

# **Charity Commission for Northern Ireland privacy notice**

**December 2018**



The Charity Commission for Northern Ireland (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 functions and objectives.

You can find out further information about what we do on the *About us* page of our website [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk) .

## **About this Privacy notice**

This privacy notice provides information on how the Commission processes your personal data, including the personal data we process, the reasons why we process your personal data, who we share your personal data with and our periods of retention. It also sets out some detail regarding your rights as a data subject. Please note that this privacy notice is not intended to provide exhaustive detail of every aspect of how we collect or use your personal data.

It is important to understand that in certain circumstances, and only where it is necessary to do so, the Commission has the power to collect, process and further disclose personal information without your knowledge and consent. You can find out more about the personal data we process in this privacy notice.

### **1. The personal data we process**

The personal data we collect and process will vary depending upon the type of interaction we have with you, but it can include particularly sensitive personal data such as information about religion, sex, ethnicity, health and criminal convictions. Data such as this is known in legal terms as 'special categories of personal data'. References in this document to particularly sensitive personal data include references to special categories of personal data and criminal conviction data.

We may not always be able to provide you with full details of the sources and types of information we collect and the list set out below might not be complete. This is because disclosure might allow individuals and organisations to avoid complying with their legal requirements and to evade detection by learning our techniques and sources. But, if you require further information about the data we hold about you then can email us at [communications@charitycommissionni.org.uk](mailto:communications@charitycommissionni.org.uk).

We collect and process a variety of different types of personal data including:

- personal details: such as your name, alias, title, date of birth and gender
- contact information: including your home and professional addresses, email addresses, and telephone numbers

- details of organisations you're involved with: this might include information about your employer, professional organisation, your connection to a potentially charitable organisation or an organisation seeking registration as a charity. It might also reveal or include particularly sensitive personal data such as your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, or information about your health or genetics
- financial, employment, salary, travel and taxation information: including bank or credit card statements, records from HMRC, records of expenditure, HR or employment records
- criminal conviction data and information relating to alleged unlawful conduct: this might include your criminal record, or intelligence from regulators or law enforcement agencies

### **Where do we get information from?**

We collect personal data from a variety of sources including:

#### **Directly from you**

We collect data directly from you, for example when you fill out an online form, or correspond with us verbally or through email, post, phone or similar media.

#### **From organisations you're involved with**

We will collect personal data from organisations you are involved with, for example a registered charity or when an annual return is filed or a serious incident is reported. This may include special categories of personal data, some of which may not be publicly available.

#### **From members of the public or third party organisations**

We receive personal data from members of the public or third party organisations. For example by way of an unsolicited report, disclosure or complaint, or where we request, direct or use our regulatory powers to require that certain information is provided to us.

This information may be obtained electronically, on paper or through verbal contact with a charity, or organisations with which a charity is involved. This personal data may include both financial and non-financial information about you and may include sensitive personal data, some of which may not be publicly available. We also may generate personal data by associating findings from our regulatory work with data we already hold about you.

We receive a limited amount of personal data from third party organisations in order to assist us in keeping up to date, develop policy and forecast future

trends for example press cutting services and other services which provide reports and analysis.

### **From other government departments, regulators, law enforcement agencies and similar organisations**

We share and receive information from these types of organisation because it helps us to fulfil our functions. For some organisations, for example Companies House, we may collect data so that we can data match against the data we hold. The information we receive and data match includes identity details, contact details, information about insolvency, criminal conviction data and details of alleged wrongful conduct.

We also share and receive information in response to specific requests or disclosures. This may include all of the categories of personal data referred to above, some of which may not be publicly available. We have Memoranda of Understanding or agreements with some organisations where the sharing of data occurs on a regular basis.

### **From publicly available sources**

We collect personal data from publicly available sources such as websites, statutory registers and public records. This may include all of the categories of personal data referred to above, some of which may not be publicly available.

### **When you need to provide information and what happens if you do not**

The information you need to provide depends on the nature of your interaction with us.

If you are a charity trustee or hold a senior management role in a registered charity or a registerable organisation, you may be required to provide us with certain information pursuant to the 2008 Act. Failure to comply may be a criminal offence.

If you want us to take a particular step or action in respect of a charity (for example waiving automatic disqualification as a trustee, or approving a payment), you may need to provide certain information to us so we can decide whether to take the step or give or withhold our consent. If you don't provide the information we require, we may not be able to assist you.

We may specifically direct or order you to provide us with certain information using our powers in the 2008 Act. If we exercise those powers you are required to comply and failure to provide the information may be a criminal offence. We will tell you when we are exercising our powers under the 2008 Act when we make the request.

If you want us to provide you with information, for example pursuant to the Freedom of Information Act 2000 ('FOIA') or under our statutory powers, we may need you to provide us with contact details so that we can seek clarification or provide you with the information requested. If you don't, we may not be able to provide you with the information you need.

If you respond to a consultation or participate in working parties, committees or similar activities convened by us you will be asked to provide personal data (such as contact or identity details) as part of your participation. This is to help us develop high quality policies and guidance and to better understand and work with the sector. If you do not provide this personal data we may not be able to take your contribution into account or give it the same weight as if you had provided personal data to us.

