

Internal correspondence

Laura Bendall

From: Richard Marbrow
Sent: 29 July 2016 09:53
To: Stephen Eckersley; Andy Curry
Cc: Kirsty Keogh
Subject: RE: Draft RSPCA release
Attachments: RSPCA - draft 2 - RM.doc

I may have corrected some of the same typos as Andy here. My main worries are around us calling it wealth profiling when PD want us to say 'wealth screening' because of a GDPR concern and whether we need to say 'could be' fined prior to the reps meeting.

On the point Steve was making about whether Liz would want to lead, does she need a note from one or all of us on the whole charity fundraising issue in parallel to this?

If anyone has a question for me while I am out of the office I can be contacted by text or call on [REDACTED] by the way and I'm not at all sensitive about being called when not working.

Richard Marbrow
Senior Policy Officer – Government and Society – Strategic Liaison

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From: Stephen Eckersley
Sent: 28 July 2016 16:32
To: Andy Curry
Cc: Kirsty Keogh; Richard Marbrow
Subject: Re: Draft RSPCA release

Thanks Andy, I can now see the amendments and they are fine.

Sent from my iPad

On 28 Jul 2016, at 16:23, Andy Curry <Andy.Curry@ico.org.uk> wrote:

Underlined bits – I don't think the ipad likes tracked changes....

The charity also shared supporters' details with other charities without permission and in 15,000 cases, against their express wishes. It also used data and data matching services to discover phone numbers, email addresses and birth dates for supporters who had expressly chosen not to provide this information to the RSPCA.

Head of Enforcement at the ICO, Steve Eckersley said: "We all know charities play an important role in helping worthwhile causes. But everyone expects charities to follow the law and not exploit their supporters.

"Seven million people donated their money to support the RSPCA. I think they'll be saddened to learn that the charity didn't see their generosity as enough, and angry to learn the charity dug into their personal and financial details."

The RSPCA used a system called wealth profiling to analyse the financial status of some of its supporters and estimate how much an individual could be persuaded to donate.

The charity told the ICO that it repeatedly screened all seven million of its supporters in this way. It did not have their consent to do this.

During the investigation, the RSPCA told the ICO that the practice was common, it had been doing it since 2010 and it had no plans to stop.

The ICO's investigation also found that the RSPCA was part of a scheme called Reciprocate, where charities shared or swapped personal data belonging to donors or prospective donors.

The RSPCA did make it clear that it might allow other "organisations whose aims are in sympathy with our own" to contact supporters and it offered them a chance to opt out. But the RSPCA admitted it did not know which charities were part of the scheme, so couldn't say if personal data was only shared with charities involved in animal welfare as it had promised.

Between 1998 and 2015, the numbers of records disclosed without individuals' knowledge ranged between 105,697 and 794,768 each year.

The ICO also found the details of more than 15,000 RSPCA supporters were shared via the Reciprocate scheme even though they had ticked the box to opt-out. This happened 12 times over 14 months.

The ICO investigation into the RSPCA is one of a number it's conducting into the fundraising practices of charities. The investigations were sparked by stories in

the media about Samuel Rae, and how some charities had used his personal information to try and persuade him to make donations.

The ICO has not fined the RSPCA for how it treated Mr Rae's information in particular, but it did find that the charity telephoned Mr Rae against his wishes and, as a result, it appears he increased his donation.

The ICO is conducting a separate investigation into wealth management companies. (chk I can say this)

<image001.jpg>

Andy Curry
Enforcement Group Manager
Anti-Spam Investigation Teams, Intelligence Hub

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 4
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For secure emails over gsi please use andy.curry@ico.gsi.gov.uk

From: Stephen Eckersley
Sent: 28 July 2016 16:19
To: Kirsty Keogh
Cc: Andy Curry; Richard Marbrow
Subject: Re: Draft RSPCA release

Yes, that's fine. I know that Liz was looking for early opportunities, but I am happy to take the lead on this.

I couldn't see any changes on Andy's attachment.

Sent from my iPad

On 28 Jul 2016, at 16:02, Kirsty Keogh <Kirsty.Keogh@ico.org.uk> wrote:

Hi Steve,

We are talking a lot about this at this end and we'll make a decision when the time comes. I am sure Liz will be involved in that. For now, we're putting your name to it and we'll keep talking. Is that okay?

Kirsty

From: Stephen Eckersley
Sent: 28 July 2016 15:32
To: Kirsty Keogh
Cc: Andy Curry; Richard Marbrow
Subject: Re: Draft RSPCA release

Kirsty,
I imagine that this will attract lots of publicity. Whilst I am happy to front this I just wanted to check whether Liz is aware of this fine as she may prefer be attributed to our comments?

