

DATA AND PRIVACY CASE STUDY

Bush Heritage Australia

MAY 2021

Bush Heritage Australia present this case study on their decision not to use data swaps and coops in their marketing activities. This case study is for information only and is not an endorsement of otherwise by Fundraising Institute Australia.

Removing the use of list swaps/coops from direct marketing activities/Installing transparency in the use of personal information in all our direct marketing activities,

BACKGROUND

In 2021 trust is “driving the next decade of growth and differentiation.”¹

The public’s desire for trust and transparency is increasing in the digital age. Breaches of data, such as the Facebook-Cambridge Analytica scandal and fake news threatening the fairness of democratic elections, have put privacy and transparency at the forefront of the public’s mind.

A rise in online scams and hacking during the pandemic has also contributed to people becoming increasingly wary of giving out their personal details due to the potential risk of that information being shared with others without their consent.

In light of these recent developments, there are multiple tactics used within the Australian charity sector that deserve close scrutiny – by charities themselves – to ensure they are in line with changing community standards of best-practice privacy practice.

At Bush Heritage Australia, it was a core part of our direct mail program to buy cold data and swap warm donor data (following the Australian Privacy Principles and guidelines) to acquire new cash donors.

Over the past few months, we have been internally questioning if this practice best serves our donors and the wider giving community.

As part of this conversation, we are also witnessing new legislation being implemented around the world since the General Data Protection Regulation (GDPR) came into existence, including the California Consumer Privacy Act. As a result, we have been wondering how we would cope with meeting the requirements of many laws globally.

We faced several challenges and uncertainty around these questions. If we continued to buy and swap data, would we lose the trust of our donors? What would the short and long-term impact be for our capability to raise revenue for our critical work to protect our native species?

¹ OneTrust PreferenceChoice – [“Building trust via privacy”](#)

THE DATA DILEMMA

We reached out to other charities and FIA for advice. We spoke to our pro-bono legal partner and contacted a fundraising law expert. We also conducted a direct mail program data-driven health check to ascertain the performance of our acquisition program, to project potential income impacts in the future.

But ultimately, it was a values-based decision. As of November 2020, we terminated all of our data-swap practices and made a business decision to no longer buy or swap data in 2021 and beyond.

We are currently reviewing our privacy policy to ensure the wording is clearer and easier to understand how we use people's data in fundraising activities for our ongoing conservation work.

We are also developing a new express consent model for communications across online lead generation, direct mail and digital.

And lastly, we are assessing the way in which we can implement a 'Right to be forgotten/right to erasure' policy when requested. This is when a person asks to be removed from a database. While this seems a simple request and should be an easy task, there are potential risks to removing a record with all its details. What if there is revenue on the record? What if that person ends up on the database again and we have no history of their previous relationship with us?

THE GDPR CHALLENGE

GDPR, which was introduced in the European Union (EU) on 23 May 2018, contains new data protection requirements for Australian businesses of any size if they engage with EU businesses or individuals. According to the OAIC website, "There are also some notable differences, including certain rights of individuals (such as the 'right to be forgotten') which do not have an equivalent right under the Privacy Act."²

This is one of the first of many data protection regulations which will affect Australian charities. The UK has only recently released their own data protection regulation after leaving the EU (*The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019*) and California also released their own regulation in 2018 (*The California Consumer Privacy Act of 2018 (CCPA)*).

While we are currently managing the GDPR regulations, it is apparent that a general overarching process that will accommodate all potential regulations will need to be put in place. Bush Heritage is working on this as we expect more countries or even states, such as California has recently, will come into play within this field.

SUMMARY

Privacy is a tangled web for time-poor charities to navigate. The above changes have taken up many hours and weeks, on top of business-as-usual campaigns and appeals. Yet privacy compliance needs to be embedded as business as usual into our workflows or we will see more complaints, less income and more concerningly, the trust in our sector disintegrate. Will your charity be one of the progressive, early best-practice adopters, or will you be putting your head in the sand, hoping the issue will go away?

² <https://www.oaic.gov.au/privacy/guidance-and-advice/australian-entities-and-the-eu-general-data-protection-regulation/>