

“Data Protection Rights and Responsibilities”

**A Synagogue guide to information
law and privacy**



1. Introduction

This guidance document, prepared by information law and privacy specialists iCompli® Ltd. in conjunction with the Movement for Reform Judaism, is your starting point to gaining a fuller understanding of your rights and responsibilities when it comes to collecting and using personal data to promote your synagogue.

Information law and privacy is a complex area of law, and should be taken seriously, as with all legal compliance. You are urged to take the matter seriously, and recognise that this guidance document cannot address all eventualities. If in doubt, seek further advice and legal counsel on specific matters.

Synagogues, like many other organisations, have a legal responsibility to ensure that their members are always aware of how information relating to them is used, including its use for fundraising purposes. Transparency of information use, and the knowledge that your information is being looked after appropriately, are important elements of building trust.

The use of personal data is governed by the Data Protection Act 1998. The Act affords everyone various 'rights' with regard to the processing of personal information; the right not to have information used for fundraising for example.

To find out more about your rights you can visit the Information Commissioner's website at www.ico.gov.uk

2. What we hope to achieve

To help you see the 'wood from the trees' by focusing your attention on how information law and privacy is **relevant to your Synagogue**.

There is plenty of guidance on the Data Protection Act 1998, some very informative and in-depth, and we will guide you to this throughout the document (see Appendix A). Our guidance will build on this material, by looking at specific areas of the law that impact on your day-to-day activities and needs.

3. Information Sharing

For those synagogues that are members of the Jewish Joint Burial Society (JJBS), they will need to share personal data with JJBS. This means that members will need to be told that their data will be shared with this organisation.

The Reform Movement's Annual Treasurers' Resolution gives each synagogue the opportunity to opt for a lower Assessment Rate, providing that the synagogue supplies the Movement with personal data of all its members. The Movement will use the information in a variety of different ways; the first is to track demographic trends within the Movement, to assist with issues such as the location and development of possible schools, the second is to allow the Movement to communicate directly with members about issues of importance to Reform Judaism in the UK and thirdly to carry out some selective fundraising. Members need to be told about this and to be given the opportunity to opt out.

4. What do you need to do

- a. Take some time to read this document; it's not long and it contains important information to help you take care of the personal information your members entrust to you.
- b. Read the Q&A section below, it should put your mind at rest on a number of issues.
- c. Update your membership packs if you find that you haven't provided members with sufficient information about how you manage and share their personal data. There are examples of wording you could use on Page 4.
- d. Remind existing members, perhaps through a newsletter, about the ways in which the Synagogue use the membership information it collects e.g. sharing personal details, with the Movement for Reform Judaism and/or Jewish Joint Burial Society, where applicable.

5. Some Common Questions

If we follow a 'typical member journey', we can begin to map the relevant legislation to the everyday tasks you complete in managing the membership database.

The typical journey often throws up similar questions; you will probably need an answer to one or more of the following questions at some point in your customer contact strategy.

5.1. Topical Q&A

- a. **Can we share our database with other 'like minded organisations' e.g. the Movement or the JJBS?**

A qualified YES. Sharing data can bring many advantages, particularly when you offer benefits and services that are complimentary to those from whom you obtain the data. BUT, it is not you who decides if and when to share data, it is the DATA SUBJECT (your members). They have to agree to the sharing either at the time their information was collected, or at a later date, but BEFORE you share it with anyone. A prominent, easy to read data protection statement which clearly explains how personal data will be used or shared is a must.

- b. **Can we write to (prospective) members and keep them informed about our activities and fundraising events?**

Of course you can, BUT make sure you follow the principles of the Data Protection Act 1998. Make sure their address details were collected fairly i.e. the address was provided for you to use in future contact and not, for example, taken from a visitors book! Ensure also that members are still happy to hear from you i.e. that they have not subsequently told you to 'leave them alone' i.e. opted-out of further fundraising contact. Make sure your data is accurate and up-to-date (there are many data cleansing solutions to help you); writing to the deceased has never raised much money (and is very upsetting to the recipient)!

