



Privacy Policies

How Does Yours Measure Up?

It was in December last year, that the ICO published its rulings against the British Heart Foundation and the RSPCA. The action resulted in fines being imposed for alleged breaches against the Data Protection Act 1998. In January another 11 charities were advised of impending action. This intense scrutiny regarding the current uses of personal data is putting increased pressure on charities and their fundraising departments, let alone the forthcoming EU General Data Protection Regulation (GDPR) which takes effect from May 2018 to replace the current legislation.

Any organisation that collects, uses and stores personal information from users is required to abide by the Data Protection Act 1998. A Privacy Policy is the most accessible document that sets this out for your supporters, and there is a lot of guidance to ensure yours is fit for purpose – so is it?

In exclusive and more extensive research for Fundraising Magazine, Wood for Trees together with partner company MyLife Digital have extended their recent research out to 119 charities which include the UK top 100 from January's magazine. They have looked at how their Privacy Policies measure up against current legislation and whether it is future proof for GDPR. The results have been aggregated and no individual charities have been identified. The findings are summarised over the following pages. The research was conducted between January and February 2017 and does not constitute legal advice. It has been conducted to help charities identify areas regarding the use of personal information and data that need to be addressed.

As every Privacy Policy is unique to an organisation, published policies were assessed against nine key criteria required by the DPA, the rulings from the ICO and the

forthcoming requirements for the GDPR in preparation for 25th May 2018.

In May 2018, charities will need to show:

- **What** data has been collected?
- **Why** the data is being collected and its purpose?
- **Who** is using the data?
- **When** was the permission granted or changed (date)?
- **Where** was the permission granted (source)?

These measures focus on compliance. No wonder, as there is a considerable risk to charities if they get it wrong. So, of course, compliance is important but compliance should be the baseline, not the aspiration.

Charity fundraisers and direct marketers often focus on the negative aspects of GDPR; the work and time involved in implementing strategies and processes to comply, together with associated cost. Yet the opportunity it creates to build or strengthen trust will outweigh these issues.

Trust can mean many things, from transparency on how much the CEO of a charity is being paid, to what percentage of the funds raised are being spent on good causes and who the charity is sharing data with?

A decline in trust is being felt across the sector. Research by the NCVO shows that 36% of people show a lack of trust that charities will only make contact where permission has been granted. The high profile rulings of the ICO will only exacerbate this sense of distrust.

Now is the time – not to only protect from risk, but to build and heighten supporters' trust. Improving policies and procedures to include the capture of consent provides an opportunity. An opportunity to seek permissions based on the preferences of individuals. An opportunity to engage at a deeper level. An opportunity to create a value exchange where both the supporter and the charity benefits.

Privacy Policies and the law

A Privacy Policy sets out how an organisation collects, stores and uses personal information or data, and should be freely accessible. Any organisations undertaking these actions is required to abide by the Data Protection Act 1998 (DPA).

However, we are not here to give you legal advice. Every Privacy Policy should be created to explicitly state the policies of each individual charity.

In this research, we've assessed the Privacy Policies of 119 UK-based charities against the following nine measures.

1 Is your Privacy Policy on your website?

Out of 119 charities, five charities did not have published Privacy Policies available on their websites. This is one of the base requirements of existing legislation. The research highlighted that a further four charities only provided vague information regarding their Privacy Policy.

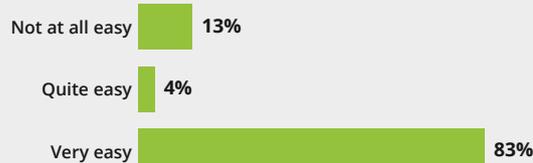


Source: MyLife Digital / Wood for Trees, February 2017

2 Is your Privacy Policy easy for supporters to find?

Privacy Policies should be readily accessible online for supporters and the public in general. In fact, the DPA stipulates that if you're only collecting data for specified purposes you need to notify users through your Privacy Policy and that "they can access your Privacy Policy easily".

