

## **Working Group on 'Opt In' in Fundraising**

### ***How to secure freely given, specific, informed and unambiguous consent***

#### **Terms of Reference**

#### **Background**

On 25 November 2015, NCVO hosted a meeting of charity chief executives to discuss the ongoing investigations being carried out by the Information Commissioner's Office on a number of charities, and forthcoming changes to the rules on data protection legislation affecting charity fundraising practice.

Charities expressed their commitment to change their approach to fundraising so only those who have given their 'freely given, specific, informed and unambiguous consent' to be contacted, as required by the EU General Data Protection Regulation.

#### **Purpose**

In view of the forthcoming EU General Data Protection Regulation, the purpose of the working group is to develop proposals on what steps charities should take to move to a system which is based on an individual's 'freely given, specific, informed and unambiguous consent' to be contacted.

#### **Deliverables**

The working group will address the following questions:

- What 'freely given, specific, informed and unambiguous consent' looks like in practice when applied to fundraising communications.

- What practical arrangements are required to achieve a system whereby all fundraising communications are directed only to individuals who have given free, specific, informed and unambiguous consent.
- What are reasonable transitional arrangements.
- What is a reasonable timeframe.

## **Scope**

The proposals will apply to fundraising communications carried out by electronic communications, such as:

- telephone (live calls and automated calls);
- text messages;
- email;
- fax.

The working group will also consider fundraising communications sent by post, and how these could be based on 'freely given, specific, informed and unambiguous consent'.

## **Timetable**

The working group will develop its proposals with a view that the EU General Data Protection Regulation will be implemented at the end of 2017.

## **Resourcing**

NCVO will provide the secretariat for the Working Group.

The Group will receive initial financial support from NCVO. A request for additional financial contributions will be made to relevant charities.

## **Meetings**

Occurrence of meetings and other working arrangements will be agreed by the chair and the secretariat.

## **Working Group Membership**

The Working Group will be chaired by Michael Adamson, chief executive of the British Red Cross.

Membership of the Working Group will ensure representation of the charities (large, medium and small), the education sector and fundraising experts.

The group should comprise:

- a director of fundraising of a large charity
- a CEO of a medium sized charity
- a CEO of a small charity
- an individual with experience in developing fundraising standards
- a representative of the education sector
- a senior lawyer with expertise in data protection legislation

Individual members will be agreed by the Chair and the secretariat.

The Working Group will be additionally supported by a wider reference group of CEOs of fundraising charities.

### **Reference Group**

The Reference Group will have an advisory role with regards to the Working Group.

Inclusion on the reference group is open to expressions of interest.

### **Methodology**

The Working Group will engage with the Information Commissioner's Office and the Charity Commission.

The Working Group will consult widely with the charity sector, the fundraising sector and the direct marketing sector.

### **Governance**

The working group will report to NCVO's board of trustees.