

## **ISOBRO's comments on the revision of the data protection framework**

ISOBRO, The Danish Fundraising Association, acknowledges the great importance of the protection of personal data and therefore welcomes the review of Directive 95/46/EC. However, the intentions must not be implemented in such a manner that they unduly hinder the invaluable charitable, volunteer-based, humanitarian, social, and development work carried out by the civil society sector.

ISOBRO has taken notice of work being done by the European Parliament, the European Commission and the DAPIX Working Group of the Council of Ministers. On behalf of our members, we would like to make the following comments.

- 1. Without third party legitimate interest funds for charity will be reduced.** External data operators and telemarketing agencies play a vital role in raising funds for charitable causes. Without these specialised external parties, the amounts raised for charity will be considerably reduced. Many charities and foundations do not have the manpower or the know-how to run effective direct-marketing campaigns on their own. Fundraising organisations also collect social security numbers and bank account numbers from their members, used in the setting up of payment arrangements. In various instances the social security register is used to confirm data. ISOBRO reiterates the importance of the **legitimate interest of third parties**:
  - ISOBRO welcomes rapporteur Albrecht's amendment 101 which explicitly lays down that processing of personal data by charities and foundation will fall under legitimate interest. However, the amendment does not recognize the vital role of third parties in raising funds.
  - ISOBRO welcomes various amendments (873, 874, 878, 880, 882, 884) to put third party legitimate interest back into the regulation.
  
- 2. The administrative burden of the regulation should not be too heavy. ISOBRO therefore welcomes the Council's commitment to a risk-based approach and amendments in the European Parliament to keep the administrative burden manageable.** ISOBRO's members mostly are small organisations with limited financial resources. ISOBRO recognizes the duty to process personal data with great care, but would like to underline that data processing is not the core activity of charities and foundations, nor that they collect the most sensitive types of data. They cannot be submitted to the same standards as e.g. online multinationals. In particular, ISOBRO would like the risk-based approach to be applied to:
  - Article 26 (Processor): when data is processed by an external processor, it is very hard for small charities to oversee the processing and ensure compliance with the regulation. This is the responsibility of the processor itself. Also limits should be incurred to the level of detail put into the instructions to the processor.

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- Article 28 (Documentation): ISOBRO is in favour of a differentiation between small and larger organisations and deems the limit of 250 staff as appropriate.
  - Article 31 (Notification of data breach) & article 32 (Communication of breach to data subject): The articles should be formulated in a way that organisations do not need to spend time and effort on reporting small deviations, as long as the risk of abuse or other inconvenience for the data subject involved is minimal.
  - Article 79 (administrative fines): a risk-based approach should make a clear distinction between unintentional and intentional violations, for-profit and not-for-profit processing and the sensitivity of data. ISOBRO is concerned by the possibility of huge fines.
3. As the definition of ‘consent’ is likely to become stricter and more types of data processing may require consent, **ISOBRO believes that previously obtained consent should remain valid under the new regulation.** ISOBRO’s members do not wish to lose members and donors who voluntarily submitted their data and permitted the processing of this data, because they oversee a request to reaffirm their consent. Therefore, ISOBRO supports amendments 664 and 665.

### Who is ISOBRO?

ISOBRO is the Association of Danish fundraising organisations. Since its establishment in 2001, ISOBRO has continuously worked to serve its member organisations in Denmark by politically influencing a wide range of legislative areas in order to improve its members’ financial situation with respect to both income and expenses, and has also taken a very active part in the European Fundraising Association. ISOBRO has more than 150 members, comprising organisations of all sizes, mainly in the sectors of international humanitarian aid and national social aid organisations, disease-combating organisations and organisations for various disabled groups, organisations concerned with nature, environment and animal protection, and church-based and religious organisations.

Total turnover for the third sector in Denmark is approx. DKK 10 billion, and private funding amounts to approximately DKK 4.5 billion per year. Private funding sources include membership fees, donations, bequests, sponsors, income from events and merchandise, grants – all kinds of income that does not originate from government sources or the EU.

Envisioning a world without civil society organisations is impossible, and its importance to society has increased immensely over the past years. Young people donate money and their time, which has a strong impact on their sense of democracy and citizenship. Old people leave money to the causes they have supported all their lives and want to keep supporting even after they are gone. Civil society organisations enter into partnerships with businesses in an effort to take joint social responsibility.

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All over Europe we see governments wanting to form partnerships with civil society organisations. This is probably in part due to the economic crisis, which has a negative effect on governments' ability to provide welfare, but also because civil society organisations contribute enthusiasm, engagement and closeness. The third sector is the indispensable glue that connects people in a joint cause.

Best regards  
ISOBRO

Robert Hinnerskov  
General Secretary

#### The board of ISOBRO

- Tina Donnerborg, Red Cross
- Nis Peter Nissen, Alzheimer's Society
- Trine Sisbo, The Cancer Society
- Torben Schack, DaneAge Association
- David Vincent Nielsen, Caritas Denmark
- Johnny Lindgreen, The Lutheran Mission Society's
- Lene Smith, The Danish Society for Nature Conservation

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