

## CODE CHANGES IN RELATION TO DATA PROTECTION: COVER NOTE

**Annex A** Summary of responses to consultation

**Annex B** List of respondents

1. A Consultation on Data Protection in the Code took place between 5 October and 8 December 2017. Responses were received by or on behalf of 104 organisations, with a further 2 from individuals (see *List of respondents* at **Annex B**).
2. **Annex A** summarises amendments proposed in response to comments received from the consultation. Complete versions of the Code changes which will apply from 25<sup>th</sup> May 2018 can be found at: <https://www.fundraisingregulator.org.uk/code-of-fundraising-practice/code-changes/>.

### CONTENT OF RESPONSES

3. **Annex A** summarises amendments proposed in response to comments received in the consultation. The spread of responses received was as follows:

Type of respondent	Number of responses in this category
Statutory bodies (including the Information Commissioner's Office)	2
Umbrella bodies	3
Joint response from groups of charities	2 (covering 36 individual charities)
Direct marketing and legal specialist organisations	11
Individual organisations	52
Individuals	2
<b>Total</b>	<b>106</b>

### Key points

4. Many responses centred on the technical application and interpretation of the law in specific areas of fundraising practice. However points repeated by a large proportion of participants included the need to:
  - clarify the extent to which organisations are required to follow ICO guidance (**see Annex A, section 5.1.2**).

- ensure that future legal changes (including the Data Protection Bill and changes to PECR) are incorporated within the Code (**see Annex A, section 5.1.1**).
- ensure that wording and definitions in the Code are as close as possible to the wording in GDPR / PECR and in ICO guidance. (**see Annex A, section 5.2, 5.2.2, 5.2.5, 5.5.3-4, 5.5.6, 8.2.3**).
- The need to ensure that the relationship between GDPR and the Privacy and Electronic Regulations (2003) are made clear (**see Annex A, section 5.5.1**).

### **ICO response and the Data Protection Bill**

5. The ICO have responded to the consultation and their amendments to the changes proposed are highlighted in **Annex A**. The Fundraising Regulator has also taken advice regarding publication timescales in light of the new Data Protection Bill being enacted (this will import GDPR into UK law and is unlikely to receive royal assent before April 2018). The ICO is content with the Fundraising Regulator publishing the revised Code in advance of the new Data Protection Bill as long as this impending new legislation is flagged in the revised Code.