



Fundraising through Electronic Media Code of Fundraising Practice

Check-list: key questions to ask

- Do communications accurately portray the fundraising organisation's brand and identity? (3.0, 3.1, 3.1.1, 3.2, 4.1, 5.1, 8.0)
- Are communications written in clear language? (3.3)
- Are communications widely accessible? (7.1, 7.2, 8.0, 11.12)
- Is content accurate and up to date? (4.1)
- Does content through all communication streams reach the same standards? (4.1, 4.2, 10.0)
- Have recipients consented to receiving information? (6.3, 6.4, 8.0, 10.1)
- Is information obtained and handled in a sufficiently secure manner? (6.5)
- Is data held securely? (3.3, 5.1)
- Do communications comply with data protection regulations? (6.0, 6.1, 6.2, 8.0, 10.1, 11.9)
- Are procedures, including the complaints process, published online? (3.3)
- Are any third parties appropriately researched? (5.1, 5.2, 7.1)
- Do any third parties abide by all applicable laws? (5.1)
- Are appropriate written agreements in place with any third parties? (4.1, 5.1, 11.5)
- Are procedures in place to monitor what is published on third party websites? (4.2)
- Is the nature of any third party affiliations clear? (3.2, 3.3, 4.1, 5.1, 9.2, 11.5)
- If problems arise with third party providers, is it clear where any potential liability may lie? (5.1)
- Are individuals informed how their data will be used and how they can edit, delete or request copies of their details? (6.2, 6.4)
- Is the nature of unsolicited donation requests clear? (6.3)
- Are individuals informed when cookies are used? (6.4)
- Are details of organisations' registered status included as required? (8.0, 11.1, 11.5)
- Are the email addresses of individuals provided on the charity website? (8.0)
- Are any shocking or offensive images or text used? (8.0)
- Are any financial transactions sufficiently secure? (9.0)
- Can donors give tax-effectively, where applicable? (11.6)

- Are donations used to support the purposes for which they were solicited? (3.3)
- Are donors appropriately protected? (9.1)
- Does any trading comply with the Consumer Protection (Distance Selling) Regulations 2000? (9.2, 11.7)
- Are transactions confirmed with the donor? (9.1)
- Are the terms and conditions of use of the website available on the website? (11.1)
- Is a privacy policy included on the charity website? (11.1)
- Has permission been obtained for publishing any copyright works? (11.2)
- Are other organisations' registered trademarks used as meta tags on the website? (11.4)

SMS

- Is the registration process clear? (10.1)
- Are the costs of messages and billing details made clear to donors? (10.1)
- Are messages only sent regarding services they have signed up for? (10.1)
- Are terms and conditions easily available, as required? (10.1)
- Is the identity of any SMS promoter clear? (10.1)

Interactive TV

- Are the costs of any reactive phone calls made clear? (10.2)

2006

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1.0 The Codes of Fundraising Practice Explained

The Institute of Fundraising's **Codes of Fundraising Practice** are structured in order to highlight what is mandatory at law, what the Institute regards as a mandatory requirement for its members and what constitutes advice on best practice.

In this Code a phrase where the word:

MUST is in bold indicates a requirement that is mandatory at law.

OUGHT in bold indicates a requirement that is mandatory for members and affiliated organisations of the Institute.

SHOULD in bold indicates a course of action that is recommended as best practice.

Organisations engaged in fundraising **SHOULD** join the Fundraising Standards Board and **SHOULD** follow their complaints procedure. This **Code of Fundraising Practice** is intended to address fundraising

activity throughout the UK. Legal requirements can vary between different jurisdictions (England & Wales; Northern Ireland; Scotland).

In this Code, **MUST*** in bold indicates a legal requirement within one jurisdiction but not in others.

The Institute recommends that organisations adhere to the most rigorous interpretation of the law applicable to an activity.

Users should be aware that this Code addresses the law as it stands at the date of publication throughout the UK.

Reviews of the law relating to fundraising and fundraising activities, governance and charitable status are ongoing in Scotland, England and Wales.

