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Data Protection Policy

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# Introduction

The Data Protection Act 1998 (the Act) regulates the processing of information about people; at its heart are 8 principles which ensure that information about people is used in a fair and lawful manner. It is not a barrier to using information; on the contrary, by applying the principles set out in the Act, organisations are empowered to use information for their legitimate purposes.

The Act places an obligation on organisations to operate within the data protection principles (DPP), it also gives legally enforceable rights to individuals regarding such things as access to information which relates to them, having information corrected if it is inaccurate and preventing certain kinds of processing of their information.

***From May 2018, the Data Protection Act is superseded by the EU General Data Protection Regulations (GDPR). The new regulations provide a wider range of rights to data subjects and extended accountability to Data Processors. This policy continues to enforce compliance to the current DPA and will be updated early 2018 to reflect GDPR compliance requirements.***

# Aim and Scope

The aim of this policy is to set out how Rodbourne Cheney Baptist Church (referred to as the Church in this Policy) complies with the provisions of the Act when processing personal data as both a data controller and a data processor.

All information that meets the definition of personal data is caught by this policy; the policy applies to all members and non-members who attend the Church that are given access to such data. The Church Secretary acts as the Data Controller, this legal responsibility cannot be delegated, however, the Church’s leadership team takes the executive lead on information management.

When processing personal data as a data controller the Church assumes all responsibilities placed on it by the Act. When acting as data processor, the Church is required to provide a guarantee that personal data will be processed in a manner commensurate with the requirements of the 7th Data Protection Principle (security). Responsibility for compliance with the remaining data protection remains with the owning organisation.

# Definitions

The Act defines what information is subject to its provisions, what obligations are placed on those who collect and use information and sets out the rights of those persons whose information is collected and used. Further explanations of what each term means is included in the guidance issued to support this policy.

**Data** means information which—

* 1. is being processed by means of equipment operating automatically in response to instructions given for that purpose.
	2. is recorded with the intention that it should be processed by means of such equipment.
	3. is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
	4. does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68 of the Act.
	5. is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

**Data controller** means, a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

**Data processor**, in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Data subject** means an individual who is the subject of personal data.

**Personal data** means data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

**Processing**, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including organisation, adaptation or alteration of the information or data, retrieval, consultation or use of the information or data, disclosure of the information or data by transmission, dissemination or otherwise making available, or alignment, combination, blocking, erasure or destruction of the information or data.

# The Data Protection Principles

There are 8 DPP at the heart of the legislation; the main purpose of the principles is to protect the rights of data subjects by ensuring their personal data is processed fairly and lawfully. The DPP apply to everything the Church does with the personal data unless a valid exemption applies.

The Data owners retain the responsibility for compliance with the DPP when the Church is acting as a data processor on their behalf.

The DPP are defined in the Act in the following manner, the majority of which are self- explanatory. Further explanations of what each term means and how they affect the Church processing of personal data is included in the guidance issued to support this policy.

* Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
	+ at least one of the conditions in Schedule 2 is met, and
	+ in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
* Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
* Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
* Personal data shall be accurate and, where necessary, kept up to date.
* Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
* Personal data shall be processed in accordance with the rights of data subjects under the Act.
* Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
* Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

# Data Protection Officer

The Church Secretary acts as the Data Protection Officer (DPO) on behalf of the Trustees and membership of the Church. The Church Secretary is to report on data protection matters to the Trustees who are responsible for:

* The day to day management of the Chief Executive’s data protection obligations
* Progressing requests for access to personal data
* Maintenance of the Chief Executives’ registration with the Information Commissioner (ICO)
* Monitoring compliance with the DPP
* Promoting awareness of data protection matters through training, policy development, advice and guidance
* Investigating and resolving complaints made in relation to the handling of personal information
* liaising, on all data protection matters, with security specialists, Department Heads, the ICO, client organisations and others as necessary

The DPO should maintain an up to date knowledge of, and advise on, relevant legislative and general developments in data protection and related matters.

# Training and awareness

The Church employees, trustees and members who have access to church data and information, must be aware of the relevant information held on the Church and must be equated with protecting information.

# Subject Access

The Act gives rights to data subjects to obtain a copy of the personal data the Church holds and processes which relates to them. The exercising of this right is commonly referred to as a Subject Access Request.

Any request for access to personal data made by a current or former member or attendee of the Church is to be passed to the Church Secretary at the earliest opportunity.

The Risk and Information Manager is to process all subject access requests where the church is data controller in accordance with the Act and the guidance which supports this policy.

# Privacy Statement (Fair Processing Notice)

The ICO code of practice uses the term ‘privacy notice’ to describe the explanations that individuals are given when information about them is collected, such statements are also known as fair processing notices. Compliance with the fairness element of the 1st DPP can be assisted by the use of a privacy statement/fair processing notice. The Church will publish a privacy statement on the Church website. A copy of the notice is appended to this policy at Annex A.

# Data Privacy Impact Assessments

A Data Privacy Impact Assessment (DPIA) is a methodology which helps identify the most effective way for the Church to comply with the Act when introducing new projects, changes or policies, such as:

* A new IT system for storing and accessing personal data
* Using existing data for a new and unexpected or more intrusive purpose
* A new database which consolidates information held

All new projects or changes to how personal data is processed must consider whether a DPIA is required, this should form part of the initial project management process. When making considerations regarding DPIA’s advice should be sought from the trustees and if necessary the Baptist Union.

# Exemptions

There are occasions when the application of an exemption to the obligations placed on the Church by the DPP may apply. Before reliance is placed on an exemption to process any personal data guidance is to be sought from the trustees.

# Monitoring and Review

The trustees will review this policy at least annually or as statutory or business reasons dictate. The Church membership at the Annual General Meeting will ratify the policy, especially if there are any changes.

At the Annual General Meeting the Church Secretary will report on data protection matters, raising any major incidents or concerns and recommendations.

# Annex A. Privacy Statement

Rodbourne Cheney Baptist Church may collect personal information from you, for example, if you register with us for services, in order to receive news and announcements, or as part of the membership records, and your information may be stored manually or electronically.

Any personal information you give to us will always be processed in accordance with the UK Data Protection Act (1998). We will only use the personal information you provide to deliver the services you have requested, or for our lawful, disclosed purposes. We will not make your personal details available outside the church without your consent, unless obliged by law.

Our website will automatically track certain information about you in the course of you using this website, such as your IP address and browser identification. This information is used only for system administration and for providing statistics to evaluate use of this site. We do not use cookies for collecting personal information from this site. (A cookie is a small amount of data that is sent to your browser from a web server and stored on your computer's hard drive.)

Questions regarding this Privacy Policy should be addressed in writing to: The Church Secretary

Rodbourne Cheney Baptist Church Cheney Manor Road

SWINDON

Wiltshire SN2 2PE

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