



## St Mary the Virgin

# Data Protection and Privacy Policy

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## **INTRODUCTION:**

The Data Protection Act 2018 is read in conjunction with the General Data Protection Regulation (Act) and seeks to protect individuals against the unfair use of personal information. There are a number of fundamental principles which the Act establishes:

- The right of an individual to know what data is being held about him/her and to check its accuracy.
- That Personal Data should be used only for the specific purposes for which it is held and not disclosed to those not authorised to have it.
- A Government agency should regulate and enforce proper standards relating to Personal Data.

If a church holds Personal Data either on a computer or in a paper-based filing system, it must follow the rules set out in the Act. This does not, of course, include acts that are required by law to be undertaken (e.g publication of the Electoral Roll before the Annual Church Meeting) This does not apply to individuals who keep an address book for their own private benefit nor would it apply to Data held separately by the Priest. He/she would be a separate "Data Controller".

Those processing Data are required to follow and abide by the Data Protection Principles.

The Policy sets out how the PCC will ensure that the provisions of the Act are complied with in respect of activities involving the Church.

## **DEFINITIONS**

**"The Church"**: St Mary the Virgin, Little Baddow

**"Data"**: recorded information whether stored electronically on a computer, in paper based filing systems or other media.

**"Data Controller"**: the PCC of St Mary the Virgin, Little Baddow, who determine the purposes for which, and the manner in which, any Personal Data is processed. They have a responsibility to establish practices and policies in line with the Act.

**"The Data Processing Principles"**: these are set out in the Act and can be summarised as follows:

- Personal Data shall be processed fairly and lawfully.
- Personal Data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal Data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal Data shall be accurate and, where necessary, kept up to date.
- Personal Data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal Data shall be processed in accordance with the rights of Data Subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of Personal Data and against accidental loss or destruction of, or damage to, Personal Data.
- Personal Data shall 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.

**"Data Protection Officer"**: The PCC Secretary has been appointed by the PCC to fulfil the functions of this post

**"Data Subject"**: includes all living individuals about whom Personal Data is held. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in relation to their Personal Data.

**“Data Users”** such of the officers and authorised volunteers of the PCC who are from time to time authorised by the PCC to use the Personal Data. Data Users have a duty to protect the information they handle and to follow this Policy at all times.

**“The PCC”** The members for the time being of the Parochial Church Council of the Church of St Mary the Virgin, Little Baddow.

**“Personal Data”**: Data relating to a living individual who can be identified from that Data (or from that Data and other information in the possession of the Data Controller). Personal Data can be factual (such as a name, address or date of birth) or it can be an opinion. It can even include a simple email address. It is important that the information has the Data Subject as its focus and affects the individual's privacy in some way. Mere mention of someone's name in a document does not necessarily constitute Personal Data, but personal details such as someone's contact details would fall within the scope of the Act. Details of the sources of Personal Data held by the PCC are set out in the Appendix to this document and are subject to annual review as hereinafter referred to.

**“The Policy”** this document and any subsequent document amending or replacing the same

**“Processing”**: any activity that involves use of the Data. It includes obtaining, recording or holding the Data, or carrying out any operation or set of operations on the Data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties. The definition of processing is very wide and it is difficult to think of anything an organisation might do with Data that will not be processing.

**“Sensitive Data”**: Personal Data which consists of information concerning the Data Subject's racial or ethnic origin, political opinions, religious beliefs or beliefs of a similar nature, membership of a Trade Union, physical or mental health condition, sexual life, commission or alleged commission of any offence, a record of any proceedings for any offence committed or alleged, or a record of any sentence or proceedings., for example if Personal Data is held in connection with pastoral counselling,

## **THE DATA PROCESSING PRINCIPLES IN PRACTICE**

### **1 Fair and lawful Processing**

The Act is not intended to prevent the processing of Personal Data, but to ensure that it is done fairly and without adversely affecting the rights of the Data Subject.

For Personal Data to be processed lawfully, certain specific conditions have to be complied with and it is only 'lawful' if it meets at least one of the following:

- With the consent of the Data Subject, or,
- If there is a legal obligation (for example publishing of the Electoral Roll), or
- For the protection of the vital interests of the individual (for example to prevent injury or other damage to the health of the Data Subject), or,
- In the legitimate interest of the Data Controller, unless it is prejudicial to the interests of the individual

Personal Data must meet all of the following criteria in order to be processed 'fairly':

- Data will only be collected from persons who have the authority to disclose it. If personal information is collected from a third party, the Data Subject will be informed of the 'use' of the information.
- Data Subjects will not be deceived or misled in any matter related to the use of Personal Data.