This **Code** will be revised to take into account any developments or changes in the law that may result from these initiatives.

2.0 Introduction

2.1 Charities and electronic fundraising

Electronic fundraising, whether from individual members of the public or from organisations, is now widely recognised to be an extremely efficient means of generating income, and charities large and small have begun to see its benefits. Email is reported to be one of the most widely used online communication tools, next to using the internet as an information resource (*source: Virtual Promise 2004*). Supporter education and engagement are universally accepted justifications for creating and maintaining an effective charity website.

Since the original Code was drafted in 2001, much has changed in the new media field. Online fundraising methods have become more diverse, and trialling has crossed into other electronic media such as SMS (short messaging system) and interactive television. The Code has therefore been revised and expanded to cover all forms of electronic media.

2.2 Purpose of the Code and who it is aimed at

This Code is dedicated to the practice of successful, effective and professional fundraising regardless of channel. The internet is a vast field, and cannot be covered exhaustively in a Code such as this. The aim is rather to concentrate on those areas of relevance to most charities in a way which helps organisations to help themselves, and to signpost other sources of advice and expertise along the way.

This Code makes the distinction between a charity's own website, third party websites or content, service providers and other online relationships.

The information or examples offered here are designed to illustrate best practice. It is of vital importance that advice of this nature is shared not only in the interests of charities themselves, but for the sake of the continued confidence and trust of their supporters. However, not all of what is contained here will apply to all organisations and charities are advised to read this in the context of their existing policies and governance. In no circumstance is this Code intended to replace proper legal advice if it is required, particularly where contracts or other binding agreements are concerned.

Some of the important new themes to note in this updated version are brand management and reputation, accessibility and general online conduct. Poor behaviour in one area of electronic media is likely to leave charities exposed to risk or to failure in another.

This Code is aimed at fundraisers, communication officers, marketing professionals, charity directors and trustees, and anyone with a practical interest and involvement

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in the internet for their charity. A reasonable awareness of electronic media is assumed, but readers should find that they do not need any specialist knowledge.

This Code does not make a distinction between different methods of electronic fundraising and its guidelines apply to any means of raising funds electronically from members of the public, or from organisations. Some of the most common methods of electronic fundraising being used today are:

- receipt/gathering of donations;
- sponsored web pages or 'Click to give' mechanisms;
- auctions;
- trading where a gift is also solicited;
- raffling and competitions;
- cause related marketing and incentives;
- fundraising event sponsorship; and
- direct marketing by email and/or SMS.

We would encourage anyone who has a query in relation to this guidance to contact the Institute of Fundraising. It is intended to ensure that the Code is updated at appropriate intervals, to keep pace with the inevitable changes in online fundraising practice.

3.0 Managing and Protecting Your Brand

- Building an online brand requires just as much care as building an offline brand and charities **SHOULD** think carefully about their web activity and the confidence and trust it builds.

Internet fundraising is open to abuse in the same way as any other fundraising medium.

3.1 Brand and Reputation

A charity's online brand is an extension of its offline brand, and all aspects of online activities from design and content to services and communications will have an impact on reputation and brand experience, whether provided directly by the charity or via other relationships.

- The benefits of online fundraising **SHOULD** be carefully weighed alongside the effort required to perform well and any expected risks.

3.1.1 Online identity

- Logos **SHOULD** be a true and accurate version of the charity's identity and **SHOULD** be visible on every page of the website.

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- Content **SHOULD** be accurate and up-to-date.
- Charities **SHOULD** also consider displaying the logos or kite marks of any relevant membership organisations to which they belong or subscribe prominently and consistently.

3.2 Brand Management

Visitors to an organisation's website will gain an impression of the organisation regardless of whether they have encountered it in other ways. Consistency is important on websites, particularly given that visitors can arrive at any page of a website and not just the home page.

