

**Fernielea Gospel Hall**

**DATA PROTECTION POLICY**

Adopted: March 2021

*Fernielea Gospel hall is committed to protecting all information that we handle about people we support and work with, and to respecting people's rights around how their information is handled. This policy explains our responsibilities and how we will meet them.*

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## Section A – What this policy is for

### 1. Policy statement

- 1.1 FERNIELEA GOSPEL HALL is committed to protecting personal data and respecting the rights of our **data subjects**; the people whose **personal data** we collect and use. We value the personal information entrusted to us and we respect that trust, by complying with all relevant laws, and adopting good practice.

We process personal data to help us:

- a) maintain our list of church members [and regular attenders];
- b) provide pastoral support for members and others connected with our church;
- c) provide services to the community including [Toddler Group, Youth Groups];
- d) safeguard children, young people and adults at risk;
- e) recruit, support and managing volunteers;
- f) maintain our accounts and records;
- g) promote our services;
- h) respond effectively to enquirers and handle any complaints.

- 1.2 This policy has been approved by the church's Charity Trustees who are responsible for ensuring that we comply with all our legal obligations. It sets out the legal rules that apply whenever we obtain, store, or use personal data.

### 2. Why this policy is important

- 2.1 We are committed to protecting personal data from being misused, getting into the wrong hands because of poor security or being shared carelessly, or being inaccurate, as we are aware that people can be upset or harmed if any of these things happen.

- 2.2 This policy sets out the measures we are committed to taking and, what each of us will do to ensure we comply with the relevant legislation.

- 2.3 In particular, we will make sure that all personal data is:

- a) processed **lawfully, fairly and in a transparent manner**;
- b) processed for **specified, explicit and legitimate purposes** and not in a manner that is incompatible with those purposes;
- c) **adequate, relevant and limited to what is necessary** for the purposes for which it is being processed;
- d) **accurate** and, where necessary, up to date;
- e) **not kept longer than necessary** for the purposes for which it is being processed;
- f) processed in a **secure** manner, by using appropriate technical and organisational means;

- g) processed in keeping with the **rights of data subjects** regarding their personal data.

### 3. How this policy applies to you & what you need to know

Fernielea Gospel Hall is responsible for ensuring that all information held by, or processed by, church staff and volunteers on church-owned equipment or personal equipment (electronic or paper) used in connection with the individual's role within the church is done so in a way which complies with Data Protection legislation

- 3.1 **Any employee, trustee or volunteer** processing personal information on behalf of the church, is required to comply with this policy. If you think that you have accidentally breached the policy it is important that you contact our Data Protection Officer immediately so that we can take swift action to try and limit the impact of the breach.

Anyone who breaches the Data Protection Policy may be subject to disciplinary action, and where that individual has breached the policy intentionally, recklessly, or for personal benefit they may also be liable to prosecution or to regulatory action.

- 3.2 **All ministry supervisors of FERNIELEA GOSPEL HALL** are required to make sure that any procedures that involve personal data follow the rules set out in this Data Protection Policy.

- 3.3 **All data subjects of FERNIELEA GOSPEL HALL** can know that we will handle your personal information in line with this policy.

- 3.4 **Our Data Protection Officer** is responsible for advising FERNIELEA GOSPEL HALL and its staff and members about their legal obligations under data protection law, monitoring compliance with data protection law, dealing with data security breaches and with the development of this policy. Any questions about this policy or any concerns that the policy has not been followed should be referred to them at

[FERNIELEA\\_GOSPELHALL@SKY.COM](mailto:FERNIELEA_GOSPELHALL@SKY.COM)

- 3.5 Before you collect or handle any personal data as part of your work for FERNIELEA GOSPEL HALL, it is important that you take the time to read this policy carefully and understand what is required of you, as well as our responsibilities when we process data.

- 3.6 Our procedures will be in line with the requirements of this policy, but if you are unsure about whether anything you plan to do, or are currently doing, might breach this policy you must first speak to the Data Protection Officer.

### 4. Training and guidance

- 4.1 We will provide general training to raise awareness of obligations and our responsibilities, as well as to outline the law.

