

# Advancement Services in the European Market: Evolution, Compliance and GDPR



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# MANCHESTER 1824

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The EU's General Data Protection Regulation (GDPR) is a set of laws that govern the processing of personally identifiable data that is used to provide goods or services to individuals in the European Union (EU).

# GDPR is transforming the world of data

and along with it every global institution and  
its **business processes**  
and **culture.**

Rewind to November 2016...

**MAJOR GIFTS  
PROGRAMME**

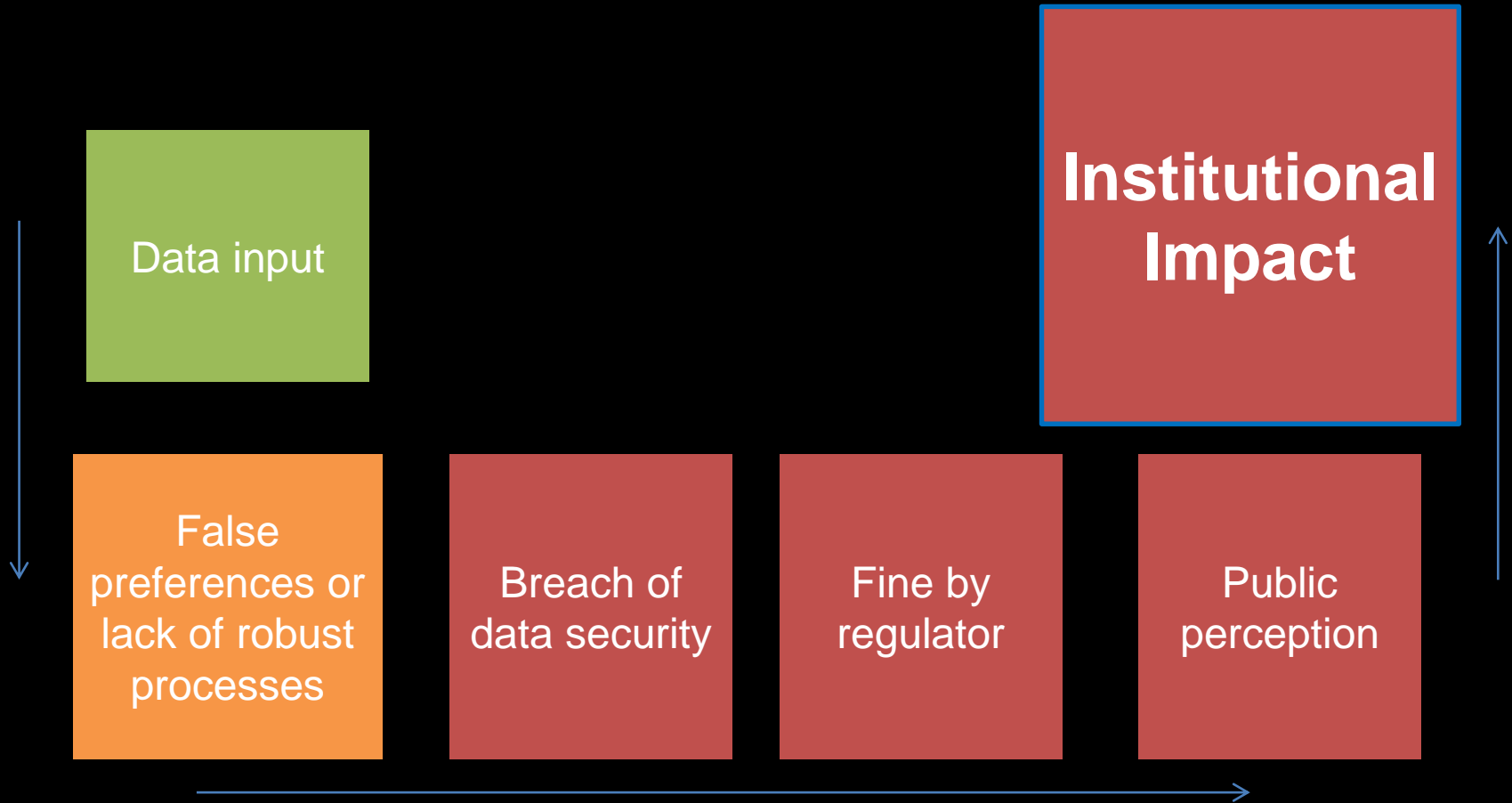
**ALUMNI RELATIONS  
PROGRAMME**

OPPORTUNITY

VS

CHALLENGE

# Why care?





# Session themes

1 The basics behind the  
current evolution of our  
marketplace

2 Our understanding of  
evolving legislation

3 How we've been dealing  
with this regulation  
landscape in practice

4 Challenges and  
opportunities with  
compliance

5 What you can you  
be doing to  
prepare?

# Disclaimer!

- We will provide information, not legal advice.
- All based our own interpretations and personal understanding, and our home institutions' approach and appetite for risk.
- Our view is UK perspective based on experience in a university and conservatoire.
- The law and guidance continues to evolve – we've based this presentation on what we know in February 2018.

# Learning outcomes

1. Insight into the European Higher Education fundraising sector with specific learnings about the growing Advancement Services profession.
2. An understanding of European legal regulations and the continent's compliance landscape.
3. Appreciation of how the European sector is tackling the changes... to give ideas for things you might want to apply in North America.

