

Opening the box: Fundraising & Regulatory Compliance

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Information Commissioner's Office

What are we covering?

- Key legal concepts
- Re-use of publicly available data
- Wealth Screening
- Data matching/Teleappending

Key legal concepts

Principle 1 DPA:

Personal data must be processed **fairly** and lawfully and on the basis of a schedule 2 and (where necessary) schedule 3 condition.

Fairness – 2 parts

- Transparency – Telling individuals who you are and what you are doing with their personal data.
- Fairness – Not processing personal data in ways individuals would not reasonably expect.

Key legal concepts

Principle 1 DPA:

Personal data must be processed fairly and lawfully and on the basis of a **schedule 2 and (where necessary) schedule 3 condition**.

Only two relevant to the activities we are looking at today:

- Consent
- Legitimate interests

Key legal concepts

Section 27(5)

'Except as provided by this part, the subject information provisions shall have effect notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.'

In simple terms – unless you can satisfy an exemption from within the Data Protection Act 1998, the duty to provide fair processing information to individuals will apply!

Re-use of publicly available data



Publicly available covers a range of data:

- Electoral roll
- Public registers (Companies House)
- Press reports
- Social media

Key point:

It is not fair game!
Remember s.27(5) – You must still provide fair processing information unless an exemption applies!

Wealth Screening



Wealth Screening

What is it?

Wealth Screening covers a variety of activities:

- Database segmentation by post code
- Detailed research and data collation on job, income, area of residence, family jobs etc.

Aimed at determining likely level of donation or likelihood of legacy donation.



Wealth Screening

Data Protection Implications

- It involves the processing of individuals' personal data – sometimes including data that they have not provided to you.
- It is privacy intrusive – Some acts are less intrusive than others
- You will need a schedule condition – If relying on legitimate interests, remember to consider the prejudice to the rights and freedoms of the individual, particularly their privacy rights!
- Fairness – Individuals would not reasonably expect this activity to take place. You must inform them clearly, prominently and in a way they will understand what this involves in terms of the use of their data.

Data matching/teleappending



Data matching/teleappending

What is it?

Data matching/teleappending covers activities such as:

- Obtaining telephone numbers or email addresses, or
- Obtaining up to date address details where it becomes apparent an individual has moved.



Data Matching/ Tele-appending

Data Protection Implications

- This will typically involve processing personal data an individual never provided to you.
- Fairness – Remember reasonable expectations! Would an individual reasonably expect you to call them on a number they never gave you?
- Accuracy – You do not need to do this to comply with your accuracy obligations under the DPA.

Summary

- Remember s.27(5) – You must provide fair processing information unless you have an exemption from the duty to do so. (Regardless of where you obtained the data from)
- Fairness – Tell people, clearly and prominently what you are doing with their data. Think! Would individuals reasonably expect you to do what you are doing? If not, the more important it is that you tell them and that you do so clearly, prominently and in a way they can understand.
- Legitimate basis – are you relying on consent or legitimate interests? Consent must meet all the requirements set out in the law. It is not sufficient to simply have a legitimate interest, you must balance this against the prejudice to the rights and freedoms of individuals.

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