

## ST BRANDON'S, BRANCEPETH



# DATA PROTECTION POLICY

Last updated: February 2022. Approved by PCC: March 2022

## 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.

St Brandon's Brancepeth: Parish Data Audit

Description of the context	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.	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.			Electoral Roll Officer	N/A	Requirement of the Church of England.	Information kept on computer. Copy held by Rector or Church Warden.	Records updated every six years.
Gift Aid Declarations	For claiming Gift Aid from HMRC.			PCC Treasurer	N/A	Legal obligation to enable claims to be submitted.	Hard copies supporting Gift Aid claim software which is password protected.	As long as the donor continues giving.
Bank Account Details	Enable payments to be made.			PCC Treasurer & Current Bankers	N/A	On line banking via BACS payment system.	Information held via secure password and PIN access to online banking system holding PCC account.	As long as the beneficiary needs payments.
Records of Baptism, Weddings and Funeral families. 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.			Pastoral Assistant	N/A	Legitimate pastoral purposes of the church.	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 register of attendees email addresses of parents, name and age of children together with allergies and photograph permission status.	Safeguarding obligations and to maintain contact links.			Messy Church Leader (s)	N/A	Safeguarding, and Fire Safety together with catering numbers	Paper copies of consent forms kept in file at leaders home. Email addresses are accessible to all on the email list.	No time limit set.
Youth Club register of attendance, permissions for attendance and use of photographic images, Consent forms, names of young people and medical details, family doctor contact details.	To comply with safeguarding requirements.			Youth Club leaders	N/A	Safeguarding requirements	Information in written form in a file at leaders home. Summary of members details held on leader's computer.	Registers held from 2003 when Youth Club started.

St Brandon's Brancepeth: Parish Data Audit

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.			PCC Safeguarding Officer.	N/A	Safeguardng compliance	Information held in written form on file and on Safeguarding Opfficer's computer.	Information is updated as required and in particular when further training has been undertaken.
Members of the Flower Guild, details of email addresses and phone numbers.	To ensure availability of members for flower rotas and church based events.			Flower Guild secretary & Chair.	N/A	Facilitate the work of the Guild in providing flowers for the church.	Information held on computer which ism passowrd protected in addition to a hard copy on file.	Information kept until a member resigns from the Guild.
Sidespersons Contact Details	To ensure availability of people to welcome folk to Sunday Eucharist, to handout hymn books and service sheets.			Sacristan.	N/A	Ensure availability and obtain substitutes where necessary.	Details held in written form and on computer.	Information updated periodically.
Sacristan Contact Details	To ensure availability of a sacristan for Sunday Eucharist			Sacristans	N/A	To support clergy at Sunday	Details in written form and on computer.	Information updated as new sacristans added or resign.
Details of Organisations hiring the church facilities	Historical record.			Church Events co-ordinator	N/A	To maintain contact for possible future events.	Information held on Events Co-Ordinator's computer.	Periodically reviewed.
Register of Sunday School Attendees	Safeguarding			Sunday School Leaders & Safeguarding Officer (Consent Forms)	N/A	Ensure safety of attendees	Register in written form kept in Sunday School room.	Updated periodically
Livestreamed and recorded videos	Displaying services to people not able to attend on site	Readers, intercessors, musicians and clergy at Sunday services; family members at baptism services; any others who appear on screen	Religious affiliation	Facebook Page administrator	N/A	Legitimate worshipping purposes of the church; explicit consent obtained for all who appear in the videos	Videos held on Facebook ; consent forms stored on Facebook Page administrator's computer (with hard copies in church safe)	Videos removed after one year; consent obtained every three years; videos removed immediately on request of anyone who appears in them