



DATA PROTECTION POLICY 2018

St Mary's Church Arnold, Nottingham, NG5 8HJ

NOTES

This policy was agreed by the PCC of St Mary's Church Arnold, March 2018. The footnotes are additional to the original but requested in order to clarify certain terms and references.

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on behalf of the PCC of St Mary's Church, Arnold.

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Tel: 01159209848



Data Protection Policy

Agreed by the Church Council on _____

To be reviewed by the Church Council on _____

1. INTRODUCTION

St Mary's Church (the Church) is a charitable faith organisation which encompasses the activities in and around the Church but also that of the Church Hall, known as the Family Centre, which is also used by external organisations and groups.

St Mary's Church is the Data Controller for the purposes of the Data Protection Act 1998 (the Act) and EU General Data Protection Regulation (2016) (GDPR) and therefore *"shall be responsible for, and be able to demonstrate, compliance with the principles."* Article 5 (2)

The appointed Data Protection Officer (DPO) as required by the GDPR will be the Church Administrator. The DPO will be empowered by the Church to act as an independent assessor of the Church's compliance with data protection laws and will:

- Coordinate data protection by design and privacy impact assessment initiatives/toolkits such as provided by the Information Commissioner's Office (ICO).
- Be responsible for data security initiatives
- Be responsible for training and dissemination of information
- Ensure the Church has adopted good data governance policies and procedures,
- Develop and review the policies and procedures in conjunction with a designated team from within the Church groups.
- Receive any necessary training to ensure they are kept up to date with the changes and developments of legislation and compliance.
- Be supported by the Data Protection Executive Committee (DPEC).

The DPEC is to consist of the Vicar, PCC Secretary, Youth and Children's Ministry Leader (or their representative) and the Church Warden representing the church congregation within the role and responsibilities to ensure that compliance is met as outlined in UE GDPR (2016)

St Mary's Church uses personal data about natural persons¹ for the purposes of general church administration, pastoral care and communication.

St Mary's Church recognises the importance of the correct and lawful treatment of personal data. All personal data, whether it is held on paper, on computer or other media, will be subject to the appropriate legal safeguards as specified in the Data Protection Act 1998 and the GDPR (2016). ¹

¹ Natural Person: Is a **person** (in **legal meaning**, i.e., one who has its own **legal** personality) that is an individual human being, as opposed to a **legal person**, which may be a private (i.e., business entity or non-governmental organisation) or public (i.e., government) organisation. (Apple Dictionary 2018)

St Mary's Church fully endorses and adheres to the eight principles of the Data Protection Act. These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation and storage of personal data. Employees and any others who obtain, handle, process, transport and store personal data for the Church must adhere to these principles.

2. THE PRINCIPLES

The principles require that personal data shall:

1. Be processed fairly and lawfully and shall not be processed unless certain conditions are met
2. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
3. Be adequate, relevant and not excessive for those purposes
4. Be accurate and, where necessary, kept up to date
5. Not be kept for longer than is necessary for that purpose
6. Be processed in accordance with the data subject's rights
7. Be kept secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage by using the appropriate technical and organisational measures
8. And not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

St Mary's Church and Family Centre provide a wide range of services for children, young people and vulnerable adults. Therefore, the provision of clear and accessible privacy notices for these groups will be made available and where necessary verbal explanations will be provided.

3. MAINTAINING CONFIDENTIALITY

St Mary's Church will treat all personal information as private and confidential and not disclose any data about you to anyone other than the clergy, employed staff, authorised leadership and ministry overseers/coordinators of the church to facilitate the administration and day-to-day ministry of the church.

Information and data stored by the Church Office will not be distributed in any form such as digital, hard copy or any other form, which might breach the Data Protection Act. Personal information will not be given or sold to any other person, company or church.

All employed staff are required to sign a confidentiality clause written into their contract of employment.

All clergy, employed staff and authorised leadership and ministry overseers/coordinators who have access to personal data obtained under this policy will be required to agree to and sign this Data Protection Policy.

