**Data Protection – Guidance for those holding or using information about individuals on behalf of the PCC**

These notes, which are being given to all in the church who use relevant information, supplement the PCC`s Data Protection Policy and “The Data Protection Act 1998 – A Guide for Parishes” on the St Albans Diocesan website. Copies are attached.

Please take the time to read these notes, which it is hoped will be helpful to you.

**The Three Elements of Data Protection**

These are:

1. the duty of a data controller to use information lawfully;
2. the duty of a data controller, on request, to tell an individual what information about him or her is being used; and
3. the duty of a data controller to notify its activity, if required to do so.

Even if a data controller is not required to notify, it remains fully bound by the first and second duties above.

**Data Controller**

As regards the acquisition, use and/or disclosure (“use”) of information about identifiable living individuals (“personal data”) in connection with church activities under its control, the PCC, as the data controller, is made responsible for ensuring compliance with the law on data protection. Those such as group leaders, stewardship campaign organisers and rota organisers act on behalf of the PCC, which therefore remains the data controller.

**Where a minister or other individual uses personal data only for his or her own purposes or ministry, the minister or individual - not the PCC - is the data controller for those personal data, and has all the duties laid down by the legislation.**

**The Duty to Use the Information Lawfully**

This is ensured mainly by compliance by the data controller with the eight principles, which are based on common sense and careful information management. They are summarised below, with some guidance notes (in brackets and *italics*) for cases where the principles are not self-explanatory, as requiring:

1. Fair and lawful use
2. Use for specified purposes only

*(Use the data you have only for the purpose of the administration and support of church activities, and only disclose it to someone acting on behalf of the PCC or to a minister.)*

1. Information to be adequate, relevant and not excessive

*(Do not collect or retain information which is unnecessary or redundant for the purpose of the administration and support of church activities.)*

1. Information to be accurate and up-to-date

*(Use reasonable efforts to ensure this.)*

1. Information to be kept for no longer than necessary
2. The individual`s access rights to be honoured

*(An individual is entitled to request and be given a copy of the information held about him or her. The more information you hold about someone, the more burdensome compliance with this obligation will be for you.)*

1. Information to be kept securely

*(Addresses and phone numbers should not be left where they are open to abuse. Access to more sensitive information should be restricted by computer passwords, by computers being switched off when unattended, and by limits on access to places where computers are located. Filing cabinets should be lockable, and locked when not in use. In all cases, the measures used must ensure a level of security appropriate to the harm that might result from unauthorised access to or accidental loss or destruction of the personal data concerned.)*

1. Information not to be transferred outside the European Economic Area unless adequate data protection is in place

*(Increasingly, information can become available outside the EEA by being placed on the worldwide web. Do not put any personal data on the internet unless you have the subject`s specific consent.)*

For more detail, see the Guide to Parishes.

**It is the responsibility of everyone maintaining or using personal data on behalf of the PCC to ensure compliance with the eight principles for the personal data which he or she maintains.**

The data controller must tell the individual who the data controller is, who has been appointed the representative of the data controller for the purposes of the data protection legislation, and the purposes for which the personal data are to be used. The PCC has done this by a notice in the pew sheet and on the notice boards at the entrances to the churches.

**Financial Giving**

Notwithstanding the stated purposes for which personal data may be used, the PCC confirms that information about individuals` financial giving to the churches is known only to the Treasurer, the Stewardship Secretary, potentially the Independent Examiner of the church accounts, and on occasions those responsible for banking the contents of the stewardship envelopes, if a cheque is enclosed from which the donor can be identified.

**The Right to Know (the “Subject Access Rights”)**

For the rules, see the Guide to Parishes. If you receive a written request, please pass it to the Data Protection Officer, who will notify the PCC and ask the relevant PCC members and church leaders to provide the information. A fee is payable. The information must be provided to the enquirer within 40 days. If you receive an oral request, please refer the enquirer to the Data Protection Officer, who will advise the enquirer how to make an effective request.

**Please note that if you carefully follow the advice in these notes and in the Guide for Parishes, your workload if asked to respond to a request may be significantly reduced.**

**Notification and Exemptions**

Although the Data Protection Act 1998 establishes a regime requiring notification of the use of personal data, there are several exemptions from the requirement to notify:

* Certain non-computerised use
* Use whose sole purpose is the maintenance of a public register(such as the church Electoral Roll)
* The staff administration exemption: employee records
* The accounts and records exemption
* The non profit-making organisations exemption, which applies where the use is by a data controller which is a body or association not conducted for profit, and is for the purpose of establishing or maintaining membership of or support for the body……or providing or administering activities for individuals who are members of the association or have regular contact with it. Thus rotas, lists of church members and contacts, and databases containing information about members`skills and offers of assistance can be maintained without the need for the PCC to notify, **though the first two duties (compliance with the eight principles, and with Subject Access Rights) must be complied with.**

The PCC has taken appropriate advice, which is that it is exempt from the need to notify.

**NOTE**: While the non profit-making exemption applies to the PCC, this exemption does **NOT** extend to individuals using personal data on their own behalf. Therefore, ministers will need to be aware of the possible need to notify, for personal data on computer. They will still need in any event to comply with the other rules.

**Further Guidance or Information**

Any further guidance you need can be sought from Laurence Mallett, the PCC`s Data Protection Officer: in person, by telephone ((01582) 833 585) or by email ([laurence.mallett@hotmail.co.uk](mailto:laurence.mallett@hotmail.co.uk)).