- Organisations **SHOULD** act honestly and transparently in all that they do online:
 - organisations **SHOULD** clearly distinguish between purely charitable and partly commercial activities. For more information see the Charities Working with Business Code of Fundraising Practice;
 - emails from the website **SHOULD** be directed to the correct individual and responses **SHOULD** be prompt and courteous;
 - donations **SHOULD** receive proper acknowledgement, in good time;
 - charities **SHOULD** consider adding information or documents to websites that they may not have the space or funds to publish in other formats, such as achievements and accolades, details of your collaborations or case studies of best work;
 - charities **SHOULD** provide access to annual reports;
 - if charities set up message boards or forums for donors, they **SHOULD** consider whether these initiatives require monitoring or moderation; and
 - charities **SHOULD** invite feedback from visitors and act on it.

3.3 Fundraising Ethics Online

- Organisations **OUGHT** to:
 - use plain English or Welsh or any other appropriate language to ensure supporters understand the nature of any fundraising activity they enter into and the use to which the funds that are raised will be put;
 - publish procedures, including the complaints process;
 - be clear about third party affiliations, the benefits and the costs, particularly with cause related marketing;
 - conduct online transactions through systems employing high-level security ensuring the encryption and protection of sensitive data; and
 - ensure that online donations are used to support the activities for which they have been solicited.

3.4 Domain Names

- Charities **SHOULD** use the non-profit top level domain name '.org' or '.org.uk', except where legally required to use a commercial domain name or for a trading subsidiary.
- Charities **SHOULD** consider purchasing '.co.uk', 'info', '.com', '.net' and any other significant suffixes in order to protect the charity's interests.
- Charities **SHOULD** consider buying domain names for key campaigns and brands.
- Charities **SHOULD** monitor the renewal periods for any domain names they use to ensure these do not expire and become available for other organisations to use.
- Charities **SHOULD** consider using a service that monitors the internet to check if key brand or campaign names are being misused on the internet.

4.0 Managing and Protecting Your Brand

4.1 Your own website

A website consists of a range of documents, data, graphics and perhaps other information such as video or sound files, all of which need managing and protecting from unauthorised copying or use. Some of this content may be available for viewing on the pages of the site, whilst other information may be offered to the user to download to their own computer.

- Whatever the case, considerable effort will have gone into creating this resource so it **SHOULD** be managed and protected as well as is possible.

As with any published materials, it is the responsibility of the owner to take reasonable care to ensure that they are accurate and fit for their intended use.

- Organisations **OUGHT** to ensure that outdated content is removed from the site as soon as it has expired.
- Whether managed internally or outsourced, organisations **OUGHT** to ensure that only individuals with the relevant knowledge are responsible for publishing content.
- Organisations **SHOULD** consider whether using content management software will help them to manage content more effectively than manual management but this will depend on the size of the website and the charity.

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By separating content such as text from the graphical style and layout of a site, content management software helps organisations to manage and control digital assets or content. The aim is to reduce the manual effort involved in ensuring accuracy and to allow non-technical personnel to maintain web pages.

- Where organisations outsource their websites, they **OUGHT** to have written procedures agreed with the provider for making urgent changes in a timely manner.
- Any content accepted from a third party for publication on the website **SHOULD** be clearly attributed to its owner to ensure the source is clear to visitors and the onus **SHOULD** be put onto the third party to provide you with updates to the content to ensure it is accurate.
- All content **SHOULD** be maintained to the same standards whether published in a web page, an email, an SMS message or another interactive medium.

4.2 Third Party websites

Charities also publish material on other sites to their own.

- Any content provided by charities for publication by a third party **SHOULD** be subject to the same care and controls as would be placed on a charity's site.
- Charities **SHOULD** keep a record of third party sites on which their content may appear and **SHOULD** review this content regularly to ensure it is up-to-date.
- Third parties **SHOULD** be asked to provide clear guidance as to what procedures exist for organisations to amend, replace or remove content as needed.
- Charities **SHOULD** request reports analysing web user visits to their content on other sites so that they may assess and review its relevance.
- Fundraisers **SHOULD** ensure that content is appropriately attributed to their organisation and any appropriate links back to their own site **SHOULD** be agreed in advance with third parties.