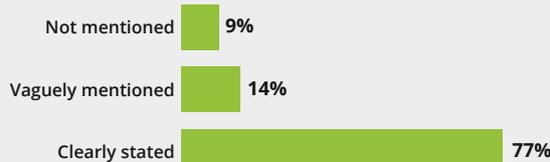
The research found that the majority of charities placed their Privacy Policies clearly on the website, usually at the bottom of the home page. However, 13% made the supporter work quite hard to find their Privacy Policy.



Source: MyLife Digital / Wood for Trees, February 2017

3 Does your Privacy Policy mention the collection of personal data?

The collection of personal data was one aspect that the ICO picked up on in its ruling. Since this research was started, charities have been continuously updating their Privacy Policies. In the month of the research, the number of charities who included the collection of personal data climbed from 57% to 77%.

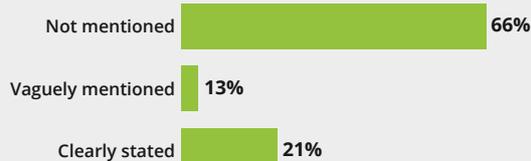


Source: MyLife Digital / Wood for Trees, February 2017

4 Does your Privacy Policy mention profiling?

The use of profiling is one area of data analysis that can be misconstrued by the market. Donor profiling should be about presenting supporters with information that is relevant to them.

This is the opportunity that consent provides for charities. If supporters can explicitly grant use of their data for specific purposes, then greater engagement can follow.

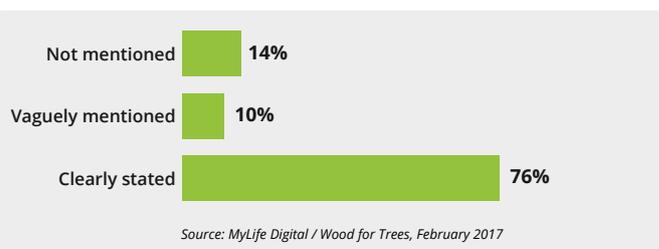


Source: Wood for Trees / MyLife Digital, February 2017

5 Does your Privacy Policy reference sharing of data?

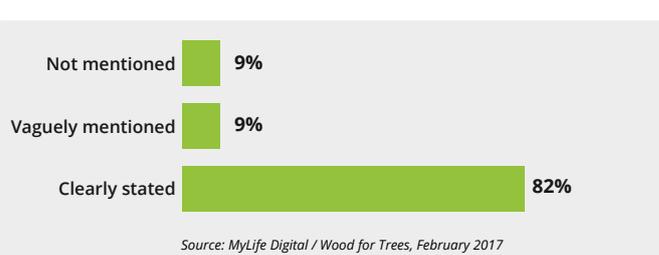
The research assessed 119 Privacy Policies on the above measure, as the sharing of data was part of the ICO's ruling. One reason why charities might not include the reference to sharing data is because it is prohibited in the Fundraising Regulator's Code of Fundraising Practice:

Organisations must not share the personal data of an individual with any other organisation for that organisation's marketing or fundraising purposes without the explicit consent of that individual to the sharing of the personal data with that organisation or other specified types of organisations.



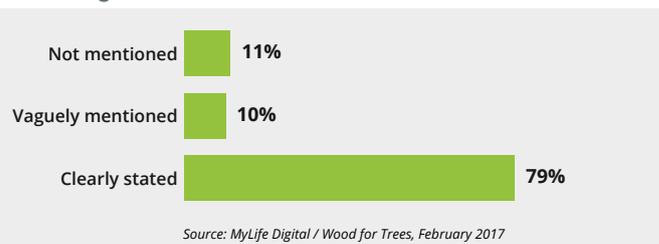
6 Does your Privacy Policy include how data will be used?

As charities prepare for GDPR next year, we thought it would be useful to look at what practices and policies need to be in place for the 25th May 2018. One of the fundamental principles of GDPR is including how data will be used. This overlaps with current legislation and the ICO ruling.



