

GDPR Training day answered questions

Electoral Roll (See also Parish Resources FAQs)

How do the rules around publishing the electoral roll work if someone has not given permission for personal data to be published?

The Electoral Roll is a public document and the Church Representation Rules (which require the ER to be published for a period prior to the APCM) form part of a law. You therefore don't need consent to publish the electoral roll. That said, you do need to cover it in the privacy notice explaining that the basis for processing and publication is compliance with the law. The CRR do allow scope for somebody's address to be withheld so if somebody doesn't like the fact their address will be published then we advise to respect their wishes, but their name needs to go on the published version.

Is the electoral roll info in the public domain and usable for any purpose therefore?

The electoral roll is a public document and there is a period in which it has to be published, as outlined above. It may be reasonable for the PCC to use the data it contains for some other purposes. These purposes will need to be justifiable and set out in the privacy notice. You can't, however, use the data for absolutely anything!!

Data breach and security

What are reasonable steps to keep paper records secure?

A good starting point is thinking about how awkward you might feel if put in the situation of having to explain why paper records have got lost? Most people would expect most of their data to be kept locked away unless it was designed for public display. It shouldn't be too hard to keep records in locked drawers in offices that have limited access, or are kept locked when nobody is there. If you have to carry paper files round with you, think about what you can do to reduce the risk of losing them, eg not leaving them in the car, being careful about checking you have bags etc with you when you leave any place where you have stopped off. Is there a way you can secure your bag; if you can, you should do so.

Types of data

Is there a difference in law between records held electronically and paper records?

Any personal data on living persons held in a readily accessible filing system is covered by GDPR. The main difference is that electronic records will almost always be in a readily accessible filing system because it's usually easy to search computer files. Loose papers held in

a random order are not covered by the law, but that doesn't mean you won't be in trouble if important data is leaked!

Can we transfer paper held data to electronic form?

Yes. You may need to update your privacy notice if you have been specific that records are held in paper form and you subsequently convert them to electronic.

General

What does GDPR stand for?

General Data Protection Regulation.

Will GDPR be retrospectively applied to existing data or only new data we collect from 2018 onward?

GDPR applies to all data which you hold about living persons, whether collected before or after 25 May 2018.

Are dead people data subjects?

No they are not. You should still, however, take care over what you do with any information about the deceased as it may have an impact on the living.

Where can I find template documents?

You can find them on the diocesan website here:

<https://www.leicester.anglican.org/resourcing-your-work/parish-administration/data-protection/>

Alternatively you can write to us lynn.phillips@leccofe.org and we'll send them to you.

Data Collection and Consent

Do we have to give a data collection form to every member of the congregation?

You don't have to, but, depending on circumstances, it may be wise to. You may be legitimately collecting information via lots of other sources, for example, electoral roll, activity consent forms for children's activities, personal contact, etc. The data collection form enables you to get consent for the things you need consent for. You could give one to everybody as a way of checking your data is up to date.

Is silence consent, in other words, if you do not tell me you are opting out you are opting in?

No. Consent has to be explicit, so relying on silence is not enough.

When does personal data accumulated by an individual privately become PCC data?

In many church situations there can, understandably, be a blurring of lines between personal contact and church business. If it is possible that the individual will perceive the use of data as being by the church, rather than by an individual in a private capacity, then the data needs to be treated as being the PCC's data and GDPR requirements followed.

Where do we stand with ongoing pastoral care for funeral families? Is it legitimate use to invite next of kin to an annual memorial service, or should this have specific consent?

You are presumably inviting next of kin to the memorial service as part of your pastoral care. This is therefore a legitimate use of their data, but it needs to be covered in the privacy notice. You can use your contact with the family during the preparation for the funeral to let them know that this is something that you do. If they say they don't want to be contacted in this way then you should respect their wishes.

When we take information such as wedding and baptism enquiries, how do we get consent to hold information such as phone numbers and e-mail addresses?

There will be very few situations where a PCC needs consent simply to hold personal data, unless it is going out of its way to collect personal data which doesn't relate to the normal activities of a church. You don't need consent to hold this information and you don't need consent to respond to people's enquiries. You do, however, need to tell them, through the privacy notice, what you'll do with their information and how long you'll hold it for.

Should the data collection form have separate check boxes giving consent to share data with incumbent, PCC or both?

We advise against doing this. The national church have advised that the incumbent has to be a separate data controller for legal purposes. However the incumbent is also chair of the PCC. Whilst it's just about possible to imagine a situation in which the incumbent had consent to use personal data but not the PCC, if it was the other way and the PCC was given consent but not the incumbent then the situation would be unworkable.

Where we have existing lists e.g. church address lists, e-mail contacts and mobiles – do we need to get permission to keep on using these and how do we go about that?

