



**GDPR: Have you sorted out your Legal Basis of processing yet? And have you thought through all the implications?**

For those who came to the Global Connections seminar last September, you will remember that I spent a whole session helping you think through your legal basis of processing, especially for direct marketing communications.

Direct marketing has a broad definition. It applies to any communications that are directed to individuals and promote the organisation's aims and ideals. So, the Prayer Diary that you mail out to Mrs Dorothy Jones at 22 Acacia Avenue **is** direct marketing!

The legal basis of processing depends on the channel. There's no choice for e-mails and text messaging. You have to have Consent. But for live phone calls and direct mail there is a choice: Consent or Legitimate Interest.

In my consulting work with Christian organisations, I'm finding that most are going down the legitimate interest route for direct mail. The detrimental impact of Consent for their supporter engagement and income is just too much to handle.

But legitimate interest isn't a soft option. If you're going to implement it well, there are a number of things you have to get right:

1. You must give your supporters an option to say "no" to future direct marketing. In many instances, I've been working with my clients to do this alongside a supporter newsletter to land before May 2018.
2. You have to rewrite your Privacy Notice and (as part of that) you have to spell out your legal basis of processing for different purposes.
3. You have to document your decision to rely on legitimate interest for each purpose (a so-called Legitimate Interest Assessment) and get it signed off by someone who doesn't have a direct interest in the decision. The first thing to do is actually work out the different purposes you have. Do you do research using publicly available data on prospective major donors? If so, you need a document. Do you have a lot of legacies that you need to administer? If so, you'll need a document. I've written up to 10 documents for my Christian clients and now have loads of experience so get in touch if you need any help.

That's the technical stuff out the way. But you can't breathe a sigh of relief just yet!

Legitimate Interest isn't a "free pass". You have to be able to show that supporters are engaged to be able to rely on using this approach. For fundraising appeals in smaller charities, the rule of thumb would be that supporters should have given within the last three years. I know some Christian organisations that have big events every four years and they could justify extending this period.

But the point remains: on a continuous basis you need to be monitoring the recency of supporter engagement and working out how to keep supporters actively engaged.

A big piece of my consulting work with one Global Connections member has been to design a "reactivation" campaign with their supporters who haven't given for a while. That's something you need to think about. Otherwise you may find yourself only having a legitimate interest in mailing a much smaller number of supporters than you thought after May 2018. It's something you need to fix now.

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