

Data Protection Policy for the Benefice of Mitford and Hebron

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1 Introduction

The protection of personal data is enshrined in UK law, but it is also a moral responsibility that the Benefice of Mitford and Hebron takes seriously. Embedding data protection within the organisation benefits the Benefice of Mitford and Hebron, the Church and all individuals who interact with us, by enabling uniform and consistent decision making, building a culture of awareness and responsibility, making personal data management and infrastructure more resilient; and, through transparency and accountability, instilling trust and confidence in individuals when they provide us with their data, and ensuring their rights and freedoms are upheld.

1.1 Purpose

The purpose of this policy is to describe the steps that the Benefice of Mitford and Hebron are taking to comply with data protection legislation, to ensure that our compliance with the relevant legislation is clear and demonstrable.

This policy is also intended to provide us with measures for ensuring that risks to individuals through misuse of personal data are minimised, such as:

- personal data being used by unauthorised individuals through poor security or inappropriate disclosure;
- individuals being harmed by decisions made using inaccurate or insufficient data;
- individuals being uninformed by lack of transparency leading to unlawful practice;
- the invasion of privacy due to over-collection or over-retention of data.

1.2 Scope

This policy applies to the Benefice of Mitford and Hebron, which includes the incumbent, members of the Joint Parochial Church Council (JPCC) and other authorised officers.

We expect all those processing personal data on behalf of the Benefice of Mitford and Hebron to act in accordance with this policy when engaged in the business of the Benefice of Mitford and Hebron.

1.3 Definitions

- **Personal Data** - Any information that relates to an identifiable living individual.
- **Special Categories of Personal Data** (also known as sensitive personal data) - Specific types of data that require additional care being taken when processing. The categories are: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.
- **Data processing** – Any activity relating to the collection, recording, organising, structuring, use, amendment, storage, access, retrieval, transfer, analysis, disclosure, dissemination, combination, restriction, erasure or disposal of personal data.
- **Data Protection Impact Assessment (DPIA)** - A process designed to help systematically analyse, identify and minimise the data protection risks of a project or activity.
- **Data Subject** - The individual to whom the data being processed relates.
- **Data Controller** - A body or organisation that makes decisions on how personal data is being processed. Data Controllers almost always also process data.
- **Data breach** - any occasion when personal data is: accidentally or unlawfully lost, destroyed, corrupted or disclosed; accessed or passed on without proper authorisation; or made unavailable (through being hacked or by accidental loss/destruction).
- **3rd Party Data Processors** – Other legal entities that process data on behalf of a Data Controller and under instruction from the Data Controller. Data Processors do not have the ability to make decisions about *how* the data should be processed, there should be documented instructions from the Data Controller about what the processor can and cannot do with the data (known as a Data Processing/Sharing Agreement).

2 Policy Statement

Personal data that the Benefice of Mitford and Hebron collects, uses, stores, transfers, shares and disposes of must be handled in line with the following policy.

2.1 Data Protection Officer

The Benefice of Mitford and Hebron has a Data Protection Officer (DPO), the secretary of the JPCC, who may be contacted by emailing: secretary@mitfordchurch.org

The DPO is responsible for assisting the Benefice of Mitford and Hebron to monitor internal compliance and to inform and advise on data protection obligations.

The DPO will monitor data sharing agreements, data breaches, information risk, subject access requests and compliance with data protection policies and procedures and will report to the JPCC.

2.2 Principles of data protection

Personal data is processed according to the following principles:

1. **Data is processed lawfully, fairly and in a transparent manner** in relation to the data subject, through the provision of clear and transparent privacy notices and responses to individual rights requests.
2. **Data is collected for specified, explicit and legitimate reasons** and not further processed for different reasons incompatible with these purposes. The Benefice of Mitford and Hebron will maintain an Information Asset Register (Appendix 2) and Register of Processing Activities (Appendix 3) for the Benefice of Mitford and Hebron, that will be reviewed and updated annually. Data that is stored and used for archiving purposes in the public interest, scientific or historical research or statistical purposes will be managed by the Benefice of Mitford and Hebron and stored according to the recommendations of the Diocese.
3. **Data is adequate, relevant and not more than is necessary** to complete the task for which it was collected and will be subject to regular review of data collection and processing needs.
4. **Data is accurate and up-to-date** and reasonable steps will be taken to ensure this through regular data quality checks.
5. **Data is not kept for longer than is necessary** to complete the task for which it was collected, by the implementation of a retention schedule (Appendix 4) and a regular data cleansing programme.
6. **Data is kept secure**, with appropriate technical and organisational measures to protect against unauthorised or illegal processing, accidental corruption, loss or disclosure of personal data. This will include:
 - storing paper copies of personal data in private, locked homes or locked cupboards in church buildings;
 - maintaining password protection of electronic data held on computers and online storage;
 - ensuring access to paper and electronic media is restricted only to those individuals authorised to access the data;
 - ensuring that extra precautions are taken when personal data is carried in public places, to keep the risk of data breaches to an acceptable level.

