

Policy for the Processing of Personal Data

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Processing Personal Data	10.09.20	Sarah Jones	
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Addition of Sample Release Form	08.09.22	Simon Tatton-Brown	September 2023
Deletion of words 'see appendix 2' in section 6.2 as there is no appendix 2 and revision of Consent and Media release form & hyperlinks checked (30.10.23).	26.10.23	Simon Tatton-Brown	October 2024

1 Introduction

- 1.1 The protection of data should be considered when deciding what personal data Christ Church needs and how it will be processed, including collection, storage, sharing and disposal. Privacy and data protection should be a core part of any project design.
- 1.2 The previous legislative framework for the management of personal data was the Data Protection Act 1998 (DPA) (i.e. processing data which can identify a living individual, including collecting, using, storing and managing such data). On 25 May 2018, the General Data Protection Regulation (GDPR) replaced the DPA.
- 1.3 Two of the key aspects of the GDPR are the emphasis on individual rights, that is, the right of the individual to control what an organisation is doing with their data, and an emphasis on transparency and accountability. Organisations must prove compliance with the GDPR and provide evidence.

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

2 Principles of the GDPR

- 2.1 processed lawfully, fairly and in a transparent manner;
- 2.2 collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. This means that

individuals should be told what you are going to do with their personal data before you use it and consent to such use;

- 2.3 adequate, relevant and limited to what is necessary in relation to the purposes for which they are used;
- 2.4 accurate and, where necessary, kept up to date. Personal data that is found to be inaccurate should be deleted or corrected without delay. All personal data should be periodically checked to make sure that it remains up to date and relevant;
- 2.5 kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. For instance, records of pastoral care discussions should not be kept for a number of years without justification. Records could be kept, for instance, if all identification features were removed, referred to as “anonymisation”; and
- 2.6 kept securely. Personal data storage should be safe and secure – in lockable filing cabinets or in password protected computer files. Names and addresses of individuals should not be left unattended.

3 **Lawful basis for data processing**

- 3.1 The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever personal data is processed. Those likely to apply to Christ Church are:
 - a) Consent
 - b) Contract
 - c) Legal Obligation
 - f) Legitimate interests

- 3.2 Legitimate interest is the most flexible lawful basis for data processing. It is likely to be most appropriate where data is used in ways individuals would reasonably expect and which have a minimal privacy impact.

- 3.3 The legal processing of special category data (which includes information about a person’s religious beliefs) requires an additional condition to be met, under article 9(2). The condition likely to apply to Christ Church is:

“Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects”

However, an alternative to this condition is the provision of explicit consent.

3.4 **Consent**

Where consent is relied on as the lawful basis for processing any personal data, for that to be valid under the GDPR, consent must be freely given, specific, in-

formed, unambiguous and able to be withdrawn at any time. Because data processed by Christ Church is likely to indicate a person's religious belief, it is classified as special category data (also known as 'sensitive' data). Therefore if consent is needed this will have to be explicit consent, i.e. "clear affirmative action" in writing. Silence, pre-ticked boxes or inactivity will not constitute consent.

3.5 **GDPR and permissions for adults**

Those appearing in film or photography will need to have given consent, as religion is a protected feature under GDPR. A **photo release form** can be signed by adults and must include all the places that the photo or video may be used by the church. Regular attendees at the church need to only sign this once but it should be refreshed regularly, such as every three years. However, new visitors should be asked before the service or event begins.

3.6 **GDPR and permissions for children**

Videos containing children may be used by the church if consent has been given by their parent or guardian, following the same guidelines as above. If permission has not been given, it can be helpful to identify these children by using a simple paper wristband, or by asking them to sit in the photo and video free zone.

3.7 **Sidespersons' Role & Photo Release Forms**

A notice about Photo Release Forms shall be prominently displayed at the west end of Christ Church near the entrance. Duty sidespersons and churchwardens shall have paper copies to serve on worshippers as above; in addition an electronic version of the form shall be available for download on the church website.

A model of the Photo Release Form is attached to this Policy in an Appendix at the end.

4 **Data controllers and data processors**

4.1 Data Controller: is the person or organisation who determines the 'how and what' of data processing.

4.2 Data Processor: any third party (excluding the data controller's employees/volunteers) which processes data on behalf of the Data Controller. Data Processors should provide "sufficient guarantees" that they will protect Data Subjects and comply with GDPR. A written contract must exist between a data controller and a data processor.

4.3 Christ Church is exempt from the requirement to appoint a Data Protection Officer (DPO).

5 **Registration with the Information Commissioner's Office**

5.1 Completion of the ICO's self-assessment indicates that Christ Church is not currently required to register with the ICO as a data controller due to the following exemption for not-for-profit organisations who:

- only process information necessary to establish or maintain membership or support;
- only process information necessary to provide or administer activities for people who are members of the organisation or have regular contact with it;
- only share the information with people and organisations necessary to carry out the organisation's activities. If individuals give you permission to share their information, this is acceptable.
- only keep the information while the individual is a member or supporter or as long as necessary for member/supporter administration.

