****

**FORRES BAPTIST CHURCH**

**DATA PROTECTION POLICY**

***FORRES BAPTIST CHURCH is committed to protecting all information that we handle about people we support and work with, and to respecting people’s rights around how their information is handled. This policy explains our responsibilities and how we will meet them.***

Updated : 19/08/20

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## **Policy statement**

Forres Baptist Church is committed to valuing and protecting personal data entrusted to us by people whose data we collect and use. We aim to comply with all relevant laws and adopt good practice.

## We process personal data to help us:

### maintain our list of church members and regular attendees;

### provide pastoral support for members and others connected with our church;

### provide services to the community;

### safeguard children, young people and adults at risk;

### recruit, support and manage staff and volunteers;

### maintain our accounts and records;

### promote our services;

### maintain the security of property and premises;

### respond effectively to enquirers and handle any complaints.

We will collect, store, use, amend, share, destroy or delete personal data only in ways which protect people's privacy and comply with the General Data Protection Regulation (GDPR) and other relevant legislation.

# 1.1 How this policy applies to you & what you need to know

Anyone processing personal information on behalf of Forres Baptist Church should familiarise themselves with this policy and follow it's guidelines and procedures.

Contact the Data Protection Lead if you are unsure of any aspects of the Policy or process.

Any breach of the policy must be reported it to the Data Protection Lead at contactforresbaptistchurch@gmail.com as soon as possible.

Individuals and appointed processors/contractors who breach the policy intentionally, recklessly or for personal profit may be liable to prosecution or regulatory action.

**1.2 Training and guidance**

We will remind members of the Forres Baptist Church Data Protection policy and their responsibilities annually in such a way that there will be an opportunity for members to ask questions regarding the application of the policy.

# 2 Data we collect, store and use.

# 2.1 What personal information do we process?

We will only collect, store and use data for:

Purposes for which the individual has given explicit consent or;

Purposes that are in the legitimate interest of Forres Baptist Church;

Contracts with the individual whose data it is;

To comply with legal obligations;

To protect someone's life;

To perform tasks in the public interest.

The personal data we process can include information such as names, contact details and visual images. The data may be received from the individual or from other sources and may be stored in paper or electronic form.

Forres Baptist Church will hold contact details for members and individuals in regular contact with the church. The contact details will be used to share church information and updates which clearly identify Forres Baptist Church as the sender. In addition there will be a contact list. This will be available electronically and in paper form for all individuals giving their consent to be included on the list. Consent will be sought to include details and the list updated annually. Individuals can withdraw their consent and/or request not to receive communications from the church at any time.

**2.2 Special categories of data**

Such as: racial or ethnic origin; political opinions: religious or similar beliefs; trade union membership; health; genetic data; biometric data; sexual life and sexual orientation (as identified in GDPR) can only be processed under strict conditions.

We will only use 'special categories' of personal data when as well as the above (2.1):

## the processing is necessary for **carrying out our obligations under employment and social security and social protection law**;

### the processing is necessary for **safeguarding the vital interests** (in emergency, life or death situations) **of an individual** and the data subject is incapable of giving consent;

### the processing is carried out in the **course of our legitimate activities** and only relates to our members or persons we are in regular contact with in connection with our purposes;

### the processing is necessary for **pursuing legal claims**;

### If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their **explicit** **consent**.

We will not hold information relating to criminal proceedings or offences unless there is a safeguarding requirement where children or adults may be put at risk. Advice would be sought from Baptist Union of Scotland in this instance.

**2.3 What must we tell individuals before we use their data?**

We will provide a copy of our privacy notice when collecting data from individuals which outlines that processing of data is in relation to members, former members and those having regular contact, in connection with the pursuit of our purposes as a church. Personal data is not disclosed outside church processes without the consent of the data subjects to whom the data belongs.

Where consent from the data subject is required we will explain what we are asking consent for, why we are collecting the data and what we will use it for. Consent will be process specific and at the discretion of the data subject.