To maintain appropriate data security, we will:

- undertake regular risk assessments of our practices
- provide an induction document for people within the remit of this policy
- source further training if required or requested

7. Accountability The Benefice of Mitford and Hebron are responsible for, and will demonstrate, compliance with the principles by:

- Adopting and implementing this data protection policy;
- Publish privacy notices to explain our data protection practices to those whose personal data we process
- Put in place written contracts with 3rd party Data Processors that process personal data on our behalf if required;
- Implementing annual reviews, to update the measures we have put in place.

2.3 Collecting personal data

Data protection legislation requires that the collection and use of personal data is fair and transparent. If we acquire any personal data related to an individual (including employees, officer holders, volunteers, suppliers, supporters or other external contacts), either directly from the data subject or from a third party, we must do so in line with the above 'Principles of Data Protection'.

If we acquire data in error (that is, data we should not have access to), by whatever means, we must inform the Data Protection Officer who will assess whether the data should be retained and if so, arrange for it to be given to the appropriate individual.

2.4 Privacy Notices

Individuals have the right to be informed about the collection and use of their personal data and the Benefice of Mitford and Hebron will be open and transparent about our use of personal data in line with this Policy. Our current privacy notice can be found here: [insert web link to current privacy notice as appropriate].

We shall create and maintain one or more privacy notices, covering our data processing activities relating to personal data. Privacy notice(s) will be published on our website and in the churches. and we will provide this to individuals at the time we collect or significantly amend their personal data.

If our data processing practices change, causing a Privacy Notice to be updated, we will reissue the notice to the affected data subjects, by email or by other appropriate means.

2.5 Lawful bases

Personal data must only be processed once we have identified an appropriate lawful reason to do so. There are six available lawful bases for processing (Appendix 1). No single basis is 'better' or more important than the others, we must decide which basis is most appropriate depending on our purpose and relationship with the individual.

The Lawful basis for different areas of our data processing will be included in (Appendix 3) of this policy and indicated in the relevant Privacy Notice.

2.6 Individual rights

Data protection legislation gives individuals specific rights regarding their personal data:

1. The right to be informed
2. The right to access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability (unlikely to be relevant to parishes or deaneries)
7. The right to object
8. Rights in relation to automated decision making and profiling (unlikely to be relevant to parishes or deaneries)

2.7 Data Protection Impact Assessment

The Benefice of Mitford and Hebron has adopted the principle of privacy by design. All new projects, updated processes or significantly changed systems that require the use of personal data and may pose a high risk to data subjects, will be subject to a Data Protection Impact Assessment (DPIA).

2.8 Data Sharing

As a data controller, we recognise that when we share personal data with third parties, we are responsible for:

- ensuring the third party complies with GDPR, and
- stating any constraints or requirements about what the third party can or cannot do with our data.

When sharing or disclosing personal data we shall ensure that:

- We consider the benefits and risks, either to individuals or the Church, of sharing the data, along with the potential results of not sharing the data;
- We are clear about with whom we can share the data. If we are unsure, we check with the data owner, or our DPO.
- We do not disclose personal data about an individual to an external organisation without first checking that we have a legitimate reason to do so (see above 'Lawful bases' section).
- If we must transfer or share data, we do so using appropriate security measures;
- If we are sharing data outside of the UK or the EU, we take particular care to ensure that the destination country meets all the necessary requirements to protect the data.

If we are unsure whether or not we can share information, we will contact the DPO.