There are four exceptional circumstances to the above permitted by law:

- Where we are legally compelled to do so
- Where there is a duty to the public to disclose
- Where disclosure is required to protect our interest
- Where disclosure is made at your request or with your consent

4. USE OF PERSONAL INFORMATION

Procedures

The following procedures have been developed to ensure that St Mary's Church meets its responsibilities in terms of Data Protection. For the purposes of these procedures data collected, stored and used by St Mary's Church falls into 2 broad categories:

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| 1. St Mary's Church internal data records; | Staff, volunteers and trustees |
| 2. St Mary's Church external data records; | Members, customers, clients. |

Internal Data Records

Purposes

- The day-to-day administration of the Church including pastoral care and oversight, calls, emails and visits, preparation of ministry rotas and contact lists.
- Maintaining financial records including payroll for audit and tax purposes
- Distribution of relevant organisational materials e.g. meeting papers, events, activities,
- Statistical analysis to gain a better understanding of church demographics/Equal Opportunities monitoring etc.
- With specific permission by each person, to produce a church contact list, which will be made available to other members of St Mary's Church on request.
- Recruitment and volunteering opportunities
- Data will be held whilst someone is a member of the church and destroyed if we receive a written request from you. The exception to this will be where need to keep statutory records for a longer period as outlined by Article 9(2) (d) of EU GDPR as we are religious organisation which is expected to keep data for much longer periods of time e.g. memorial services.

Access

The contact details of staff, volunteers and trustees will only be made available to other staff, volunteers and trustees. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day to day running of the organisation.

Contact details of staff, volunteers and trustees will not be passed on to anyone outside the organisation without their explicit consent.

A copy of staff, volunteer, trustee emergency contact details will be kept in the Emergency File for Health and Safety purposes to be used in emergency situations e.g. fire/ bomb evacuations.

Staff, volunteers and trustees will be supplied with a copy of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

St Mary's Church will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for 6 years after an employee, volunteer or trustee has worked for the organisation and brief details for longer. Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference. The Director has responsibility for destroying personnel files

Storage

Personal data is kept in paper-based systems and on a password-protected computer system.

Every effort is made to ensure that paper-based data are stored in organised and secure systems. St Mary's operates a clear desk policy at all times.

Disclosure and Barring Service Checks

St Mary's Church will act in accordance with the Disclosure and Barring Service's code of practice. Copies of disclosures are kept for no longer than is required. In most cases this is no longer than 6 months in accordance with the DBS Code of Practice. There may be circumstance where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

Church operates a clear desk policy at all times.

External Data Records

Purposes

St Mary's Church obtains personal data (such as names, addresses, and phone numbers) from members/clients. This data is obtained, stored and processed solely to assist staff and volunteers in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the organisation's database.

St Mary's Church obtains personal data and information from clients and members to provide necessary services. This data is stored and processed only for the purposes outlined in the agreement and service specification signed by the client/ member.

Consent²

Personal data is collected over the phone and using other methods such as e-mail. During this initial contact, the data owner is given an explanation of how this information will be used. Written consent is not requested as it is assumed that the consent has been granted when an individual freely gives his or her own details.

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation, in which case the Director³ will discuss and agree disclosure with the Chair/ Vice Chair. Contact details held on the organisation's database may be made available to groups/ individuals outside of the organisation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

Access

Only the organisation's staff, volunteers and trustees will normally have access to personal data.

All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it.

Information supplied is kept in a secure filing, paper and electronic system and is only

² Appendix A: St Mary's Church, Arnold - Privacy Notice and Consent form

³ Director for St Mary's Church is the Standing Committee comprised of the Incumbent (Chair of PCC) , PCC Secretary, Church Wardens, Treasure(s).

accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue.

Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

St Mary's Church will take reasonable steps to keep personal data up to date and accurate.

Personal data will be stored for as long as the data owner/ client/ member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their records will be destroyed according to the schedule in Appendix B⁴. However, unless we are specifically asked by an individual to destroy their details, we will normally keep them on file for future reference.

If a request is received from an organisation/ individual to destroy their records, we will remove their details from the database and request that all staff holding paper or electronic details for the organisation destroy them. The Information Officer⁵ will carry out this work.

This procedure applies if St Mary's Church is informed that an organisation ceases to exist.