When Sensitive Personal Data is being processed, it may only be processed if it meets at least one of the following criteria

- The Data Subject has given explicit consent.

- It is necessary to meet requirements of employment law.
- It is necessary to protect the vital interests (i.e. if the situation is a matter of life or death) of the subject or another person.
- The Data Subject has already manifestly made the information public.
- It is necessary for legal proceedings, obtaining legal advice or defending legal rights.
- It is necessary for the carrying out of official or statutory functions.
- It is necessary for medical purposes.
- It is necessary for equal opportunities.
- It is necessary in order to comply with legislation.

**The PCC will ensure that, when Personal Data is collected, it will be held in accordance with the requirements of the Act and in compliance with this Policy. All instances involving Sensitive Personal Data will be referred to the Data Protection Officer who will ensure that the requirements of the Act are followed.**

## **2 Processing for Limited Purposes**

The PCC will ensure that Personal Data is only collected for the legitimate purposes of the PCC or other purposes for which it was obtained and that it is not subsequently used for any other purpose. If it becomes necessary to change the purpose for which the Data is processed, the Data Subject will be informed of the new purpose before any processing occurs.

### **3. Adequate, Relevant and Non-excessive processing**

Personal Data should only be collected to the extent that it is required for the specific purpose notified to the Data Subject. The PCC will ensure that only necessary Data is collected and that any Data which later becomes irrelevant will be destroyed.

### **4. Accurate Data**

Personal Data must be accurate and kept up to date. The PCC will take steps to check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data will be destroyed.

### **5. Processing in line with Data Subject's rights**

Data must be processed in line with the rights of the Data Subject.

. The PCC will ensure that Data Subjects have a right to the following:

- To request access to any Data held about him/her.
- To prevent the processing of their Data for direct-marketing purposes.
- To ask to have inaccurate Data amended.
- To prevent processing that is likely to cause damage or distress to themselves or anyone else

### **6. Security and Disclosure of Personal Data**

The Act requires the PCC to put in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction. The PCC will ensure that appropriate security measures are taken to prevent unlawful or unauthorised processing of Personal Data and against the accidental loss of, or damage to, Personal Data. In particular, the PCC will ensure that Personal Data is only disclosed in accordance with the Policy.

The PCC will also take the following steps to secure Personal Data:

- Only those people who are authorised by the PCC to use the Data will be able to access and process it
- Personal Data will be:

- Kept in a locked filing cabinet, or
  - In a locked drawer; or
  - If it is stored electronically, password protected
- When destroying Personal Data, paper documents will be shredded, CD-ROMs will be physically destroyed and electronic data will be permanently deleted
- When receiving telephone or email enquiries, Data Users will be required to be careful about disclosing any Personal Data held by the PCC. In particular, they will:
  - Check the caller's identity to make sure that Data is only given to a person who is entitled to it
  - Suggest that the caller put their request in writing where the Data User is not sure about the caller's identity and where their identity cannot be checked
  - Refer to the Data Protection Officer for assistance in difficult situations.
  - Personal Data will only be transferred to a third-party Data Processor, such as a supplier under contract to the PCC, if he or she agrees to comply with the Policy and the provisions of the Act.

## **GENERAL APPLICATION**

**All Data Users will be required to adhere to this Policy. Any breach of this Policy will be taken seriously.**

## **DATA SUBJECT'S ACCESS REQUESTS**

A formal request from a Data Subject for information held about him/her, or who considers that the Policy has not been followed in respect of Personal Data about him/her or others must in each case be made in writing in the first instance to:-

PCC Secretary at St Mary the Virgin, Church Road, Little Baddow, CM3 4BE  
or emailing [pccsecretary@littlebaddowchurches.org.uk](mailto:pccsecretary@littlebaddowchurches.org.uk)

## **DATA BREACH**

**Within 72 hours of the PCC becoming aware of any major or critical data breach they must notify the Information Commissioner's Office**

**APPENDIX**  
**(Personal Data held by the PCC)**

- Electoral Roll
- Gift Aid details (envelopes, register and records)
- Stewardship campaign and freewill offering information.
- Email information to facilitate distribution of service details etc.
- PCC accounts
- Those who have been DBS checked.
- Sidesmen, cleaners and PCC member details.

The following were authorised by the PCC at the same meeting to use the Data: The Priest, Independent Examiner, Treasurer, Gift Aid Officer, Secretary and Churchwardens as necessary.

**Approved by the PCC at its meeting held at St Andrew's Rooms, North Hill, Little Baddow. on the 25<sup>th</sup> September 2018**

**Reviewed by the PCC at its meeting on 7<sup>th</sup> Sept 2021 with no changes**

This Policy will be reviewed every three years or sooner as required by law