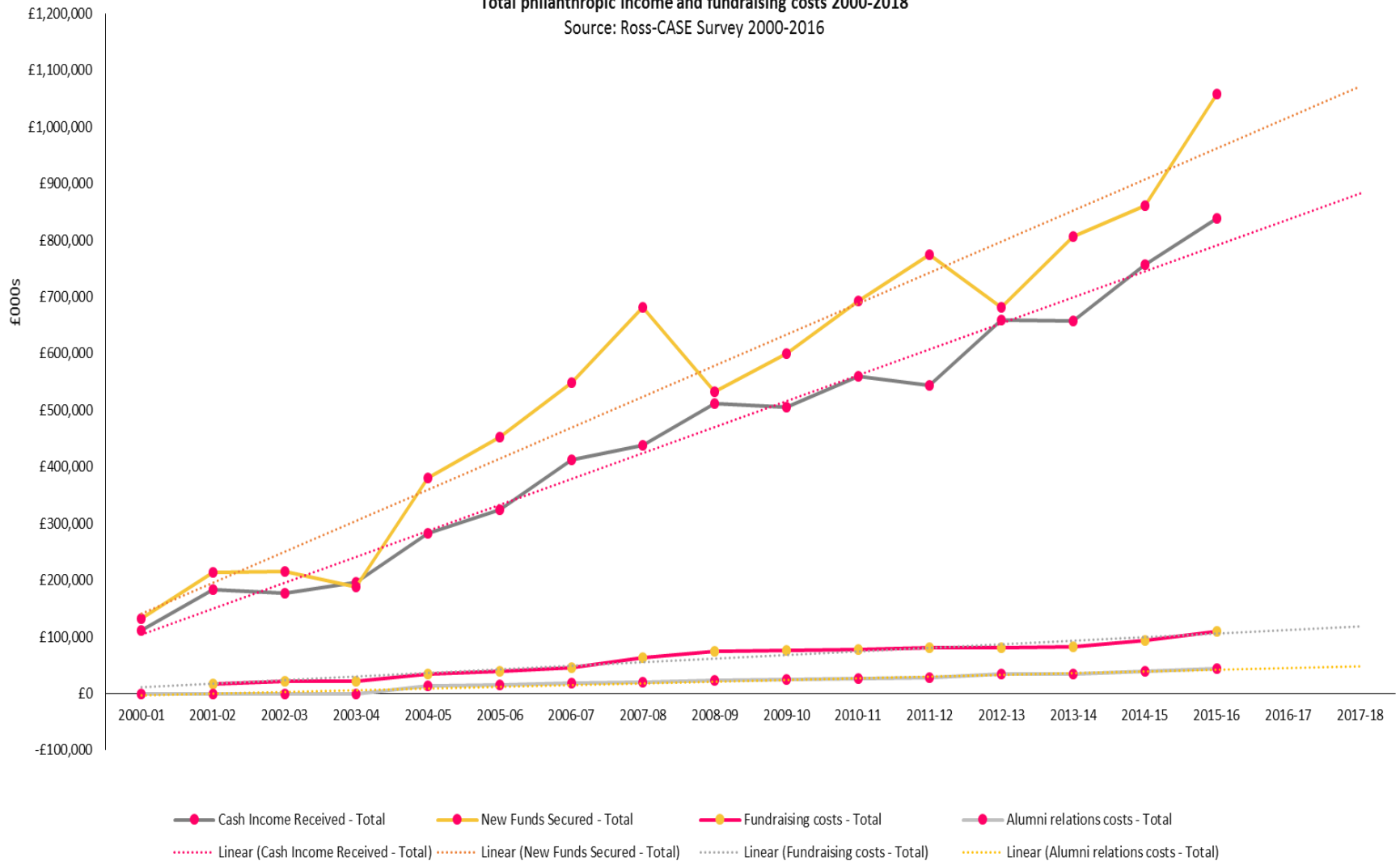
# Chapter 1

## Insights into the European market

# Ross-CASE Survey [1]

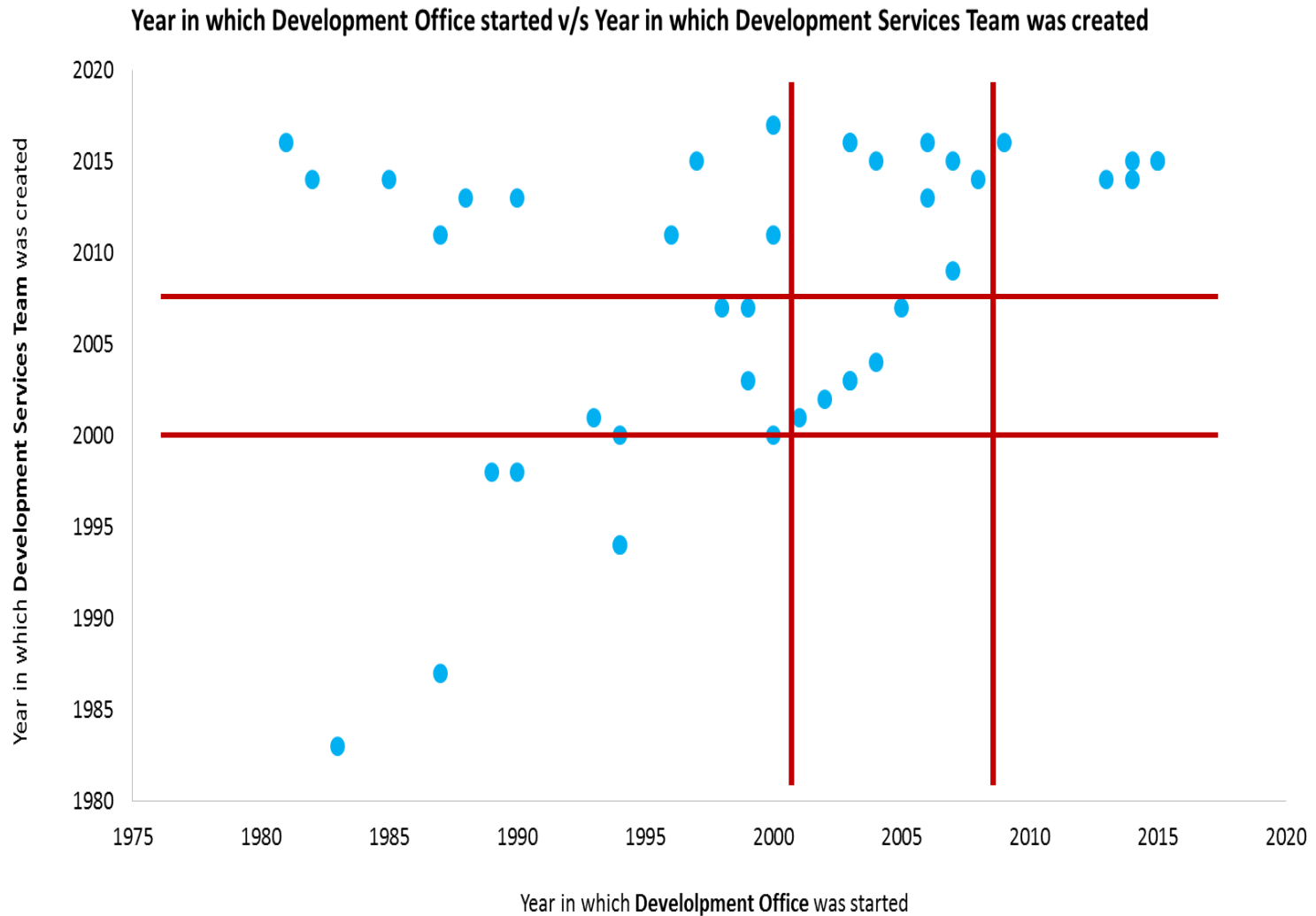
Total philanthropic income and fundraising costs 2000-2018

