

## GENERAL DATA PROTECTION REGULATION (GDPR)

### FREQUENTLY ASKED QUESTIONS AND ANSWERS

	Topic	Question	Answer
1.	<b>Baptisms, weddings, funerals</b>	Churches keep records of Baptisms, Weddings and Funerals in Registers, how are these subject to the regulation?	You cannot give out any personal details without the consent of the individual but DPA and GDPR do not apply to dead people. Personal information should not be published in a newsletter without consent. A form when people are asking for such a service covers this. They are providing the information for the service and not for publication.
2.	<b>CCTV</b>	What happens if the CCTV catches a passer-by on camera?	You have an obligation to put up a sign saying who to contact and how. You should aim the camera at the door – if it captures the whole street you should have a different and separate licence. The sign should provide contact details for the controller but this can be a generic email address.
3.	<b>Children</b>	What is the age of consent for children and who can give consent on their behalf?	The age at which children can give valid consent under the Data Protection Bill is 13. We are not changing the definition of a child merely that the age of consent for data protection purposes which is 13 from 25th May.
4.	<b>Christmas cards</b>	What if Christmas cards are dropped through the door and the names are unknown?	Don't mail drop at the same time – if you are not targeting a particular group or using personal details you don't need consent.
5.	<b>Christmas cards</b>	We send around 3000 parish Christmas cards each year – do we need consent?	As it is a one-off occasion and probably not considered marketing, you don't need consent.
6.	<b>Commercial contracts</b>	Commercial contracts that are not connected with processing any personal information - we have a contract with a company to provide cleaning services, another who provides the photocopiers etc, are there any GDPR implications for such contracts as they will be signed by members of staff and their names will be on them.	Commercial contracts where no personal data is processed do not need to be amended. It is unlikely that your cleaning service company or a company which maintains or delivers photocopiers will come across any personal data. Their engineers are likely to be supervised when they are in the office and therefore any personal data they happen to see will be inadvertent and not part of the role that they are performing. It is not necessary for these contracts to have the GDPR clauses in them. Many such contracts will have contact names for both parties but it is not necessary for you to include the 11 GDPR clauses in such a contract. You could include a simple clause which "We may share personal data about our staff in order to administer this agreement. We both agree to

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		comply with all relevant data protection legislation when doing so.
7.	<b>Compliance</b> We need to be compliant by May – what should we do if we are not compliant by then?	Be realistic and practical. Have a plan to be compliant. Try to prioritise getting a privacy notice available for people to see, and getting consent from people to whom you send direct marketing.
8.	<b>Consent form</b> I am trying to ascertain who I need to give a consent form to. Is it everyone or everyone except those with ANY role?	It is everyone who has a role in connection with the church/parish paid or volunteer even if it is once a year and they are on a list somewhere in the parish as they have agreed to do the role that is their consent hence the different privacy notices. We then still have to be careful that their information is then not used for some other purpose. If they are not in a role then they need to consent.
9.	<b>Data breach</b> When must a data breach be reported?	If a data breach is likely to result in risk to the rights and freedoms of those affected, there is an obligation to report the breach to the Information Commissioner’s Office within 72 hours of becoming aware of the breach. In addition, if the breach is likely to result in a high risk to the rights and freedoms of individuals affected, those individuals must also be informed, in clear and plain language, of the breach and the likely consequences.
10.	<b>Data Controller</b> How does GDPR apply to united benefices - i.e. separate PCC's but one benefice?	There are many data controllers including the PCC, the Diocese, the Bishop, the Archdeacon, the Incumbent etc. All of these data controllers will sometimes work together in respect of the same data subjects and sometimes work independently. For example, the Diocese office will have a relationship with clergy relating to their stipend and accommodation but it is usually the Bishop who oversees their role as a member of the clergy and supervises them. However, the Diocese office has an important role to play in relation to safeguarding. Where more than one data controller is working together for a joint purpose in respect of a data subject then the data controllers will be joint data controllers. It will still be necessary for each of the data controllers to be responsible for the data that they collect but it is possible

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		for one privacy notice to be issued on behalf of all of them and indeed for one consent form to be used for all of the relevant data controllers.
11. <b>Data subject</b>	What is a data subject?	Personal data is any information which can identify a natural person directly or indirectly, such as data relating to that person's name, ID number, location data, or more specific points like physical, physiological, genetic, mental, economic, cultural or social identity. The data subject is the person who can be identified from the data.
12. <b>Electoral roll</b>	How does the new GDPR law affect the publishing/display of the electoral roll?	GDPR doesn't override any current legislation. Under the Church Representation rules there is provision for only the names to be displayed. The Electoral Roll is not invalid if a person's address is not displayed. Therefore, you might have two different versions – the full Roll and the abridged version for display which includes names only.
13. <b>Electoral roll</b>	Is the electoral roll classed as sensitive data?	Yes, it could be. If it has come from church then it indicates people of that faith, which is personal/sensitive data.
14. <b>Email security</b>	Is there a requirement on the email provider we use	You need to be very careful with email providers – make sure they are reputable and you have terms and conditions. The toolkit gives a checklist of what you should look for in contracts with providers.
15. <b>Funerals</b>	Data is held on file from funerals and those involved are invited to attend memorial services – is this considered direct marketing?	No. This is an exception to the normal rule that adding someone to a mailing list is marketing. Offering the opportunity of attending a memorial service is part of the 'service' offered by the church.
16. <b>Funerals</b>	Information is obtained from funeral directors, are we joint data controllers?	Your common purpose is different so you are not joint data controllers.
17. <b>Gift aid</b>	With regard to gift aid mandates and envelopes, as they are consenting by giving us their details, do we just have to put something about the privacy notice on the mandates and envelopes so it highlights where they can find information about	In relation to the Gift Aid envelopes, I would amend new versions of the envelopes which are going to be printed to make reference to the fact that you may be using the Gift Aid data for other purposes and to contain a URL link to the privacy notice. However, it is not necessary to reprint or destroy all existing envelopes. I would advise Parishes to continue to use up their

