



Give as you Live®
Online

July 2022

Statement of compliance with
UK Data Protection Law and FAQs

Important information

This document contains information you may require when considering the data protection compliance of Give as you Live and its associated services. It includes information to help you understand your organisational status where personal data is shared with or by Give as you Live.

You will see from the information provided below that Give as you Live (GAYL) is acting as a data controller when it offers its services to a charity. As a charity, you will also be a data controller but separate from GAYL.

When GAYL finds a new donor or provides personal data of a shopper that is supporting you, you will be notified of their preferences and whether you can contact them for future support. Regardless of whether they opt out of receiving fundraising communications from you in the future, you will have access to their personal data for administrative purposes.

It is important in such circumstances (where they have opted to not hear from you), that you do not send them fundraising communications as this would be an infringement of the UK GDPR. Please ensure you are able to identify the difference between the preferences the individuals have chosen, if you are in doubt please get in touch. We take no responsibility for any such infringements.



Section 1 – Data sharing

Question	Answer	Guidance
In what capacity does GAYL process the personal data?	As an independent data controller	This means that GAYL will be processing data according to its own policy which ensures you are not responsible for the personal data or the processing activity until you start to process it.
What is our status?	You are also an independent data controller separate from GAYL	This means that you will be responsible for the data processing from when you access the data which originates from GAYL. You will apply your own policy decisions which are separate from GAYL.
Do we need a data sharing agreement?	The law does not require us to have a sharing agreement. The clauses that relate to the personal data that are shared are in the GAYL service agreement.	Please see principal agreement
Do you use data processors?	Yes, we use various storage arrangements, but these data processors are our responsibility.	We use various data storage arrangements where data is stored outside of the EEA countries and the UK. In such cases UK specific safeguards are in place. This does not create any compliance issues for you.
Are we sharing any data with GAYL?	Probably not, the data flow is normally in one direction only, from us to you.	GAYL generally generates the support and shares the data with the corresponding charity. Sometimes however, you may.

Section 2 – Overseas transfers

Question	Answer	Guidance
Will personal data be transferred outside of the UK?	Yes, GAYL stores data in the US and has appropriate safeguards in place to protect the rights of those identified.	You may store data wherever you have decided is best. Neither party's decision-making process affects the other party's compliance.
If yes, please confirm the transfer mechanism in place?	Yes, in accordance with the UK International data transfer regime effective from 21st March 2022	UK Addendum in conjunctions with EU Standard Contractual Clause or the UK International Data Transfer Agreement. Both safeguards are subject to a UK Transfer Risk Assessment.
What directions will personal data be travelling?	Out bound and in bound	The new regime allows for data to return to its origin without any special arrangements.
What is the purpose of the transfer by GAYL?	Storage	Please see above.
Do we, the charity need these arrangements in place?	Yes, if you store data outside of the UK or the EU/EEA countries	Please see link to the ICO guidance here - https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/international-data-transfer-agreement-and-guidance/

Section 3 – Security and compliance management

Question	Answer	Guidance
Do you have a fully implemented security policy?	Yes, we have a full policy that demonstrates our commitment to protecting personal data	Document attached.
Do you include confidentiality clauses in your contracts with staff and contractors?	Yes, these are required for staff and contractors.	
Do you provide staff with training relating to data protection and information security?	Yes, this is undertaken every six months	We provide in person training and eLearning services to all relevant staff.
Has GAYL every been subject to enforcement action by the ICO?	No, we have not received any enforcement action or warnings from the ICO	
How regularly do you review your policies?	We rely upon our appointed service provider to advise us any potential changes to the law. Policies and procedures are reviewed at least annually but whenever required.	

Question	Answer	Guidance
If GAYL has a data breach, does it affect us?	No, because you are a separate data controller. You are only responsible for your own processing activities including any incidents that may occur.	Please see the guidance of the ICO - https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/controllers-and-processors/
What purpose can we use the personal data you share with us?	This is important. If the individual has opted for us to not share their data for fundraising purposes, you must not send any such communications to them. You will however still receive their data for administrative purposes. If they have agreed to receive fundraising communications, you may send them anything you feel appropriate.	Please check your policy to ensure you are process data lawfully.
What is the lawful basis you use to process data?	We use the consent of the individual; they can withdraw their consent at any time.	
What is the lawful basis to share the data with the charity?	We gather consent to share the data and use the same consent to enable you to process the data.	You may wish to re-establish the consent and please make sure you uphold your obligations to the UK GDPR Art 14.
How long do you retain the personal data?	Generally, we retain data for up to seven years from when the individual becomes dormant and no longer uses our services.	You should retain the data in accordance with your policy.

Question	Answer	Guidance
What would happen if you had a data breach?	If the incident is found to be our fault, we will report it and take full responsibility, you do not need to also report it.	
Are you prepared for the changes to data protection law in the UK?	We are monitoring the situation and will act accordingly when further information is available.	If this effects the way we share data with you, we will let you know and update our agreement with you. This will most likely be by way of an addendum.
What do I do if I have a query or concern about the shared data or compliance with the law?	Please get in touch with us and we'd be please to clarify any aspect of our processing activity.	annabelle@giveasyoulive.com