Finally, you might consider checking against the Mailing Preference Service (MPS), though not a legal requirement; it is considered 'best practice'. (The website www.mpsonline.org.uk covers both the Mailing Preference Service [MPS], the Telephone Preference Service [TPS] and the Fax Preference Service [FPS]).

- c. **Can we follow up a fundraising letter with a telephone call?**

Another qualified yes. A 'lift call' like this can greatly increase response rates, BUT you must ensure that the phone number was obtained for fundraising/direct marketing purposes and not obtained from another source e.g. the Phone Book. You must also ensure that the number has not been registered on the telephone preference databases.

d. Surely I can call our Synagogue members even if they are on the Telephone Preference Service?

A strict interpretation of the law would suggest not, BUT there is scope for your members to override a 'global opt-out' like TPS, by giving you consent, for the time being, to continue to call them. Consider some mechanism to capture and maintain this consent e.g. a tick box on application forms asking for permission to use their telephone number to keep in contact.

e. We have a very 'old' contact database; can we use it to contact prospective members?

The data is probably inaccurate, and any consent you had obtained to use data for direct marketing is likely to have expired, so it's not looking promising; BUT all is not lost. The Data Protection Act 1998 does not prohibit you from using the data to contact people for the purpose of updating your database; this is after all a core principle of the Act. Try to regain contact for the purpose of cleansing your data and re-establishing consent. DO NOT try to promote the Synagogue on the back of this exercise and always provide people with a simple opt-out mechanism in case they really don't want to hear from you.

f. I've checked the Information Commissioner's database and we're NOT registered (Notified) as a data controller, should we be?

The requirement to Notify is limited to certain circumstances, and many organisations can quite legally process data on computers, and carry out extensive marketing without having to notify. The Information Commissioner has a very simple to follow flowchart¹.

However, if your Synagogue is both processing membership data on computers *and* sharing this data with the Movement and/or JJBS, you will be required to Notify.

g. Where can I download a data protection statement for our web site and other documents?

A quick 'Google' search will provide lots of opportunity for copying, but be advised; privacy statements and fair obtaining notices should be an indication of *your* Synagogue and how *you* interact with your members. Think how you normally interact, the language and style of your communication, and then ask yourself if you think someone else's words will fit your organisation; probably not. By all means use them as a guide, but put your own words and feelings in there.

6. Sample Privacy Policy

a. Suggested form of words that all Synagogues can use in their Newsletter to ensure that they comply with the requirements of the Act and are able to share personal data with the Movement.

"As a constituent member of the Movement for Reform Judaism [*insert name of synagogue*] Synagogue will make available information that you provide to [*insert name of synagogue*] Synagogue to the Movement for the purpose of supporting the Movement through demographic information for future planning, fundraising and statistical analysis. If you do not wish your information to be used by the Movement to assist our synagogue through fundraising activities, please contact the Synagogue Administrator or Membership Secretary.

Information you provide will also be made available, where appropriate, to the Jewish Joint Burial Society (JJBS) for the purpose of managing burial services.

If you have any questions regarding the use of personal data provided, please contact [*insert*]

¹ Online self assessment guide at www.informationcommissioner.gov.uk

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name and contact details of person responsible for data protection in the Synagogue].”

- b. Suggested form of words that all Synagogues can use as part of their Application Packs to ensure that they comply with the requirements of the Act and are able to share personal data with the Movement.**

Option 1

As a constituent member of the Movement for Reform Judaism (the Movement) the information you provide on this form will be made available to the Movement for the purpose of supporting our Synagogue, statistical analysis, fundraising and major events. If you do not wish your information to be used by the Movement for fundraising, please contact them on 020 xxx xxxx.

Option 1 has the benefit that personal data will still flow to the Movement but it cannot be used for fundraising if/when the Synagogue member has contacted the Movement.

