

Charity Commission for Northern Ireland privacy notice

May 2018



About this Privacy Notice

This privacy notice provides information on how the Charity Commission for Northern Ireland (the Commission) collects and uses personal data, including the purposes for processing personal data, who it will be shared with and periods of retention. It also details your rights in relation to processing if we hold your information.

The Commission is legally responsible for registering, regulating and reporting on the charity sector in Northern Ireland. We are lawfully required to collect and use personal data as a regulator in order to deliver our statutory objectives. We have statutory powers to share information with other organisations and individuals, as set out in the Charities Act (Northern Ireland) 2008. Details can be found [here](#).

The Commission operates in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (the "Act"). Included among various rights under the Act is a right to be informed, meaning the Commission has to publish information about how we use, share and store a range of personal information. Further information about the legal obligations imposed on the Commission can be found [here](#).

We take our obligations regarding the privacy of personal data very seriously and we will only process personal information as detailed in this notice unless we inform data subjects otherwise.

In order to ensure the personal data we hold is accurate and up to date, the Commission underlines the need to inform us of any relevant changes to the personal information we hold about you. Charity trustees are under a statutory obligation to ensure personal information on the [register of charities](#) is accurate and up to date, with changes to be made by the charity via [Online services](#).

Our privacy notice is kept under review and was last updated on 24 May 2018. If you have any comments or suggestions on improving this notice please email communications@charitycommissionni.org.uk

Your rights

Under the Act you have a number of rights in relation to the processing of the personal information which the Commission holds about you. You can read more about these rights on the website of the Information Commissioner's Office (ICO) [here](#). In summary the Act gives you the:

- right to be informed
- right of access

- right to be forgotten (not absolute and only applies in certain circumstances)
- right to data portability
- right to object
- right not to be subject to a decision based solely on automated processing.

You can submit a request for your information, or to have the personal data we hold about you restricted or deleted, by contacting us via email to admin@charitycommissionni.org.uk or by calling us on 028 3832 0220. Further information on how to make a subject access request is available in our [Access to information guidance](#).

The Commission will respond to any requests within one month of receipt, explaining any decisions or actions taken, and the reasoning behind any decisions made. If further time is required, we will contact you to explain why and when you are likely to receive a response.

If you want to make a complaint about the way we have processed your personal information, you can contact us via email to admin@charitycommissionni.org.uk

How we use your information

The Commission is legally entitled to process your personal data for specific purposes. The purposes determine the legal basis for the processing and include:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- processing is necessary for compliance with a legal obligation to which the controller is subject
- processing is necessary in order to protect the vital interests of the data subject or of another natural person
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

To understand how your personal information has been processed you can refer to any personal communications you have received, check specific privacy

notices relating to areas of our work set out below, or contact the Commission directly to ask about your personal circumstances.

When you provide the Commission with information, you are obliged to comply with section 25 of the Charities Act (Northern Ireland) 2008 under which it is an offence to provide the Commission with information used in the discharge of its functions which is false or misleading. In respect of your personal data we expect any data which you give us to be truthful, accurate and up to date.

Type of personal information we process

The Commission processes personal information to enable us to carry out our regulatory duties and operate as a public body. This covers a range of functional areas such as registration of charities, provision of consents, consideration and investigation of complaints, formal enforcement actions, providing statutory advice, maintenance of a public register of charities, sending communications about our services, maintaining our accounts and records, undertaking research, governance and corporate administration, and other activities we are required to carry out as a data controller and a public authority. Personal data in relation to these would, for example, include:

- personal details (name, date of birth, etc)
- contact information (home/work address, telephone, email, etc)
- financial details
- employment details
- regulatory and enforcement action
- complaint information
- visual images.

We also process sensitive classes of information to which we apply additional security and access measures. This would include, for example:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs
- political opinions, sexual life
- trade union membership
- offences (including alleged offences)
- criminal and legal proceedings, outcomes and sentences.

We process personal information about:

- charity trustees and employees
- casework applicants
- charity representatives or their agents
- complainants or their representatives
- subject of a complaint or their representatives
- individuals who we may contact when carrying out an investigation

- witnesses
- employees
- suppliers
- service providers
- survey respondents
- journalists and the media
- individuals captured by CCTV images.

Who the information may be shared with

It may sometimes be necessary to share personal information with other organisations or individuals (provided there is a legal basis) including:

- family, associates and representatives of the person whose personal data we are processing
- charity professional advisers and consultants
- service providers
- law enforcement and other regulatory bodies
- current, past or prospective employers and examining bodies
- financial institutions
- central government
- other charity regulators
- suppliers
- persons making an enquiry, complaint or freedom of information request
- organisation subject to a complaint or assessment
- prosecuting authorities, courts
- ombudsman, audit functions and other regulatory authorities.

Why we collect personal information

The following are examples of why we collect personal data:

- registration applications (covering all charity trustees and anyone else managing the registration application)
- individuals who complete a charity annual monitoring return
- individuals submitting a concern about a charity to the Commission
- personal data processed by the Commission under its investigatory work
- visitors to our website
- people who contact us to submit a query
- participants in our research and consultation processes
- people who book to attend a Commission event
- people who make a complaint to us about our services

- people who submit an information request to us, for example, a Freedom of Information or subject access request
- people who apply to the Commission for a waiver of a trustee disqualification
- people who sign up to our monthly e-newsletter
- job applicants, employees, Commissioners.

