

Data protection

Key requirements for charity trustees



The Charity Commission for Northern Ireland

The Charity Commission for Northern Ireland is the regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Communities.

Our vision

To deliver in partnership with other key stakeholders in the charitable sector “a dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission’s effective delivery of its regulatory role”.

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Charity Commission for Northern Ireland is committed to equality and diversity in all that we do.

Accessibility

If you have any accessibility requirements please contact us.

Online or in print

The words in *pink italics* indicate links to other guidance documents.

Please check our website www.charitycommissionni.org.uk to make sure you’re using the latest version of forms and guidance.

Data protection



Principles for charity trustees

Take responsibility for knowing and complying with the law

Review and follow all relevant guidance produced by the ICO

Ensure that staff and / or volunteers know what is required of them

Be open and accountable to stakeholders regarding how you will use their data



Getting it right

By meeting your legal obligations and using your data in accordance with the law and best practice you can protect your beneficiaries and donors and enhance trust and confidence in your charity



Data handling obligations

Charities frequently hold sensitive information both about the individuals they help and their donors. Charity trustees must be conscious of the damage that could be done to public trust and confidence in their charity, and in the sector as a whole, if sensitive information is misused. Charities must comply with legislation in this area including meeting their obligations under the Data Protection Act 1998. A well governed charity will know its legal obligations and equip itself to meet them.

Recent reports about charities selling on the data of potentially vulnerable donors led the Information Commissioner's Office (ICO) to launch an investigation into whether charities have used data in a way that has broken the law. Information is available on the ICO's website: ico.org.uk

Under data protection legislation, there are certain obligations that must be met. Principally, data should only be processed lawfully and fairly. The rules on data protection, privacy and electronic communications apply to all organisations that are processing data, charities included.

There is a wide range of guidance, produced by the ICO, to assist charities in understanding their obligations:

- General advice and guidance for charities: ico.org.uk/for-organisations/charity
- Guide to Data Protection: ico.org.uk/for-organisations/guide-to-data-protection/

The ICO also signposts to a charity sector toolkit to promote the 'think privacy' message amongst staff who are handling personal data. This toolkit is available at the following link: ico.org.uk/media/for-organisations/think-privacy/2586/ico-think-privacy-toolkit-charities.pdf

Direct marketing

The ICO has produced guidance on direct marketing. It is important to note that direct marketing includes the promotional and fundraising activities of charities, as well as the selling of products or services which we might typically associate with 'marketing'. An example of direct marketing is of a charity contacting individuals to appeal for funds or support for a campaign. A charity engaging in this activity must follow the rules set out in electronic marketing regulations and data protection law, for example, checking the Telephone Preference Service (TPS) before making calls.

The ICO guidance on direct marketing is available at the following link: ico.org.uk/media/for-organisations/documents/1555/direct-marketing-guidance.pdf

Additionally, charities that wish to send electronic marketing messages (by phone, fax, email or text), use cookies, or provide electronic communication services to the public should be aware of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR). The ICO has produced relevant guidance which is available at: ico.org.uk/for-organisations/guide-to-pecr/. This guidance explains how to apply the regulations, gives practical examples, and answers some frequently asked questions.

Requests for personal information

Under the Data Protection Act 1998 everyone has the right to ask for a copy of personal data held about them. For example, employees, service users, donors and others may have a right to access personal information that a charity holds about them. The ICO has produced a helpful online tool to help organisations find out how to handle a request for information. The tool is available at: ico.org.uk/for-organisations/subject-access-request-checklist/

Top tips

The ICO has produced five top tips for charities on data protection:

1. Tell people what you are doing with their data

People should know what you are doing with their information and who it will be shared with. This is a legal requirement (as well as established best practice) so it is important you are open and honest with people about how their data will be used.

2. Make sure your staff are adequately trained

New employees must receive data protection training to explain how they should store and handle personal information. Refresher training should be provided at regular intervals for existing staff.

3. Use strong passwords

There is no point protecting the personal information you hold with a password if that password is easy to guess. All passwords should contain upper and lower case letters, a number and ideally a symbol. This will help to keep your information secure from would-be thieves.

4. **Encrypt all portable devices**

Make sure all portable devices – such as memory sticks and laptops – used to store personal information are encrypted.

5. **Only keep people’s information for as long as necessary**

Make sure your organisation has established retention periods in place and has set up a process for deleting personal information once it is no longer required.

Good governance

A well governed charity will know its legal obligations in respect of data protection and will equip itself to meet them. While key tasks may be delegated to staff or volunteers this is, ultimately, the responsibility of charity trustees.

The Commission has produced a range of guidance to assist charity trustees in knowing what their legal and best practice obligations are, and to assist them in putting these into practice. For example, charity trustees must ensure that the charity complies with its governing document, with the requirements of charity law, and with any other legislation that applies to the charity. Further, the charity must not engage in any criminality or illegal activity. Charity trustees must ensure that the charity complies with all relevant legislation and regulation, not just charity law.

It is important that charity trustees understand the public trust which has been placed in their hands – the onus is on them to get things right. While charity trustees are not expected to be legal experts, the Commission does expect they will take reasonable steps to ensure they have an awareness of, and are complying with, the relevant legislation and best practice requirements.

What if you have a query?

If you have any queries regarding the data protection obligations on your charity you can contact the ICO at their offices in Belfast. Details are:

The Information Commissioner’s Office – Northern Ireland
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114

Email: ni@ico.org.uk

Sources of information

Information Commissioner's Office

ico.org.uk

Code of Good Governance

www.diycommitteeguide.org

Full range of guidance produced by the Commission

www.charitycommissionni.org.uk/charity-essentials/view-all-guidance

Further information on our activities is available from:

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