7 Does your Privacy Policy mention how you collect data?

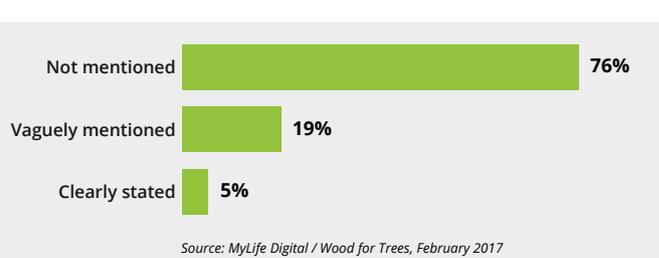
In the past, how data was collected was relatively straightforward. However, today as the channels of communication have greatly expanded, so has the ability to gather data from multiple sources. This presents an opportunity but it is also the area that raises most concern with supporters. Transparency about how data is collected is essential.



8 Does your charity give details of how long you keep data on record?

The current regulation and guidance from the ICO says data should be retained for "no longer than is necessary for the purpose you obtained it for". Research from Data IQ in 2016 showed that 21% of consumers believe that consent is only valid for 6 months. *

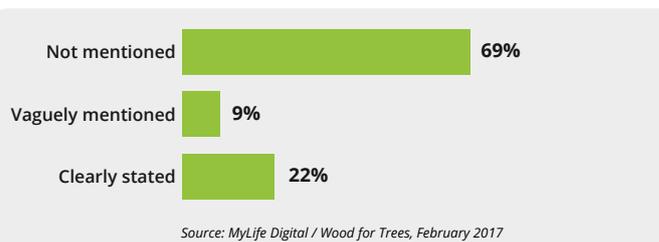
While this enables data to be disposed of, it does present a challenge for charities to have a system that allows for the stamping of when consent for data was obtained, and therefore allowing the safe and secure disposal of data. This element is key for the new GDPR regulations.



* Source: GDPR: Identifying its Impact on Marketers and the Consumer's Moment of Truth, Data IQ 2016

9 Do you include a Data Controller or Processor contact?

Only a couple of charities gave a named contact who controls or processes data. This is one of the most significant changes of the regulation. By naming a controller or processor, charities need to be aware that sanctions can be brought against the controller or processor, as well as against the charity itself.



Privacy Policies

How Does Yours Measure Up?



1. Is your Privacy Policy on your website?

Yes	93%
No	4%
Vague	3%



2. Is your Privacy Policy easy for supporters to find?

Not at all easy	13%
Quite easy	4%
Very easy	83%

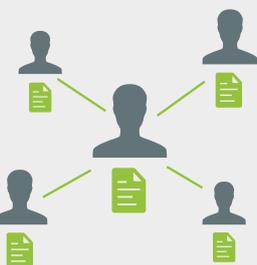
3. Does your Privacy Policy mention the collection of personal data?

Not mentioned	9%
Vaguely mentioned	14%
Clearly stated	77%



4. Does your Privacy Policy mention profiling?

Not mentioned	66%
Vaguely mentioned	13%
Clearly stated	21%



5. Does your Privacy Policy reference sharing of data?

Not mentioned	14%
Vaguely mentioned	10%
Clearly stated	76%



6. Does your Privacy Policy include how data will be used?

Not mentioned	9%
Vaguely mentioned	9%
Clearly stated	82%

7. Does your Privacy Policy mention how you collect data?

Not mentioned	11%
Vaguely mentioned	10%
Clearly stated	79%



8. Does your charity give details of how long you keep data on record?



No time period given	76%
Vaguely mentioned	19%
Clearly stated	5%

9. Do you include a Data Controller or Processor contact?



No contact given	69%
Vaguely mentioned	9%
Clearly stated	22%

Source: From "Privacy Policies – How Does Yours Measure Up?".
Results from MyLife Digital/Wood for Trees research with 119 UK-based charities, including the top 100, over Jan-Feb 2017.



About Wood for Trees

Rethinking Personal Data. We can help you:

- improve the efficiency, fundraising and performance through Wood for Trees,
- comply with existing legislation and GDPR regarding the collection of personal data,
- make informed insights from informed consent from your supporters to improve outcomes.

You can reach us using the contact details below.

www.woodfortrees.net

T: 01225 636 286

E: j.cromack@woodfortrees.net

Wood for Trees Ltd, Reg Office: Citizen House, Crescent Office Park, Clarks Way, Rush Hill, Bath, BA2 2AF