Source: Ross-CASE Survey 2000-2016



*Data courtesy of CASE Europe, insights from Ross-CASE Survey 12/2017*

# Development Services Survey [1]



***Data courtesy of CASE Europe, insights from Development Services Survey 12/2017***

# Development Services Survey [2]

## Average Team Size

Average Development  
Staff

26.3 FTE

Average Development  
Services Staff

8.4 FTE

32%

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78 FTE 19 FTE 9 FTE 2.5 FTE



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# Development Services Survey [3]

80%

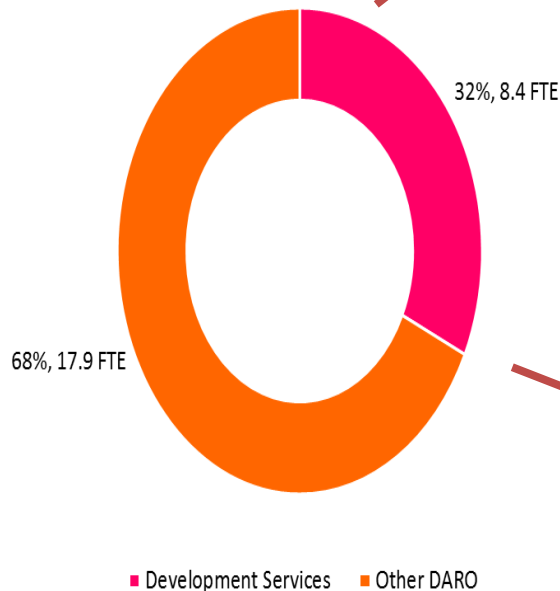




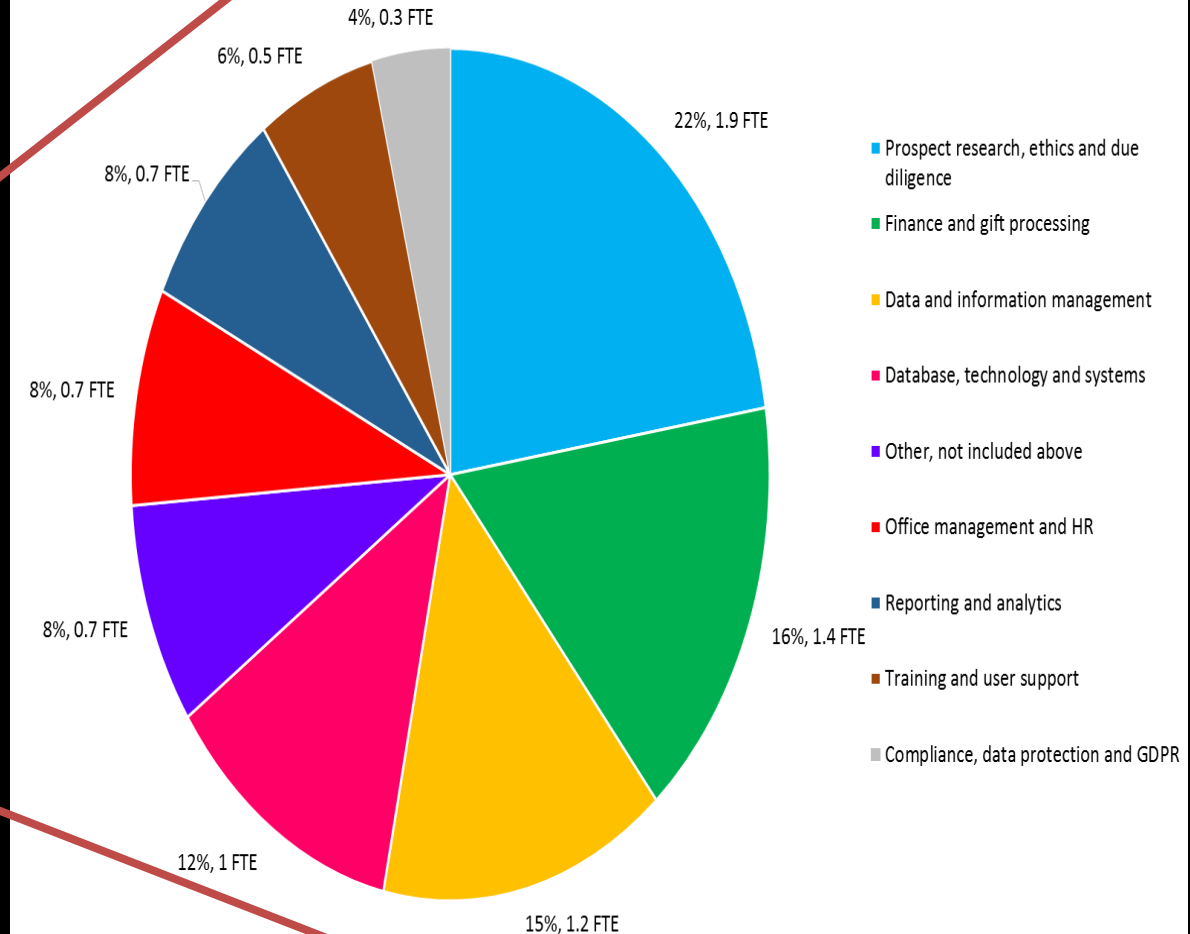
# Development Services Survey [4]

