Data Controller documentation

## Lawfulness, Fairness and Transparency

**The personal data we hold (1.1)**

Please refer to dataflow diagram “dataflow for the church”.

**Documentation of our data**

1. Church roll process

What data do you hold? Name, address, phone number and email address

Where did it come from? Membership forms, transference certificates or word of mouth

Who do you share it with? The minister, session clerk, treasurer, roll keeper, Link magazine edtor and pastoral care team who visit members; the contact details of two office bearers are available on our website

What do you do with it?

* to create the church directory for all members to contact one another
* maintain a spreadsheet which is used by the minster, session clerk and pastoral team to visit members at home
* use it for financial purposes such as writing to members when we receive a gift
* put contact details of members in the order of service
* put contact details for the minster and session clerk on the website

1. Readers rota process

What data do you hold? Name, address, phone number and email address

Where did it come from? Church roll spreadsheet

Who do you share it with? Those on the rota

What do you do with it? Create the rota to inform readers when they are to read

1. Over 90’s process

What data do you hold? The pastoral coordinator has a list of those members who are 90 or over.  (8 at the moment) This is the only data she holds apart from the members and adherents roll.

Where did it come from? Members and adherents roll

Who do you share it with? A second member

What do you do with it? A birthday card is sent each year to them on behalf of MUC. The second member sends the card, so we both hold the members date of birth. If a church member knows of someone about to turn ninety and thinks they would be pleased to receive a card, I will add them to the list. The pastoral coordinator knows there are one or two who are ninety but not on the list.

1. Door/communion rota process

What data do you hold? The coordinator keeps a list of the names and telephone numbers of people whom she asks to do door duty and communion duty in a file at home.

Where did it come from? Most, but not all the phone numbers, come from the church directory.

Who do you share it with? She circulates that door duty rota with phone numbers to all those doing door duty and displays the rota on 2 notice boards at MUC. She tells the communion duty coordinator who is serving communion but does not circulate the names.

What do you do with it? Draw up two rotas - for door duty and communion duty

1. Flower rota process

What data do you hold? The flower rota coordinator has the names and phone numbers of people on the flower rota

Where did it come from? She gets the telephone numbers from the church directory or the person themselves.

Who do you share it with? She usually shares these details only with people on the rota and her husband occasionally.  The rota is displayed with names only on a notice in the back corridor. The names go into The Link.

What do you do with it? Create a rota of people and inform them when they are on duty

1. Sound rota process

What data do you hold? The 6 names and email addresses of the 6 people on the rota

Where did it come from? The session clerk made up the rota till 2016 and the sound rota coordinator got the names from her.  Another member has been trained since then.

Who do you share it with? The 6 people who can be on the rota and the session clerk

What do you do with it? The sound rota coordinator sends it out to those concerned by email.  He also leaves a hand written paper copy of that month's rota on the sound pew.

1. Coffee rota process

What data do you hold? The names of the coordinators and they hold the names and phone numbers of those in their teams

Where did it come from? The church directory or personal contact

Who do you share it with? The coordinators names are published in the Link

What do you do with it? Use it to create a coffee rota

1. Link production process

What data do you hold? Names, contact details and pictures

Where did it come from? Members and children in the youth choir

Who do you share it with? Anyone who reads the Link in paper format or on the website

What do you do with it? Publish it

1. Financial processing

What data do you hold?

* Paper original signed gift aid declarations with name and address
* List of names and addresses of all current and recent past gift aid donors
* Claims as submitted to HMRC which have names, restricted address and amount given
* Own financial records for accounting purpose contain name and amounts only given by standing
* order and cheque from gift aid donors
* All letters the treasurer has written on behalf of church. Many or these are to businesses or organisations,

some are to church members (e.g. thanking for specific larger donations), or to employees (e.g.

standard pension regulation letter) so have personal names and addresses. These are required

as records for accounting purposes.