6 **Documentation of processing activities**

- 6.1 Most organisations are required to maintain a record of their processing activities, covering areas such as processing purposes, data sharing and retention. Because Christ Church processes special category data (related to religious belief) we should document the following:
- The purposes of processing.
 - A description of the categories of individuals and categories of personal data.
 - The categories of recipients of personal data.
 - Retention schedules.
 - A description of technical and organisational security measures.
- 6.2 These requirements can be met by the completion of the 'Data audit' template provided by the Church of England. All databases, email lists, spreadsheets, paper documents and other lists of personal data must be reviewed as part of this exercise.
- 6.3 The General Data Protection Regulation also requires that we tell individuals what we are doing with their information via a Data Privacy Notice (see appendix 1 – it is published on the Trustees page of the church website).
- 6.4 These two documents should be reviewed annually. Any new projects which might impact on data processing should be assessed and included in the data audit and data privacy notice as necessary.

7 **Maintaining data security**

- 7.1 All employees and volunteers who process data as part of any church activity must take due care to work within this policy and be aware of their responsibilities under the law. In most cases the data processing will be of low risk and sensitivity (e.g. names and email addresses used to distribute information). Even in this instance, information should not be shared unnecessarily, for example emails to multiple recipients should use the 'Bcc' field so that personal email addresses aren't visible to all recipients.

7.2 **Storage of paper records in church**

Paper records kept in church due to legal necessity (those related to legal

checks prior to marriage for example) along with church registers must be kept securely and in a fireproof container (usually a church safe).

7.3 **Data requiring a higher degree of security**

In certain cases, more sensitive information will be processed by church volunteers or employees (for example financial information related to planned giving or information related to safeguarding). Particular care must be taken to ensure this data is stored securely, and only accessible to those who have a legitimate need to use it. This must include password protection and/or appropriate encryption for electronic data and locked, secure storage for paper records. If data related to church activities is stored domestically, and any data loss occurs, the data protection lead and priest-in-charge should be informed, so the incident can be risk assessed.

7.4 **Managing a data breach**

A personal data breach is one that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

7.5 The GDPR makes it compulsory to inform the Information Commissioner's Office (ICO) and the individuals affected in certain circumstances, (e.g. where there is a high risk to the individuals involved, for instance, through identity theft). The decision to report an incident should be made by the Chair of Trustees and the Priest in Charge.

7.6 Under the GDPR, the ICO must be notified of a data breach within 72 hours of finding out about it. It is recommended that the diocese is also informed at the same time. More details can be provided after 72 hours, but before then the ICO will want to know the potential scope and the cause of the breach, and mitigation actions planned.

7.7 A serious data breach may also need to be reported to the Charity Commission as serious incident.

7.8 **References**

Writing a Privacy Notice (GDPR) A Guide for Parishes accessed via <http://www.parishresources.org.uk/wp-content/uploads/GDPR-Privacy-Notice-and-Guidance.pdf> (date of access 30.10.23).

A Parish Guide to the General Data Protection Regulation (GDPR) accessed via <http://www.parishresources.org.uk/wp-content/uploads/GDPR-Parish-Guide.pdf> (date of access 30.10.23).

Preparing for the General Data Protection Regulation (GDPR) from the Information Commissioners Office accessed via <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf> (web page no longer available: 30.10.23).

Information Commissioner's Office registration self-assessment <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/> (date of access 30.10.23).

Guide to the General Data Protection Regulation (GDPR) the Information Com-

missioners Office accessed via <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/> (web page no longer available 30.10.23).

Fundraising and Data Protection: a guide for the uninitiated accessed via <http://2040training.co.uk/wp-content/uploads/2017/03/Fundraising-DP-guide.pdf> (date of access 30.10.23).

GDPR for Churches – a guide provided by - iKnow Church accessed via <http://www.gdprforchurches.org.uk/> (date of access 30.10.23).

Keep or Bin...? The Care of Your Parish Records Church of England Record Centre Records Management Guide No. 1 accessed via https://www.churchofengland.org/sites/default/files/2017-11/care_of_parity_records_keep_or_bin_-_2009_edition.pdf (date of access 130.10.23).

Appendix – Sample Photo Release Form
(see paragraphs 3.5ff)

Consent and Media release form
Individual Consent form

I consent to Christ Church, Bath (the 'church') using photographs and/or video recordings of me taken by the church or by persons or organisations authorised on behalf of the church for the purposes of internally and externally promoting the church. These images could be used in any media (existing or later created or made available) including print and digital media formats such as print publications, brochures, websites, e-marketing, posters, banners, advertising, film, social media, teaching and research purposes.

I understand that images on websites can be viewed throughout the world and not just in the United Kingdom and that some overseas countries may not provide the same level of protection to the rights of individuals as EU/UK legislation provides.

I understand that some images or recordings may be kept permanently once they are published and be kept as an archive of church life.

I agree that:

- Copyright in the image(s) and/or video recordings will be retained by the church; and
- The church shall have the right to edit, modify, crop, add to or subtract from the photographs and/or video recordings at its entire discretion and without my approval.

I have read and understand the conditions and consent to my images and or video recordings being used as described.