## Average Team Size

DARO Staff - 26.3 FTE



Development Services Team Structure - 8.4 FTE



# Development Services Attitudes Survey [1]

## Perceived importance of areas

Area	1	2	3	Total Respondents
Data and Information Management	27%	30%	14%	105
Compliance, Data Protection and GDPR	24%	21%	23%	105
Database, Technology and Systems	23%	20%	16%	105
Finance and Gift Processing	13%	8%	21%	105
Prospect Research	7%	6%	5%	105
Office Management and HR	3%	1%	2%	105
Reporting and Analytics	2%	7%	10%	105
Due Diligence	2%	7%	6%	105
Training and User Support	0%	1%	4%	105

*Data courtesy of CASE Europe, insights from Development Services Attitudes Survey 01/2018*

# Development Services Survey [5]

Privacy notice specifically for  
Development Office: 91%

Changes made to this in the  
last twelve months: 71%

## WHY?

# Chapter 2

Our understanding of the  
evolving legislation

Why the need for new legislation?

- 1. Providing clarity**
- 2. Giving people control**
- 3. Bringing privacy laws into the twenty-first century**

# The powers

- European Union – regulations and directives.
- National governments - UK Parliament an example.
- Information Commissioner's Office (ICO).
- Fundraising Regulator.
- Charity Commission.



# The legislation

- UK Data Protection Act 1998.
- Privacy and Electronic Communication Regulation (PECR) 2003.
- GDPR – 25 May 2018.
- E-Privacy Regulation – TBC.





# Media culture [1]





# Media culture [2]

## MILLIONS SPIED ON BY GREEDY TOP UNIVERSITIES

They secretly hire investigators to snoop on ex-students' salaries, pensions and even friends in drive for donations

How our reporters revealed what they were up to

**SHAMED:  
CHARITY  
COLD CALL  
SHARKS**

From the Mail, July 7, 2015

**He forgot to  
tick one box...  
then charities  
sold Samuel's  
private details  
across world**

September 1, 2015

**RSPCA DONORS ARE  
'WALKING WALLET'**

September 2, 2015

**REVEALED:HOW  
RSPCA SNOOPS ON  
WILLS OF DONORS**

September 2, 2015

**Now MPs  
will quiz  
charities  
over trade  
in donor  
details**

September 4, 2015

## REVEALED: HOW RSPCA SNOOPS ON WILLS OF DONORS

## NEW SHAME OF THE CHARITIES

They pass on frail widower's details 200 times ++ He gets 731 demands for cash ++ And loses £35,000 to commen

CHARITABLE sold personal details of a widowed mother to more than 200 charities and the details of her death. She died of pancreatic cancer in 2011. The charity that sold the details was the RSPCA.



**Boyfriend  
held after  
concert**

**Using Mail  
INVESTIGATIONS  
ONLY**

# GDPR [1]

- Media culture prompted review of practices.
- GDPR = **25 May 2018**.
- Regulation not a directive... *have to do it*.
- **Penalties for getting it wrong *can be* severe: €20m (\$24.5m) or 4% of turnover.**

# GDPR [2]

- Interpretation.
- Processing must be 'fair', and **we must tell people what we are doing = 'how we use data'**.
- 'Privacy by Design' – ingraining privacy into *all* business practices.
- **Need a ground for lawful processing = 'why we can'**.
- **Six grounds for legal processing under GDPR**; can use a combination.
- Sits besides the **eight rights of individuals**.

# GDPR [3]

## 1. Legitimate interests

- *'We're doing this, tell us if you'd prefer we didn't'*
- Can apply if your organisation has a legitimate business need for processing data which has been balanced against the rights and freedoms of the data subject and will not cause undue harm or distress.
- You must tell people you are doing this via a Privacy Notice.
- A Legitimate Interests Assessment (LIA) is also required.
- **Evidenced** decision making **using data**.

# GDPR [4]

## 2. Consent

- *'Please may we do this?'*
- Must be 'freely given, specific, informed and unambiguous'.
- Must be able to demonstrate you have consent.
- Consent can be withdrawn at any time.
- 'Special category data' always requires consent to process.
- If looking at current data, can you prove historic consent?
- **Creating the data** that provides the **evidence** for legitimate marketing.

# GDPR [5]

## 3. Performance of a public task

- *'As a public body, we have to do this.'*

## 4. Legal obligation

- *'The law says we have to do this.'*

## 5. Contractual obligation

- *'We have entered into a contract so we must do this to fulfill it.'*

## 6. Vital interests

- *'It is a matter of life or death that we do this.'*

# GDPR [6]

- Once have a legal basis (or bases) for processing, need to ensure other criteria are met and **that you can demonstrate this**.