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	what we will do with their data etc?	supplies but perhaps to put a note in the newsletter. For example, something along the lines of "Data laws have changed in the United Kingdom and if you want to find out more about how we use your personal data you will find a new privacy notice available on our website [url link]." If Parishes were going to use the Gift Aid data for mailing out a newsletter I would include this on the consent form and on the Gift Aid form itself. I appreciate that there will be limited space on the back of the Gift Aid envelope as they tend to be quite small so it is permissible to take what is called a layered approach which means that you point Parishioners in the direction of where they can receive more information about how their data is used.	
18.	<b>Hall hire</b>	Our Hall bookings manager deals with booking largely by email, the email addresses are on our web site server, she may also have details of telephone numbers and bank details etc., does she need to seek consent?	The hiring of hall is a commercial agreement so you have a reason to have the information and they are freely giving it. So consent is not an issue but you will need to tell them about what you will do with the data etc so point them to the privacy notice etc.
19.	<b>Photographs</b>	What responsibility do we have for third parties taking photos?	Put up a sign asking people to be respectful if you are using images and putting on your own Facebook – you are responsible and must get consent. If it is a church event, and you will be taking photos in the church, you should tell people as those who wish not to be photographed can sit in a specific area where photos will not be taken.
20.	<b>Prayers</b>	Prayer list – can this be displayed? Do we need consent from those to be added to it?	If you are collecting details on a form then you could include a phrase such as "please make sure you have got consent to provide this person's information". If you do this then you can rely on the completed form. You could put a sign up next to the prayer list stating that parishioners can add names to a board but you do not need to know the illness or reason for the prayer. You could take a risk based approach; for example, how likely to complain is the person being prayed for? If you are not sure about consent or it cannot be obtained, then perhaps you could include the person in silent

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		prayers rather than naming them. There is no need to mention any illness. This is likely to be sensitive personal data.
21.	<b>Privacy notice</b> Do we need to give our privacy notice to all volunteers etc?	Yes – there is a general privacy notice for role holders on the website. It would be easiest to send in an email as a PDF or it could be put on the website and the link could then be circulated. If no email is available, it can be printed and posted on notice boards in church.
22.	<b>Privacy notice</b> How do you prove the privacy notice has been read?	Your obligation is to issue/provide it – not to make people read it or prove it has been read.
23.	<b>Privacy notice</b> The Template Privacy notice says: <u>‘(e.g. Churchwardens, PCC Secretaries, PCC Treasurers, Deanery Synod reps, Safeguarding officers etc.)’</u> Can you please confirm that the following should also be included in the list of Role Holders (and consequently do NOT have to sign a Consent Form) <ul style="list-style-type: none"> <li>• Employees (Administrator, Youth Workers)</li> <li>• Pastoral Assistant</li> <li>• LLM</li> <li>• Retired Lay Reader with PTO</li> <li>• Volunteer bookkeeper</li> <li>• Volunteer payroll administrator</li> </ul> What about PCC Members who may not have a specific role or function but who are, by definition, members of the PCC which is the ‘Data Controller’?	Role holder is wider than this it is anyone who does anything for the church as a paid or unpaid volunteer and their details are on a list somewhere in the parish. As they have agreed to do the role they do not need to complete a consent form unless you are going to use the information for another purpose or share it. You do not need to send them a privacy notice unless you want to but you do need to advise them of its existence.
24.	<b>Registration</b> Which data controllers need to register?	All data controllers need to register unless they are exempted.
25.	<b>Registration</b> Clarification of registration fees – will these be payable by the DBF or by individuals?	It is likely that DBF will register on behalf of all parishes and therefore each parish will not need to register or pay the fee.
26.	<b>Registration</b> Clarification for the requirement for registration.	Under the GDPR there is no need for register. The ICO is going to charge a fee for data

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			controllers, however PCC's will be exempt from the fee.
27.	<b>Right of access</b>	Who has the right to access the data held?	Only the data subject can access their data. They are not entitled to see any information which identifies a third party.
28.	<b>Safeguarding</b>	How does the new GDPR law affect safeguarding?	Safeguarding is a legal requirement and therefore consent is not relevant. It is important to keep processing this kind of data but you might think about keeping it securely.