Data Sharing statements

We may state any constraints or requirements on the use of data shared with third parties in the following ways, depending on the level of risk:

- Through the use of disclaimer-type statements in emails or on contractor job sheets

- By the inclusion of a 'Data Protection' section of a contract with a third party (such as a leasing agreement)
- By a standalone 'Data Sharing Agreement'

2.9 Storing and disposing of data

We will ensure that we use the most appropriate and secure methods available for both storage, disposal and archiving of personal data. We will ensure that:

- In so far as we are able, all personal data in our possession is kept secure from unauthorised access;
- We keep physical files containing personal data in locked, private premises;
- We are vigilant of our surroundings, in particular when working outside of normal office locations, being careful not to place any personal data in a position where it can be viewed, stolen or lost;
- All devices used to handle personal data are password protected and we do not share passwords;

2.10 Fact versus Opinion

When using personal data, it is our policy not to write comments about any individual that are unfair, untrue or offensive and that you would not be able to defend if challenged. In general we:

- Express facts, not opinions
- Work on the basis that anything written about an individual might be seen by that individual.

This includes emails. Although a certain amount of informality attaches to email writing, it should not be overlooked that these can provide a written record of our comments and, in the event of a Subject Access Request, they are subject to disclosure if they contain personal data.

2.11 Data Breaches

A personal data breach means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.

There will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

Any data breach, as described above, is to be reported to the Data Protection Officer.

Where a breach is known to have occurred which is likely to result in a high risk to the rights and freedoms of individuals, our Data Protection Officer will report this to the Information Commissioner's Office (ICO) within 72 hours and will co-operate with any subsequent investigation. We will contact the affected data subject(s) where it is necessary to do so.

2.12 Training

We will provide appropriate support and training to all those involved in the benefice in the safe and lawful processing of personal data.

3 Approval and review

Approved by	JPCC of Benefice of Mitford and Hebron
Policy owner	JPCC of Benefice of Mitford and Hebron
Policy author	JPCC of Benefice of Mitford and Hebron
Date	18 th November 2021
Review date	November 2024

4 Revision History

Version No	Revision Date	Previous revision date	Summary of Changes

5 APPENDIX 1 – Lawful bases (from GDPR Article 6)

Legitimate interest

The processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

Legitimate Interest Assessment. When can you rely on legitimate interests?

- When processing is not required by law but is of benefit to you
- When there is a limited privacy impact on the data subject
- When the data subject would reasonably expect your processing to take place

In order to use legitimate interests as your lawful basis for processing, your processing must therefore meet all of the following criteria:

- Have a specific purpose with a defined benefit
- Be necessary – if your defined benefit can be achieved without processing personal data then legitimate interests is not appropriate
- Be balanced against, and not override, the interests, rights and freedoms of data subjects

Contract

The processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

Legal obligation

The processing is necessary for you to comply with the law (not including contractual obligations).

Consent

The individual has given clear consent for you to process their personal data for a specific purpose.

If Consent is used it must be valid (freely given, unambiguous, actively selected, can easily be withdrawn); Both giving and withdrawing consent must be recorded.

For consent to be valid, i.e. the correct basis, it must be a choice - so if the data subject refuses to give consent, does that mean that the service can't be provided? If it is an essential service (e.g. pension, payroll etc) then the data controller cannot refuse the service, so there is effectively no choice, so consent is not valid.

Vital interests

The processing is necessary to protect someone's life.

Public Task

The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. (For further information and assistance seek advice from the DPO or local registrar as appropriate).

6 APPENDIX 2 - Information Asset Register

No.	Title and description	Storage: location and format	Sensitivity of data (risk)
1	Contact List for Information sharing	Email list/JPCC Secretary's computer/Newsletter Editor's computer Pastoral leaders	Medium Risk
2	Contact List for Information sharing	Hard copy of list/JPCC Secretary's filing system, Newsletter Editor's filing system. Pastoral leaders	Medium Risk
3	Electoral Roll	Electoral Roll Officer's computer JPCC Secretary's computer. Hard copy held by ERO and JPCC secretary.	Medium Risk
4	Gift Aid Details	Hard copies stored by Gift Aid secretary. Gift Aid Secretary's computer.	High Risk
5	Baptism/Wedding/Funeral Registers/Details	Registers/safe	Low Risk
6	Database of Church Members	Distribution List Co-ordinator's computer	Medium Risk
7.	Trustee information for the JPCC	JPCC secretary's computer and files	Medium risk
8.	Schedule of Reserved Grave Spaces	Contained within a spreadsheet (widely distributed)	Low risk
9.	Reserved Grave Space Applications	Volunteer Churchyard Registrar: computer + back-up storage, hard-copy file Diocese: computers + records	Medium Risk
10.	Safeguarding Information	Training information and certificates.	Medium Risk

No.	Title and description	Storage: location and format	Sensitivity of data (risk)
	Safeguarding investigations	Parish Safeguarding Officer's(PSO) computer/ Hard copies stored in locked cabinet. All information is shared with the Diocesan Safeguarding Adviser (DSA)	High risk

7 APPENDIX 3 – Register of Processing Activities

Data processing Activity 1 and 2 Contact Lists

Reason/purpose	Maintain a list of UpToDate contacts for information sharing
Data Category	Contact details
Collection Point	Information provided by person requiring information
Processing Justification	Consent
Location & Access	Computers and files of JPCC Secretary/Newsletter editor
Data Sharing (Other organisations)	Church of England
Retention Policy	Reviewed annually. or removed upon request.