Data must be:

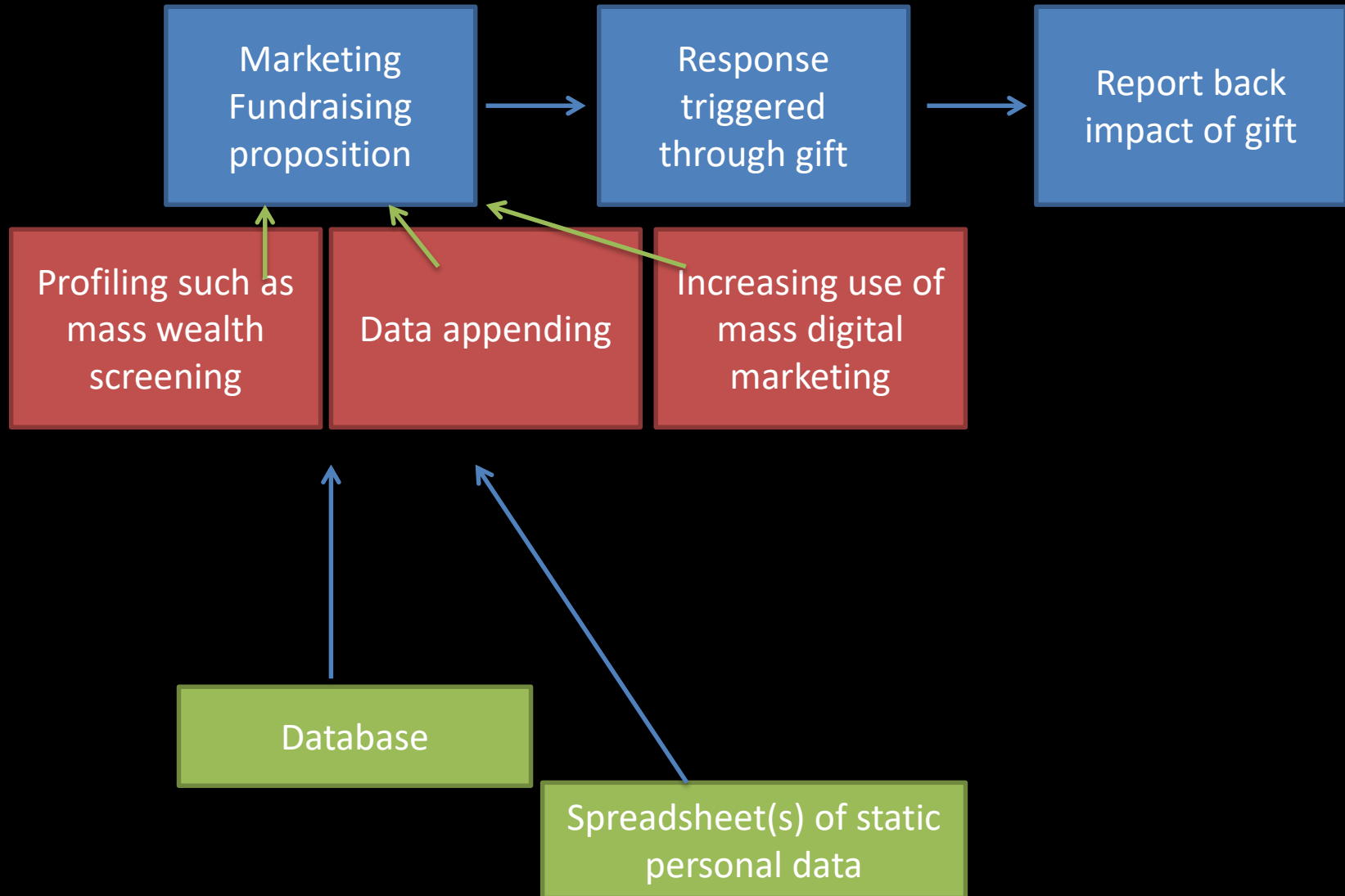
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes;
- accurate and, where necessary, kept up to date – with incorrect data erased or rectified;
- kept for no longer than is necessary;
- processed in a manner that ensures appropriate security of the personal data.

# GDPR [7]

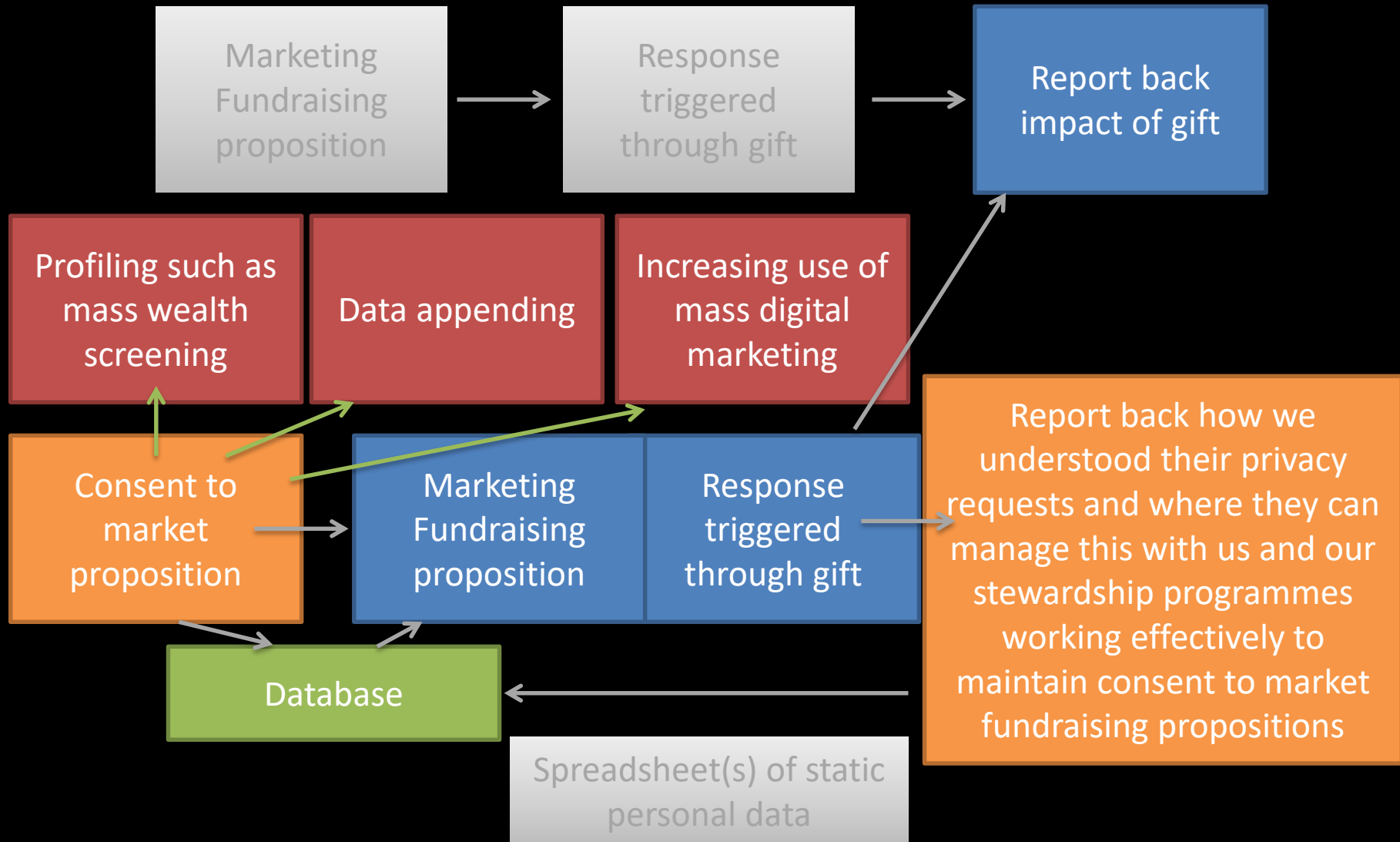
- Individuals have eight fundamental rights under GDPR:
  - **Right to be informed:** *'I know what you're doing with my data.'*
  - **Right of access:** *'I can access the data you hold on me.'*
  - **Right to rectification:** *'I can ask you to amend my data.'*
  - **Right to erasure:** *'I can ask you to delete my data.'*
  - **Right to restrict processing:** *'I can stop you processing my data.'*
  - **Right to data portability:** *'I can ask for a copy of my data in a transferable format.'*
  - **Right to object:** *'I can stop you doing things with my data.'*
  - **Rights in respect of automated individual decision-making** (profiling).