5. THE MEMBERSHIP DATABASES

Electronic

Membership Information is held on the Church Membership Database or on the Membership Database section of the Church Website

The Membership Database is stored on the church computer, the main computer in the church office and can be accessed via this computer only. The Membership Database on the Church Website is individually password protected and can only be accessed by users who have specific permission to do so.

Information collected by the Church Office will be stored on the Database and will not be used for any other purposes than set out in this section.

1. Access to the Database is strictly controlled with name-specific passwords, which are setup and authorised by the DPO.

⁴ Appendix B is available on request: Church of England 'Keep or Bin...? – The Care of Your Parish Records. Church of England Record Centre Records Management Guide No.1 Revised 2009 or accessed at: http://www.lambethpalacelibrary.org/files/Parish_Records_0.pdf

⁵ The information Officer can be one of the following in our situation:
General information that is held by the office/PCC etc would be the administrator (as PCC Data Protection Officer) and would also ensure that any action that has to be carried out such as destruction would be authorised by at the Data Protection Executive Committee (DPEC) if this involved any historical/legal documents especially if these have also required Diocesan permission. The key leader for each group/programme/activity will be the Information officer for the group or event which requires the collection/holding/use of personal data.

2. Only the clergy and church staff and authorised leadership and ministry overseers/coordinators have access to the full database.
3. Any authorised users outside of the EU, in accordance with the Data Protection Act, will NOT access the Database unless prior consent has been obtained from the individual whose data is to be viewed.
4. Personal information will not be passed onto any third parties outside of the church environment.
5. Personal information may be made available to others within the church environment via the password protected members area of the church website with the express permission of the data subject who will be given the opportunity to 'opt in' to this. This information may also be published in a church contact list which will be made available, via the office, verbally or in paper form to church members without website access.
6. The need to process data for normal purposes has been communicated to all data subjects. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data must be obtained.
7. An external hard-drive back up of the main office computer will be made and stored in the safe. This is not to be accessed without permission of the DPO.

Hardcopy

Physical backup copies of the membership databases will be kept in the main safe along with other emergency information as a backup in case of fire, corrupted computer systems. These files are not to be used without the permission of the DPO or DPEC and MUST NOT be taken out of the church office (vestry).

However, it is recognised that individual groups and organisations will have their own sets of data kept in hard copy format – those responsible for this must keep these in a locked place and a backup copy kept in the church office safe.

6. STORAGE OF DATA ON OTHER ELECTRONIC MEDIA

All clergy, employed staff and authorised leadership and ministry overseers/coordinators who store personal information obtained under this policy on any electronic system not connected to the St Mary's Church computer network or part of the St Mary's Church website are required to do so in accordance with the principles of the Data Protection Act and to take due care to ensure that the information remains secure through the use of passwords and encryption where appropriate. This includes:

- Email / telephone / address books held on personal computers, mobile phones, PDA's etc
- Data stored on memory sticks and/or portable hard drives

7. RIGHTS TO ACCESS INFORMATION

Employees and other subjects of personal data held by St Mary's Church have the right (with some legal exceptions) to access any personal data that is being kept about them either electronically or in paper-based filing systems. This right may be withheld if the personal information also relates to another individual.

Specifically, all individuals who are the subject of personal data held by St Mary's Church are entitled to:

- Ask what information the church holds about them and why.

- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed what the Church is doing to comply with its obligations under the 1998 Data Protection Act.

Any person who wishes to exercise this right should make the request in writing to the Data Controller⁶, using the standard letter, which is available, on-line from <https://ico.org.uk/for-the-public/personal-information> St Mary's Church reserves the right to charge the maximum fee payable for each subject access request.

St Mary's Church aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of receipt of a completed form unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

If personal details are found to be inaccurate, they can be amended upon request.

7. PHOTOGRAPHS

Photographs taken within the Church building or at Church events may include individuals or groups of individuals attending these events. These photographs will be used solely for the purpose of St Mary's Church advertising, marketing and public relations, and may thus appear in any advertising internal and or external, website or other publicity material.

The Data Protection Act DOES apply where photographs are taken for official use, such as for identity passes, and these images are stored with personal details such as names. Where the Act does apply, it will usually be enough for the photographer to ask for permission to ensure compliance with the Act.