5.0 Relationships with Stakeholders

Charities may receive offers from a range of third party organisations, both commercial and non-profit, to provide online fundraising services. These include: online trading entities; cause related marketing programmes; online events management; sponsorship; donation handling services and many others.

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See the Best Practice for Fundraising Contracts and Charities working with Business Codes of Fundraising Practice for information on managing contracts and commercial relationships.

5.1 Service providers

A service provider will work with a charity to provide a service. A contract may be required.

- Charities **MUST** be aware of, and satisfied that the third party is acting within all applicable laws.
- Charities **MUST** have agreements in place with third parties which deal with personal data as agents for the charity and these agreements **SHOULD** assert the charity's rights over the data.

See the Best Practice for Fundraising Contracts Code of Fundraising Practice for more information.

- Charities **SHOULD** satisfy themselves that the provider is capable of providing the service to meet the charity's internal and external requirements.
- Charities **SHOULD** ensure that the provider acts in the best interests of their own reputation and their donors' interests.
- Charities **OUGHT** to carry out appropriate due diligence checks and **SHOULD** avoid services where a provider cannot provide evidence of its financial security.
- Charities **MUST** ensure they are aware of their potential liability in the event of problems occurring whether through fault, losses or interruption of service, financial or otherwise.
- Charities **SHOULD** disclose the existence of any third party services or offers being publicised on their sites and clearly indicate any financial benefit to the third party (such as commission) and the nature of the services being provided.
- Charities **OUGHT** to make clear distinctions on their websites between their own editorial and advertisers' content.
- Charities **SHOULD** ensure they have provided explicit guidance as to the appropriate and permitted use of their logos and other marks and that the provider is adhering to their instructions.

5.2 Other relationships

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Other relationships to those of client and service provider can exist, including partnerships, sponsorships or other forms of collaboration.

- In these instances, charities **OUGHT** to carry out similar due diligence checks to those considered appropriate for service providers and **SHOULD** avoid services where a company cannot provide evidence of its financial security.
- Charities **SHOULD**:
 - exercise caution where the offer or arrangement from a commercial service provider appears to be presented as a philanthropic initiative. Transparency is of the utmost importance for partners and the users of the service;
 - avoid services where a company cannot provide evidence of its financial strength, previous successes, existing clients and audience potential;
 - clearly indicate sponsors and sponsored activities either by providing a web page detailing all sponsors or with the words 'sponsored by' and the logo of the third party in each relevant page; and
 - exercise caution where relationships are expected to be exclusive.

6.0 Data Protection and Privacy

- The collection and handling of any personal information (which can include simply an individual's email address) **SHOULD** be treated with care, and in particular **MUST** comply with the relevant provisions of the Data Protection Act 1998 and the Privacy and Communications Regulations 2003 (see the Data Protection Code of Fundraising Practice).
- Charities **SHOULD** be as transparent as possible about the use made of data.

6.1 Notification to the Information Commissioner

- In most cases organisations **MUST** notify the Information Commissioner if they publish personal data on their websites.

Unless a charity is exempt from notifying, failure to do so is a criminal offence.

6.2 Information provided to individuals

- Individuals **MUST** be informed of the use that will be made of the data they provide (including details about sharing the data with other organisations or individuals).
- This **SHOULD** clearly be stated at the point where information is requested, whether on a website, an email or another communication to the individual.
- Charities **MUST** explain clearly how individuals may edit or delete their

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details at any time, or how to request such changes.

6.3 Direct Marketing


- Charities **MUST** ensure that they have consent from an individual before sending promotional material electronically to non-business addresses.

It is not necessary to offer an individual the opportunity to opt-out of, or opt-in to, receiving such information, *provided* he or she is clearly notified at the time the data is collected that he or she will receive such communications, and is given details of how and who to contact if he or she does not wish to receive such information.

- However, as a matter of good practice, charities **SHOULD** offer individuals the opportunity to opt-out or opt-in.
- If sensitive personal data (such as information relating to an individual’s health, criminal records or political affiliation) is collected, then an opt-in **MUST** be used.

