

The data protection legislation 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 data protection legislation. 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 individuals are 'data subjects'. The organisation is a 'controller' as it determines what information it needs, and how it will process that information.

The data protection legislation 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 controllers and processors and compliance with the principles of data protection and the rights of individuals.

## **Entry in the register of controllers and processors**

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 controllers and processors 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 organisations own accounts 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 controllers and processors, unless an exemption from that requirement applies.

Further guidance on registration is available on the website.

## **Compliance with the data protection principles**

Organisations must comply with the data protection principles, irrespective of whether an entry in the register of controllers and processors is required or not.

The principles can be found in Article 5 of the Applied GDPR and are:

1. Lawfulness, fairness and transparency

2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality

There is an overarching principle of accountability, and controllers must be able to demonstrate how they comply with the principles.

There are additional requirements regarding the obtaining, use and disclosure of special categories of personal data, such as pastoral care information and religious beliefs. The special categories of personal data are defined in Article 9(1) of the Applied GDPR and the specific circumstances for processing them are set out in Article 9(2) of the Applied GDPR. The data protection legislation also requires greater security considerations of special categories of personal data.

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

### **Compliance with the rights of individuals**

Individuals have many rights under the data protection legislation; one of the most commonly exercised is the right of access to personal data.

This right can be exercised at any time and includes a right of access to all information about the person. This extends to any correspondence, emails, CCTV and any other information, whether that is held electronically or otherwise. This right requires controllers to provide that individual with a copy of their personal data within a strict timeframe.

Comprehensive guidance on complying with subject access requests, and other rights exercised by individuals, is on the website.

### **Advertising and marketing to members**

The data protection legislation provides individuals' with rights in respect of direct marketing, by whichever means that marketing is communicated.

If the organisation sends direct marketing to named individuals by email, or SMS, then it must also comply with the Unsolicited Communications Regulations 2005.

In brief these regulations require an individual to have opted in to receiving marketing by such means, be provided with a means to opt out with each communication and the organisation must ensure it is identified in the communication.

Further Guidance on "Direct Marketing" is available on the website.

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