

The data protection legislation imposes certain obligations on all controllers and processors. These include complying with the principles of data protection and the rights of individuals, and the requirement to maintain an entry in the register of controllers and processors.

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 data protection legislation. This is not restricted to processing by automated means, 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 controllers and processors**

All controllers and processors are required to have an entry in the register of controllers and processors. It is an offence to process personal data without an entry unless an exemption from that requirement applies.

An entry in the register of controllers and processors is required if charities use automated means for processing personal data. This includes the use of email, databases, and CCTV.

Registration is required, regardless of whether the processing of personal data takes place in the Island or not. A register entry should therefore be made, and maintained, in the charity's name.

Further guidance on the registration process, including whether a fee is payable, is available on the website.

## **Compliance with the principles of data protection**

Charities must comply with the data protection legislation and the data protection principles, irrespective of whether a register entry is required or not.

Charities should in particular be mindful of the security of any special category personal data being processed, for example information about the health (including biometric or genetic information) or social care status of the individual, details of any criminal offences, or allegations, sexuality, ethnicity or trade union membership.

Further guidance on the data protection principles and the special category personal data is on the website.

## **Compliance with the rights of individuals**

Individuals have many rights under the data protection legislation; 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 data protection legislation gives individuals 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 (UCR).

In brief the UCR 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.

If the charity is sending direct marketing, it must have a register entry.

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

May 2020