## **Section B – Our data protection responsibilities**

### **5. What personal information do we process?**

- 5.1 In the course of our work, we may collect and process information (personal data) about many different people (data subjects). This includes data we receive straight from the person it is about, for example, where they complete forms or contact us. We may also receive information about data subjects from other sources.
- 5.2 We process personal data in both electronic and paper form and all this data is protected under data protection law. The personal data we process can include information such as names and contact details, education or employment details, and visual images of people.
- 5.3 In some cases, we hold types of information that are called “**special categories**” of data in the GDPR. This personal data can only be processed under strict conditions.

**‘Special categories’ of data** (as referred to in the GDPR) includes information about a person’s: racial or ethnic origin; political opinions; religious or similar (e.g. philosophical) beliefs; trade union membership; health (including physical and mental health, and the provision of health care services); genetic data; biometric data; sexual life and sexual orientation.

- 5.4 We will not hold information relating to criminal proceedings or offences or allegations of offences unless there is a clear lawful basis to process this data such as where it fulfils one of the substantial public interest conditions in relation to the safeguarding of children and of individuals at risk or one of the additional conditions relating to criminal convictions set out in either Part 2 or Part 3 of Schedule 1 of the Data Protection Act 2018. This processing will only ever be carried out on the advice of the Safeguarding Officer in conjunction with the Safeguarding Policy (reviewed by ThirtyOne:Eight).

### **6. Making sure processing is fair and lawful**

- 6.1 Processing of personal data will only be fair and lawful when the purpose for the processing meets a legal basis, as listed below, and when the processing is transparent. This means we will provide people with an explanation of how and why we process their personal data at the point we collect data from them, as well as when we collect data about them from other sources.

*EG: A volunteer within the church holds contact details provided by parents of children attending a Holiday Club. When parents provided this information, they were told it would be used to contact them in an emergency and to inform them of future church activities which their children might like to attend. If this volunteer, then uses the information she holds to contact parents about a child-minding service she is setting up then she is in breach of Data Protection legislation.*

#### **How can we legally use personal data?**

- 6.2 Processing of personal data is only lawful if at least one of these legal conditions, as listed in Article 6 of the GDPR, is met:

- a) the processing is **necessary for a contract** with the data subject;
- b) the processing is **necessary for us to comply with a legal obligation**;
- c) the processing is necessary to protect someone's life (this is called "**vital interests**");
- d) the processing is necessary for us to perform a task in the **public interest**, and the task has a clear basis in law;
- e) the processing is **necessary for legitimate interests** pursued by FERNIELEA GOSPEL HALL or another organisation, unless these are overridden by the interests, rights, and freedoms of the data subject.
- f) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their clear **consent**.

### How can we legally use 'special categories' of data?

6.3 Processing of 'special categories' of personal data is only lawful when, in addition to the conditions above, one of the extra conditions, as listed in Article 9 of the GDPR, is met. These conditions include where:

- a) the processing is necessary for **carrying out our obligations under employment and social security and social protection law**;
- b) the processing is necessary for **safeguarding the vital interests** (in emergency, life or death situations) **of an individual** and the data subject is incapable of giving consent;
- c) the processing is carried out in the **course of our legitimate activities** and only relates to our members or persons we are in regular contact with in connection with our purposes;
- d) the processing is necessary for **pursuing legal claims**.
- e) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their **explicit consent**.

### What must we tell individuals before we use their data?

If personal data is collected directly from the individual, we will inform them that we have a 'Privacy Notice' on our website. This information will be given at the time when the personal data is collected.

## 7. When we need consent to process data

7.1 Where none of the other legal conditions apply to the processing, and we are required to get consent from the data subject, we will clearly set out what we are asking consent for, including why we are collecting the data and how we plan to use it. Consent will be specific to each process we are requesting consent for and we will only ask for consent when the data subject has a real choice whether to provide us with their data.

- 7.2 Consent can however be withdrawn at any time and if withdrawn, the processing will stop. Data subjects will be informed of their right to withdraw consent and it will be as easy to withdraw consent as it is to give consent.

## **8. Processing for specified purposes**

- 8.1 We will only process personal data for the specific purposes explained in our privacy notices or for other purposes specifically permitted by law.