# Evolution not revolution [1]



# Evolution not revolution [2]



# Chapter 3

## Evolution in practice: adapting our programmes

# Case Study: The University of Manchester [1]

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- Division of Development and Alumni Relations (DDAR) activity alongside 'all institution' activity.
- **Action plan within the Division.**
- Our institutional interpretation!
- Ensuring transparency – we make sure people know we are doing, and what rights they have over their own data.

# Case Study: The University of Manchester [2]

1. Our **Privacy Notice** has been rewritten to be clearer and more explicit about the data we hold, how we use it, what our responsibilities are and what the rights of our alumni and supporters are.

**<https://your.manchester.ac.uk/privacy>**

We continue to monitor changes to legislation and related guidance and update the Privacy Notice accordingly, working with the University's Governance team.

# Case Study: The University of Manchester [3]

## 2. **Communicating our updated Privacy Notice.**

To ensure that our Privacy Notice is seen by as many of our constituents as possible we have sent it to all alumni and supporters contactable by email: circa 188,000 people.

Those who had not received it via email but who we could contact by post received a printed version - circa 161,000 people.

# Case Study: The University of Manchester [4]

3. **Monitoring consent.** We are not formally adopting a wholly opt-in position but are monitoring how our alumni and supporters respond to being asked whether we can stay in touch and use their data – **building an evidence base.**
4. **Opt outs.** We now include clear, ‘one phase’ opt outs anywhere we include the Privacy Notice – **giving people control.**
5. We have worked with the Student Systems team to ensure that the **matriculation agreement** has the most up-to-date reference to sharing data with Development and Alumni Relations – **consistent transparency.**

# Case Study: The University of Manchester [5]

6. We have **enhanced data collection at the point of graduation registration**. All individuals are presented with our Privacy Notice and the data we hold on them asked to update it – **data accuracy and education of individuals**.

7. We **postponed all wealth screening** until we had communicated our revised Privacy Notice – again, **ensuring transparency and giving people control**.



# Case Study: The University of Manchester [6]

8. We are working with the Russell Group, CASE Europe and Universities UK (UUK) as part of a **GDPR working group** to devise best practice in the area of GDPR compliance – sector wide approach.

9. We have reviewed our **Confidentiality and Non-Disclosure Agreement**, which we use when sharing our data outside Development and Alumni Relations, both internal and external – helping security of data.

10. We have designed and implemented a new and more robust **systems access process and training programme** – data security.

# Case Study: The University of Manchester [7]

11. Where we identify **colleagues outside DDAR are collecting alumni data we are attempting to ensure that the DDAR Privacy Notice is included** – transparency and culture shift.

12. We have created a new process for dealing with people who **invoke their ‘right to be forgotten’**.

13. We are completing an **assessment of the legal bases for processing** for the data we have in each collection.

# Case Study: The University of Manchester [8]

## What next?

- Complete the University's Information Asset Register for Development and Alumni Relations.
- Create a data retention policy for Development and Alumni Relations.
- Clarify the University's position on consent.
- Ensure software and processes reflect consent position.
- Ensure we have a GDPR-compliant Privacy Notice before 25 May 2018.
- **GDPR is not stopping what we are doing, we are just having to alter some of our processes and practices.**



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## **Case Study:** *Royal Academy of Music*

Highlighting change management at all levels

# Case Study: Royal Academy of Music [1]

## Practical update on Paperwork



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### Data Protection Memorandum of Understanding

The Royal Academy of Music is working with you to provide a service to its constituents within compliance of UK data protection legislation. Sharing of alumni, audience, friend or donor data with you is subject to the following points and data protection provisos:

- Data we provide may only be used for the following purposes on our behalf:
  - Contacting individuals and businesses on matters related to the Royal

### Data Protection Statement

I hereby acknowledge that:

1. I agree to abide by the UK Data Protection legislation, the Academy's Data Protection rules and the data protection provisos regarding sharing of individual data. I understand that I must follow the Eight Principles of Data Protection incorporated in those rules, namely:

When processing personal information data must:

1. be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
  2. be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
  3. be adequate and kept up to date
  4. be accurate and not excessive for those purposes
  5. not be kept for longer than is necessary for that purpose
  6. be processed in accordance with the data subject's rights
  7. be kept safe from unauthorised access, accidental loss or destruction
  8. not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data
2. Any personal data supplied to me by the Academy for Academy administrative

# Case Study: Royal Academy of Music [2]

## Example of process development – Prospect Qualifications

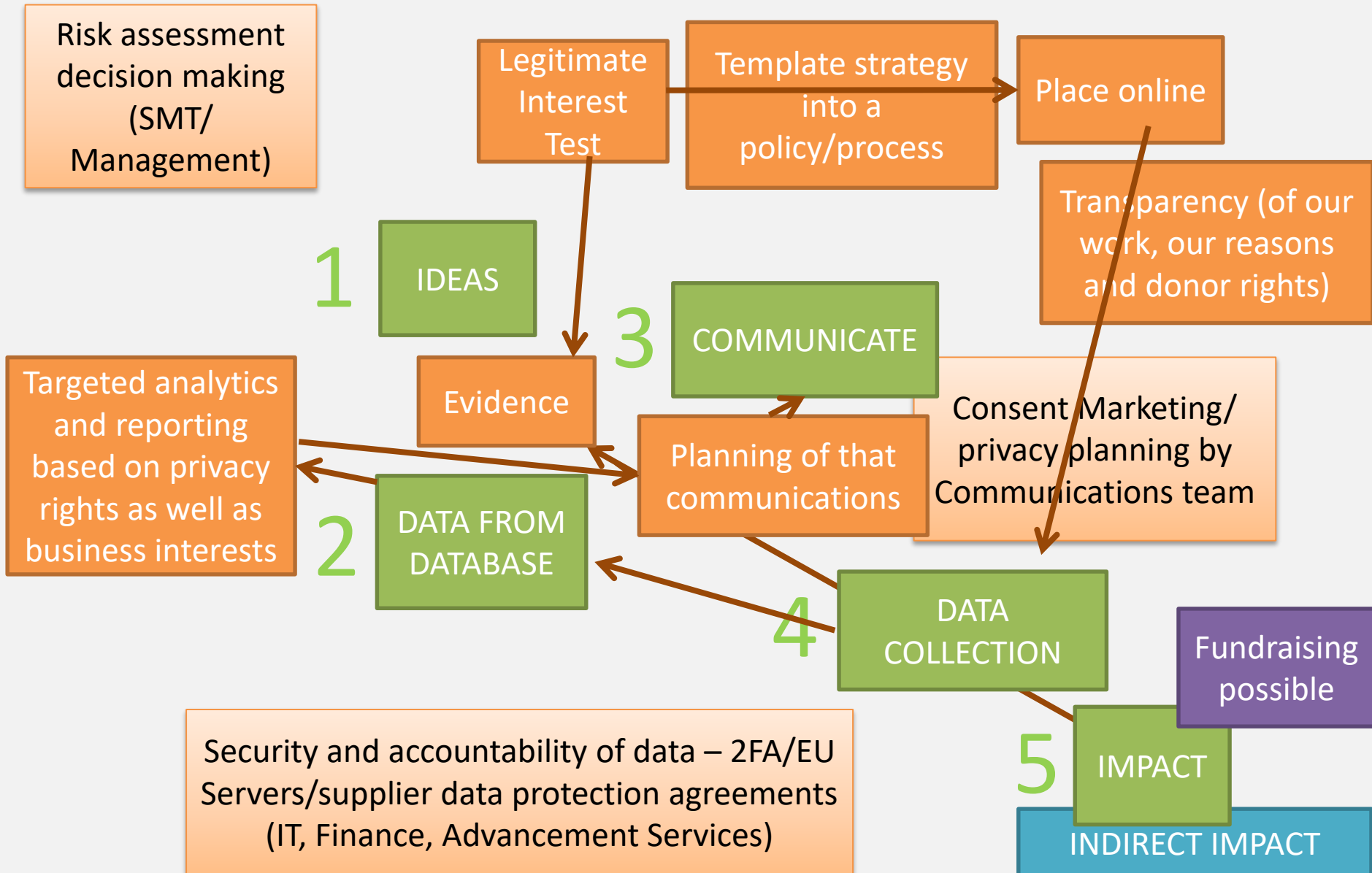
We are likely to use Legitimate Interest for our research focus. This includes:

- **all data onto a central system** – Protects process of data management and the evidence between referrals or data mining. Privacy Policy is being attached to marketing activities to advise of this type of processing.
- **Qualification of prospect is now limited to a ‘Thumbnail’.** No more than an hour and all sources used are included within the thumbnail on the system. Win is it actual speeds up our assignment and new prospect process. Within 6 months we’ve gone from zero qualified prospects to 500 from 2 part time researchers. Once prospects are past the discovery stage we look at more in-depth profiling.
- **Campaign Capacity ratings** are now not focused on the individuals lifetime wealth rating. It is a business rating reflecting their total potential gift within our planned 10 year campaign – this is providing us with a live tracker of our current likely campaign performance and whether we need to increase our efforts in any particular gift capacity range. We’ve now know we’ve reached 25% of our target amount, which is a vital business interest – legitimate.
- **Due Diligence** – we’ve now set the amounts for research. With new donors we complete a quick brief on them to understand who they are and where their money came from. This is a quick google search. Anything over £10k gets a standard report and anything over £100K planned gets a Dow Jones report and is taken forward to our gift acceptance committee – legitimate.
- **All fundraiser plans and processes are recorded onto our CRM** – plans are mapped for each managed prospect from the start of the assignment including life cycle of stewardship and recognition which helps to show how we do this in the best interests of the donor. Gift Memorandums of Understandings are developed at the stage of the gift.

