

# Email Template: Data Compliance, Storage and Location Information Request

**Subject:** URGENT: Statutory Data Protection Compliance Inquiry - Legal Disclosure Requirements

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**To:** [Charity Name/Data Protection Officer/Chief Executive]

**From:** [Your Name/Organisation]

**Date:** [Date]

**Re:** Request for Data Processing Information Under UK GDPR and Data Protection Act 2018

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Dear [Sir/Madam/Data Protection Officer],

I am writing to formally request information regarding data processing, storage, and location practices of [Charity Name] (Charity Registration Number: [Number]) under statutory data protection obligations.

## Legal Basis and Statutory Authority

This request is made pursuant to the following mandatory legal frameworks:

### Primary Legislation

- UK General Data Protection Regulation (UK GDPR) Article 13-14** - Information to be provided to data subjects
- Data Protection Act 2018, Schedule 1, Part 1** - Processing of personal data and lawful basis requirements
- UK GDPR Article 30** - Records of processing activities
- Data Protection Act 2018, Section 142** - Duty to assist Information Commissioner's Office investigations
- Charities Act 2011, Section 17** - General duties of charity trustees regarding proper administration

### Regulatory Framework

- ICO Guidance on International Transfers** - Adequacy decisions and appropriate safeguards
- UK GDPR Chapter V (Articles 44-49)** - Transfers of personal data to third countries
- Data Protection Act 2018, Part 3** - Law enforcement processing requirements (if applicable)

## Mandatory Information Request

Under **UK GDPR Article 30**, you are legally required to maintain records of processing activities. I hereby request disclosure of:

### A. Data Processing Records (UK GDPR Article 30)

- Complete records of processing activities including purposes, categories of data subjects, and personal data
- Legal basis for processing under UK GDPR Article 6 and Article 9 (where applicable)
- Categories of recipients of personal data, including third-party processors
- Retention periods for different categories of personal data

## **B. International Data Transfers (UK GDPR Chapter V)**

- Details of any personal data transfers outside the United Kingdom
- Adequacy decisions relied upon for international transfers
- Standard Contractual Clauses (SCCs) or other appropriate safeguards implemented
- Transfer Impact Assessments conducted under ICO guidance

## **C. Data Storage and Security (UK GDPR Article 32)**

- Geographic location of data storage facilities and servers
- Technical and organisational measures implemented to ensure data security
- Details of data processors and sub-processors engaged
- Data Processing Agreements (DPAs) with third-party service providers

## **D. Compliance Documentation**

- Data Protection Impact Assessments (DPIAs) conducted under UK GDPR Article 35
- Records of data subject rights requests and responses
- Data breach register maintained under UK GDPR Article 33-34
- Staff training records on data protection compliance

## **Statutory Obligations and Legal Requirements**

### **UK GDPR Article 30 - Records of Processing**

**"Each controller shall maintain a record of processing activities under its responsibility."** This is a mandatory requirement with no exceptions for charities.

### **Data Protection Act 2018, Section 142**

Controllers must **"give the Commissioner such assistance as the Commissioner may reasonably require"** for the performance of the Commissioner's functions.

### **UK GDPR Article 5(2) - Accountability Principle**

You must **"be able to demonstrate compliance"** with data protection principles. This includes maintaining comprehensive documentation.

# Legal Consequences of Non-Compliance

## Administrative Fines (UK GDPR Article 83)

- **Tier 1 Violations:** Up to £8.7 million or 2% of annual worldwide turnover
- **Tier 2 Violations:** Up to £17.5 million or 4% of annual worldwide turnover
- **Specific penalties for failure to maintain records:** Up to £8.7 million under Article 83(4)(a)

## Information Commissioner's Office Powers

Under **Data Protection Act 2018, Part 6:**

- **Section 142:** Power to require provision of information
- **Section 143:** Power to enter and inspect premises
- **Section 149:** Power to issue enforcement notices
- **Section 155:** Penalty notices for non-compliance

## Charity Commission Regulatory Action

Under **Charities Act 2011:**

- **Section 46:** Power to institute inquiry into charity administration
- **Section 76:** Power to suspend or remove trustees for breach of trust
- **Section 79:** Power to direct application of charity property

## Criminal Liability

**Data Protection Act 2018, Section 173:** Intentionally or recklessly obtaining or disclosing personal data without consent of the controller constitutes a criminal offence.

## Regulatory Enforcement Precedents

Recent ICO enforcement actions demonstrate serious consequences:

- **Monetary penalties averaging £2.4 million** for data protection failures
- **Mandatory audits** requiring comprehensive compliance documentation
- **Public censure** affecting charitable reputation and donor confidence

## Mandatory Response Timeline

Under **UK GDPR Article 12(3)**, information must be provided "**without undue delay and in any event within one month of receipt of the request.**"

## Legal Notice Requirements:

- **Initial response:** Within 5 working days acknowledging receipt

- **Full compliance information:** Within 30 calendar days
- **Extensions:** Only permissible under Article 12(3) with justified reasons provided within original timeframe

## Consequences of Non-Response

### Immediate Legal Implications:

1. **Breach of UK GDPR Article 30** - Failure to maintain/provide processing records
2. **Violation of transparency obligations** under UK GDPR Articles 12-14
3. **Potential ICO investigation** under Data Protection Act 2018, Section 142
4. **Charity Commission regulatory action** for breach of trustee duties

### Escalation Procedures:

Non-compliance will result in:

- **Formal complaint to Information Commissioner's Office**
- **Regulatory referral to Charity Commission**
- **Potential legal proceedings** for statutory breach
- **Public disclosure** of non-compliance where legally permissible

## Data Subject Rights Context

This request also serves to verify compliance with ongoing data subject rights obligations, including:

- **Right of access** (UK GDPR Article 15)
- **Right to rectification** (UK GDPR Article 16)
- **Right to erasure** (UK GDPR Article 17)
- **Right to data portability** (UK GDPR Article 20)

## Professional Obligations Notice

As trustees of a registered charity, you have **fiduciary duties** under charity law to ensure proper administration and compliance with all applicable legislation. Data protection compliance is not optional but a legal requirement with serious personal and organisational consequences.

## Request for Immediate Action

I require your written confirmation within **5 working days** that:

1. This request has been forwarded to your Data Protection Officer
2. Compliance documentation is being compiled

3. A timeline for full response has been established

Failure to respond within the statutory timeframe will be treated as a serious breach of data protection law and reported accordingly to relevant regulatory authorities.

I trust you will treat this matter with appropriate urgency and legal seriousness.

Yours faithfully,

[Your Name]

[Your Title/Position]

[Organisation Name]

[Contact Information]

[Email Address]

[Date]

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**LEGAL NOTICE:** This correspondence constitutes formal legal notice under UK data protection legislation. Failure to respond adequately may result in regulatory enforcement action and financial penalties.

**Copy to:** Information Commissioner's Office [if escalation intended]

**Reference:** [Your reference number]