

Charity Commission for Northern Ireland privacy notice

Information we collect via charity registration applications (covering all charity trustees and anyone managing the application)



September 2018

About this privacy notice

This privacy notice explains how the Charity Commission for Northern Ireland processes personal data when an application is made to register an organisation as a charity.

It is supplemented by our main privacy notice which provides further information and sets out some of your rights and entitlements in respect of that personal data. This notice does not provide exhaustive detail of every aspect of how we collect or use personal data. As controller of your information if you need further information please contact our [Data Protection Officer](#)

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 objectives. The Commission is the controller for the personal information we process, unless otherwise stated.

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](#).

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.

Personal information we collect for charity registration

The Commission collects the following information when processing an application for charity registration for current trustees of the applicant organisation:

- legal name (including previous names)
- date of birth
- home address and postcode
- email address
- telephone number
- whether the trustee is the chairperson of the organisation
- other registered charities that they are a trustee of

- where relevant, details of payment, employment, goods and services provided, property.

for the person submitting an application for registering a charity:

- first and last name
- date of birth
- organisation name and address
- telephone number
- email address
- IP address.

for the charity contact and charity trustees:

- legal names
- date of birth
- postal address
- telephone number
- email address.

The founder, a person related to a trustee, a person related to the founder, an organisation connected to a trustee and an organisation connected to the founder. Details of name, payment, employment, goods and services provided, property.

Owners of property used by the charity including name and details of agreement. The information is collected to fulfil the Commission's statutory objectives of public trust and confidence in charities, and accountability of charities to donors, beneficiaries and the general public.

In addition if the organisation has been unable to submit bank account information with its application we will require certain other information and proof of identify, for example, a copy of photographic ID and proof of current address of one trustee as a fraud check.

How we process this personal data

While the application is being determined

Registration is a managed process with access to the online registration application controlled by the Commission. An account and password is provided to a contact person confirmed by the organisation. The organisation is responsible for ensuring the uploading of all information onto the system and for necessary processing requirements, for example consent from individuals to be in place to enable their lawful processing of personal data.

Once an application is completed, it is submitted to the Commission via the online system. The information, including personal data, will be

transferred from the online form into the Commission's internal case management and records system where it will be stored, reviewed and a decision made on whether the proposed charity should be placed on the *register of charities*.

As part of the decision making process the Commission may share the personal data provided with other entities.

If the application is approved and the organisation is registered as a charity

The name of the charity and the supplied public contact details will be available on the *register of charities*, which is accessible to the public. The names of trustees will also be displayed on the public register and if they hold the trusteeship of any other charities, unless we have agreed to dispense with the requirement to publish this information.

In our [Registering as a charity in Northern Ireland guidance](#), we make it clear what information we will and will not be publishing on the *register of charities*. As information on the *register of charities* is public, the Commission cannot give any guarantees as to how the information will be used by those accessing it.

The Commission will further process personal data received via the registration application to fulfil our wider statutory functions and objectives. Details for trustees and the charity contact provided will be used to issue trustees with appropriate statutory guidance, alerts or decisions made by the Commission in relation to the charity. This is to fulfil the commission's statutory objective to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of charities, to promote the effective use of charitable resources, and to promote charities accountability to donors, beneficiaries and the general public, for example, [The public benefit requirement: statutory guidance](#).

If the application is not registered

An application may be closed for a number of reasons, for example an application may be refused, withdrawn or the organisation may close.

Where a decision is made to formally refuse a registration application the organisation can ask for a decision review, re-apply or appeal to the Charity Tribunal within 42 days of receiving our decision.

Sharing of information

Certain information will be made public unless a dispensation is granted.

The Commission has statutory powers to share information with other organisations and individuals, as set out in the *Charities Act (Northern Ireland) 2008*. Further details can be found [here](#).

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

- where it is necessary to further our statutory objectives and functions
- associates, representatives, charity professional advisers, financial institutions
- in response to requests for information, for example pursuant to the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), or our common law powers of disclosure
- third party processors and service providers
- government departments, public authorities, audit functions, law enforcement and other regulatory bodies, including other charity regulators
- current, past or prospective employers and examining bodies
- organisations subject to a complaint or investigation
- where we are ordered to by a court or tribunal or where we are otherwise required to do by law

Lawful basis for processing personal data for charity registrations

The charity registration process is a legal requirement for all charities.

Charity trustees are obliged under section 17 of *the Charities Act (Northern Ireland) 2008* to provide documents and information as the Commission requires for the purposes of the registration application.

The following table sets out the legal bases we rely on for processing personal data in relation to charity registration applications.

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 	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

	the public interest or in the exercise of official authority vested in the controller	acts; Protecting the public against dishonesty etc; Regulatory requirements relating to unlawful acts and dishonesty etc.
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We may process your data further for a compatible purpose, and more information is available in our [main privacy notice](#).

How long is personal data held

We retain personal data for as long as necessary to fulfil the purposes it is collected for. In the case of information collected via charity registration applications this will be:

- for those registered – charity trustee and correspondent information is retained for a period of five years after the organisation is removed from the register eg in the event of closure or a decision to remove it.
- for those not registered – charity trustee and correspondent information is retained for a period of five years from the date the charity is not admitted to the register.

Where there is litigation the Commission can retain personal data received in connection with a particular charity for a longer period. Further details of retention periods are available [here](#).

The right of individuals to request data erasure under the Data Protection Act 2018 will be subject to the retention requirements and considerations.

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 Act.

Your rights

For more information on your rights in relation to the personal data we process, please refer to the Commission’s main privacy notice, which is available [here](#).

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