The following is an appropriate form of words for an **opt-in** which can be adapted for use by your charity:

XYZ Charity



Data Protection Act 1998

We [and our subsidiary company/companies] may wish to:

(a) send you information about our charitable activities and fundraising

(b) pass your data to other organisations [with similar objects]

Please tick the appropriate box(es) if you wish us to do this

The Padlock symbol and details of the circumstances in which it may be used are available on the Information Commissioner’s website, www.ico.gov.uk.

- Unsolicited emails which request donations **OUGHT** to, and unsolicited emails which market or promote goods or services **MUST** make it clear in the subject line that the email is unsolicited.

See also the Data Protection Code of Fundraising Practice.

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6.4 Privacy Statements

- Websites **SHOULD** have a privacy policy or statement.
- In addition to the information described in 6.2 above, individuals **MUST** be given the following information:
 - details of how to contact the charity and how to request copies of personal information; and
 - if the site uses cookies, a statement that cookies are used to build up profiles on individuals, even where the charity has not been given their name.
- Note that before cookies are used to deliver targeted marketing messages to an individual, again even where his or her name is not known, then consent **MUST** be obtained.

Note that changing a privacy statement is not sufficient to put an individual on notice that use of their data has changed, unless they have been advised of this in advance of this practice. In any event, such changes do not amount to consent. See the Data Protection Code of Fundraising Practice.

6.5 Security and encryption

- Information **MUST** be obtained in a way that is sufficiently secure.
- For transmission of data, encryption based systems which digitally encode personal information **OUGHT** to be used in relation to sensitive personal data or data which could give access to bank accounts or credit card accounts.

7.0 Accessibility and Usability

7.1 Accessibility

Accessibility is the process of ensuring that all elements of a website, from the design to the content and functionality, can be used by any web visitor regardless of age, environment, experience or physical ability.

- As not every user will have access to the latest technology or the highest levels of bandwidth, care **SHOULD** be taken to ensure information and services can be accessed by all users.

The Disability Discrimination Act 1995 makes it unlawful for a service provider to discriminate against a disabled user and this also applies to electronic information and services. See Section 11.12 Disability Discrimination.

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- Charities **OUGHT** to comply with the 'Single A' or Priority Level 1 of the World Wide Web Consortium (W3C) Web Accessibility Initiative Guidelines and **SHOULD** comply with 'Double A' Priority 2 or above. See 12.2 Useful contacts.
- Charities **SHOULD** only employ agencies, developers, volunteers or internal staff that are aware of how to ensure websites and associated electronic materials are accessible.
- Charities **SHOULD** consider publishing information on their websites about their level of accessibility along with any help which may be pertinent to visitors.

7.2 Usability

Usability means ensuring that information or tasks on a website are easy and intuitive to find and to use.

If visitors cannot find the information they want or use the tasks provided, they are more likely to become dissatisfied or to go elsewhere. A user-centred design process therefore makes good business sense and is likely to yield the most positive fundraising results.

Whilst there is no legislation to insist that sites are made usable, this is increasingly seen as good practice.

- Charities **SHOULD** use focus groups or a voluntary panel of sample users to help test the effectiveness of their sites before committing all of their resources.

8.0 E-Communications

Email fundraising can be a particularly effective means of promoting a charity's cause and gaining support. However, email communications can easily be abused and lead to damaged reputations or donor dissatisfaction.

- Charities **SHOULD** use outgoing email with care, **SHOULD** respond to incoming emails promptly and **SHOULD** publicise their intended response policy on their sites.
- Charities **MUST** only use purchased email data lists that warrant that the consent of users has been obtained.
- Emails are legal documents and **MUST** carry the authorised marks of the charity, included but not limited to its name, company number or charity registration number and address. This could be included within a simple email signature, which also incorporates a short appeal message which can

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be tailored and refreshed.

Email collection programmes referred to as 'scrapers' scan the internet for email addresses to include in unsolicited emails.