Basis for processing personal information

The following table sets out the legal bases we rely on for processing personal data in particular aspects of the Commission’s activities.

Your information can be processed in more than one way depending on the purpose for which we are using your data, for example, a trustee as part of a registration application or to provide trustees with reminders about a statutory annual monitoring return deadline. If you want more information about the specific legal basis we are relying on to process your personal data please email communications@charitycommissionne.org.uk.

The Commission rarely relies on consent to process personal data. Where we do, you have the right to withdraw your consent at any time and you will be provided with a clear means of doing this. Further information about exercising your rights is set out in this privacy notice.

Functional Area	Personal Data	Sensitive Data
Charity registration and other casework (including expressions of intent, registrations, consents and decision making, trustee payments, charity closures)	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller 	Article 9(2) GDPR (g) Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory and government purposes; Preventing or detecting unlawful acts; Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.
Monitoring & compliance, investigations and enforcement action (including annual monitoring returns, serious incident reports,	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject • processing is 	As per charity registration and other casework details above.

wavier applications, closures)	necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller	
Appointing trustees & auditors (including interim managers and independent examiners)	<ul style="list-style-type: none"> • the data subject has given consent to the processing of his or her personal data for one or more specific purposes; • processing is necessary for compliance with a legal obligation to which the controller is subject; • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller 	<p>Article 9(2) GDPR (b) (c) & (g)</p> <p>Conditions under Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes. Employment, social security and social protection. Consent</p>
Legal advice and representation (including litigation)	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller 	<p>Article 9(2) GDPR (e) & (g)</p> <p>Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory and government purposes; Preventing or detecting unlawful acts; Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.</p>
Communications, research, and policy development	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject • processing is 	<p>Article 9(2) GDPR (e) & (g)</p> <p>Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018:</p>

	necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller	Statutory etc and government purposes;
Requests for information and advice	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject to • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. 	Article 9(2) GDPR (e) & (g) Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes;
Provision of information and advice	<ul style="list-style-type: none"> • the data subject has given consent to the processing of his or her personal data for one or more specific purposes; • processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; • processing is necessary for compliance with a legal obligation to which the controller is subject; • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority 	Article 9(2) GDPR (b) (c) & (g) Conditions under Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes. Employment, social security and social protection. Consent

	vested in the controller	
Job applicants, employees, Commissioners, suppliers (payments, conflicts of interest)	<ul style="list-style-type: none"> the data subject has given consent to the processing of his or her personal data for one or more specific purposes; processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; processing is necessary for compliance with a legal obligation to which the controller is subject; processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller 	<p>Article 9(2) GDPR (b) (c) & (g)</p> <p>Conditions under Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes. Employment, social security and social protection. Consent</p>
Board and committees	<ul style="list-style-type: none"> processing is necessary for compliance with a legal obligation to which the controller is subject; processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; 	
Complaints	<ul style="list-style-type: none"> the data subject has given consent to the processing of his or her personal data for 	<p>Article 9(2) GDPR (e) & (g)</p> <p>Conditions under Part 2 of Schedule 1 of the</p>

	<p>one or more specific purposes;</p> <ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject; • processing is necessary in order to protect the vital interests of the data subject or of another natural person; 	<p>Data Protection Act 2018: Statutory and government purposes; Preventing or detecting unlawful acts; Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.</p>
CCTV	<ul style="list-style-type: none"> • processing is necessary in order to protect the vital interests of the data subject or of another natural person. 	<p>Article 9(2) GDPR (e) & (g) Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Preventing or detecting unlawful acts; Protecting the public against dishonesty etc.</p>
Records & information management, data sharing	<ul style="list-style-type: none"> • processing is necessary for compliance with a legal obligation to which the controller is subject; • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller 	<p>Article 9(2) GDPR (e),(g) & (j). Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Research etc Statutory etc and government purposes; Preventing or detecting unlawful acts; Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.</p>

How long is personal data held

We retain personal data for as long as necessary to fulfil the purposes it is collected for. Details of retention periods are available [here](#). These reflect the purposes of satisfying any legal, accounting or reporting requirements. The right of individuals to request data erasure will be subject to the retention

requirements and considerations. For example, if there is litigation the Commission can retain personal data received in connection with a particular charity after an individual trustee has left a charity or the charity has ceased to exist and is no longer registered.

Transfers

It may sometimes be necessary to transfer personal information overseas in accordance with statutory provisions. Any transfers made will be in full compliance with all aspects of the data protection act.

Data protection notification

The Commission is registered with the ICO as a data controller. Further information can be found under our registration entry on the ICO website - number [Z2463517](#). This sets out how personal data held is processed, and for what purposes.

If you require further information about the Commission's data protection arrangements you can contact the Commission's data protection officer:

Head of Corporate Services
The Charity Commission for Northern Ireland
257 Lough Road
Lurgan
Craigavon
BT66 6NQ
Email: communications@charitycommissionni.org.uk

A wide range of information about data protection regulations and practice is available from the ICO.

The Information Commissioner's Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast BT7 2JB
Telephone: 028 9027 8757 or 0303 123 11
Email: ni@ico.org.uk

Changes to this privacy notice

This privacy notice will be reviewed and updated regularly. This privacy notice was last updated on 24 May 2018