



## DATA PROTECTION POLICY

Last updated: July 2021. Approved by Standing Committee: July 2021

### 1. Definitions

**Personal Data:** Information about a living individual which is capable of identifying that individual e.g. names, email addresses, photos.

**Processing:** Anything done with or to the personal data including storing it.

**Data Subject:** The person about whom the personal data is processed.

**Data Controller:** The person or organisation who determines the how and what of data processing in the parish. In the context of St Brandon's this will be the Parochial Church Council (PCC). The Data Controller may delegate day-to-day administration of GDPR obligations to a Data Processing Sub Group.

**The Church:** St. Brandon's Church Brancepeth, in the Diocese of Durham.

### 2. Background & Scope

#### Background

The General Data Protection Regulation (GDPR) came into force on 25<sup>th</sup> May 2018, replacing the Data Protection Act 1998 and provides individuals with greater rights and protection regarding how their personal data is used by organisations. Churches and parishes must comply with its requirements. It is supplemented by the UK Data Protection Act 2018.

#### Scope

St Brandon's recognises the importance of correct and lawful treatment of personal information its processes and holds whether on paper, on computer or any other media. The church fully recognises, endorses and adheres to the fundamental principles of GDPR although at this stage does not consider registration with the Information Commissioner's Office or appointment of a Data Protection Officer necessary due to the limited nature of the church's legitimate data processing interest.

### 3. Underlying Principles of GDPR as applied to St Brandon's

All personal data shall:

- Be processed fairly, lawfully and transparently.

- Be obtained for the lawful specified purpose above and not processed in any manner incompatible with that purpose.
- Be relevant, adequate and limited to what is necessary in relation to the purposes.
- Be accurate and where necessary kept up to date and, where inaccurate, rectified or erased without delay;
- Be retained only for as long as is necessary.
- Be kept secure from unauthorised and unlawful processing protected against accidental loss, destruction or damage.
- Be processed in accordance with the data subject's rights, specified below.

#### **4. Rights of the Individual Data Subjects.**

The rights of individuals under GDPR are as follows;

- The right to be informed about how personal information will be processed. This will be fulfilled through a Privacy Notice made available on the church web site at [www.stbrandon.org.uk](http://www.stbrandon.org.uk) to which all data subjects providing personal data to the Church will be directed.
- The right to have access to personal information which is held by the church. Such access to be made available within 30 days of any such request to the Data Controller.
- The right to have their personal data corrected or rectified if it is inaccurate. Any third parties to whom the data has been given must be informed of the correction. Data subjects must also be informed of third parties to whom the personal information has been supplied (if any).
- The right to request the deletion or removal of personal data, unless there is an overriding legitimate interest for the Church to continue processing or retention.
- The right to restrict the processing of personal data, unless there is an overriding reason for the Church to continue processing;
- The right to move, copy or transfer personal data easily from one IT system to another. This right is unlikely to be relevant due to the way in which the church holds and processes an individual's personal data.
- The right to object to processing data, unless the church has an overriding legitimate interest in continuing to process the data.
- The right not to be subjected to a decision based solely on automated processing which produces legal effects or significantly affects the individual; the Church does not use automated processing or profiling so this right is unlikely to be exercised.

It is the Church's policy that personal data relating to children under the age of 13 may only be held with parental or guardian consent, in addition to any other legal basis.

## **5. Documentation of Processing Activities**

As a small organisation, the Church is required to document processing activities that:

- are not occasional; or
- could result in a risk to the rights and freedoms of individuals; or
- involve the processing of special categories of data or criminal conviction and offence data.

The following must be documented for each processing activity:

- The purposes of processing.
- A description of the categories of individuals and categories of personal data.
- The categories of recipients of personal data.
- Details of transfers to third countries including documenting the transfer mechanism safeguards in place.
- Retention schedules.
- A description of technical and organisational security measures.

These activities are documented in Appendix 1 to this policy.

## **6. Complaint by a Data Subject**

Where a data subject believes that their rights under GDPR have been infringed by the church, they should be encouraged to raise their concerns in the first instance with the Church.

Notification should be in writing to the secretary of the PCC (as Data Controller) who will bring the matter to the attention of the PCC at the next available meeting.

A response to the complainant will be made in writing on behalf of the Data Controller within 14 days of the meeting.

Should the complainant be unsatisfied with the response of the Data Controller, they have the right to notify the Information Commissioner's Office.

Complainants are also entitled to approach the Information Commissioner's office without first notifying the Church. Any correspondence from the ICO will be shared at the next PCC meeting, or circulated to Standing Committee should a more urgent response be required.