In most cases you will be holding personal data for perfectly legitimate reasons and therefore consent wouldn't be needed just to *hold* the data. What you do with it may require consent, including fresh consent from those who are already on, for example, an email list, if the existing consent does not meet the threshold for GDPR.

When we take information such as wedding and baptism enquiries, how do we ask permission to hold information such as phone numbers and e-mail addresses?

For a wedding you are effectively entering into a contract, so you don't need consent. The basis for processing is that it is necessary for the performance of a contract (to perform a

wedding), or because the enquirer is asking the church to take specific steps before entering into a contract. As regards baptism, although this is not really a contract you have to hold the personal data in order to undertake the baptism so consent is not relevant

Privacy Notice

Do we have to distribute a Data Privacy Notice to all those we already hold data on?

You need to send a privacy notice to everybody you hold data on, including those whose data you already have prior to 25 May. There may be situations where you cannot or should not send a privacy notice (for example, you need to hold the data but no longer have contact details, or safeguarding concerns mean sending a privacy notice is difficult). These should be noted and your position recorded so that you can demonstrate you have thought about why you are not sending a privacy notice. (NB. Any safeguarding matters should have already been brought to the attention of the Diocesan Safeguarding Adviser. If not then she should be informed ASAP.)

Does the privacy policy need to be shared publicly i.e. on the church noticeboard?

The legal requirement is to make the privacy notice available to all data subjects. Making it available on the noticeboard, via your website, or both, is a good way of ensuring that people see it, but you also need to make direct contact with all data subjects to send it to them (or provide a link to the website)

Where does our Data Privacy notice go? Noticeboard, website, facebook page, attached to e-mails? Does it have to be sent to individuals?

You have to attempt to send it directly to all data subjects, or at least to send a summary and point them to the full privacy notice (eg by providing a link to the website). Where else it goes is a choice for the PCC to make. You need to ask 'what is reasonable'? It seems reasonable to put the full version on the website and Facebook page. You might want to summarize for the church noticeboard, which is usually already full of technical documents. Attaching it to every email sent on behalf of the PCC seems excessive!

Data Controller, Data Protection Officer, Data Processor

Is youth worker a separate entity as a data controller?

No. The data controller is the organization. If the youth worker is employed by or acting for the PCC, then the data controller is the PCC. The situation is different for incumbents – see separate question.

If the incumbent changes, or an additional member of the clergy joins, do we have to start all over again?

No. You might need to update the privacy notice if the change affects what is in it, but you don't have to start all over again with data collection, consent, etc.

Data Protection Policy

Who is the leader/manager referred to in paragraph 3.2 of the template Data Protection Policy?

This refers to somebody who is responsible for a specific area of activity, for example, there might be a person (paid or volunteer) with overall responsibility for the children's work, or the pastoral team, etc.

Social Media

A lot of templates make reference to text, phone, e-mail. What about social media?

You need to be aware of any personal data you hold/collect via a church Facebook page or other social media presence. Generally, posting information about events on social media will not involve using personal data, because you will be posting to a page set up by the church which other people have subscribed to. You need to cover this in your privacy notice, but you don't need consent. Sending information about events via any personal messaging feature on social media, however, would require consent.

If someone subscribes to our Facebook page, are we allowed to send them messages through Facebook messenger?

It depends what the messages are about, but if they could be viewed as marketing then you should get consent.

Data Retention

How long do you keep data e.g Messy Church register (in case you need to know who was present due to safeguarding)?

See Parish Resources FAQs

Orders of service. Do we really need to refer to archives and local history service?

You might be surprised by what the County Records Office is interested in! If in doubt, ring them and ask them. That said, we are not expecting parishes to spend lots of time logging information which is of little real historical interest.

Registers

Is there a limit for how long we can hold information i.e. Do wedding funeral and baptism files need to be shredded after so many years?

When historic registers are surrendered to the registrar and county records office, is it permissible to retain scanned images of each page in the parish?

We keep wedding registers for historical purposes but how long do we keep paper application forms?

Is data collected for processing of Wedding, Baptism not kept after event as now in registers?

The answer to all of these questions is basically the same. Registers are a permanent record so need to be kept permanently. Whether you keep copies after registers are given to the Records Office, and how long you retain information received prior to the wedding is something you need to consider and make a decision on. You need to record that decision and add it to your retention period list/policy. Some of the data will related to financial issues and so the HMRC requirements will prevail. The evidence of entitlement to get married may need to be kept for longer on the grounds of compliance with the Immigration Act etc.

Marketing

Leafletting with your contact details is that ok?

If the leaflet is not personally addressed then you are not processing the personal data of the person who receives it and the GDPR rules on marketing do not apply.

What about PCC minutes electronically sent to PCC members?

There are several different issues here. 1) PCC minutes are not marketing information. Receiving minutes is an essential part of being a PCC member. Sending by email is fine. 2) You don't have to use blind copy where all the PCC is being issued with a document or asked to respond to something. But you might want to do so if some members of the PCC are sensitive about this. 3) If there is personal data in the minutes, beyond routine stuff like the names of those attending, then you should password protect the minutes if at all possible. If there is sensitive personal information in the minutes then you must password protect them.

