



# FUNDRAISING GUIDELINES TELEMARKETING FUNDRAISING

SEPTEMBER 2017



# Telemarketing Fundraising<sup>1</sup>

Charities often raise funds through telemarketing campaigns. This may involve a charity contacting existing donors or potential new donors by telephone, either landline or mobile.

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

Last updated: 28<sup>th</sup> September 2017

---

<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 Telemarketing Fundraising

Questions	Yes/N/A	Comment/Action Required
<p>Have you obtained consent from the donors to contact them by telephone?</p> <p>Whether you are calling an existing donor or a potential new donor, the consent you require will depend on whether you are contacting the person on their landline or mobile.</p> <p>If you are calling the person on their mobile, you must have their explicit “opt-in” consent to be contacted for direct marketing purposes.</p> <p>If you are calling the person on their landline, and they have expressed a wish on the National Directory Database to not receive marketing calls, you must have their explicit “opt-in” consent to be contacted for direct marketing purposes.</p> <p>However, if you are calling the person on their landline, and they have not expressed a wish on the National Directory Database to not receive marketing calls, you can rely on the “soft opt-in” consent. This means that you can contact such person provided you have previously given them the option not to receive such marketing and they have not availed of this option.</p>		
When making the calls, have you provided the person with the opportunity to opt out of receiving further calls for direct marketing purposes?		
<p>In the case of a call which is to be recorded, has the recipient been-</p> <ol style="list-style-type: none"> <li>1. informed that the call will be recorded;</li> <li>2. informed of the purpose for which it will be recorded; and</li> <li>3. asked whether he or she consents to the call being recorded?</li> </ol>		

Questions	Yes/N/A	Comment/Action Required
Do you regularly update your telemarketing 'opt-out' list and ensure that donors, who have chosen not to receive further calls, are not contacted?		
If your charity relies on a third party to call individuals for the purposes of direct marketing, has the charity put in place a data processing agreement with such third party?		
<p>Has the charity put in place the necessary policies and procedures to ensure that it complies with applicable data protection law when carrying out a telemarketing campaign?</p> <p>For instance, if your charity is collecting personal data from donors as part of a telemarketing 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;</li> <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>		

This publication contains a practical summary of the law. It should not replace legal advice tailored to your specific circumstances. While every effort has been made to ensure the correctness, accuracy and completeness of the information contained within this publication, Mason Hayes & Curran and the other contributors assume no responsibility and give no warranty in that regard and accept no liability for any loss or damage incurred through the use of, or reliance upon this publication. Readers of this publication should satisfy themselves as to the correctness of the information contained in this publication.