

General Data Protection Regulation (GDPR)

Data protection for parishes

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Who we are...

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What is GDPR?

- New data protection law
- Effective from 25th May 2018
- Builds on what we should be doing now
 - Cultural shift - more rights for individuals
 - More conscious of, and intentional about, data protection



Key Changes - 1

- **How consent can be obtained** - this must now be 'opt-in'
- **New rights for data subjects**
- **Only use data for purpose gathered**
- **Sanctions strengthened** - including increased fines



Key Changes - 2

- Key data users - **adequate training**
- New principle of **accountability**
- Data Protection Impact Assessments
- Reporting of **breaches**
- Data Protection Officers (for some organisations)

Some definitions first...



Definitions - 1

- **Personal data** is information about a *living* individual which is capable of identifying that individual - e.g. names, email addresses ...
- **Processing** is anything done with or to personal data, including storing and deleting



Definitions - 2

- The **data subject** is the person about whom personal data is processed.
- The **data controller** is organisation or person who determines the how and what of data processing.

In a parish the data controller is usually the PCC or Incumbent.



What is Personal Data?

Now a broader definition of personal data

- **“any information relating to an identified or identifiable natural person ‘data subject’; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.”**



What is Special Category Data? - 1

Also a broader definition of special category (sensitive) data

- the racial or ethnic origin of the data subject
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical or mental health or condition



What is Special Category Data? - 2

- sexual life
- commission or alleged commission of any offence
- any proceedings for any offence committed
- genetic data
- biometric data
- data concerning sexual orientation



Underlying principles (7)

- Processed lawfully, fairly and transparently
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability



Key “rules of thumb”

- Would I like my data to be processed in this way?
- There should be no surprises about how a data subject’s data is used



Rights for data subjects - 1

1. To be informed

- “fair processing information” - privacy notice

2. To access

- Can request information - as now
- Subject Access Requests (SARs)

3. To rectification (correction)

- If inaccurate or incomplete
- You must tell third parties



Rights for data subjects - 2

4. To erasure (be forgotten)

- Right to request removal or erasure
- Gift Aid information - financial regulations
- Safeguarding - some data still necessary to keep as “necessary, reasonable or proportionate” e.g. to protect members of the public

5. To restrict processing

- Can still store data to ensure any restriction is respected - e.g. no email contact



Rights for data subjects - 3

6. To data portability

- Unlikely to affect parishes

7. To object to processing

- In some circumstances

8. Not to be subject to automated decision making (profiling)

- Without human intervention - as now

But we can still process data...



Lawful basis for processing - 1

Six lawful bases - at least one must apply

1. Consent
2. Legitimate interests
3. Compliance with legal obligation
4. Contract necessity
5. Vital interests
6. Public task



1. Consent

- Only rely on consent if you can't rely on another basis
- Must be “opt-in”
- Individuals can withdraw consent - must be as easily as first given
- Oral consent is ok - record it



2. Legitimate Interests

- Balancing test between data controller and interests of data subject

3. Contractual necessity

- In order to enter into or perform a contracts with data subject



4. Compliance with Legal Obligation

- Controller is legally obliged to process
 - Church Representation Rules - e.g. Electoral Roll data
 - Gift Aid returns
 - Parish registers
 - Police investigations
 - Court orders



5. Vital Interests

- Use data to protect the vital interests of a data subject - e.g. in a life or death situation, use medical or emergency contact information

6. Public Interest

- For the necessary performance of tasks by a local authority or private organisation acting the public interest



Special category data - criteria

A lawful basis and one of these criteria (page 13 of toolkit) including

1. Consent
2. Employment law
3. Vital interests - e.g. a life or death situation
4. Charities, religious organisations and not for profit organisations - to further the interests of the organisation on behalf of members, former members or persons with whom it has regular contact such as donors



Special category data - criteria

5. Data made public by the data subject
6. Legal claims
7. Reasons of substantial public interest
8. Medical diagnosis or treatment
9. Public health -for reasons of public health
10. Historical, statistical or scientific purposes



Children's data

- UK has adopted the option to reduce the age of consent for processing data from 16 to 13 (this broadly aligns with social media rules)
- Parents can give consent up to the age of 18
- Take reasonable steps to establish a parent has Parental Responsibility



Privacy notice and consent

- Privacy notice
 - Fulfils the “Right to be informed”
 - Make available to all individuals whose data is being processed
- Consent forms for church members if sending newsletters, fundraising requests etc.



Next Steps

- Review what data you hold now and where it is held (Appendix 3)
- DON'T delete anything - not yet
- Start using revised consent form (Appendix 4) for newsletters or fundraising requests
- Develop your Privacy notice (Appendix 5)



Frequently Asked Questions

Q1. Should we have been fully compliant with GDPR since 25 May 2018?

No. The Information Commissioner's Office (ICO), the regulatory agency overseeing GDPR, said that they expect organisations to be working towards compliance, and if they weren't ready by 25 May 2018 they'd expect to see a plan for how it will be achieved within a reasonable time frame after May.



Frequently Asked Questions

Q2. Do we always need consent to hold an individual's data?

No. There are six lawful basis for processing data under GDPR, only one of which is consent.

Some software companies were saying that you'll need consent to store and use any personal data of any kind - this is simply not true. For example, you do not need and should not use consent to store specific information for your employees or volunteers.



Frequently Asked Questions

Q3. Can we still publish our electoral roll?

Yes. You can (must!) publish your electoral roll.

The Church Representation Rules (CRR) require the publication of your electoral roll, therefore this can be considered to be a legitimate activity of a not-for-profit body under the GDPR.



Key points to remember

- Principle based legislation
- Rules of thumb
 - “would I be happy if this was my data?”
 - “no surprises”
- You *don't* need consent for much of the data you will process
- You *do* need consent for marketing
- You *do* need a privacy notice



Further information

- Updates on website here:
<http://southwark.anglican.org/information/gdpr>
- Queries to data@southwark.anglican.org
- Help-line for legal advice
- On-line training via Parish Buying website
<https://www.parishbuying.org.uk/>





Our Vision

A people with hearts on fire, loving God, walking with Jesus and led by the Spirit

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