



Data Protection (GDPR) Policy

All Saints' Church, Walsoken

Please refer to Document S&S_Doc_001 for all Safeguarding and Social requirements.

Specific Policy

This Safeguarding & Social (S&S) sub-policy controls data protection at church.

Introduction

All churches collect data (it's impossible to avoid).

- 1) It includes communications to people and sign-ups by e-mail and paper.
- 2) Contact details related to pastoral services and visits on paper and Excel.
- 3) Sensitive data in the church diary.
- 4) e-mails.

Data is critical for the church.

- 1) The church has several important activities in the local community. To do these activities we will be collecting personal data.
- 2) The church is a community of people with several life events that contains personal data.

Meeting people

- 1) All Saints' Church, Walsoken does a lot of great activities and services for life events.
- 2) Some events require us to meet people and collect their information.

What is the purpose of GDPR?

The purpose of the regulation is to give people greater control over the use made of their personal data by third parties, as well as better knowledge about how and where it is stored, and what can and cannot be done with it.

Does it apply to our church?

Yes. Although the regulation was drawn up in the EU, the UK government has stated that it will remain in place after Brexit. Crucially for churches, whereas the old Data Protection Act (1998) makes exceptions for small charitable organisations, the new regulation does not. Finally, the legislation also comes with a hefty set of fines payable by any organisations if they fail to adhere.

Reference Documents

Regulation (EU) 2016/679 of the European Parliament and of the Council

The Data Protection Act 2018

GDPR Terms

Lawful Basis

All Saints' Church, Walsoken has a lawful basis to process a person's data when we have

- 1) **A "legitimate interest":** We are allowed to process relevant data on a person if the person can reasonably expect that you process their data and if it applies to the relationship between our church and the person.
Note: We must state the legitimate interest in our Privacy Note.
- 2) **Consent:** If we have a specific and clear consent from a person to process their data.
- 3) **A contract:** If we process data based on a contract.
- 4) **A legal obligation:** If we are required to process data because of the law, e.g. disclosure of gift aid, court orders, etc.
- 5) **A public task:** If we conduct a public task we are allowed to process data, e.g. marriage, weddings, and funerals.

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Examples of legitimate interest for a church is for.

- 1) **Volunteers:** There is a legitimate interest to process relevant data on volunteers and communicate with them.
- 2) **Electoral Roll:** Under Church Representation Rules it would be legitimate interest to register and process data on members of the Electoral Roll.
- 3) **Registration and communication to attendees:** If a person has signed up for an activity you are allowed to process their data and communicate with the person without consent.

Consent

Consent is not always necessary as our church often has legitimate interests to process data. However, there are several advantages of collecting consent.

- 1) By getting consent we can more easily expand the relationship.
- 2) Including what we are allowed to communicate to them.
- 3) Including what relevant data you can process.
- 4) A consent can serve as simple documentation like a written agreement.

People's rights

People have the right to.

- 1) Be informed.
- 2) Access.
- 3) Rectification.
- 4) Object.
- 5) Be forgotten (and have their data erased).
- 6) Portability.

People also have the right to make requests of data held concerning them. Once a request is made, we will respond according to the following table.

Individual Rights Request	Timescale
Right of access (Subject Access Request)	One calendar month
Right to rectification	One calendar month
Right to erasure	One calendar month
Right to restrict processing	One calendar month
Right to data portability	One calendar month
Right to object	One calendar month

Individual rights requests are much easier if, once used for the authorised purpose and records are not legally required, all data subject records are permanently deleted.

What is a data controller?

- 1) A data controller decides the purpose of processing data and by what means the processing is done.
- 2) A data controller is responsible for processing personal data in line with the rules described in GDPR.

What is a data processor?

- 1) A data processor processes personal data on behalf of the data controller.
- 2) A data processing agreement is required between the data controller and data processor.

Procedure

Information Commissioner's Office (ICO)

The ICO maintains a register of Data Controllers, although many charities and not-for-profit organisations are exempt from registering. Those who do need to register will also pay a fee, although again there are exceptions for small charities. In general, churches fall into the exempt category, unless they operate CCTV for the purposes of crime prevention (in which case registration is mandatory). All Saints' Church, Walsoken's CCTV is registered.

A Data Protection Officer

Data Protection Officers are specifically required in certain circumstances under the GDPR, such as where organisations process sensitive personal data on a "large scale". The processing of sensitive personal data by the PCC and/or incumbent is unlikely to be classed as "large scale". Parishes are highly unlikely to be required to have a Data

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Protection Officer. **All Saints' Church, Walsoken will not have a Data Protection Officer.** As churches don't need a Data Protection Officer the PCC will assign a representative to ensure that the church complies with GDPR.

Processing Data

The GDPR contains specific requirements for documentation of data processing.

- 1) We may have to provide documentation to the ICO (Information Commissioner's Office).
- 2) Records must be up to date and reflect our actual data processing in the church.
 - a. We only need to document processing activities that are not occasional.
 - b. Could result in risk to the rights and freedoms of individuals
 - c. Involve processing of special categories data (like religious belief - e.g. church membership) or criminal conviction and offence data.

Consent

A consent is an agreement that the data controller is allowed to process data based on the consent.

- 1) The consent must be clearly defined and easy to understand
- 2) The consenter needs to be informed of their right to withdraw the consent
- 3) The consent must be opted in (versus opt out)
- 4) Consents that you already have, and which are legal today, don't need to be refreshed
- 5) Record how and when you received the consent

Communication

If there is no legitimate interest for communication, we recommend getting consent. This should allow the church to process data and communicate with the person about the activity and mission of the church based on the interests of the person.

All Saints' Church, Walsoken has a contact consent form see document S&S_Doc_016F

Fundraising and paid activities

It is beneficial to ensure a consent from the person that allows you to also communicate about paid activities and fundraising projects. Activities that cover the costs of the church do not need this consent.

Privacy Notice

See Church Document S&S_Doc_021

Records Retention Policy

See Church Document S&S_Doc_037

GDPR Audit Form

See Church Document S&S_Doc_039

CCTV Policy

See Church Document S&S_Doc_028

Forms

Form 1. Contact Consent Form

All Saints' Church, Walsoken	
Contact Consent Form	
Under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, All Saints' Church, Walsoken PCC needs your consent to contact you, for the purposes listed below.	
To provide your consent please complete your contact details and then tick all relevant boxes indicating the method and purpose of contact you agree to. You may consent to all the purposes, any number of the purposes or none of the purposes. If you do not consent to us using your information for the purposes listed below, then we will not contact you for those	
Name	<input type="text"/>

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Diagrams

None

Appendices

None

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