Option 2

As a constituent member of the Movement for Reform Judaism (the Movement) the information you provide on this form will be made available to the Movement for the purpose of supporting our Synagogue, statistical analysis, fundraising and major events. If you do not wish your information to be used by the Movement for fundraising, please tick here .

Note that the requirement for a ‘tick box’ is not mandatory. The Act requires that you (the data controller) respond to a written request from the data subject to stop processing for the purpose of direct marketing (fundraising).

Best Practice suggests that you make the option to opt-out prominent and easy to apply hence the prevalence of tick boxes on data capture forms.

Option 3


As a constituent member of the Movement for Reform Judaism (the Movement) the information you provide on this form will be made available to the Movement for the purpose of supporting our Synagogue, statistical analysis, fundraising and major events. If you do not wish your information to be used by the Movement for fundraising, please tick here . You may chose to opt-out from fundraising at ANY time, but why not wait to see all the great things we have to offer before ticking?

Why not sell the benefits of not opt-in-out, lest ‘tickitis’ sets in.

Don’t be afraid to add your own words in here. The privacy statement is all about making sure your members understand what your Synagogue does with their information and how this might impact on them. Tell them in your own words.

7. Notification Guidance

The process of Notification will require Synagogues to complete an online or paper-based Notification Form. The Form, and the Notification Handbook referred to on the Form, can be obtained from the Information Commissioner's Office (<http://www.ico.gov.uk>). This is the UK's independent authority set up to promote access to official information and to protect personal information. It is a very useful website. If you want to download the Form and/or Handbook, click on 'Tools and Resources' and then go to 'Document Library' and then 'Data Protection'. Both Documents are under Forms on that page.

	<p>PURPOSE FORM <i>(for adding a purpose to a notification)</i> A purpose form must be completed for each new purpose</p>													
<p>You must quote your Security number or the form will be returned</p>														
Data controller name:	<input type="text"/>													
Registration number:	<input type="text"/>													
Security number/user number:	<input type="text"/>													
Purpose title:	<input type="text"/>	See Notification Handbook Section 3.1.8 for full list												
Write here a brief description only if <u>none</u> of the standard purposes apply.	<input type="text"/>													
Data Subject Codes:	<table border="1"> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Notification Handbook Section 3.1.9 for full list
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>									
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Write here additional descriptions only if none of the standard descriptions apply.	<input type="text"/>													
Data Class Codes:	<table border="1"> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Notification Handbook Section 3.1.10 for full list
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Recipient Codes:	<table border="1"> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Notification Handbook Section 3.1.11 for full list
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Write here additional descriptions only if none of the standard descriptions apply.	<input type="text"/>													
Transfers:	None outside EEA <input type="checkbox"/> Worldwide <input type="checkbox"/> Name individual countries below	See Notification Handbook page 18 for list of countries in the EEA												
If there are more than ten countries indicate Worldwide	<input type="text"/>													

The declaration overleaf **MUST** be completed

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Declaration

To the best of my knowledge and belief, the particulars given in this form and on any continuation sheets are correct and complete. I confirm that I am the Data Controller named overleaf or that I am authorised to act on behalf of the Data Controller.

Signature _____

Name _____

Job Title _____

Date _____

Tel. No. _____

Note:

Once you have notified you must keep your register entry up to date. When any part of your entry becomes inaccurate or incomplete you must inform us. This action must be taken as soon as practicable and in any event within a period of 28 days from the date on which your entry became inaccurate or incomplete. Failure to do so is a criminal offence.

Send this form with your Part 1 and Part 2 if making a new notification

or

If amending an existing notification send to:
Notification Changes Section, Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

This form consists of a number of distinct Purposes where the data controller details the purpose for which he intends to use the personal data collected.

On the assumption that Synagogues process personal data for broadly similar purposes, the following guidance is provided for completing the Notification process.

The table on the following page is an example of how to complete the Notification Purpose statement. It is envisaged that you will be able to use this as a proforma for all Synagogues. In the event that a Synagogue processes data for a purpose not described below, it is relatively simple to add your own purpose statement to reflect the way in which your Synagogue uses personal data.

