

Parish Resources

Section One

General Data Protection Regulation Overview

Introduction

The General Data Protection Regulation (GDPR) will take effect across Europe on **25th May 2018**. It replaces the existing law on data protection and gives individuals more rights and protection in how their personal data is used by organisations. Personal data is information about a living person which is capable of identifying them (e.g. their name or address or gift aid donation details).

From 25th May, people will need to give their consent before you send on communications and marketing. This consent must be clear and unambiguous, some form of positive 'opt in'. You may need to gather this consent if you don't already have it.

Do I need to get involved?

Yes. If you work or volunteer in an organisation that holds information about people, then this **DOES** apply to you. In practice most church organisations will be storing and using some personal information. Parishes must comply with their requirements, just like any other charity or organisation. There are a number of steps to becoming compliant and there are useful templates below to support you doing this. If charities are not compliant, they can face a fine of up to 4% of their turnover or €20m, whichever is larger.

What do I need to do?

There are a number of things you need to do to ensure you are compliant before the 25th May 2018. We have developed a GDPR checklist to support you in doing this. Included are:

- Review the data you hold, understand why you hold it and who you share it with. Ensure your policy is documented.
- Check where/how this personal data is stored and who has access to it. Do these people all need access to personal data?
- Review all types of processing and ensure you have documented policies and procedures in place.
- If consent is relied upon, check it has been correctly obtained. If not, you may need to gain further consent from some people. We have developed a sample form for you to use to do this.
- Review all retention periods – how long do you hold data for and why do you hold it for this length of time? Is the data still relevant? Do you have a document retention policy stating this? If not, now is the time to develop one.
- Do you have a Data Privacy Notice on your website? This now needs to be reviewed. If you don't have one you need to develop one.

- Review any data protection notices to ensure they are updated as per the pending regulations.
- Check what security systems are in place to protect personal data – keep it safe!
- Know what to do if there is a breach of personal data – what is your plan?

I need help!

We have a number of templates that will support you in becoming compliant before 25th May 2018.

They include:

- a) GDPR Checklist
- b) Template for auditing your data
- c) Sample forms to gather consent (if required)
- d) Data Privacy Notice guidance (if your parish has a website you must have a privacy notice available for people to access online).

The Church of England has done extensive work to support their parishes and dioceses in becoming GDPR ready. They are very happy to share this information with the Church of Ireland. If you would like to find out more from the Church of England, please click [here](#).

Parish Resources

Section Two

Please tell me more

Data protection in Ireland and the UK is changing in May 2018, and the new law gives individuals (you and me) more rights over how information about them is stored and used by an organisation (e.g. by a Diocese or a parish). In particular organisations have to tell individuals what they are doing with the information they are storing and using.

Important Terms

Personal data	is information about a living individual which is capable of identifying them E.g. name, PPSN (ROI) / NIN (NI/UK), date of birth, address.
Processing data	is anything that is done with/to personal data, including storing it.
Data Subject	is the person about whom personal data are processed. Data subjects have a number of rights, including knowing how data is used by the data controller, knowing what data is held about them, correcting any errors and having the right to be 'forgotten'.
Data Controller	is the person or organisation who determines the how and what of data processing. Parishes are very unlikely to be required to have Data Protection Officer. However you may wish to give one person responsibility for data protection issues within your parish, who would become your data controller. There is 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.
Consent	must be given to use personal data and for each use of personal data e.g. you can't email everyone whom you received a Gift Aid declaration from with fundraising communications. You need further consent. You also need to store these consents and may need several different consent forms to cover different areas of data processing within the life of the Church.

There are a number of **underlying principles** that need to be followed when dealing with personal data, including that personal data:

- will be processed lawfully, fairly and in a transparent manner.
- is only used for a specific processing purpose that the data subject has been made aware of and consent has been given. This means that individuals need to be told what you are going to do with their personal data before you use it.
- collected on an individual should be 'adequate, relevant and limited' e.g. only the minimum amount of data should be kept for specific processing.

- must be accurate and up to date. Personal data that is found to be inaccurate should be deleted or corrected immediately. All personal data should be periodically checked to ensure it remains up to date and relevant.
- should not be stored for longer than is necessary e.g. records of pastoral care discussions should not be kept for a number of years without justification. Records could be kept, for instance, if all identification features were removed.
- kept securely e.g. personal data should be safe and secure, kept in lockable filing cabinets or in password protected computer files.

Special Conditions for religious not-for-profit bodies

While you will rely on consent for most of your communications, there will be some data processing you will want to do as part of normal church management for which you will not need to gain specific consent for that particular action – holding lists of group members, for example. This is covered by a special condition under the GDPR for religious 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.

What are the rights of individuals?

There are a number of rights of individuals, provided within the GDPR regulations. These include:

- a) The right to be informed about how you intend to use their information
- b) The right to be given confirmation that their data is being processed correctly, and have the right to be have access to their personal data if required, so they can check the use and accuracy of the data
- c) The right to have their personal data corrected if it is inaccurate or incomplete
- d) The right to be forgotten, and have their personal data deleted
- e) The right to restrict processing of their personal data in certain circumstances
- f) The right to obtain and reuse personal data for their own purposes across different services.
- g) The right to object to processing in certain circumstances
- h) Protection against the risk that a potentially damaging action is taken without human intervention

Further Information:

If you need further clarification or information on anything outlined above, please contact:

- Data Protection Commissioner (Ireland) - <http://gdprandyou.ie/>
- The Information Commissioner (UK) – www.ico.org.uk
- European Parliament - www.eugdpr.org/

If a data protection issue comes up and you are unsure how to respond, please contact Rebekah Fozzard, Data Protection Officer, Representative Church Body at: Rebekah.Fozzard@rcbdub.org

