

The Data Protection Act 2002 (the DPA) applies to anyone using personal data which is held in an electronic format and, in some cases, on paper. This is defined as 'processing' for the purposes of the DPA. Personal data is information which, either on its own or when combined with other information in the possession of the organisation, identifies a living individual. This includes information such as name, home address, email address and pastoral care information.

Churches and religious organisations ("organisation"), of any denomination, are likely to hold personal data about parishioners, congregation members, volunteers, employees or members of the public. These people are 'data subjects'. The organisation is a 'data controller' as it determines what information it needs, and how it will process that information.

The DPA aims to balance the rights of individuals with regard to how their information is processed with the legitimate need of the organisation to use their information. It imposes certain obligations on organisations, including the requirement to maintain an entry in the register of data controllers and compliance with the data protection principles and the rights of individuals.

Entry in the register of data controllers

Most organisations use computers to maintain lists of individuals' details, and to correspond with them, either by letter or email.

An entry in the register of data controllers may be required if the organisation uses automated equipment for processing personal data. This includes any form of computerised documentation or correspondence, email, databases, etc.

If the only reason for processing personal data is for the organisation's own accounts and records, advertising and marketing its own goods and services or for the administration of its own staff, then an entry will not be required. However, a register entry will be required if other processing, such as for pastoral care records, or the use of CCTV, occurs.

It is an offence to process personal data without an entry in the register of data controllers, unless an exemption from that requirement applies.

Further guidance on notification and the registration process is available on the website.

Compliance with the Data Protection Principles

Organisations must comply with all the data protection principles when personal data is processed, irrespective of whether an entry in the register of data controllers is required or not.

These principles say personal data must be:

- Fairly and lawfully processed
- Processed for specified purposes
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Not kept for longer than is necessary

- Processed in line with the rights of the individual
- Kept secure
- Not transferred to countries outside the EEA unless there is adequate protection for the information

There are additional requirements regarding the obtaining, use and disclosure of “sensitive personal data”, such as pastoral care information and religious beliefs. The specific circumstances for processing sensitive personal data are set out in Schedule 3 to the DPA. The DPA also requires greater security considerations where the data is considered “sensitive”.

Further guidance on the data protection principles is available on the website.

Compliance with the rights of individuals

Individuals have many rights under the DPA; two of the most commonly exercised, the right of access to personal data and the right to object to direct marketing, are explained briefly below.

The right of access to personal data

The right of access to personal data can be exercised at any time by the individual. A written request, called a “subject access request”, can be made and could extend to any correspondence, emails, staff records or CCTV images about that individual. This right requires data controllers to supply that individual with their personal data in permanent form within a strict timeframe.

Comprehensive guidance on dealing with a “subject access request”, and the other rights, is available on the website.

The right to object to direct marketing

Individuals have a right to object to direct marketing in whatever form it is sent – this could be by mail, phone, email, sms etc.

You must ensure that people know whether you are going to send them marketing material (this includes promoting events) and what media will be used, and give them the opportunity to tell you whether they wish to receive marketing from you or not.

The rules about marketing vary depending on the media you use. Full guidance about direct marketing is available on the website.