## **7. Data Protection Impact Assessments.**

In the event that the church proposes to embark on a project which will require the processing of sensitive personal data on a large scale (e.g. fund raising for a legitimate purpose) a data protection impact assessment (DPIA) should be carried out by the Data Controller.

The DPIA will include:

- A description of the project
- A description of the processing activities and their purpose
- An assessment of the need for the processing and its proportionality
- Any risks which may arise from the processing and steps to be taken to mitigate the risks.

## **8. Data Breach**

A personal data breach is one which results in the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data.

Under GDPR, notification to the ICO of a breach which is likely to result in a risk to the rights and freedoms of individuals is mandatory. This would normally represent the loss of extensive records, special category personal data, or children's records.

All such breaches should be notified by the Data Controller to the Information Commissioner's Office within 72 hours of identifying the breach. Responsibility for reporting is delegated to the incumbent/priest in charge, or churchwardens during vacancy.

Breaches not likely to result in a risk to the rights and freedoms of individuals (e.g. deletion of a small number of records, email data incorrectly sent to a trusted individual who was not the intended recipient, failure to BCC individuals in circular emails) should be reported to the PCC Secretary, who will keep a record of the breach and any remedial action undertaken to mitigate the effects of the breach.

## **9. Policy Review**

This policy and its implementation will be reviewed annually and any instances of non-compliance reported to the annual parochial church meeting.

Description of the context	Detail	Purpose of processing	Description of categories of individuals	Description of categories of personal data	The categories of recipients of personal data.	Details of transfers to third countries (if any).	Basis for Processing the data under GDPR.	Basis for processing of special category data	Description of technical and security measures.	Retention schedules.
Electoral Roll	The record of lay members entitled to take part and vote in the annual parochial church meeting.	In order to maintain complete records of church membership and fulfil requirements of the Church of England	Over 16 year olds wishing to be formally recognised as a member of the parish	Title, Name, address, email address, date of birth; implicitly, religious belief; resident in the parish or not.	Electoral Roll Officer	N/A	Legitimate interests	Art (9)(d) - in the course of legitimate interests by a not for profit body with a religious aim, relating solely to members of the body and not disclosed outside that body	Information kept on computer of Electoral Roll officer with normal Microsoft security measures. Copy held by Rector or Church Warden. Paper copies shredded once uploaded.	Records updated every six years.
Gift Aid Declarations and details of giving.	Declarations made by one off or regular donors giving their permission to claim gift aid on donations. Financial records held to monitor stewardship.	For claiming Gift Aid from HMRC. To thank donors for their generosity.	Over 18s making donations to the church	Name, address, date of donation	PCC Treasurer	N/A	Legitimate interests	n/a	Hard copies supporting Gift Aid claim Scanned copies on two password protected computers. Backups on cloud - password protected. Accounting software on one password protected computer.	As long as the donor continues giving and six years thereafter, then shredded.
Bank Account Details	Individuals can contact the PCC treasurer providing their bank details for the Treasurer to set up a standing order	Enable donations and payments to be collected	Over 18s making donations to the church	Name, bank details	PCC Treasurer & Current Bankers	N/A	Legitimate interests	n/a	Information held via secure password and PIN access to online banking system holding PCC account. Emails relating to financial details stored as per Gift Aid claims above.	As long as the beneficiary needs payments.
Contact details for families of those baptised, those married and families of those interred at funerals. Record of pastoral situations with names and phone numbers.	To send invitations to Christingle & Mothering Day services. To send anniversary cards on first wedding anniversary, on the anniversary of a death and to invite to All Souls Service.	In furtherance of the work of the Church in the community	Adults and children with previous connections to the Church	Name, address; implicitly, religious belief	Pastoral Assistant	N/A	Legitimate interests	Art (9)(d) - in the course of legitimate interests by a not for profit body with a religious aim, relating solely to members of the body and not disclosed outside that body	Hand written lists held in files. Details held on computer are password protected.	Baptism information held for 10 years. Wedding information held for 1 year funeral information for 5 years. Record of pastoral situations kept for 8 years.
Messy Church information	Register of attendees; email addresses of parents; name and age of children; allergies; photograph permission status.	Retained in order to meet safeguarding obligations and to maintain contact links.	Children Parents/guardians	Name, email address (parents), age, allergies (medical)	Messy Church Leader (s)	N/A	In order to meet legal obligations particularly around safeguarding	Art (9)(g) Processing is necessary for reasons of substantial public interest - schedule 2 clause 10, preventing unlawful acts	Paper copies of consent forms kept in file at leaders home. Email addresses are accessible to all on the email list.	Indefinitely