7a. Notification Purpose Completion Table

Purpose	Subjects	Classes	Recipients	Transfers
Staff Administration	S100 - Including volunteers, agents, temporary and casual workers	C200 - Personal details C203 - Employment details	R400 - Data subjects themselves	None outside the EEA
Accounts and Records	S100 - Including volunteers, agents, temporary and casual workers S103 - Members or supporters	C200 - Personal details C203 - Employment details	R400 - Data subjects themselves	None outside the EEA
Administration of Membership Records	S103 - Members or supporters S105 - Relatives, guardians and associates of the data subject	C200 - Personal details C201 - Family, lifestyle and social circumstances	R401 - Relatives, guardians or Person associated with the data subject R422 - Religious organisations	None outside the EEA
Advertising, Marketing and Public Relations ¹	S103 - Members or supporters	C200 - Personal details	R422 - Religious organisations	None outside the EEA
Fundraising ²	S103 - Members or supporters S105 - Relatives, guardians and associates of the data subject	C200 - Personal details C201 - Family, lifestyle and social circumstances	R422 - Religious organisations	None outside the EEA

¹ Promoting the activities and events of your Synagogue

² Fundraising carried out by individual Synagogues

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7a. Notification Purpose Completion Table (contd)

Purpose	Subjects	Classes	Recipients	Transfers
Pastoral Care	S103 - Members or supporters	C200 - Personal details	R400 - Data subjects themselves	None outside the EEA
	S105 - Relatives, guardians and associates of the data subject	C201 - Family, lifestyle and social circumstances		
Processing for not-for-profit organisations ³	S103 - Members or supporters	C200 - Personal details	R422 - Religious organisations	None outside the EEA
	S105 - Relatives, guardians and associates of the data subject	C201 - Family, lifestyle and social circumstances		
Trading/Sharing personal information ⁴	S103 - Members or supporters	C200 - Personal details	R422 - Religious organisations	None outside the EEA
	S105 - Relatives, guardians and associates of the data subject	C201 - Family, lifestyle and social circumstances		

³ Day-to-day activities of the Synagogue

⁴ Sharing information with the Movement and JJBS

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Appendix A

Some background on the legislation

Two key pieces of legislation are likely to impact on your activities;

1. the Data Protection Act 1998 (DPA), and;
2. the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR).

It's useful to know about them as they can both impact on your Synagogue and the relationship with your members, the Movement and JJBS.

a. Data Protection Act 1998 (DPA): A fresh look at the 8 core principles

The Data Protection Act 1998 (the Act) can be viewed as an over-arching piece of legislation that is designed to ensure a **balanced relationship** exists between those who collect and use personal data (data controllers) and the people to whom it belongs (data subjects), like your members. The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR), is a more detailed look at how that **balance is maintained** when you start to employ tele-sales and e-mail marketing i.e. electronic communications, to promote your messages and raise funds to support your Synagogue.

The Act is based on eight core principles, which like many other principles in life, can seem a little 'generic' to start with. Their job is to **guide your thinking and actions** when it comes to using the personal data your organisation has. Here's a plain English version of the core principles.

Data Protection Act 1998: Principles	What it really means
1. Information shall be processed fairly and lawfully	If you want someone's personal data they should be fully aware of who you are AND what you want their data for: tell them, up front and in a manner and language they can understand.
2. Information shall be processed for one or more specified lawful purposes	Tell them what you want their information for and then use it for that purpose, nothing else. Should you wish to use it for a different purpose, make sure you ask permission.
3. Information shall not be excessive for one or more specified lawful purposes	You've already told them what you want their data for (principle 1), so it shouldn't be too difficult to work out what information you need to help you achieve that purpose.
4. Information shall be accurate and where necessary kept up to date	If you have collected data for a purpose (and you should have because of principles 1 and 2), it must be accurate enough to achieve that purpose(s). If a member moves house, you can hardly keep them informed of events if you don't update your records. Database hygiene is a very important requirement if you want the best return from your fundraising efforts, this is not just another load of 'red tape'