Photographs taken at St Mary's Church purely for personal use are exempt from the Data Protection Act. This means that parents, friends and family members can take photographs for the family album of their children and friends participating in church events.

8. WEBSITE PRIVACY STATEMENT

The following statement is provided for users of the Church Websites and Social Media pages using platforms such Facebook and Twitter.

At St Mary's Church we collect different types of information about our users for the following main reasons:

1. To provide an interactive web site where email is used to communicate with the users.
2. To provide a security mechanism whereby we can restrict content to certain groups of users.
3. To help us to improve the service we offer.

Our principles

⁶ The Parish Church of St Mary's Arnold as the organisation is the Data Controller with the PCC being responsible to ensure compliance with a nominated Data Protection Officer (DPO - the Church Administrator) to carry out what is required to see that compliance is met.

We are absolutely committed to protecting the privacy of each person. Our policy can be summarised in one sentence: **we will not share personal information with others without the individual's consent.**

We have established the following principles:

1. We will respect email privacy. Individuals will only receive email from St Mary's Church in relation to areas that they have expressly signed up for.
2. All group emails will be sent as bcc... to protect privacy, unless the individual has agreed otherwise as part of a specific group operating within the church organisation.
3. We will not share any individual user details (including your email address) to any third party without your consent.

What information do we collect?

- We collect information on our users through registration.
- The minimum information we need to register a user is an individual's first and last name, postcode and a password.

Who will have access to an individual's information?

- An individual has control over who is able to access specific items of their personal information.
- By default, this information will not be visible to anyone else using the site.
- An individual can change their settings from their personal profile page.

Other procedures to maintain privacy

- Browsers are closed when a user has finished a session. This is to ensure that others cannot access personal information and correspondence. This is essential if a computer is shared with someone else or is being used in a public place like a library or Internet cafe. The computer user as an individual is responsible for the security of and access to, the computer whether it is personal or belongs to the Church.
- Each individual has to be aware that whenever they voluntarily disclose personal information over the Internet this information can be collected and used by others. In short, anyone posting personal information in publicly accessible online forums may receive unsolicited messages from other parties in return. Ultimately, each individual is solely responsible for maintaining the secrecy of their usernames and passwords and any account information. Everyone within the Church must be careful and responsible whenever they are using the Internet.

Our pages may contain links to other websites; we are not responsible for the privacy practices on other websites.

Responsibilities of staff, volunteers and trustees

During the course of their duties with St Mary's Church, staff, volunteers and trustees will be dealing with information such as names/addresses/phone numbers/e-mail addresses of members/clients/volunteers. They may be told or overhear sensitive information while working for St Mary's Church. The Data Protection Act (1988) gives specific guidance on

how this information should be dealt with. In short to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. Staff, paid or unpaid must abide by this policy.

To help staff, volunteers, trustees meet the terms of the Data Protection Act; the attached Data Protection/Confidentiality statement has been produced. Staff, volunteers and trustees are asked to read and sign this statement to say that they have understood their responsibilities as part of the induction programme.

Compliance

Compliance with the Act is the responsibility of all staff, paid or unpaid. St Mary's Church will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action. Any employee who breaches this policy statement will be dealt with under the disciplinary procedure, which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution.

Any questions or concerns about the interpretation or operation of this policy statement should in the first instance be referred to the line manager.

Retention of Data

No documents will be stored for longer than is necessary. For guidelines on retention periods see the Data Retention Schedule⁷.

All documents containing personal data will be disposed of securely in accordance with the Data Protection principles

Policy agreed by St Mary's PCC on ___20 March 2018 ___by ballot

Signed On behalf of St Mary's PCC _____


Print Name _____ **Janice Yelland-Sutcliffe** (Data Protection Officer)

⁷ Appendix B is available on request : 'Keep or Bin...? – The Care of Your Parish Records' Church of England Record Centre Records Management Guide No. 1 available at: http://www.lambethpalacelibrary.org/files/Parish_Records_0.pdf This document outlines how long records are to be kept and why. Note that there are certain records that are kept permanently due to legal requirements and are publicly available.