



PARISHES AND THE 'GDPR'

A Brief Guide to Data Protection for PCC Members

What's happening and why is it important?

The General Data Protection Regulation (GDPR) will take effect in the UK in May 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection in how their personal data is used by organisations. Parishes must comply with its requirements, just like any other charity or organisation. This guide tells you what you need to do. You may also find our [checklist](#) and [sample consent forms](#) helpful, and there is a longer briefing note available [here](#) for people leading on this at parish level.

A. Underlying Principles,

The law is complex, but there are a number of underlying principles, including that **personal data**:

1. will be **processed** lawfully, fairly and transparently.
2. is only used for a specific processing purpose that the **data subject** has been made aware of and no other, without further consent.
3. collected on a data subject should be “adequate, relevant and limited.” i.e. only the minimum amount of data should be kept for specific processing.
4. must be “accurate and where necessary kept up to date”
5. should not be stored for longer than is necessary, and that storage is safe and secure.

Explaining the jargon:

Personal data is information about a living individual which is capable of identifying that individual.

Processing is anything done with/to personal data, including storing it.

The **data subject** is the person about whom personal data are processed.

The **data controller** is the person or organisation who determines the how and what of data processing, in a parish usually the incumbent or PCC.

B. Consent, Rights and Accountability

1. From May 2018, people will need to give their **consent** before you send them marketing and communications. This will need to be clear and unambiguous – some form of positive action to ‘opt-in’. You may need to gather this consent if you do not already have it. (See Section C)
2. Data subjects have a number of **rights**, including that of knowing how data is used by the data controller, of knowing what data is held about them, of correcting any errors and generally the right ‘to be forgotten’. The PCC will need to make provision for people to exercise these rights, including developing a Privacy Notice.
3. The GDPR introduces a stronger requirement on **accountability** for **data controllers**. This means that you must be able to show that you are complying with the principles by providing evidence.

C. Key Points for Parishes

1. Consent for one element of data processing does not give you permission to do anything else with it. You cannot mail everyone on your electoral roll, or even everyone for whom you have a Gift Aid declaration, with fundraising communications. You need further consent.
2. If the purpose of an individual supplying data to the PCC is clear and unambiguous, then a separate consent is not required. For example, a completed electoral roll application form provides sufficient consent to add them to the roll. Likewise, a completed Gift Aid declaration is sufficient consent for you to claim Gift Aid on the relevant donations. However, as stated above, you can't then use that data for other purposes.
3. Where you collect consents, e.g. to be added to an email mailing list, you will need to store those consents. You are likely to need several different consent forms (or elements within a single form) to cover different areas of data processing within the life of the church.
4. Note that each incumbent or priest-in-charge is considered to be a separate data controller from their PCC because they are separate legal entities.
5. Whilst the GDPR removes the requirement for data controllers to register with the Information Commissioner's Office (ICO), there will be an annual "data protection fee". The good news is that PCC's should remain exempt – we will let you know when further details are available.

D. Areas for Action

You may find our one page checklist helpful in making sure you've covered all the areas. Essentially parishes are likely to need to consider three areas for action:

1. This is the perfect time to review what data you hold, how you store it, and what basis you have for processing it. We have a simple audit template that you may find useful.
2. You are likely to need to develop a Data Privacy Notice. We have a guide on how to do this available [here](#).
3. You may well need to gain consent from some data subjects. Sample forms and guidance are available [here](#). Remember though that there will still be some data processing you may do as part of normal church management that doesn't need specific consent for that particular action – for example, lists of group members. This is covered by a special processing condition under the GDPR for religious (amongst others) not-for-profit bodies, provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.

E. Further help available...

1. This is a short guide for PCC members. There is a more detailed guide [here](#).
2. The Information Commissioner's Website has much helpful guidance: ico.org.uk