Print Name

Signature	
Date	

The church is committed to processing information in accordance with the General Data Protection Regulation (GDPR). The personal data collected on this form will be held securely and will only be used for administrative purposes.

Your rights

You have the right to request to see a copy of the information we hold about you and to request corrections or deletions of the information that is no longer required. You can ask the church to stop using your images at any time, in which case it will not be used in future publications but may continue to appear in publications already in circulation.

If you have any questions relating to data protection please contact the church's Data Controller , Helen Speakman, email: datacontroller@christchurchbath.org



FILMING PARENTAL PERMISSION AGREEMENT

Our policy is only to use the filmed material with care, respect and in a context appropriate with the aims and goals of Christ Church

Name of child.....

Name of parent/guardian.....

Age of child:

Address:.....
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Telephone:

E mail address.....

I hereby give permission for my child to be filmed by Christ Church, Bath.

I consent to Christ Church, Bath using photographs and/or video recordings of my child taken by the church or by persons or organisations authorised on behalf of the church for the purposes of internally and externally promoting the church and for live streaming of services on facebook.

I understand that images on websites can be viewed throughout the world and not just in the United Kingdom and that some overseas countries may not provide the same level of protection to the rights of individuals as EU/UK legislation provides.

I understand that some images or recordings may be kept permanently once they are published and be kept as an archive of church life.

I agree that:

Copyright in the image(s) and/or video recordings will be retained by the church; and

The church shall have the right to edit, modify, crop, add to or subtract from the photographs and/or video recordings at its entire discretion and without my approval.

I have read and understand the conditions and consent to my images and or video recordings being used as described. Consent is hereby given for the filmed material to be used by Christ Church, and to promote the local church on its web site.

Signature of parent/guardian:

Date:

Data Privacy Notice

This privacy notice is provided to explain what to expect when we collect and process your personal information in relation to data collection, photography and filming and streaming of church services in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

The data controller is: Helen Speakman datacontroller@christchurchbath.org

Personal information is collected for purposes of:

3. Correspondence with you both electronically and on paper to update you and/or invite you to church activities and other events taking place in Christ Church or the local community.
4. Recording and uploading, or live-streaming services from our church, online, in order to reach out to those who are unable to attend in person, or who wish to participate in our services remotely; and
5. Managing the media release forms in relation to the filming and streaming of church services on-line.

- The categories of personal data we collect are:

1. Image – We may capture your image whilst filming the church service.
2. Name and contact details – we will record your name and contact details provided on the media release form.

We also process “special categories” of information that may include:

3. Religious belief – By taking part in the service this may indicate religious belief.
4. Archiving – certain services may be retained permanently for historic purposes.

- We collect and use personal data primarily on the lawful basis of ‘legitimate interest’ while also using consent and explicit (written) consent regarding the use of photographs and/or video recordings taken by the church or by persons or organisations authorised on behalf of the church for the purposes of internally and externally promoting the church.

By signing the Consent and the Media Release form, you are consenting to us using your data for the purposes set out above.

You may withhold your consent to capturing your image whilst filming the church service

by avoiding sitting in the four front pews and the platform at the East end of (where the choir sit) before filming or photography starts. If you go to the altar rail to take Communion or for any other reason you may be appear on the live stream in profile. If you wish not to be filmed please inform the church wardens and we will bring Communion to you in your seat. Once live-streaming or filming has started, or group photographs have been taken consent cannot be withdrawn because your data can’t be permanently removed from the internet, nor can a group video or photograph be edited to remove your image.

If you are a regular attendee, your consent will be renewed every 3 years, **but you can withdraw your consent at any time to being filmed in future services by contacting the data controller as set out in section 9. below and sitting in the “film-free” area when attending church services if you do not want to be filmed.**

You may be asked to consent on behalf of children aged 16 years or under attending with you. Please consider whether they would want their images to be uploaded to the internet.

9. We will be sharing photographs and recorded or live-streamed services with the public, by uploading it to social media and other internet sites, such as Zoom, Facebook, Twitter etc.

This means your data may be stored outside the UK. Each platform has its own privacy policy which describes how your data is used and protected.

We will keep your data for up to 3 years, except for certain special services, which may be retained permanently for archival purposes.

You have the following rights regarding your personal data:

- **Your right of access** - You have the right to ask us for copies of your personal information.
- **Your right to withdraw consent** – You have the right to withdraw your consent as described in section 4 above*.
- **Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete*.
- **Your right to request erasure** - You have the right to ask us to erase your personal information in certain circumstances*.
- **Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances*.

*The rights to withdraw consent, or request erasure or restrict processing are limited, i.e. once the data is uploaded online, we are no longer able to erase or restrict the processing of individual images. In addition, the right to rectification only applies to the processing of your name and contact details, it cannot apply to your image captured on film.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you. You can exercise your rights by contacting us at the contact details below.

1. If you have any complaints or queries regarding this processing activity or wish to exercise your rights, please contact the church's Data Controller, Helen Speakman, email: datacontroller@christchurchbath.org

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You have the right to make a complaint at any time to the Information Commissioner on 0303 123 1113 (local rate), or online at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>