Sent from my iPad

On 28 Jul 2016, at 15:26, Kirsty Keogh <Kirsty.Keogh@ico.org.uk> wrote:

Hi,

Attached the RSPCA press release. Once you're happy with it, I'll use it as a basis to draft a pared back version that we could issue if the news broke tomorrow. I'll send that over for approval too.

I'm going to need to turn this round quickly if possible.

Kirsty

Kirsty Keogh
Team Manager (Communications)

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<RSPCA - draft 2.doc>

News release

Date 2015/2016

RSPCA could be fined £250,000 for exploiting its seven million supporters

Comment [RDM1]: Don't we need 'could be' in until the reps meeting as the legislation requires that any representations be considered?

The RSPCA secretly screened its seven million supporters so it could target them for more money, a far-reaching ICO investigation has found.

Fining the charity £250,000, the ICO said so-called "wealth profilingscreening" was one of four different ways the RSPCA breached the Data Protection Act by failing to handle donors' personal data fairly.

Comment [RDM2]: There is an ongoing request by Policy Delivery that we refer to screening rather than profiling due to confusion with the GDPR and its new profiling provisions

The charity also shared supporters' details with other charities without permission and in 15,000 cases, against their express wishes. It also used data and data matching services to discover phone numbers, email addresses and birth dates for supporters who had chosen not to provide them.

Comment [RDM3]: Do we want to mention tracing here or is that over the top?

Head of Enforcement at the ICO, Steve Eckersley said: "We all know charities play an important role in helping worthwhile causes. But everyone expects charities to follow the law and not exploit its-their supporters.

"Seven million people donated their money to support the RSPCA. I think they'll be saddened to learn that the charity didn't see their generosity as enough, and angry to learn the charity dug into their personal and financial details."

The RSPCA used a system called wealth profiling screening to analyse the financial status of some of its supporters and estimate how much an individual could be persuaded to donate.

Comment [RDM4]: See comment above

The charity told the ICO that it screened all seven million of its supporters in this way. It did not have their consent to do this.

During the investigation, the RSPCA told the ICO that the practice was common, it had been doing it since 2010 and it had no plans to stop.

Comment [RDM5]: We just need to watch this carefully in case their position changes in any representations that they make. I have been making some fairly high profile (in the charity trades press) interventions telling people to stop this so RSPCA may have changed tack.

The ICO's investigation also found that the RSPCA was part of a scheme called Reciprocate, where charities shared or swapped personal data belonging to donors or prospective donors.

The RSPCA did make it clear that it might allow other "organisations whose aims are in sympathy with our own" to contact supporters and it offered them a chance to opt out. But the RSPCA admitted it did not know which charities were part of the scheme, so couldn't say if personal data was only shared with charities involved in animal welfare as it had promised.

Between 1998 and 2015, the numbers of records disclosed without individuals' knowledge ranged between 105,697 and 794,768 each year.

The ICO also found the details of more than 15,000 RSPCA supporters were shared via the Reciprocate scheme even though they had ticked the box to opt-out. This happened 12 times over 14 months.

The ICO investigation into the RSPCA is one of a number it's conducting into the fundraising practices of charities. The investigations were sparked by stories in the media about Samuel Rae and how some charities had used his personal information to try and persuade him to make donations.

The ICO has not fined the RSPCA for how it treated Mr Rae's information in particular, but it did find that the charity telephoned Mr Rae against his wishes and, as a result, it appears he increased his donation.

The ICO is conducting a separate investigation into wealth management screening companies. (chk I can say this)

Comment [RDM6]: Wealth management companies are accountants who work with rich people – not sure we are looking into them! Also should this be here before the STCG referral?

It has also updated guidance on the rules around direct marketing to make it easier for charities to understand their obligations under the Data Protection Act. (link)

ENDS

If you need more information, please contact the ICO press office on 0303 123 9070, or visit the [media section](#) on our website.

Notes to Editors

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 - fairly and lawfully processed;
 - processed for limited purposes;
 - adequate, relevant and not excessive;
 - accurate and up to date;
 - not kept for longer than is necessary;
 - processed in line with your rights;
 - secure; and
 - not transferred to other countries without adequate protection.

5. The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act. They give people specific privacy rights in relation to electronic communications.

There are specific rules on:

- marketing calls, emails, texts and faxes;
- cookies (and similar technologies);
- keeping communications services secure; and
- customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

We aim to help organisations comply with PECR and promote good practice by offering advice and guidance. We will take enforcement action against organisations that persistently ignore their obligations.