## **9. Data will be adequate, relevant and not excessive**

- 9.1 We will only collect and use personal data that is needed for the specific purposes described above (which will normally be explained to the data subjects in privacy notices). We will not collect more than is needed to achieve those purposes. We will not collect any personal data “just in case” we want to process it later.

## **10. Accurate data**

- 10.1 We will make sure that personal data held is accurate and, where appropriate, kept up to date. The accuracy of personal data will be checked at the point of collection and at appropriate points later.

## **11. Keeping data and destroying it**

- 11.1 We will not keep personal data longer than is necessary for the purposes that it was collected for.
- 11.2 The UK GDPR does not dictate how long we should keep personal data. It is up to FERNIELEA GOSPEL HALL to justify this, based on our purposes for processing.
- 11.3 Personal data can either be erased (deleted) or anonymised. There is a significant difference between permanently deleting personal data and taking it offline. If personal data is stored offline, this will reduce its availability and the risk of misuse or mistake.
- 11.4 We will only store data offline (rather than delete it) if we can still justify holding it. IE: We may want to hold attendance records for a significant period of time (up to 5 years) in case any allegations of abuse are raised.
- 11.5 We will be prepared to respond to subject access requests for personal data stored offline and will comply with all the other principles and rights.
- 11.6 The word ‘deletion’ can mean different things in relation to electronic data, and the ICO recognise it is not always possible to delete or erase all traces of the data. The key issue is to ensure we put the data beyond use.

## **12. Security of personal data**

- 12.1 We will use appropriate measures to keep personal data secure at all points of the processing. Keeping data secure includes protecting it from unauthorised or unlawful processing, or from accidental loss, destruction or damage.

*EG: We will keep personal data secure by using lockable filing cabinets and locking or logging off computers when away from our desk.*

We will keep paper documents secure and dispose of them securely.

- 12.2 We will implement security measures which provide a level of security which is appropriate to the risks involved in the processing.

In assessing what measures are the most appropriate we will take into account the following, and anything else that is relevant:

- a) the quality of the security measure;
- b) the costs of implementation;
- c) the nature, scope, context and purpose of processing;
- d) the risk (of varying likelihood and severity) to the rights and freedoms of data subjects;
- e) the risk which could result from a data breach.

- 12.3 Measures may include:

- a) technical systems security;
- b) measures to restrict or minimise access to data;
- c) physical security of information and of our premises.
- d) organisational measures, including policies and procedures.
- e) regular evaluating of the effectiveness of security measures.

## **Section C – Working with people we process data about (data subjects)**

## **13. Data subjects' rights**

- 13.1 We will process personal data in line with data subjects' rights, including their right to:
- a) request access to any of their personal data held by us (known as a Subject Access Request);
  - b) ask to have inaccurate personal data changed;
  - c) restrict processing, in certain circumstances;
  - d) object to processing, in certain circumstances, including preventing the use of their data for direct marketing;



- e) data portability, which means to receive their data, or some of their data, in a format that can be easily used by another person.
  - f) withdraw consent when we are relying on consent to process their data.
- 13.2 If a colleague receives any request from a data subject that relates or could relate to their data protection rights, this will be forwarded to our Data Protection Officer **immediately**.
- 13.3 We will act on all valid requests as soon as possible, and at the latest within **one calendar month**, unless we have reason to, and can lawfully extend the timescale.
- 13.4 Any information provided to data subjects will be concise and transparent, using clear and plain language.

#### **14. Direct marketing**

- 14.1 We will comply with the rules set out in the GDPR, the Privacy and Electronic Communications Regulations (PECR) and any laws which may amend or replace the regulations around **direct marketing**. This includes, but is not limited to, when we make contact with data subjects by post, email, text message, social media messaging, telephone (both live and recorded calls) and fax.

**Direct marketing** means the communication (by any means) of any advertising or marketing material which is directed, or addressed, to individuals. "Marketing" includes contact made by Fernielea Gospel Hall to individuals for the purposes of promoting our services and aims.

- 14.2 Any direct marketing material that we send will identify **FERNIELEA GOSPEL HALL** as the sender and will describe how people can object to receiving similar communications in the future. If a data subject exercises their right to object to direct marketing we will stop the direct marketing as soon as possible.