- Charities **OUGHT NOT** to provide the email addresses of individuals on their sites, but should use generic aliases such as fundraising@charityname.org.uk.
- Charities **OUGHT NOT** to include any text or images that could be regarded as shocking or offensive in unsolicited emails, or any links to websites containing such material, without a warning.
- Charities **SHOULD NOT** send emails that contain attachments or images that exceed 500k or would take more than two minutes to download using a conventional (non-broadband) modem, unless they have received prior agreement from the user.
- Charities **OUGHT** to include clear instructions in all emails describing how the recipient may unsubscribe and **SHOULD** acknowledge that the request has been actioned.
- Charities **SHOULD** consider whether to use a second means of email confirmation in certain instances.

Double opt-in for email subscriptions allows the email address to be fully validated and ensures absolute confirmation of consent. After a user has registered their email address, a follow-up email is sent to the email address provided, asking the subscriber to click through to a web page.

- Charities **SHOULD** also consider:
 - providing a link to their privacy policy from within emails;
 - providing details of the frequency with which email newsletters will be sent;
 - utilising email tracking and management software to manage more effectively the accuracy of email data and the preferences of subscribers.

9.0 E-Commerce

E-commerce refers to any means of accepting financial payment through an electronic interface. It is of the utmost importance that charities do all they can to protect public confidence and trust in the reliability, transparency and security of all online transactions.

9.1 Financial Transactions

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- Charities **MUST NOT** use unencrypted pages for taking credit card payments or donations.
- Charities **OUGHT NOT** to use unencrypted emails to send or receive credit card payments or donations and **MUST** actively discourage supporters from emailing any sensitive financial information.
- Charities accepting donations over the internet **SHOULD** make clear whether donations are restricted to UK citizens or can be accepted from overseas. See section 11.0 Key Legal Points.
- Charities **SHOULD** think about ways to promote tax-effective giving through their websites and other electronic fundraising and **SHOULD** make donors aware of Gift Aid.
- Charities **OUGHT** to hold their donors harmless of any problem arising from an online transaction not caused by the donor's own actions.
- Charities **OUGHT** to provide adequate confirmation of transactions and ensure that any fulfilment, for example for goods, is performed on a timely basis.

9.2 Trading and the use of trading subsidiaries

- Where charities offer merchandise or fundraising events (such as challenge events) through a trading subsidiary they **MUST** make clear on the relevant pages that these activities are carried out through the trading company.
- Charities **MUST** comply with the Consumer Protection (Distance Selling) Regulations 2000 which cover sale of goods and services via the internet (see 11.0 Key Legal Issues).

10.0 Other Electronic Media

New interactive technologies swiftly become a part of the communications mix. Recent innovations include personal digital assistants, mobile technologies such as SMS (short messaging system) and WAP (wireless application protocol), interactive kiosks and interactive television.

- Charities **OUGHT** to apply the same principles and standards to their use of these media as are set out in this Code for the internet.

Fundraising and campaigning have emerged successfully in SMS and interactive TV, and these are worthy of specific attention.

10.1 SMS

Whilst mobile technologies are accessible and convenient for donors or users, their effectiveness for fundraising can be restricted by limited characters and screen space or the speed or expense of available bandwidth.

- Charities **SHOULD** therefore proceed with care when formulating SMS campaigns, and **SHOULD** seek advice from experts.
- Charities **OUGHT** to make the registration process for SMS messaging clear on all forms of relevant documentation including websites and **MUST** include procedures for unsubscribing on all messages.
- Charities **MUST** only send marketing SMS messages to those mobile phones that have specifically 'opted-in'.
- Charities **SHOULD** request that the target audience text a designated word (for example 'YES') as clear confirmation of their 'opt-in'.
- Charities **MUST** make clear to their donors the cost of messages sent (when using premium rate numbers) and **OUGHT** to explain to donors how and when they will be billed, particularly as various billing methods exist for SMS.
- Charities **MUST NOT** send subscribers messages other than ones pertaining to the service for which they have subscribed, unless at the same time they offer the opportunity to opt-out of future communications.
- In competitions and prize draws, charities **OUGHT** to provide a clear and simple method of requesting any terms and conditions and **OUGHT** to publish the identity of the promoter within the SMS competition.
- Verifiable parental consent **SHOULD** be obtained before communicating via SMS with minors and expert legal advice **SHOULD** be sought beforehand

10.2 Interactive TV

Although digital TV viewing is fast becoming ubiquitous, use of the interactive features, usually reached by pressing the 'red button', is far from mainstream. Interactive advertising, advertising incentives or consumer surveys are not yet making the pull to typical consumers.