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Laura Bendall

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Cc: Richard Marbrow
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Kirsty Keogh
Team Manager (Communications)

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News release

Date 2015/2016

RSPCA fined £250,000 for exploiting its seven million supporters

The RSPCA secretly screened its seven million supporters so it could target them for more money, a far-reaching ICO investigation has found.

Fining the charity £250,000, the ICO said so-called “wealth profiling” was one of four different ways the RSPCA breached the Data Protection Act by failing to handle donors’ personal data fairly.

The charity also shared supporters’ details with other charities without permission and in 15,000 cases, against their express wishes. It also used data and data matching services to discover phone numbers, email addresses and birth dates for supporters who had chosen not to provide them.

Head of Enforcement at the ICO, Steve Eckersley said: “We all know charities play an important role in helping worthwhile causes. But everyone expects charities to follow the law and not exploit its supporters.

“Seven million people donated their money to support the RSPCA. I think they’ll be saddened to learn that the charity didn’t see their generosity as enough, and angry to learn the charity dug into their personal and financial details.”

The RSPCA used a system called wealth profiling to analyse the financial status of some of its supporters and estimate how much an individual could be persuaded to donate.

The charity told the ICO that it screened all seven million of its supporters in this way. It did not have their consent to do this.

During the investigation, the RSPCA told the ICO that the practice was common, it had been doing it since 2010 and it had no plans to stop.

The ICO's investigation also found that the RSPCA was part of a scheme called Reciprocate, where charities shared or swapped personal data belonging to donors or prospective donors.

The RSPCA did make it clear that it might allow other "organisations whose aims are in sympathy with our own" to contact supporters and it offered them a chance to opt out. But the RSPCA admitted it did not know which charities were part of the scheme, so couldn't say if personal data was only shared with charities involved in animal welfare as it had promised.

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Laura Bendall

From: David Murphy
Sent: 06 December 2016 12:13
To: Elizabeth Denham; Andy Curry; Stephen Eckersley; Mark Thorogood
Cc: Press Team (internal); Richard Marbrow
Subject: Latest version of press release
Attachments: Charities 061216.docx



David Murphy
Communications Group Manager

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF

T. 01625 545223 F. 01625 524510 ico.org.uk twitter.com/iconews

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News release

Date

ICO investigations reveal how charities have been exploiting supporters

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) and British Heart Foundation (BHF) covertly screened millions of their donors so they could target them for more money, a comprehensive ICO investigation has found.

The ICO said so-called “wealth screening” was one of three different ways both charities breached the Data Protection Act by failing to handle donors’ personal data consistent with the legislation.

The charities also traced and targeted new or lapsed donors by piecing together personal information obtained from other sources. And they traded personal details with other charities creating a massive pool of donor data for sale.

Donors were not informed of these practices, and so were unable to consent or object.

Information Commissioner Elizabeth Denham said: “The millions of people that give their time and money to benefit good causes will be saddened to learn that their generosity wasn’t enough. And they will be upset to discover that charities abused their trust to target them for even more money.”

The ICO investigation is one of a number underway into the fundraising practices of charities. The investigations were sparked by reports in the media about repeated and significant pressure on supporters to contribute.

Ms Denham said: "Our investigations suggest that the activities we've fined the RSPCA and the British Heart Foundation for today are also being carried out by some other charities.

"This widespread disregard for people's privacy will be a concern to donors, but so will the thought that the contributions people have made to good causes could now be used to pay a regulator's fine for their charity's misuse of personal information."

Ms Denham has exercised her discretion in significantly reducing the level of today's fines, taking into account the risk of adding to any distress caused to donors by the charities' actions, particularly in the context of potential further penalties in the sector as a result of ongoing investigations. She has fined the RSPCA £25,000 and BHF £18,000.

She said: "My exercise of discretion should not take away from how serious these breaches were, nor from how disappointed donors will be with the two charities we've fined today. The law exists to protect people's rights and it applies irrespective of how altruistic the organisation's motives might otherwise be."

In similar situations, fines would have been in the neighbourhood of ten times as much.

Any monetary penalty is paid into the Treasury's Consolidated Fund and is not kept by the ICO.

Below is a summary of the three ways the RSPCA and BHF breached the Data Protection Act.

Wealth screening

The charities employed wealth management companies to analyse the financial status of supporters to estimate how much more money they could be persuaded to give.

Information typically included supporters' names and addresses, dates of birth and the value and date of the last donation.

