



GDPR & Giving Reviews

Summary

This document summarises how parishes can conduct giving reviews in the light of new data protection regulations (GDPR) and provides four different ways that giving review communications can be circulated. (Different bases can be used with different groups.) There will not need to be significant change from current good practice, providing that an appropriate privacy notice and other good practice in relation to GDPR has been implemented. This document should be read within the context of other GDPR guidance for parishes: www.parishresources.org.uk/gdpr

Not everything requires consent.

There is a perception that **consent** will be required for all processing of data after May. However, consent is but one legal basis amongst several alternative bases for processing personal data. Parishes should consider using “**legitimate interests**” as the basis for lawful processing in respect of fundraising and stewardship programmes rather than consent. Since under GDPR consent can no longer be assumed, a null response to a request for consent would mean that the parish would need to take care not to mail that individual, even if there is no underlying objection and the individual simply didn't get around to completing the form.

However, whatever legal basis is used to send out fundraising and marketing style communications, if someone contacts a parish to register an objection to receiving a particular form of mailing, then they should be taken off distribution lists in line with their objection. There is simply no point in sending material to someone who has stated they do not wish to receive it! Keep in mind that you need a keep a separate list of people who have been removed from the mailing list or have registered an objection, so that you know not to contact them.

Four alternative ways of circulating stewardship review material.

- 1 **Avoid using personal data altogether.** Where there is no personal data involved (packs are not addressed by name) there is no limitation on circulation – you can hand out packs after church services, or presentation events, you can post packs through doors around the community and so on.
- 2 **You can provide members of the Electoral Roll, or other regular members of the church, with physical packs of materials assuming that you have registered a “legitimate interest” in your privacy policy.** Marketing may be carried out in the legitimate interest of the data controller in a range of circumstances. The Privacy and Electronic Communications Regulations means it can't be done by email, text message or to a Telephone Preference Service (TPS) registered phone number without specific consent; but named packs can be handed out to this group or sent by post. Because this allows the mailing to be personalised this is probably the preferred option for current regular givers, though it could be extended to a wider group (see below).

These fundraising communications should be capable of passing a legitimate interest test given that anyone who has proactively joined an Electoral Roll should be aware that churches fundraise, and should thus have a "reasonable expectation" that parishes should engage in this activity. The Information Commissioner's Office (ICO) states that "It is likely to be most appropriate where you use people's data in ways they would reasonably expect and which have a minimal privacy impact." The GDPR says legitimate interest can be used where there is a relevant and appropriate relationship between the data subject and the controller. We can assume that such marketing would pass a legitimate interest test and therefore not require consent.

This group could be extended with due consideration to include others whose relationship with the church is strong enough not to be taken by surprise by the receipt of such a mailing. This could include toddler group attenders or members of a friends group. Whether or not this would be appropriate from a mission perspective is a separate question.

3. **You can email material to those who have provided to consent to receive communications from the church.** The consent needs to be sufficiently specific such that the individual has an expectation that they will receive this kind of communication, yet a PCC should avoid seeking separate consent for every possible communication that they might want to send out. The test here is specificity is "purpose." If two different communications serve the same purpose then one consent would cover them. If the purposes are really quite different then separate consents would be needed. It's up to the data controller to define the purpose, so one consent is intended to cover a group of activities, then the PCC would need to be able to argue that those activities served the same purpose. This might be worded as providing 'consent to receive emails regarding events and initiatives in the life of the church'.
4. **Finally, where individuals have subscribed to the Parish Magazine,** you can include the giving pack as a supplement to the magazine.

E. Further help available...

1. The Institute of Fundraising has produced a guide to fundraising and GDPR: <https://www.institute-of-fundraising.org.uk/library/gdpr-the-essentials-for-fundraising-organisations/iof-gdpr-essentials-report-final-v1.pdf> .
2. The Information Commissioner's Website has much helpful guidance: ico.org.uk especially in relation to small charities: <https://ico.org.uk/for-organisations/charity/charities-faqs/>