## **2. Why we process personal data**

We process personal data in order to carry out our statutory functions as the independent regulator of charities for Northern Ireland. Our objectives, functions and duties are set out in the 2008 Act and include but are not limited to:

- Increasing public trust and confidence in charities
- Promoting awareness and understanding of the operation of the public benefit requirement
- promoting compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities
- promoting the effective use of charitable resources
- enhancing the accountability of charities to donors, beneficiaries and the general public
- determining whether institutions are or are not charities
- identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with misconduct or mismanagement in the administration of charities
- giving information or advice, or making proposals, to the Department on matters relating to any of the Commission's functions or meeting any of its objectives

As well as processing personal data that supports our statutory objectives, functions and duties we also process in our wider capacity as a government department and a public authority. For example we may share information with other public authorities in accordance with the 2008 Act, comply with the Public Records Act (Northern Ireland) 1923 and respond to requests under the FOIA.

We also process personal data in order to ensure that we have the resources and staff we need to carry out our work. This may include processing financial information about our staff and suppliers; the recruitment and

selection of staff; and providing references and pension information about staff who were previously employed by us.

### **Why we collect personal data**

We generally only collect personal data where it is necessary to directly support or facilitate our statutory objectives and functions, or in our capacity as an organisation and employer.

We don't often collect personal data solely for the purpose of fulfilling our wider role as a public body, although we may do so where we need certain information in order to comply with a request or legal obligation. For example, we may need your contact details in order to provide you with information requested pursuant to the FOIA.

### **How we process data after collection**

We may further process information we collect for a different purpose, so long as that purpose is compatible with the purpose for which the information was collected, or where we are otherwise permitted or required to do so by law. Where necessary and permitted by law, we carry out this processing without your knowledge or consent. This means that information provided for one of the reasons set out above may be used for any of the other reasons, even if the relevant charity is no longer registered or you are no longer involved with it.

Some common examples of this are:

- in the course of an investigation into apparent misconduct or mismanagement or in response to a request for information from a member of the public we may use information received in respect of an application for charity registration, decisions we make on the eligibility/suitability of an individual to act in the administration of a charity, or for approval for a specific step; or information provided to us pursuant to a legal obligation (for example accounts or reports of serious incidents)
- we may share your personal data (including particularly sensitive types of personal data):
  - with other government departments, public authorities, regulators and judicial and quasi-bodies and for special categories of personal data only where it is necessary in the substantial public interest to do so; or
  - where we are obliged to do so by law, for example in response to a FOIA request or a request made under the 2008 Act, for example, to see the governing document or accounts for a charity.

## Legal basis for processing

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 charity trustee as part of a registration application or to provide charity 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@charitycommissionni.org.uk](mailto:communications@charitycommissionni.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.

Functional Area	Personal Data	Sensitive Data
Charity registration and other casework (for example, expressions of intent, registrations, consents and decision making, trustee payments, charity closures)	<ul style="list-style-type: none"> <li>processing is necessary for compliance with a legal obligation to which the controller is subject</li> <li>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</li> </ul>	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	<ul style="list-style-type: none"> <li>processing is necessary for compliance with a legal obligation to which the controller is subject</li> <li>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</li> </ul>	As per charity registration and other casework details above.
Appointing trustees & auditors (for example,	<ul style="list-style-type: none"> <li>the data subject has given consent to the</li> </ul>	Article 9(2) GDPR (b) (c) & (g)

interim managers and independent examiners)	<p>processing of his or her personal data for one or more specific purposes;</p> <ul style="list-style-type: none"> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject;</li> <li>• 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</li> </ul>	<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 (for example, litigation)	<ul style="list-style-type: none"> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject</li> <li>• 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</li> </ul>	<p>Article 9(2) GDPR (e) &amp; (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.</p>
Communications, research, and policy development	<ul style="list-style-type: none"> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject</li> <li>• 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</li> </ul>	<p>Article 9(2) GDPR (e) &amp; (g) Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes;</p>
Requests for information and advice	<ul style="list-style-type: none"> <li>• processing is necessary for</li> </ul>	<p>Article 9(2) GDPR (e) &amp; (g)</p>

	<p>compliance with a legal obligation to which the controller is subject to</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory etc and government purposes;</p>
Provision of information and advice	<ul style="list-style-type: none"> <li>• the data subject has given consent to the processing of his or her personal data for one or more specific purposes;</li> <li>• 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;</li> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject;</li> <li>• 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</li> </ul>	<p>Article 9(2) GDPR (b) (c) &amp; (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>
Job applicants, employees, Commissioners, suppliers (payments, conflicts of interest)	<ul style="list-style-type: none"> <li>• the data subject has given consent to the processing of his or her personal data for one or more specific purposes;</li> </ul>	<p>Article 9(2) GDPR (b) (c) &amp; (g)</p> <p>Conditions under Schedule 1 of the Data Protection Act 2018:</p>