Periodically, we view the Borough / District / Town Council's Electoral Roll to identify new arrivals in the Parish. Details are then recorded on our PCC Database. Is this legal or fair?

Whilst this might seem a reasonable activity, the reality is that retaining the data is not good practice because people don't know that you are holding it and therefore cannot exercise their rights over that data e.g. correction and deletion. If the PCC wishes to send out a welcome pack, the easiest way is to do this anonymously as it doesn't involve the processing of data. If

the welcome pack is to be named, then the welcome pack is justifiable under the umbrella of legitimate interest the recipients need to be told how the PCC got their data and what the PCC intends to do with that data (Privacy Notice).

Vicar wishes to have a renewal of Wedding Vows service, secretary asked to gather information from marriage register from the last 5 years, invitation then sent? Conditional sin?

The Registers are a legal requirement and, therefore, the data therein is justified on legal and historic archive grounds. In using that data for this related purpose the PCC is verging into slightly difficult territory because the data may not be up-to-date. That said, an invitation to a Renewal of Wedding Vows Service can be seen as legitimate interest and so a one-off communication is probably low risk in terms of infringement. The PCC would need to consider whether to do this by post or by email. Post or hand delivery is probably easiest. It is probably worth flagging this up in the Privacy Notice and making sure that wedding couples are given a copy during the process of arranging the wedding.

Technical/Computer

How can we send out newsletters by e-mail such that e-mail addresses are not shared?

Use blind copy (BCC). You should use this most of the time when sending emails to multiple addresses, but there will be occasions when it makes sense for everybody to see who has received the email, for instance when emailing the members of a committee.

What are the implications for sharing documents on dropbox?

You need to be very careful! You need to make sure that the service dropbox provides is GDPR compliant (it almost certainly is, otherwise they would lose business, but you need to verify this). You also need to control carefully access to the dropbox and password protect documents containing personal data.

Do G drive and One drive fall under EEA rules?

All major software providers have taken steps or are taking steps to ensure that they don't lose business as a result of GDPR so you can expect that G drive and One drive will be compliant, but you need to check their terms and conditions and record that you have done this.

What about when I have technical issues with my PC and allow an expert to access it?

Legitimate computer technicians will not be after your data. You can ensure security by password protecting, which you should be doing anyway. Alternatively you can remove data temporarily to another device (eg portable hard drive, or memory stick) which must be held carefully and not lost.

Would having a church e-mail not personal e-mail help?

Having a church email address would help, particularly for processing personal data, but not all churches are in a position to offer this, and not all volunteers are prepared to work with 2 email address.

What about joint email accounts?

We would strongly advise against using a joint email account (e.g. husband and wife) for anything more than very routine personal data such as rotas and contact details.

Web usage can identify users by IP address? Is that covered in general terms by data protection policy or do we need a separate policy for electronic access to church resources?

IP addresses should be considered as coming under GDPR. The question here is whether your website is collecting IP addresses, or is this rather a problem for the Internet Service Provider. If the latter then the church does not need to worry about covering this.

How do you password protect individual documents?

In Microsoft Word click on the File tab. On the left hand side is a menu which includes 'Info'. You may find you are already on that part of the menu. One of the options offered (to the right of the list on the left hand side) is 'Permissions'. Click on the little box and this offers a range of options including 'Encrypt with password'. Click on 'Encrypt with password' and you will be asked to enter the password twice. Save the document before closing. Record the password somewhere and keep it securely. Close the document and open it again immediately to check that you didn't make any mistakes when you encrypted in the first place.

For Microsoft Excel files the process is the same. It says 'Protect Workbook' instead of 'Protect Document'. Otherwise the process is the same.

Data Sharing

Contact lists on rota, is it okay for everyone to have a copy so they can swap if they need to?

See Parish Resources FAQs

Where do we stand on passing individual church members details to another church member?

Churches are able to produce and distribute a directory of members and their contact details and distribute to the membership. This may also include those with whom you are in regular contact. Regardless of GDPR, you will want to ensure that people are happy for their contact details to be made available to everybody else in the church. Mobile phone numbers may be particularly sensitive for some, for example.

Subject Access Requests

Do the SAR rules mean no cost for copies of marriage certificates?

No, because that is a different thing. When responding to a SAR you are simply stating what information you hold.

We have an e-mail list of all the Church worship community - it is used regularly for notices about weekly - this list is updated constantly – notices a reasonable purpose of keeping data? It is vital for getting information out?

This is a legitimate interest and, in giving the PCC the email address, church members might be presumed to have consented. However, presumption is not permitted under GDPR. The Data Collection Form and Privacy Notice should make explicit reference to this and ask people to opt in to receiving it.