### **Section D – working with other organisations & transferring data**

#### **15. Sharing information with other organisations**

- 15.1 We will only share personal data with other organisations or people when we have a legal basis to do so and if we have informed the data subject about the possibility of the data being shared (in a privacy notice), unless legal exemptions apply to informing data subjects about the sharing. Only authorised and properly instructed Trustees are allowed to share personal data.

### **Section E – Managing change & risks**

#### **16. Dealing with data protection breaches**

- 16.1 Where staff or volunteers, think that this policy has not been followed, or data might have been breached or lost, this will be reported **immediately** to the Data Protection Officer.
- 16.2 We will keep records of personal data breaches, even if we do not report them to the ICO.

- 16.3 We will report all data breaches which are likely to result in a risk to any person, to the ICO. Reports will be made to the ICO within **72 hours** from when someone in the church becomes aware of the breach.
- 16.4 In situations where a personal data breach causes a high risk to any person, we will (as well as reporting the breach to the ICO), inform data subjects whose information is affected, without undue delay.

This can include situations where, for example an email containing sensitive information is sent to the wrong recipient. Informing data subjects can enable them to take steps to protect themselves and/or to exercise their rights.

## **Definitions and useful terms**

The following terms are used throughout this policy and have their legal meaning as set out within the GDPR. The GDPR definitions are further explained below:

**Data controller** means any person, company, authority or other body who (or which) determines the means for processing personal data and the purposes for which it is processed. It does not matter if the decisions are made alone or jointly with others.

The data controller is responsible for the personal data which is processed and the way in which it is processed. We are the data controller of data which we process.

**Data processors** include any individuals or organisations, which process personal data on our behalf and on our instructions.

A volunteer within the church agrees to collate the contact information provided by parents of children attending a Holiday Club. Whether this information is stored electronically or held in paper form in a folder you are processing personal information.

**Data subjects** include all living individuals who we hold or otherwise process personal data about. A data subject does not need to be a UK national or resident. All data subjects have legal rights in relation to their personal information. Data subjects that we are likely to hold personal data about include:

- a) the people we care for and support;
- b) consultants/individuals who are our contractors or employees working for them;
- c) volunteers;
- d) trustees;
- e) complainants;
- f) supporters;
- g) enquirers;
- h) friends and family;
- i) advisers and representatives of other organisations.

**ICO** means the Information Commissioners Office which is the UK's regulatory body responsible for ensuring that we comply with our legal data protection duties. The ICO produces guidance on how to implement data protection law and can take regulatory action where a breach occurs.

**Personal data** means any information relating to a natural person (living person) who is either identified or is identifiable. A natural person must be an individual and cannot be a company or a public body. Representatives of companies or public bodies would, however, be natural persons.

Personal data is limited to information about living individuals and does not cover deceased people.

Personal data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

**Privacy notice** means the information given to data subjects which explains how we process their data and for what purposes.

**Processing** is very widely defined and includes any activity that involves the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing can also include transferring personal data to third parties, listening to a recorded message (e.g. on voicemail) or viewing personal data on a screen or in a paper document which forms part of a structured filing system. Viewing of clear, moving or stills images of living individuals is also a processing activity.

**Special categories of data** (as identified in the GDPR) includes information about a person's:

- j) Racial or ethnic origin;
- k) Political opinions;
- l) Religious or similar (e.g. philosophical) beliefs;
- m) Trade union membership;
- n) Health (including physical and mental health, and the provision of health care services);
- o) Genetic data;
- p) Biometric data;
- q) Sexual life and sexual orientation.

## **ICO Registration**

FERNIELEA GOSPEL HALL does not actually need to register with the ICO but will still be subject to general data protection law.

A specific exemption applies to 'not-for-profit' organisations which includes churches. This exemption applies as we meet all the following conditions:

- We are only processing data for the purposes of establishing or maintaining membership or support for a body or association not established or conducted for profit.
- We are providing or administering activities for individuals who are members of the body or have regular contact with it.
- We only hold information about individuals whose data we need to process for this exempt purpose (i.e. church members and those in regular contact with it)
- The personal data we process is restricted to personal information that is necessary for this exempt purpose only.