

Policy No 4

Data Protection policy

1. Charitable purpose and objective

1.1 The **trustees** acknowledge the importance of adhering to legal data protection

requirements in accordance with the charitable purposes and objectives of the charity

2. Basic Requirements

- 2.1 Data protection law covers information held by any person, business or organisation about a living individual. It therefore applies to all such information held by the church and church groups
- 2.2 The law does not only apply to secret, confidential or sensitive information. The details of church members who give charitable donations under the Gift Aid scheme, and the details of individual missionaries or other beneficiaries who benefit from those donations, will be covered by the Act, as will details of church staff (such as payroll details and comments contained in employment records) and membership and contact lists. All this means that it is simply impossible for a church or church group to operate at all without needing to comply with the Act

3. Registration

3.1 As an organisation which handles personal data, the church is registered with the Office of the Information Commissioner, the body which regulates data protection in the UK

4. What we do with personal data

The Act applies to any use of personal data, which is referred to as

“processing”.

The definition of processing includes using the data for any purpose. So the Act applies, for example, to using a list of church members to send out information about the church or an invitation to an event.

The definition of “processing” goes well beyond this however.

“Processing” includes obtaining the data in the first place, disposing of data and even simply holding data, so all of these things are governed by the requirements of the Act.

5. The right to process data

5.1 The church cannot process data (and therefore cannot use, obtain, dispose of, or simply hold personal data) unless it satisfies the conditions laid down in the Act

1. Has the consent of the individual concerned to process their data, or
2. Complies with a legal obligation (for example, allowing a policeman with a search warrant to look at the personal data contained in records), or

3. Carrying out the “legitimate interests” of the church or group, so long as those do not interfere unduly with the rights of the individual concerned

5.2 Some information, including religious beliefs, physical or mental health, sexual orientation and trade union activity (but not financial information) is defined as “sensitive personal information” and is subject to additional protection. This may mean, for example, that the church will need an individual’s explicit consent before processing their data

6. Standards to Comply With

6.1 There is a general requirement that the processing of personal data is done “fairly”. This involves weighing up all the relevant circumstances. One important factor is the extent to which the individual is aware of the purposes for which the data will be used

7. Other Rules

7.1 There are eight principles laid out in the Act which the church must comply with

whenever personal data is processed: -

1. The data must be processed fairly and lawfully
2. The data must be obtained only for specified lawful purposes and cannot be used for other purposes
3. The data must be relevant and not excessive. For example, there is no need to do assessments of someone's income for a membership list
4. The data must be accurate and kept up to date. Data held will be reviewed annually; this will need to be appropriate given the nature of the data and the purposes for which it is held
5. The data must not be kept for longer than is necessary
6. The data must be used in accordance with the rights of the individual concerned
7. The data must be kept secure
8. The data must not be transferred overseas, except to some specified countries and as the EU GDPR ceases to apply in the UK, UK-based companies will need to appoint an EU GDPR representative under Art. 27 EU GDPR

8. Disclosing Personal Data

Under the Act, individuals have the right to request copies of the personal data which the church holds about them. There are some limited exceptions, such as personal data which includes information about third parties. The church acknowledges this is the right of the data subject, not of anyone else. The request must be in writing to the trustees to be

enforceable, but need not spell out that it is a data subject request under the Act. The church is entitled to charge a fee of up to £10 and to request any information it needs in order to identify the information requested, and must supply the information promptly and in any event within 40 days.

9. Adoption of this policy

The trustees of Windmill Community Church accepted the review of this policy on 17th June 2024

Signed

Next review date: June 2026