## Consent can however be withdrawn at any time and if withdrawn, the processing will stop. Data subjects will be informed of their right to withdraw consent and it will be as easy to withdraw consent as it is to give consent.

## 2.4 **Managing data**

We will endeavour to ensure data held is accurate and up to date.

Data will not be kept longer than necessary and will be destroyed in compliance with our Data Retention Schedule.

Data will be held securely.

Security measures such as requiring keeping electronic information on encrypted or password protected devices, keeping printed documents in a locked cabinet in a secure location. Keeping access to data to the minimum number of people required. Updating members of Data protection measures and regular evaluation of our procedures.

# 3. Data subjects’ rights

We will provide individuals with details of the data we have about them when requested by them.

We will update, restrict or withdraw an individual's data at their request. Individual consent can be withdrawn at any time. We will act on valid requests within one month free of charge.

# 4. Sharing information with other organisations

We will not share personal data with third parties without the explicit consent of the relevant individual - unless legally required to do so.

# 4.1 Data processors

If we were to employ a contractor to process personal data on our behalf we will ensure by written agreement that they have processes in place to safeguard the data and will comply with data protection law.

# 5. Dealing with data protection breaches

## Where staff or volunteers, or contractors working for us, think that this policy has not been followed, or data might have been breached or lost, this will be reported **immediately** to the Data Protection Lead.

## We will keep records of personal data breaches, even if we do not report them to the ICO.

## We will report all data breaches which are likely to result in a risk to any person, to the ICO. Reports will be made to the ICO within **72 hours** from when someone in the church becomes aware of the breach.

## In situations where a personal data breach causes a high risk to any person, we will (as well as reporting the breach to the ICO), inform data subjects whose information is affected, without undue delay. This can include situations where, for example, bank account details are lost or an email containing sensitive information is sent to the wrong recipient. Informing data subjects can enable them to take steps to protect themselves and/or to exercise their rights.

# Schedule 1 – Definitions and useful terms

## The following terms are used throughout this policy and have their legal meaning as set out within the GDPR. The GDPR definitions are further explained below:

## **Data controller** means any person, company, authority or other body who (or which) determines the means for processing personal data and the purposes for which it is processed. It does not matter if the decisions are made alone or jointly with others.

## The data controller is responsible for the personal data which is processed and the way in which it is processed. We are the data controller of data which we process.

## **Data processors** include any individuals or organisations, which process personal data on our behalf and on our instructions e.g. an external organisation which provides secure waste disposal for us. This definition will include the data processors’ own staff (note that staff of data processors may also be data subjects).

## **Data subjects** include all living individuals who we hold or otherwise process personal data about. A data subject does not need to be a UK national or resident. All data subjects have legal rights in relation to their personal information. Data subjects that we are likely to hold personal data about include:

### the people we care for and support;

### our employees (and former employees);

### consultants/individuals who are our contractors or employees working for them;

### volunteers;

### trustees;

### complainants;

### supporters;

### enquirers;

### friends and family;

### advisers and representatives of other organisations.

## **ICO** means the Information Commissioners Office which is the UK’s regulatory body responsible for ensuring that we comply with our legal data protection duties. The ICO produces guidance on how to implement data protection law and can take regulatory action where a breach occurs.

## **Personal data** means any information relating to a natural person (living person) who is either identified or is identifiable. A natural person must be an individual and cannot be a company or a public body. Representatives of companies or public bodies would, however, be natural persons.

## Personal data is limited to information about living individuals and does not cover deceased people.

## Personal data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

## **Privacy notice** means the information given to data subjects which explains how we process their data and for what purposes.

## **Processing** is very widely defined and includes any activity that involves the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing can also include transferring personal data to third parties, listening to a recorded message (e.g. on voicemail) or viewing personal data on a screen or in a paper document which forms part of a structured filing system. Viewing of clear, moving or stills images of living individuals is also a processing activity.