance for Off-Season Events 2022

The *FIRST* Consent and Release form is designed and optimized for official *FIRST* events and season activities. It is not suitable for activities that occur outside of our normal program and event structure, such as Off-Season Events.

The Host Organization should develop their own Consent and Release Form, and if they plan to collect any [personal data](#), they should gain the affirmative consent of the data subjects, noting the privacy policy of *their* organization (if available). The *FIRST* Privacy Policy is not applicable to Off-Season Events.

The Consent and Release form should also reference the risks the Host Organization has assessed relative to their event, and any terms of release to which they wish participants to agree.

***FIRST* strongly advises the host organization to consult with an attorney to ensure their Consent and Release form meets the requirements in their local jurisdiction.**

The Basic Elements of GDPR-Compliant Consent

The section below describes the components needed to gain affirmative consent from data subjects in order to collect and process personal data. This is provided as a general reference only.

- Consent should be **freely given**.
 - A person should not feel pressured into giving consent. If it is not feasible for the person to participate in the event without granting consent or signing a release, there should be no future repercussions. They will simply not be able to participate in the event in question.
 - Minors (under the legal age of majority for the jurisdiction in question) cannot give consent. A parent or legal guardian is the only person who can grant consent for a minor.
- Consent should be the result of **clear affirmative action**.
 - The person must give **express consent** by doing or saying something; in most cases, this means signing an electronic or paper form, or checking a box online.
 - A person cannot give implicit consent by simply **not** taking a certain action.
- The text of the consent document or form should be **specific**, and the consent should be **informed**.
 - Explain exactly **what personal data you will collect** (e.g., first and last name, email address, date of birth, image, etc.).
 - Explain **how you will collect, use and share** the personal data, and for how long the data will be **retained**.

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- Consent should be **unambiguous**.
 - Consent documents should be in plain language and limit the use of legal or technical terms as much as possible.
- Consent should be **revokable, or able to be withdrawn**.
 - A person who has granted consent for data collection and processing should be able to contact the data controller and withdraw their consent.
 - This withdrawal does not affect the lawfulness of the processing up to that point, it just means you will need to stop any future processing that was based on that consent, **and to the extent feasible**, delete or remove the person's personal data.
 - There may be legal or business reasons why a person's personal data cannot be completely deleted – for example, you may need to keep a copy of a signed consent and release form for insurance purposes.

Definitions

Data collection happens when a user deliberately offers or shares personal data – for example when filling out a registration form or when posting a comment on a website.

Data controller refers to an entity that alone or jointly with others determines the purposes and means of the processing of personal data.

Data processing means any operation or set of operations performed upon personal data or sets of personal data, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

A **data subject** is a human person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Personal data (also known as personally identifiable information [PII]) is information that can be used on its own or with other information to identify, contact or locate a single person or to identify an individual in context.