

## Charities and Data Protection

### Aim of the Data Protection Act 2002 ('the Act')

The Act obliges all persons, legal or otherwise, to process personal data in accordance with the law. Its aim is to balance the rights of individuals with regard to how their information is processed with the legitimate need of organisations to use information.

### Why do Charities need to comply with the Act?

Most charities now use a computer to maintain their membership lists and to correspond with their members, either by letter or email. This is defined as '**processing**' for the purposes of the Act.

If, however, the charity does not use a computer, please seek further information from the Office of the Data Protection Supervisor ('ODPS') using the contact details given in this document.

The Act **only** applies to the processing of '**personal data**'. This is information which, either on its own or when combined with other information in the possession of the charity, identifies **a living individual**. This includes such information as name, home address or email address. Depending upon the nature of the charity, sensitive personal data may also be processed.

### Notification

The Act contains a legal requirement for all persons who process personal data to register with the ODPS. The register entry contains details of the types of processing the Charity undertakes, together with contact details. This registration is known as '**notification**' and is a relatively straightforward process. This register entry is renewable annually and a simple Renewal Form is sent out 6 weeks prior to the expiry date.

### Does the Charity need to notify?

Charities, as not for profit organisations, will be exempt from the requirement to notify provided that:

1. the processing of personal data is **only** for the following purposes:
  - a. Establishing or maintaining membership or support
  - b. Providing or administering activities for individuals who are members or have regular contact with the charity;
2. the subjects (persons) about whom data is held are past, current or prospective members or those with whom the charity has regular contact;
3. the class (type) of data held is only that necessary to undertake the purposes above i.e. only names, addresses, identifiers etc.

However, if personal data is processed for any other purpose or includes subjects or classes not mentioned above then the charity will be required to notify under the Act.

### How does the Charity 'notify'?

If the charity is required to notify, then the Secretary, Treasurer or other suitable contact for the charity should contact the ODPS by telephone, letter or email. A notification pack will be sent out for completion, together with advice on completing the forms. **Registered charitable organisations are exempt from payment of fees for notification.**

### Does the Act still apply to the charity if it is exempt from the notification requirement?

Yes – even if the charity is exempt from the notification requirement it must still comply with the other requirements of the Act and will remain subject to the penalties if offences occur.

Most importantly the processing should be in compliance with the Eight Data Protection Principles. These determine **how** personal data should

be processed in order to comply with the Act and gives rights to individuals regarding this processing.

**The Eight Data Protection Principles are:**

1. Personal data must be processed fairly and lawfully
2. Personal data must only be processed for one or more specified and lawful purposes
3. Personal data must be adequate, relevant and not excessive for the stated purpose
4. Personal data must be accurate and, where necessary, kept up to date
5. Personal data must not be kept for longer than necessary to fulfil the lawful purpose
6. The rights of individuals under the Act must be complied with
7. There must be appropriate technical and organisational measures in place to ensure the security of the personal data
8. Personal data must not be transferred to countries or territories outside the EEA without ensuring the security of the data and that the rights of the individuals are upheld.

Please contact us if you require any clarification on these principles and their practical application.

**Further help**

If you have any queries, or need further advice or assistance regarding data protection issues, you may contact us using the details below or refer to information contained on our website.

**Contact Details**

Telephone: 693260

Email: [enquiries@odps.gov.im](mailto:enquiries@odps.gov.im)

Website: [www.gov.im/odps](http://www.gov.im/odps)

Address: PO Box 69, Willow House,  
Main Road, Onchan, IM99 1EQ

# Data Protection – An Advice Note for Charities



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