

# Charities - are you up to date with data protection?

Charities often handle extremely sensitive information, such as medical and well being details of vulnerable people. Mishandling sensitive data not only causes distress to individuals, it could also damage your charity's reputation. To avoid breaching data protection laws the Information Commissioner's Office (the **ICO**) recommends various actions that you should take.

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## CHARITIES - ARE YOU UP TO DATE WITH DATA PROTECTION?

The ICO have previously carried out advisory visits at small and medium sized charities and third sector organisations. Following this the ICO recommended that such organisations carry out the following five steps to avoid breaching data protection laws:

- **Tell people what you are doing with their data** – people should be aware of what you are doing with their information and who it will be shared with. Not only is this established best practice, it is also a legal requirement.
- **Ensure your staff are adequately trained** – new employees must receive data protection training to ensure they know how to handle and store personal information. Existing staff should also be provided with refresher courses.
- **Use strong passwords** – by choosing passwords with a mixture of upper and lower case letters, numbers and symbols you will keep information secure from would be thieves. Passwords should be changed at regular intervals.
- **Encrypt portable devices** – the likes of memory sticks and laptops should be encrypted for added security.
- **Only store information for as long as necessary** – once information is no longer needed, it should be destroyed. This can be done by setting out retention periods, for example.

Small and medium sized organisations also have the opportunity to request a free of charge one day advisory visit from the ICO. This will involve the ICO undertaking a review of the organisation's current data protection practices and then providing a report detailing their findings and providing

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practical advice as to the ways in which improvements can be made. If you think your organisation would benefit from an advisory visit then see the ICO's guidance at the following link:  
<https://ico.org.uk/for-organisations/improve-your-practices/advisory-visits/>

## MARKETING

The direct marketing rules contained in the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations 2003 will apply to the promotional and campaigning activities of charities and will need to follow the same rules as commercial organisations. However, charities should take particular care when communicating by text or email. The 'soft opt-in' exception which usually applies where an individual's details are obtained through negotiations for the sale of goods or services, will not apply to existing charity supporters. Charities must ensure that they are obtaining specific and informed consent from both new and existing supporters to be able to market to them via email or text.

### HOW CAN WE HELP?

The Regulatory and Compliance Team is a multidisciplinary team offering our clients a full range of data protection expertise. We regularly advise clients regarding the development of detailed, tailored data protection policies and procedures, obtaining relevant registrations and certifications and the collection and transfer of data between entities and jurisdictions with a view to minimising the risk of breaches and enforcement action by the ICO. We provide specialist advice to our clients on marketing via post, email and text along with website compliance and internet sales, including giving advice on drafting policies on data protection, privacy, confidentiality and compliance with the Privacy and Electronic Communication Regulations 2003.

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