- Before committing fundraising spend to this medium, charities **SHOULD** obtain clear data relating to the potential audience reach of their interactive advertising.
- Where accessing an interactive service requires a viewer's telephone connection to be activated, the expected or average cost of the call **OUGHT**

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to be made clear in addition to the donation or campaign response.

11.0 Key Legal Issues

11.1 Compliance and Disclaimers

- The terms and conditions of use of an organisation's website, and disclaimers, for example, regarding accuracy or currency of data, and external links to third-party websites, **OUGHT** to be included on the website.
- The following items **MUST** be included on a charity's website:
 - charity registration number, company registration number (if applicable), and registered office address; and
 - a privacy policy (see 5.4 Privacy Statements).

Charities should ensure compliance with codes of practice such as the British Codes of Advertising and Sales Promotion which also apply to the internet.

11.2 Copyright

Copyright is the right to prevent others from reproducing work without permission. Registration of a work is not required for it to benefit from copyright protection. Breach of copyright occurs if another party reproduces the whole or a 'substantial part' of the work without consent.

In a website, the content (including text and images) as well as the software and sound files will be protected by copyright.

- Fundraisers **MUST** ensure they have permission before publishing copyright works on the site.

A work produced by an employee in the course of his or her duties will be owned by the employer who is, therefore, free to publish it.

- However if work is produced by consultants or freelancers, or has been acquired from third parties, checks **MUST** be made to ensure that use on the website is permitted.
- To prevent others from making unauthorised use of copyright work published on a website, the site's terms and conditions **SHOULD** state what is and is not permitted (charities usually permit reproduction for uses which are not commercial and are not derogatory towards the charity).
- Organisations **SHOULD** include a copyright notice in the following form:

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© [name of organisation] [date]

11.3 Linking and Framing

It is permissible to link to the home pages of another website unless the terms and conditions of that website prohibit it. However, recent case law has suggested that unauthorised 'deep linking' (i.e. if the link is to go beyond the home page) is copyright infringement, particularly if the page to which the link connects is framed by the originating website's branding.

- Charities **SHOULD** consider whether to restrict deep linking to their sites. If so, include this in the website terms and conditions.

11.4 Trademarks

- Registered trademarks other than those belonging to the charity or group **MUST NOT** be used as meta tags as this would be a trademark infringement.

Meta tags are index words used by search engines to direct traffic to the site.

11.5 Charity Law

England and Wales

- Charities with a gross income of more than £10,000 **MUST*** give details of their status as a registered charity on all documents soliciting money, including websites and emails. It is an offence to fail to do so.
- If a charity's website is externally managed, the entity which manages it may be a "Professional Fundraiser" for the purposes of the Charities Act 1992. If in doubt, fundraisers **SHOULD** consult the Charities Working with Business Code of Fundraising Practice and/or take further legal advice.

Scotland

The only organisations that can call themselves "charities" in Scotland are those that are registered with OSCR (the Office of the Scottish Charity Regulator).

- Charities that are so registered **MUST*** comply with the Charities References in Documents (Scotland) Regulations 2007 and make certain statements about their status in their documents. More information on Scottish charity law is available from OSCR (see Section 12.2).

For information about professional fundraiser and commercial participator agreements, see OSCR's guidance (see Section 12.2).

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11.6 Gift Aid

Donors giving by Gift Aid can give the necessary declaration by email.

- Charities **OUGHT** to enable donors to give tax effectively when using electronic media.

Information about Gift Aid is available from HM Revenue and Customs as well as from the Institute of Fundraising tax-effective giving website (see Section 12.2).

