



---

## PCC - Data Protection procedures

---

These notes provide the basis for maintaining the confidentiality of personal information held by the PCC in the performance of its role in maintaining membership records and the support of individuals connected to the Parish and the churches of St John's & St Anne's.

The guidance is based on the provisions of the current Data Protection Act and conforms to the eight principles relating to the keeping of personal data either in computer records or held in paper records.

The guidance and the procedures were ratified by the PCC at their meeting on: 24th July 2014

These procedures will be reviewed annually in the month prior to the APCM.

# Data protection - Guidance

## 1 Data Protection Act 1998

The Data Protection Act 1998 is designed to protect the rights of identifiable living individuals concerning information about them. Any person who handles such information either in computer records or paper records must abide by eight principles, and may have to notify the Information Commissioner, and may be subject to rights of access by the individuals concerned.

## 2 Data Protection Principles

There are eight principles under which personal data may only be obtained, held or disclosed to others. Those principles are:

- a. Its use is fair and lawful.
- b. It is to be used only for specified purposes. Individuals should be told, in broad terms, what you are going to do with the information (unless it is obvious) before you use it and given the opportunity to opt out of being so used.
- c. The information is adequate, relevant and not excessive in relation to the purpose for which it is to be so used.
- d. It is accurate and up to date – so periodically all information held should be checked to ensure it remains accurate.
- e. The information is kept for no longer than necessary for the purpose.
- f. Individual's subject access rights are honoured.
- g. It is kept securely.
- h. Information should not be transferred to any country outside Europe.

These principles apply whether or not you are obliged to notify the Information Commissioner.

## 3 Notification

By this process, a data controller (a person who controls the data) informs the Information Commissioner that he or she is processing personal data (information about a living person). Clergy will probably have to notify if they keep records of pastoral care discussions. ***PCCs will probably be exempt from notification if all of the processing is covered by the following provisions:***

- The processing is only for the purposes of establishing or maintaining membership or support for a body or association not established or conducted for profit or providing or administering activities for individuals who are either members of the body or association or who have regular contact with it.
- Your data subjects (the people about whom you hold data) are restricted to any person the processing of whose personal data is necessary for this exempt purpose.
- Your data classes (the type of information you are processing) are restricted to data which are necessary for this exempt purpose.

- Your disclosures (the giving out of the information) other than those made with the consent of the data subjects are restricted to those third parties which are necessary for this exempt purpose. The personal data are not kept after the relationship between you and the data subject ends, unless and for so long as it is necessary to do so for the exempt purpose.
- In addition, processing is for staff administration, advertising, marketing and public relations or accounts and records.

To notify, you telephone the Information Commission notification helpline (01625 545470). They will ask you various questions and complete the form for you. They will send you the form to check and sign and you return that with the appropriate fee (payable annually).

#### **4 Subject Access Rights**

An individual will have the right to receive a copy of most information held about him by an organisation within 40 days of making a request. You may charge a fee of up to £10 for providing it. This covers all information held on computer and any correspondence and other papers which are reasonably accessible. You do not, therefore, have to scour through minutes etc for any mention of the individual but you would have to produce accessible information held by any church officers.

The general principle is that as much information as possible should be shared with the individual. There are, however, limited categories of material which you may withhold from the individual in the interests of protecting the rights of other individuals to privacy and for the protection of crime etc. You are able to withhold any references that you have given (but not any you have received). On sharing with an individual the information that you hold about them, you must remove anything which would identify a third party. You may also be entitled to hold back information containing serious allegations (for example, of child abuse) if to reveal that information would compromise the proper investigation of those allegations. In such cases, you should always seek advice from the Diocesan Secretary.

#### **5 What should PCC Secretaries do?**

- Identify a person responsible for compliance with the Act.
- Identify who holds what data and ensure that everyone is aware of the new requirements and they only record information that could be shared if a subject access request is made.
- Work out whether or not you need to notify and do so if necessary.
- Destroy material that you cannot justify still holding, especially if making the information available to the individual concerned would create difficulties.
- Inform people broadly what information is held about them and the purposes for which it is held. Tell them who they should contact with queries. This could be done in a paragraph in a news sheet or pew leaflet and/or on the church notice board.

*Specific procedures to be followed by those with responsibility to use and safeguard data:*

- The person responsible for compliance with the Act will be the current Incumbent. In the absence of an Incumbent in post, this responsibility will revert to the Church Wardens.
- There will be one confidential computer database held in the Parish Office that will be maintained by the Admin Officer and/or the Churchwarden and maintained in a password protected file. There will be no paper versions maintained apart from when they are required for a specific reason e.g. to meet the requirement to display the Electoral Role on the church noticeboard. In this example only that data which is required for the purpose will be extracted from the wider database. The database may also be used to construct contact lists for members either by post or by email, where email addresses have been provided.
- Those who hold/have access to either a whole or part version of the database include:

The Incumbent	Full version
Church Warden/Office Admin	Full Version
Electoral Role Officer	Part version for Electoral Role purposes
Planned Giving Administrator	Part version to identify those registered for planned giving
PCC Project Groups	Part version to inform a contact list for the specific project
Parish Visitors	Individual information as required to provide pastoral support

Others wishing to access data should request information through the Parish Office. If access to any version of the database is provided electronically to be held for a specific purpose on another computer, the information must be kept in a password protected file.

- It is a requirement to destroy/delete any material that cannot be justified being held.
- In order to inform people broadly what information is held about them and the purposes for which it is held, there will be an annual statement made at the APCM. There will also be a short statement displayed on the website for this purpose and to inform people who they should contact with queries.