

Mr K Burnett

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LONDON
N5 ██████████

27 April 2017

Dear Ken,

Many thanks for your letter of 24 April 2017 and your continuing engagement with the issues you have outlined.

Your letter has been passed on to the staff in my office dealing with the consent consultation and it will be considered alongside other responses.

It is important for me to stress that the consultation we have just undergone is on our guidance on consent only. It was never intended to cover the subject of the legitimate interests condition for processing in addition to consent. The use of legitimate interests is a significant issue in its own right, and not only when it comes to their relationship with consent. The legitimate interests condition will be dealt with in separate guidance later in the run up to GDPR implementation.

From the point of view of the ICO, while some marketing channels require consent other channels may, as long as the GDPR is complied with, enable legitimate interests to be used as an alternative processing condition. It is important to remember that the legitimate interests of a charity are not the only consideration and that the interests of the data subject must also be considered.

I have asked my staff to meet with the Fundraising Regulator soon to discuss the interplay between our guidance and theirs and I am copying this letter to key staff at the Fundraising Regulator.

I hope this helps explain how my office is continuing to work on the issues outlined in your letter and I am sure you will forgive me for not prejudging the outcome of the consultation process we have just undertaken.

Kind Regards



Elizabeth Denham
Information Commissioner

