

Data Protection

Secretaries Training 2018

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What about Brexit?!



2018 Data Protection Act

- GDPR
- Gives individuals more rights and control over their data
- Tighten up what you do already



What is this language?

- **Personal data:** information about a living individual which can identify that individual.
- **Data subject:** person about whom personal data is processed.
- **Data controller:** person/organisation who decides the how and what of data processing.
- **Data processor:** responsible for processing personal data on behalf of a controller.
- **Processing:** anything done with/to personal data, including storing it.



What's the point?

You May Also Be Interested In:

Key principles

Personal data must:

- be processed **lawfully, fairly and transparently**
- only used for a **specific processing purpose** that the data subject is aware of
- be "**adequate, relevant and limited**"
- be "**accurate** and where necessary **kept up to date**"
- not be stored for **longer than is necessary**
- be processed in a manner that ensures appropriate **security and protection**



What's new

- Consent: **informed, opt-in**
- New **rights** for data subjects
- Data should only be used for **purpose it was gathered for** & **deleted** when no longer required
- **Tougher sanctions** for non-compliance & for sharing data outside the EEA
- Staff & data users should have suitable **training & advice**
- Serious **data breaches** must be reported to ICO within 72 hrs
- Principle of **accountability** - onus on data controller



Legal basis for processing (using) data

- Consent
- Necessary for a contract, e.g. employment
- Legal obligations (e.g. HMRC)
- Vital interests (e.g. individual safety)
- Public interest
- Legitimate interests

ROBUST SYSTEMS & EVIDENCE



Rights of the Data Subject

1. The right to be **informed**
2. The right of **access**
3. The right to **rectification**
4. The right to **erasure**
5. The right to **restrict processing**
6. The right to **data portability**
7. The right to **object**
8. Rights in relation to **automated decision making and profiling.**



Privacy Notice

- What data you use
- How you use it
- How they exercise their rights



Data breaches

1. Accidental or unlawful destruction
2. Loss
3. Alteration
4. Unauthorised access

When a data breach occurs...

- Notify appropriate Information Commissioner:
 - Where feasible within 72 hours
 - Unless breach is unlikely to result in risk to individuals
- Requirement to notify individuals if breach is likely to result in high risk to the individuals affected



What's the problem?

1. You have a list of families who have baptised their children in your church. You email them the monthly newsletter about what's happening in the church.
2. You have a list of everyone who does planned giving. You email it to the fundraising committee of the village hall.



What does it mean for Secretaries?

PCCs are exempt if they only hold the following data:

- Electoral Roll
- Gift Aid Records
- Accounting Records
- Employee Payroll Records
- Membership lists of groups



What does it mean for Secretaries?

Common things it doesn't apply to:

- PCC membership lists
- The annual report
- Deanery synod membership
- Responding to correspondence
- Safeguarding concerns

Paperwork



What does it mean for Secretaries?

Common things it does apply to:

- Newsletters
- Promotions for events
- Invitations if you send to specific names people

CONSENT



Consent

Consent for one thing does not mean you have consent for everything.

- Active opt-in
- Clear what for (not all in a bundle!)
- Named
- Documented
- Easy to withdraw
- No imbalance in relationship



Consent for role holders

- Consent can't be "freely given" by role-holders, even volunteers
- Use a different legal basis for processing their data in relation to their role & responsibilities
- BUT ensure consent for any intended data processing unrelated to their role (e.g. prayer lists)



Retention and Disposal



Retention and Disposal

OR

Keep or Bin

https://www.churchofengland.org/sites/default/files/2017-11/care_of_parish_records_keep_or_bin_-_2009_edition.pdf



Storage

Papers:

- Locked
- Limited access

Electronic files:

- Passwords
- Limited access
- Antivirus
- Portability of device
- Encryption



Is this ok?

1. Sort the scenarios into two columns: Yes and No.
2. Make a note of your groups key reasons for the decision and any questions you might have.



Is it ok?

Yes	No
Include role holder names in annual report	Multi-parish benefice treated as single data controller
Hold information about children and young people.	Keeping gift aid documents forever.
Contacting people on electoral roll without consent	Sending names invitations to whole village
Holding emergency contacts	
Sending election results to Church House	



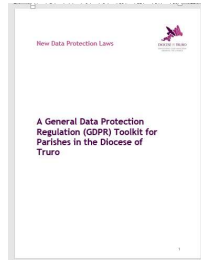
What do you need to do?

1. Identify the data you use.
2. Decide if that data is exempt or if there is another legal basis.
3. Get consent where you need it.
4. Apply the retention and disposal guidelines.
5. Keep it securely stored.

If in doubt, ask us!



Help is at hand!



<https://www.trurodiocese.org.uk/resources/parish-resources/gdpr-data-protection/>



Help is at hand!

- Parish Resources website
- Information Commissioners website

Church House staff are happy to help.

info@truro.anglican.org

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Any questions?



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