	<ul style="list-style-type: none"> <li>• 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;</li> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject;</li> <li>• 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</li> </ul>	Statutory etc and government purposes. Employment, social security and social protection. Consent
Board and committees	<ul style="list-style-type: none"> <li>• processing is necessary for compliance with a legal obligation to which the controller is subject;</li> <li>• 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;</li> </ul>	
Complaints	<ul style="list-style-type: none"> <li>• the data subject has given consent to the processing of his or her personal data for one or more specific purposes;</li> <li>• processing is necessary for compliance with a legal obligation to</li> </ul>	Article 9(2) GDPR (e) & (g) Conditions under Part 2 of Schedule 1 of the Data Protection Act 2018: Statutory and government purposes; Preventing or detecting unlawful acts;

	<p>which the controller is subject;</p> <ul style="list-style-type: none"> <li>processing is necessary in order to protect the vital interests of the data subject or of another natural person;</li> </ul>	<p>Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.</p>
CCTV	<ul style="list-style-type: none"> <li>processing is necessary in order to protect the vital interests of the data subject or of another natural person.</li> </ul>	<p>Article 9(2) GDPR (e) &amp; (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"> <li>processing is necessary for compliance with a legal obligation to which the controller is subject;</li> <li>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</li> </ul>	<p>Article 9(2) GDPR (e),(g) &amp; (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>

### 3. Who we share your personal data with

We may share your personal data (including particularly sensitive types of personal data):

- to the public on our website**

We routinely publish certain personal data on our website. This includes charity trustees' names, the name and address of the designated charity contact, auditor or independent examiner and information contained in

charities' annual accounts. We also publish statutory inquiry reports at the conclusion of investigations and inquiries which may name individuals and we publish orders made by the Commission and a register of removed charity trustees.

We also publish information about our staff and expenditure in order to comply with governance and transparency commitments. This includes information about our workforce, suppliers and expenditure. In some cases details of individual transactions or contracts may be published in full. We also routinely publish responses we receive to consultations.

- **where it is necessary to share the information in order to further our statutory objectives or functions**

We may need to share personal data with third parties in order to further our statutory objectives or functions. For example, in the course of an investigation into alleged financial misconduct, we might provide your personal data to a bank so that we could establish whether they held relevant information. If we receive a report of misconduct, we may need to share information with a registered organisation you're involved with. Where appropriate we may also share larger datasets and carry out data matching with other organisations.

- **with other government departments, public authorities and regulators**

The 2008 Act permits us to disclose information held by us to any relevant public authority if the disclosure is made for the purpose of enabling or assisting the relevant public authority to discharge any of its functions, or if the information so disclosed is otherwise relevant to the discharge of any of the functions of the relevant public authority. We have agreed a 'Memorandum of Understanding' or legal agreement with some organisations to facilitate compliant data-sharing where it is undertaken on a routine basis.

As a consequence, where it is necessary and proportionate to do so, we may share particularly sensitive types of personal data pursuant to the powers granted to us in the 2008 Act.

We are required to disclose certain information in response to FOIA requests or requests made by members of the public, for example to see governing documents, accounts or minutes of meetings.

Once we disclose information in this way it is treated as being disclosed to the 'world at large'. This means the recipient may publish it further, for example in a newspaper or blog.

- **with third party processors and service providers**

We use third parties and service providers to process some personal data on our behalf, such as IT and similar service providers, professional advisers acting as processors and as joint controllers including lawyers, auditors and accounting services. We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

We do not allow these third parties to use personal data for their own purposes and we only permit third party processors to process personal data for specified purposes and in accordance with our instructions.

We may also disclose information to a court, tribunal, party or prospective party where the disclosure is necessary in order to exercise, establish or defend a legal claim or where we are ordered to by a court or tribunal or where we are otherwise required to do by law.

- **International transfers of personal data**

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 legislation.

#### **4. How long we retain personal data for**

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.

#### **5. Your rights as a data subject**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You should be aware that some of these rights are subject to the restrictions set out in Part 2 of Schedule 2 of the Data Protection Act 2018.

In particular they do not apply to personal data processed for the purposes of discharging functions conferred on the Commission which are designed to protect charities against misconduct or mismanagement or to protect the property of charities from loss or misapplication or to recover the property of charities where exercising those rights would prejudice the proper discharge of those functions.

In summary you have the following rights:

- The right to be informed
- The right of access to your personal data
- The right to rectify your personal data
- The right to erasure of your personal data
- The right to restrict processing
- The right to data portability
- The right to object to processing of your personal data
- The right not to be subject to a decision based solely on automated processing.

You can read more about these rights and the exemptions which may apply on the website of the Information Commissioner's Office (ICO) [here](#).

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 [communications@charitycommissionni.org.uk](mailto:communications@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](#).

You will not have to pay a fee to access your personal data (or to access any of your other rights). But, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances. We may also refuse to comply with your request in full or in part where disclosure would prejudice a police inquiry or would be contrary to law, for example, it would be in breach of the Proceeds of Crime (NI) Order 1996 or money laundering obligations.

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.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to access any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We will usually ask you to provide one form of proof of identity and one form of proof of address.

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](mailto:admin@charitycommissionni.org.uk)

## **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](mailto: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](mailto: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 16 November 2018.