## Case Study: Royal Academy of Music [3]

How to create the  
balance between  
Legitimate interest and  
consent?

# Case Study: Royal Academy of Music [4]





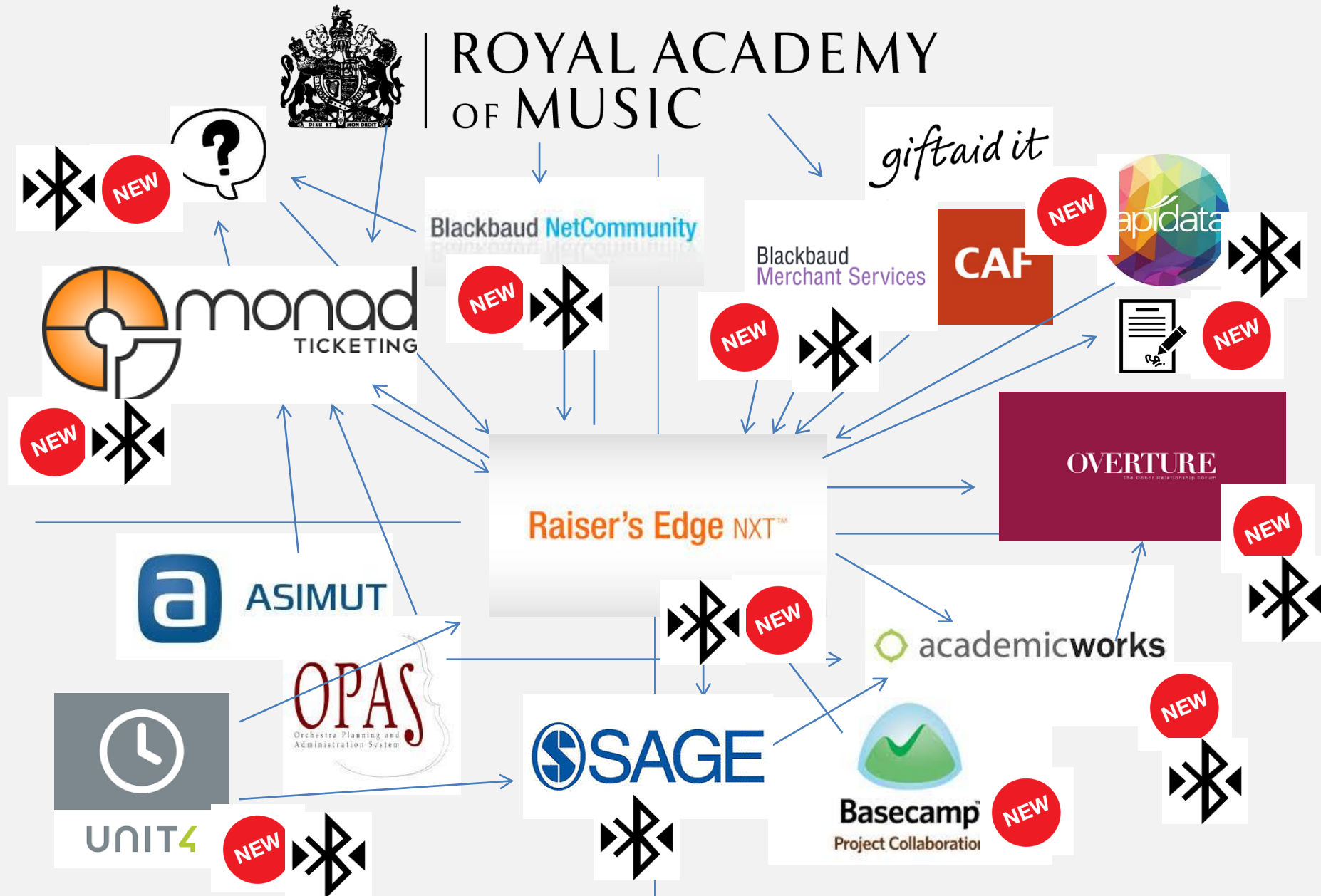
# Case Study: Royal Academy of Music [5]



# Case Study: Royal Academy of Music [6]

What this looks like in  
real life

# Case Study: Royal Academy of Music [7]



# Case Study: Royal Academy of Music [8]

Why does RAM care?

- About people buying tickets? *(this allows us to ask interesting questions)*

Public  
impact

Improved institution

Better Results

Widened  
Participation

Referral

Cultivated  
Relationship

Self- Service

Major  
Philanthropic  
Donation

Scholarships  
Funded

Scholars  
Awards

Evidence for  
legitimate interest

# Chapter 4

## Considerations and takeaways

# Key considerations

- What is your **legal basis** for processing?
- What will your alumni and supporters **reasonably expect**?
- Will the expectation of alumni and supporters vary by **location**?
- Can you meet your alumni and supporters' **rights under GDPR**?
- Do you need a **separate approach for EU** constituents with regards privacy?
- Or can you become GDPR compliant by **adapting current processes** and notices?
- Can a more **transparent approach to privacy** benefit your whole programme?
- What **other areas** in your organization, if any, will be affected by GDPR?
- Is your **work high risk**?
- And what is your **organisation's approach to perceived risk**?

# Key takeaways

## 1. GDPR has global impact

GDPR will affect organisations globally, and you cannot afford to wait for 25 May 2018 to tackle it – you need to review the data you process which relates to providing goods or services in the European Union.

## 2. An institutional approach is required

This is not a challenge unique to development and alumni relations. Institutions need to decide on the approach best for them and their constituents based on their understanding of the potential risk. There is no ‘one size fits all’ approach, and senior managers must take the lead.

## 3. The changes can be hard work, but ultimately positive

The changing legislation has encouraged projects which have actually improved our alumni relations and fundraising programmes. Being transparent, ethical and open to those who trust us and believe in our work can only improve the alumni and supporter experience.

**Questions?**



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