11.7 Selling via the Internet

The Consumer Protection (Distance Selling) Regulations 2000 cover sale of goods and services via the internet. They are intended to ensure that consumers purchasing items over the internet or remotely in other ways are at no disadvantage to consumers purchasing goods or services in person.

- They contain regulations with which you **MUST** comply including obligations in relation to the information that must be provided prior to the sale, cancellation, and the consequences of cancellation.
- Websites selling goods and services **SHOULD** carry terms and conditions that set out the terms of the contract.

11.8 Company Law Requirements

- Organisations **MUST** comply with company law requirements to include on business documents (which includes most websites) the following information: the company's registered name; the country in which it is registered; its registration number; and the address of its registered office.

11.9 Data Protection

- If personal details are published or collected on the website (for instance, when visitors are required to register) the use of that information **MUST** comply with the Data Protection Act 1998.
- A privacy policy **SHOULD** be drawn up and published on the website.
- Use of personal data for electronic direct marketing **MUST** comply with The Privacy and Electronic Communications Regulations 2003. These prohibit the sending of electronic marketing materials to individuals outside of the workplace without their consent.

11.10 Global Compliance

- It is not possible to ensure compliance with the laws of every country from which the website is accessible but the law assumes web pages are published to the world.

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- Charities that only wish to fundraise within the UK **SHOULD** state on fundraising and sales pages that they only apply to the UK, and the contents of the site **SHOULD** be easy to amend in the event of a problem.

11.11 Claims made against the website

- If the website owner receives notification that material on the website is regarded as being defamatory, or infringing copyright or trademark rights, then the relevant material **SHOULD** be removed from the site pending further investigation.

It can be restored to the site if, on investigation, it turns out that the allegations are untrue.

11.12 Disability Discrimination

The Disability Discrimination Act 1995 requires providers of goods, services and facilities to avoid unfavourable treatment of disabled people and to make reasonable adjustments so that disabled people can make use of them.

- Charity websites **MUST** comply with the act, although it is not yet clear exactly what standards websites should meet in order to comply.
- Charities **SHOULD** consult the Web Accessibility Initiatives guidelines at www.w3c.org/WAI.

12.0 Appendices

12.1 Relevant legislation

- Companies Act 1985
- Copyright Designs and Patents Act 1988
- Charities Act 1992
- Trade Marks Act 1994
- Disability Discrimination Act 1995
- Data Protection Act 1998
- Consumer Protection (Distance Selling) Regulations 2000
- Electronic Commerce (EC Directive) Regulations 2002
- Privacy and Electronic Communications Regulations 2003

12.2 Useful contacts

- Charities Aid Foundation - access to the CAF Web Handbook: www.cafonline.org/brandbook

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- Charity Commission for England and Wales:
www.charity-commission.gov.uk
- Commission for Equality and Human Rights:
www.equalityhumanrights.com
- Department for Business Innovation and Skills - best practice on using technology:
www.dti.gov.uk/bestpractice/technology/index.htm
- Direct Marketing Association:
www.dma.org.uk
- Ephilanthropy Foundation code of practice:
www.ephilanthropy.org
- Information Commissioner - data protection guidance
www.dataprotection.gov.uk
- HM Revenue and Customs Gift Aid guidance:
http://www.hmrc.gov.uk/charities/chapter_3.htm#
- Office of the Scottish Charity Regulator (OSCR):
www.oscr.org.uk
- RNIB See it Right guidelines:
www.rnib.org.uk/access
- Tax-Effective Giving:
www.tax-effectivegiving.org.uk
- UK Fundraising:
www.fundraising.co.uk
- World Wide Web Consortium – web accessibility initiative:
www.w3.org/WAI

12.3 Working Party

- Sarah Hughes, Charity21, (Chair)
- Howard Lake, UK Fundraising
- Laura Thomas, Institute of Fundraising
- Lawrence Simanowitz, Bates Wells and Braithwaite, Solicitors
- Bertrand Bosredon, British Heart Foundation

Institute of Fundraising Code Working Parties provide advice and make recommendations to the Institute's Standards Committee in the process of Code development.