

# Data Protection & Direct Marketing

## CHECKLIST FOR CHARITY FUNDRAISING

Fundraising organisations must make sure that they are following all the right rules and legal requirements when processing individuals' personal data. Processing includes doing almost anything with a person's personal data including: collecting; storing; sharing; editing; and deleting.

The rules and legal requirements include giving people the right information when asking them for their contact details, checking their communication preferences, respecting their wishes, and keeping their data safe and secure.

This checklist is to help you be aware of your obligations and responsibilities when it comes to data protection and signpost to detailed advice and further resources.

### Do you know all the rules and requirements?

- ✓ The [Information Commissioner's Office](#) is the UK's independent body set up to uphold information rights, including the Data Protection Act (1998) and the Privacy and Electronic Communications Regulations (2003)
- ✓ If you want to contact an individual (when you know that person's name and contact details) for direct marketing purposes, you must do so fairly and lawfully. Check the ICO's [Direct Marketing Guidance](#) for full advice and information on what the law requires
- ✓ Also check the ICO's [Privacy Notices Code of Practice](#) so that you know the information that you need to make available to people when collecting their data
- ✓ As well as the legal requirements, fundraising is regulated by the [Fundraising Regulator](#) which sets the [Code of Fundraising Practice](#). Check the Code so that you know the relevant rules and standards for fundraising activity

### **What are the key issues around data protection and direct marketing?**

- ✓ Tell people who you are and what you are going to do with their data – be clear and explain (providing as much detail as possible) what you intend to do with any information that they give to you. This will include any sharing of their data with other organisations
- ✓ Give people a choice about future marketing contact – people need to have clear information and a straightforward way of communicating their preferences
- ✓ Different rules apply to different types of fundraising. The rules relating to electronic marketing (including email or SMS) are stricter than those for post. Remember, if you want to contact people for direct marketing through email or SMS, you need specific consent
- ✓ Keep in mind the principles of consent: to be valid, consent must be knowingly and freely given, clear and specific. Think about how this works for different types of communication: for example, consent to receiving marketing can't be a mandatory part of giving an SMS donation, there needs to be an option for people to give a donation without having to consent to receiving marketing communications
- ✓ If a person asks you to stop sending them marketing materials, you must stop!

### **What else should charities be doing?**

- ✓ Review and check your organisation's data protection policy and data collection statements/ privacy notices to make sure they are up to date and embedded in your fundraising practices
- ✓ Make sure that staff or volunteers are trained and know what to do in processing personal data
- ✓ Check your database and make sure you are keeping records of any individual that opts out of future direct marketing contact as well as clear records of any consents that you are relying on
- ✓ Screen your fundraising lists against the MPS and TPS

### **Where to go for further help**

- ✓ Contact the ICO at [www.ico.org.uk](http://www.ico.org.uk) or call on 0303 123 1113
- ✓ Contact the Fundraising Regulator for any enquiries around fundraising regulation on 0300 999 3407 or email [enquiries@fundraisingregulator.org.uk](mailto:enquiries@fundraisingregulator.org.uk)
- ✓ Also consider whether you need specific legal advice or further training for your staff