

Data Protection Act

Charities & non-profit-making organisations

The Data Protection Act 2002 (the DPA) imposes certain obligations on all data controllers. These include compliance with the data protection principles and the rights of individuals, and the requirement to maintain an entry in the register of data controllers.

Charities and other non-profit-making organisations ('charities') will process personal data, whether that relates to their members or supporters, or to those in receipt of the charity's services, and must therefore comply with the DPA. This is not restricted to processing by means of automated equipment, but applies equally to information held in a manual form if it is held in such a way that information about a particular person can be readily found.

Entry in the register of data controllers

All data controllers are required to notify the Information Commissioner of the processing of personal data that is undertaken, and an entry will be made in the register of data controllers. It is an offence to process personal data without an entry in the register of data controllers, unless an exemption from that requirement applies.

An entry in the register of data controllers is required if charities use automated equipment for processing personal data. This includes any form of computerised correspondence, email, databases, viewing or processing digital images, etc.

A register entry should therefore be made, and maintained, in the charity's name. Further guidance on the registration process and specific guidance on notification for charities is available on the website.

Compliance with the Data Protection Principles

Charities must comply with the DPA and all the data protection principles, irrespective of whether an entry in the register of data controllers is required or not.

Charities must comply with the DPA and all the data protection principles when processing personal data and should in particular be mindful of the security of the sensitive personal data being processed.

Further guidance on all the data protection principles is available on the website.

Compliance with the rights of individuals

Individuals have many rights under the DPA; one of the most commonly exercised is the right of access to personal data.

This right can be exercised at any time and includes a right of access to all information about the person. This extends to any correspondence, emails, and any other information, whether that is held electronically or otherwise.

Comprehensive guidance on complying with subject access requests, and other rights exercised by individuals, is available on the website.

Advertising and Marketing to members and supporters

The DPA provides individuals' with rights in respect of direct marketing, by whichever means that marketing is communicated.

If the charity sends direct marketing to named individuals by email, or sms, then it must also comply with the Unsolicited Communications Regulations 2005.

In brief these Regulations require an individual to have opted in to receiving marketing by such means, be provided with a means to opt out with each communication and the charity must ensure it is identified in the communication.

Further Guidance on "Direct Marketing" is available on the website.