Data processing Activity 3 Electoral Roll

Reason/purpose	Legal Requirement to hold details
Data Category	Contact details and connection to the church
Collection Point	Information provided by person wishing to be included on Electoral Roll
Processing Justification	Consent/Legal Requirement
Location & Access	Computers and files of JPCC Secretary and Electoral Roll Officer
Data Sharing (Other organisations)	Church of England General public
Retention Policy	Data revised annually and renewed every six years. Older complete 6-yearly reviews, excluding individual application forms, are archived with the diocese.

Data processing Activity 4 Gift Aid

Reason/purpose	Legal Requirement to hold details
Data Category	Contact details and connection to the church
Collection Point	Information provided by person wishing to gift aid
Processing Justification	Legal Requirement
Location & Access	Files of Gift Aid Secretary
Data Sharing (Other organisations)	Shared with HMRC

Retention Policy	Retained for 6 years following the accounting year they were taken in line with HMRC requirements.
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Data processing Activity 5 Baptisms/Weddings/Funerals

Reason/purpose	Legal Requirement to hold details
Data Category	Details of persons involved
Collection Point	Information provided by people involved in the event
Processing Justification	Legal Requirement/Church Requirement
Location & Access	Relevant church records
Data Sharing (Other organisations)	Shared with District Registry
Retention Policy	Kept Indefinitely

Data processing Activity 6 Church Database

Reason/purpose	Maintain a list of contacts and details of church connections
Data Category	Contact details
Collection Point	Information provided by person wishing maintain contact
Processing Justification	Consent
Location & Access	Computers and files of the Incumbent and Database Controller
Data Sharing (Other organisations)	Not shared outside of the Benefice
Retention Policy	Retained until person is no longer an active member of the churches. Reviewed annually.

Data processing Activity 7 Charity Commission Trustees

Reason/purpose	Maintain a list of trustees of JPCC
Data Category	Contact details
Collection Point	Information provided by person requiring information
Processing Justification	Consent
Location & Access	Computers and files of JPCC Secretary
Data Sharing (Other organisations)	Charity Commission
Retention Policy	Reviewed annually and updated following Annual General Meeting.

Data processing Activity 8 Reserved Grave Spaces

Reason/purpose	Legal requirement to hold details for future implementation
Data Category	Grave space owner's name
Collection Point	Information provided by person making the reservation
Processing Justification	Retention in order to ensure future correct identification of grave spaces
Location & Access	Held by Volunteer Churchyard Registrar, as a part of a spreadsheet widely distributed between Church Officers and within the Churchyard maintenance group
Data Sharing (Other organisations)	Known to have been shared outside of the church
Retention Policy	Retention long-term (entries frequently current for decades)

Data processing Activity 9 Reserved Grave Space Application

Reason/purpose	Requirement to obtain details for purpose of obtaining a Faculty on behalf of applicant
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Data Category	Applicant's personal details + resultant Faculty
Collection Point	Information provided by person making the reservation
Processing Justification	Legal process pursuant to obtaining a Faculty
Location & Access	Held by Volunteer Churchyard Registrar on computer + back-up storage + hard-copy file Diocese: computers + records
Data Sharing (Other organisations)	Diocese
Retention Policy	Retention long-term

Data processing Activity 10 Safeguarding

Reason/purpose	Requirement to hold details of safeguarding training completed by members of the church. Requirement to have a record of any reported safeguarding concerns
Data Category	List of names Record of incidents.
Collection Point	Information provided by person who completed training. PSO records.
Processing Justification	Consent/legal requirement
Location & Access	Computers of PSOs Diocese: computers + records
Data Sharing (Other organisations)	Diocese
Retention Policy	Training certificates updated every 3 years. Safeguarding records of reported incidents kept for 75 years.

When a person leaves a position in the church that has required them to hold any of the above data they will be responsible for ensuring that information is passed to their successor and that any data in their possession is deleted/destroyed. They will confirm this has been done in writing to the DPO.