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5. Personal data shall not be kept for longer than necessary	If you have data collected for a purpose e.g. membership, it should reasonably simple to work out when you no longer need it. Notice that this doesn't say you can't keep information, it says keep it for as long as it is required to achieve the purpose you set out when you obtained it.
6. Process personal data in accordance with people's rights	The Act contains many important rights designed to protect the people about whom we often know a great deal. For example, we all have the right to not have our data used for direct marketing or fundraising; think how this will change the way you contact people in the future. More on these later in the guidance.
7. Take appropriate technical and organisational measures to protect personal data	This is a tough one, there's a lot to think about if you want to protect the data you have. If it helps, imagine each of your members has told you, and you alone, a secret. How will you keep that secret safe? As a starting point, think carefully about who you share the secret with (organisational measures), and then think also about where the information is held; a password protected database, or a notebook in your brief case.
8. Personal data shall not be transferred outside the European Economic Area	Why? Because not all Nations have the same approach to protecting personal information. This part of the Act makes you stop and think before you send personal data to another (non-European country) e.g. Israel, where it may not be as safe as everyone anticipates. Make certain Members are aware of, AND consent to, their information being passed to people outside of the EEA.

b. The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR)

The world of communications has moved on and so must the legislative framework designed to protect our privacy. Our increasingly ability to interact with people over electronic networks e.g. email, mobile phones etc. has brought with it its own set of risks. PECR is designed to ensure that the data subject i.e. Synagogue member, remains in control of their information.

This legislation covers a very broad area of compliance, from controlling how your phone company uses itemised billing data to how you send out an e-mail newsletter to your customers. This guidance will focus on those areas most relevant to you, and in particular how the Regulations impact on your use of the telephone and e-mail as a direct marketing tool. Here's a table that covers those areas most relevant to you as a business attempting to grow your membership base.

Regulation

What it really means

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1. Use of facsimile machines for direct marketing purposes (Regulation 20)	Don't use fax as a direct marketing (membership drive, fundraising) tool to an individual unless they have agreed to receive them from you (opt-in). If your unsolicited fax is directed at a business user, always check that they have not opted out from this form of direct marketing by checking that their fax number is <i>not</i> on the fax preference service database ¹ .
2. Unsolicited calls for direct marketing purposes (Regulation 21)	Want to do some telephone fundraising? OK, just make sure that the numbers you are calling do not belong to people who have opted out of telephone direct marketing. How will you know? By checking that the number you are calling is not registered with either the Telephone Preference Service ² (for consumers) or the Corporate Telephone Preference Service ³ (for business subscribers). And, of course, making sure that the person you are calling has not told <i>you</i> that they don't want your direct marketing call ⁴ .
3. Use of electronic mail for direct marketing purposes (Regulation 22)	Want to do some e-mail marketing ⁵ ? OK, this is a complex part of the Regulations with many subtleties that will only be apparent on deeper investigation. But, there are some simple rules of thumb. Firstly , don't hide your identity (as if you would!) and secondly, make sure you have an opt-out mechanism on ALL emails e.g. To unsubscribe, send an e-mail to unsubscribe@my-synagogue.org. Secondly , if your target audience are 'consumers' i.e. not businesses, only send e-mail direct marketing if you have their consent to do so (opt-in), or failing that, their e-mail address was carefully collected i.e. you told them it would be used to contact them in the future, as part of a negotiation or sale process for <i>your</i> products or services.

Interpretation of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR) is complex, and has the potential to confuse! We recommend reading the Information Commissioner's guidance on this area⁶.

¹ <http://www.fpsonline.org.uk>

² <http://www.tpsonline.org.uk/tps/>

³ <http://corporate.mpsonline.org.uk/CTPSC/html/default.asp>

⁴ Data Protection Act 1998 Section 11

⁵ e-mail is included in the definition of electronic mail. Electronic mail also covers text message marketing (SMS)

⁶ <http://www.informationcommissioner.gov.uk>