

Rethinking Marketing and Fundraising Data: Beyond Consent

Practical reflections for arts and cultural organisations

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Introduction

- **Not** a lawyer
- Specialist in data protection compliance, evaluation and insights, and audience research
- 25 years' experience in the arts and cultural sector
- Work with arts, cultural, and heritage organisations to improve data confidence and demystify GDPR
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Session Aims

- The UK's Data Protection Framework
- Sector Norms
- Lawful Bases
- Practical steps for implementation



The UK's Data Protection Framework

Information Commissioner's Office (ICO)

United Kingdom
General Data
Protection
Regulation (UK
GDPR)

Data Protection
Act 2018
(DPA 2018)

Privacy and
Electronic
Communications
Regulation
(PECR)

Data (Use and
Access) Act 2025
(DUAA)

The Code of
Fundraising
Practice

Fundraising
Regulator



Sector Norms

- Risk-averse approach shaped by PECR and legacy practices
- Default to consent for marketing and fundraising communications
- Combine multiple asks into a single opt-in statement
- Offer granular opt-ins by channel
- CRM systems structured around consent



Consent as a Lawful Basis

- UK GDPR sets a high bar for valid consent
- Keep consent separate from other T&Cs
- Must be unambiguous and involve clear affirmative action
- Pre-ticked boxes or default consents methods are not valid
- Provide distinct consent options for different processing activities
- Individuals must be told about their right to withdraw consent – and should be able to do so easily at any time
- Need to keep clear records of consent



Legitimate Interests as a Lawful Basis

Most appropriate when:

- Processing is reasonably expected by individuals
- There is minimal privacy impact
- There is a compelling justification for the processing

*“You can rely on legitimate interests for marketing activities if you can show that how you use people’s data is proportionate, has a minimal privacy impact, and people would not be surprised or likely to object – but only if you don’t need consent under PECR.” **ico.org.uk***



Legitimate Interests Assessment (LIA)

- Light touch risk assessment
- Should be completed **before** you start the processing
- Keep under review and repeat if circumstances change

Part One:
Identify the
purpose

Part Two:
Apply the
necessity test

Part Three:
Do the balancing
test

Part Four:
Reach a decision
and document it



At The Point of Data Capture Tell People

- Who you are
- What data you're collecting and why
- Name your lawful basis i.e., legitimate interests
- Explain what those interests are
- Give them an opt-out and tell them they can object at any time
- Link to your privacy policy



Example

[Organisation] is committed to protecting your personal data. We process your data for certain legitimate business purposes, in order to provide you with the best experiences and most relevant information about our activities as an Arts Charity. Learn more in our Privacy Policy[link].

We would love to keep you updated on the latest news, events, hospitality and ways in which to engage with and support [Organisation].

You will need to repeat this step each time you book to remain opted out or you can unsubscribe at anytime. If you would prefer NOT to receive these please **untick** the box(es) below.



Email



Telephone



SMS



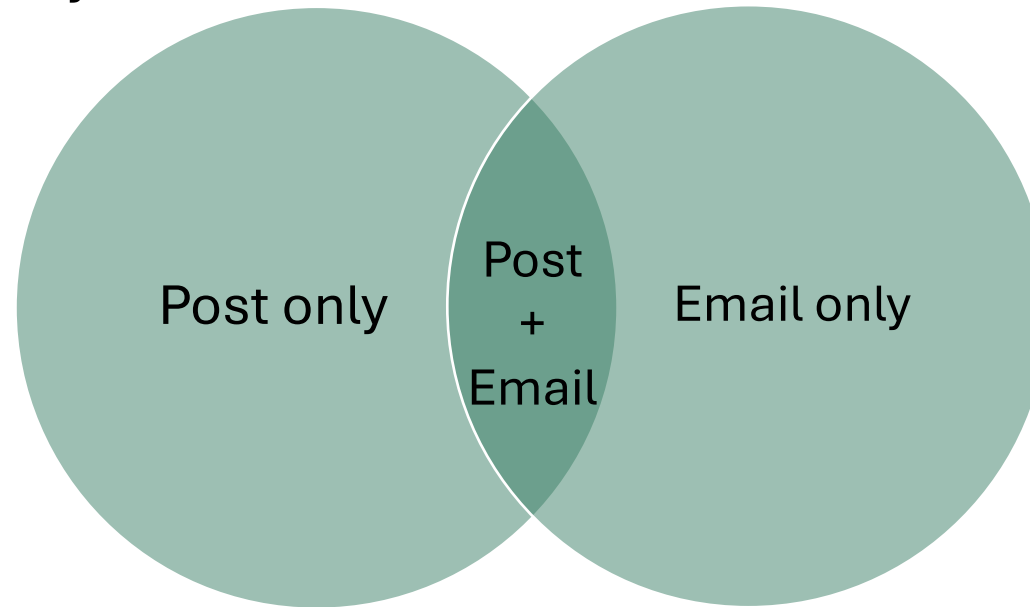
Post



10 Things To Do If Considering This Route



1. Complete a Legitimate Interests Assessment
2. Speak to your CRM supplier and web developers
3. Take a snapshot of your database



Do Not Contact



10 Things To Do If Considering This Route



4. Review your purchase and donation pathways
5. Review your current consent mechanisms
6. Craft your legitimate interests statement
7. Make the business case
8. Tag people in your database who have previously given consent
9. Update your Privacy Policy
10. Tell people

