

# FUNDRAISING GUIDELINES

## DIGITAL FUNDRAISING

SEPTEMBER 2017



# Digital Fundraising<sup>1</sup>

Digital platforms, including social media channels such as Facebook, Twitter, and Instagram, have greatly expanded the ways in which charities and donors interact. Digital fundraising encompasses a series of fundraising methods, including online fundraising through a charity's website, fundraising through mobile apps or social media platforms and fundraising by way of e-mail communications. Charities are constantly coming up with new and innovative ways to raise funds using digital platforms. It is not possible, therefore, for this checklist to exhaustively cover every possible type of digital fundraising. Instead, this checklist focuses on the legal requirements and best practice that will generally apply in the context of digital fundraising. There may be further requirements that are not identified in this checklist depending on the specific type of digital fundraising you intend to undertake. For instance, if your method of fundraising involves the sale of goods online or an online auction, you may require specific advice.

The questions set out in Part 1 capture legal requirements in relation to an email fundraising campaign and direct you to what you **must** do or consider as a charity when undertaking an email fundraising campaign. Part 2 contains questions which provide guidance in terms of best practice and indicate what you **ought** to do in such circumstances.

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<sup>1</sup>This checklist does not constitute legal advice and should not be considered a substitute for taking legal advice. The purpose of this checklist is to serve as a guide for the legal requirements and best practice associated with the specific fundraising activity. Law and best practice develop and are shaped over time. This checklist is current as at the date indicated as the date the checklist was last updated.

Please read the Authority Guidance on Fundraising in advance of reading this document.

Please read the introduction to these Codes in advance of and in conjunction with this Part 1.

## Part 1 Digital Fundraising

Questions	Yes/N/A	Comment/Action Required
<b>Details about the charity</b>		
<p>Have you ensured that details about the charity are displayed clearly and in a legible form on the relevant digital platform?</p> <p>A charity must state in all public-facing documents, including on the internet:</p> <ol style="list-style-type: none"> <li>(1) that it is a registered charitable organisation; and</li> <li>(2) the names of its charity trustees and the address of its principal office.</li> </ol> <p>Where the charity is also a company, the charity must ensure that the following information is displayed clearly on its website:</p> <ol style="list-style-type: none"> <li>(1) name and legal form of the company;</li> <li>(2) its company registration number and place of registration; and</li> <li>(3) its registered office address.</li> </ol>		
<b>Content</b>		
<p>Have you considered your legal obligations with respect to the content you intend to use as part of the fundraising campaign?</p> <p>For instance, you may wish to use beneficiaries' details, including their story and photographs. If doing so, you are likely to need the consent of the beneficiary. If the beneficiary is a child, parental or guardian consent will need to be obtained.</p> <p>For other material, such as logos or written material, you may need to obtain permission from the owner of the material.</p>		

Questions	Yes/N/A	Comment/Action Required
<b>Data protection and personal data</b>		
<p>Have you put in place the necessary policies and procedures to ensure that your charity complies with applicable data protection law?</p> <p>For instance if your charity has a website or a mobile app:</p> <ul style="list-style-type: none"> <li>• you must ensure that the website or app has a concise and clear privacy statement explaining the ways in which your charity collects, uses, discloses and manages personal data. There are specific requirements regarding the content of a privacy statement and it is advisable to seek professional legal advice before drafting your privacy statement; and</li> <li>• if cookies are used, you must ensure that users are notified of the use and that the necessary consent is sought from users, such as by way of a popup or banner.</li> </ul> <p>If you are collecting personal data from donors as part of a digital fundraising campaign, you must ensure that all such data is collected and processed fairly and lawfully. This may include:</p> <ul style="list-style-type: none"> <li>• supplying donors with details of the purpose(s) for which the data will be used;</li> <li>• relying on one or more legal bases (such as consent or legitimate interests) for the collection and processing of the information; and</li> </ul>		

Questions	Yes/N/A	Comment/Action Required
<ul style="list-style-type: none"> <li>• putting in place procedures to:               <ul style="list-style-type: none"> <li>o ensure data is kept accurate, complete and up to date;</li> <li>o ensure the data is adequate, relevant and not excessive;</li> <li>o use the data only in ways compatible with the purposes disclosed;</li> <li>o retain the data only for as long as is necessary for the purpose for which it was collected;</li> <li>o delete or amend donors' details upon request from a donor;</li> <li>o keep data secure and prevent unauthorised access to or disclosure of the data; and</li> <li>o provide access to data subjects upon request.</li> </ul> </li> </ul>		
<b>Sending communications</b>		
<p>If you are sending communications, such as emails or text messages, have you obtained the appropriate consent?</p> <p>To send a text message or email for digital marketing, you must have an individual's explicit, opt-in consent to be contacted for direct marketing purposes.</p>		
<p>Have you ensured that the email or text message complies with the following obligations:</p> <ul style="list-style-type: none"> <li>• it incorporates a means of opting out of further communications to the number/email address; and</li> <li>• it clearly identifies on whose behalf the communication was made.</li> </ul>		

Questions	Yes/N/A	Comment/Action Required
Do you regularly update your digital marketing 'opt-out' list and ensure that donors, who have chosen not to receive further emails/texts, are not contacted?		
If you rely on a third party to send marketing communications, have you put in place a data processing agreement with such third party?		
<p>Have you reviewed the content of any text message and ensured that it is accurate and would not cause offence or be considered indecent, obscene or menacing?</p> <p>It is an offence to send a text message that is grossly offensive, obscene or menacing or to send a message that you know to be false for the purpose of causing annoyance, inconvenience, or needless anxiety.</p>		
<p>If your campaign involves the sale of lottery or raffle tickets, have you obtained the necessary licences / permissions under the Gaming and Lotteries Act 1956?</p> <p>Please see the checklist entitled "Lotteries".</p>		

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