The wealth management companies used other information from publically-available sources to investigate income, property values, lifestyle and even friendship circles. They were also able to identify donors most likely to leave money in their wills.

What the RSPCA did

The charity told the ICO that it repeatedly wealth screened all seven million of its supporters. It did not have their consent to do so.

During the investigation, the RSPCA said the practice was common, it had been doing it since 2010 and it had no plans to stop.

What BHF did

The charity told the ICO it had been screening donors since "at least" 2009. Between April 2010 and August 2014 it provided records to wealth management companies containing the personal data of several million people. It did not have their consent to do this.

During the investigation, BHF told the ICO it had no plans to continue screening.

Data and tele-matching

When donors chose not to provide information, the charities could hire companies to find it out. The companies used existing data or phone numbers to fill in the gaps. For example, they could use an old phone number to trace a new one or use an email address to track down a postal address.

Charities could then use the additional information, which the donor did not know they had, to contact them for donations.

What the RSPCA did

The charity had been data and tele-matching since “at least” 2009. It could not produce records of how many people’s personal data had been shared with data and tele-matching companies, but it is likely to exceed one million.

The ICO investigation heard the RSPCA has not stopped this practice.

What BHF did

The charity has been tele-matching since 2005. Between April 2010 and April 2015 it provided records containing details of several hundred thousand people to a tele-matching company.

In 2013 it provided tens of thousands of records for data matching purposes.

Data sharing

The RSPCA and BHF were part of a scheme called Reciprocate where they could share or swap personal data with other charities to get details of prospective donors.

Typically the data included names, addresses, last donation date and amount, Gift Aid status and whether they were a regular donor.

Both charities gave donors the chance to opt out of allowing their data to be shared with “similar organisations” but the ICO found this description to be vague. The ICO found the charities did not provide people with enough information to make a decision to opt out.

What the RSPCA did

The RSPCA admitted it did not know which charities were part of the scheme, so it could not say if personal data was only shared with charities involved in animal welfare as it had promised.

Between 1998 and 2015, they disclosed hundreds of thousands of records each year.

The ICO also found that details of RSPCA supporters were shared via the Reciprocate scheme even though they had ticked the box to opt-out.

What BHF did

The charity maintained it had the consent required to share donors’ details. But the ICO ruled it did not, as the nature of the scheme meant the charities it shared personal data with were not necessarily similar or partner organisations.

Between January 2012 and July 2015, it disclosed over one million personal records through the scheme.

Next steps

The ICO is committed to ensuring compliance within the sector. It will organise an educational event in partnership with the Charity Commission and the Fundraising Regulator. The ICO will also lay an in-depth report before Parliament in 2017.

The penalty notices will be published on the ICO website on Friday.

ENDS

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Laura Bendall

From: Helen Davies
Sent: 07 December 2016 11:58
To: Andy Curry
Subject: Charity blog for website today
Attachments: ED - Charity blog.docx

Hi Andy,

We're planning to publish a blog in Liz's name on the website later today, aimed at the charity sector.

Please could you have a read and let me know your thoughts before I show it to Liz?

Thanks

Helen

Helen Davies
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 01625 545345 F. 01625 524510 ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

There's always a focus on charities to do the right thing. As organisations their sole objective is to improve the world, be it by protecting the environment, helping the terminally ill or lending a helping hand to the elderly. As such people look to charities to be beacons of good practice, especially since they are largely funded by the public's hard earned cash.

The ICO has been looking too. And listening. We've heard how the majority of charities follow the law, but our investigations reveal that some are not.

The fines my office has issued to the RSPCA and British Heart Foundation set out just how far these charities have strayed from that law. ([link to press release](#)).

Given the seriousness, nature and extent of the contraventions, the penalties imposed could have been significantly higher. Ten times as much, in fact.

In determining the amount of the penalties in these cases I was mindful of the risk of adding to any distress that could be caused to donors by the contraventions, particularly in the context of potential further penalties in the sector as a result of ongoing investigations.

Those subject to related ICO charity investigations will be granted the same discretion.

However, this should not be taken as an indication that I will always reduce a penalty in such circumstances.

My office has a central part to play in standing up for the rights of UK citizens and we are committed to encouraging and ensuring compliance within the sector.

With that in mind, the ICO is working in partnership with the Charity Commission and the Fundraising Regulator to jointly host an educational event for the sector. This will take place in Manchester during February next year and is open to all charities.

And, once all our investigations have concluded, we will lay an in-depth report before Parliament. This will detail our findings across the charity sector.

We will help, but now it's up to charities to get it right. Obey the law, respect the privacy of your donors and you will regain their trust. ENDS