Description of the context	Detail	Purpose of processing	Description of categories of individuals	Description of categories of personal data	The categories of recipients of personal data.	Details of transfers to third countries (if any).	Basis for Processing the data under GDPR.	Basis for processing of special category data	Description of technical and security measures.	Retention schedules.
Youth Club	Register of attendance, permissions for attendance and use of photographic images, Consent forms, names of young people and and medical details, family doctor contact details.	In order to run the youth club safely. To comply with safeguarding requirements.	11 - 18 year olds attending the youth club	Name, address, parent and medical contact details, relevant medical information	Youth Club leaders	N/A	Legitimate interests	Art (9)(g) Processing is necessary for reasons of substantial public interest - schedule 2 clause 10, preventing unlawful acts	Information in written form in a file at leaders home. Summary of members details held on leader's computer.	Indefinitely
Safeguarding Information	Safeguarding Information, confidential declaration form contain details of convictions / criminal offences and anything which would prohibit work with children/ youth work / vulnerable adults. Summary of church individuals who have been DBS checked and who have undertaken DBS training.	To comply with Safeguarding requirements.	Those holding positions of responsibility within the Church e.g. youth club leader, tower captain, church warden	Full name Current address Date of birth Place of birth Gender Other names (if any) Police records of convictions, cautions, reprimands and warnings (if any)	Parish Safeguarding Officer	N/A	Legal obligation	Art (9)(g) Processing is necessary for reasons of substantial public interest - schedule 2 clause 10, preventing unlawful acts	Information held in written form on file and on Safeguarding Officer's computer.	Information is updated as required and in particular when further training has been undertaken.
Flower Guild	Members of the Flower Guild, details of email addresses and phone numbers.	To ensure availability of members for flower rotas and church based events.	Adults who have joined the Flower Guild	Name, email address, phone numbers, availability	Flower Guild secretary & Chair.	N/A	Legitimate interests	n/a	Information held on computer which is password protected in addition to a hard copy on file.	Information kept until a member resigns from the Guild.
Sidespersons	Sidespersons Contact Details	To ensure availability of people to welcome attendees to Sunday Eucharist, to hand out hymn books and service sheets.	Adults	Name, phone number, email address	Sacristan.	N/A	Legitimate interests	n/a	Details held in written form and on computer.	Information updated when membership changes.
Sacristan	Sacristan Contact Details	To ensure availability of a sacristan for Sunday Eucharist	Adults	Name, phone number, email address	Sacristans	N/A	Legitimate interests	n/a	Details in written form and on computer.	Information updated as new sacristans added or resign.
Business hire of church	Details of Organisations hiring the church facilities	To administer/ promote the Church as a venue; to manage events; to attract future bookings	Business contacts	Name, contact details	Church Events co-ordinator	N/A	Legitimate interests	n/a	Information held on Events Co-Ordinator's computer.	Periodically reviewed.
Sunday School	Register of Sunday School Attendees	Retained in order to meet safeguarding obligations and to maintain contact links.	Children Parents/guardians	Name	Sunday School Leaders & Safeguarding Officer (Consent Forms)	N/A	In order to meet legal obligations particularly around safeguarding	Art (9)(g) Processing is necessary for reasons of substantial public interest - schedule 2 clause 10, preventing unlawful acts	Register in written form kept in Sunday School room.	Updated periodically Indefinitely.
Health and Safety book	Record of accidents	Insurance purposes	Church visitors	Name, medical info	PCC	N/A	Legal obligation	Protecting vital interests	Locked in vestry drawer	3 years
Navigator' communications	Contact details	To communicate church events to interested parties.	Those interested in church events.	Email addresses.	Incumbent/Churchwarden	N/A	Legitimate interests	n/a	Information held on computer.	Updated in response to users.

Description of the context	Detail	Purpose of processing	Description of categories of individuals	Description of categories of personal data	The categories of recipients of personal data.	Details of transfers to third countries (if any).	Basis for Processing the data under GDPR.	Basis for processing of special category data	Description of technical and security measures.	Retention schedules.
Livestreams of services	Images of individuals; names.	To further the ministry of the church by making services accessible to a broader range of people	Those attending Sunday services in person and in view of the camera	Faith, image, names (in some cases)	Members of public accessing service recordings	Internationally available through Facebook	Consent	Consent  Opt out for those not wishing to be on camera to sit on alternative seats	Not applicable - publicly available information	1 year