* Emails written on church matters – personal email addresses can be extracted from them, but

no contact list maintained. Email address is shared with she husband, also a trustee of MUC.

* Paper records of past annual accounts (names of trustees included) and copies of gift aid claims
* Bank statements show account name and amount of donations by standing order

Where did it come from?

* Paper original signed gift aid declarations with name and address
* Church roll –to ensure gift aid claims are accurate, and for writing letter to church members

Who do you share it with? HMRC

What do you do with it? Prepare accounts and Gift Aid claims, keep track of members’ donations and send out an annual Gift Aid statement to members.

1. HMRC PAYE processing

What data do you hold?

* The name, address, date of birth and National Insurance No of all current and past employees is recorded
* Own financial records for accounting purposes contain employee name and payments only and holiday dates
* Employee folders with paper records: contracts, P60 / P45 /HMRC starter forms, pension letters etc

Where did it come from? Our employees

Who do you share it with? HMRC

What do you do with it? Use it to meet our legal employment obligations

1. Hall lettings process

What data do you hold? The email addresses for people who have approached us through our website, mostly, or in the past, about renting space or booking space. They are held on google mail.

Where did it come from? The website or direct contact

Who do you share it with? Held in google mail.

What do you do with it? Use t to create bookings in the google mail calendar, issue invoices and create a programme of events

1. Personnel processing

What data do you hold? Information regarding the organist

Where did it come from? From Minister, Session Clerk, Balfour & Manson, Morton Fraser.

Who do you share it with? The above, plus DAS, the church’s employment insurers.

What do you do with it? Hold on e-mail.

1. Children’s data process

What data do you hold? For each child, the list contains information on:

* The child’s full name
* The first name of the parent/guardian
* Telephone number of parent or guardian
* E-Mail address of parent or guardian
* Health / allergy information where applicable
* Photography to be put on MUC website? Yes or No

Where did it come from? The list was created by the Choir Director from information provided by the choir members’ parents or guardians.

Who do you share it with? The Choir Director

What do you do with it? We consult the list in the event the church needs to contact the choir members’ parents or guardians to advise and inform.

1. Cradle roll process

What data do you hold? For each child, the list contains information on:

* The child’s full name
* Date of baptism

Where did it come from? The list was provided by the parents.

Who do you share it with? On public display

What do you do with it? The board is on view in the centre vestibule.

Data about children which required further consideration:-

1. The old data relating to church school must be removed. It is currently stored on a memory stick which contains a backup of the data held on the computers in the old church office. This will be deleted by the Session Clerk.
2. Redact address data from the cradle roll in the centre vestibule. This will be done.

**Lawful bases for processing personal data (1.2)**

The Church of Scotland guidelines have drawn attention to fact that church personal data falls into the category **Special Category Data** since the data we hold reveals a person’s religious beliefs by implication since members and those with a connection to the church are identifying with the beliefs of the church.

The processing of special data is unlawful except in certain circumstances. The two relevant to us are:

where the individual has given explicit consent

OR (from the Information Commissioner’s Office website)

“(d) processing is carried out in the course of its **legitimate activities** with **appropriate safeguards** by a foundation, association or any other not-for-profit body with a political, philosophical, **religious** or trade union aim and on condition that the processing relates solely to the **members or to former members of the body or to persons who have regular contact with it in connection with its purposes** and that the **personal data are not disclosed outside that body** **without the consent** of the data subjects;”

Provided these conditions are met, we can proceed to consider our lawful bases for processing.

The main question is whether to process (maintain our church roll, send mailings to members etc) on the basis of legitimate interest or consent.

If we choose **legitimate interest**, the church takes on the responsibility of ensuring that the rights of members are respected. We must allow members to opt out of any future postal mailings by specifying an option box in such communications. If a member is not in touch with the church, how can we be sure that their data is accurate? If we cannot be sure, we must delete it. It is not clear how long we can retain personal details on is basis, even if we know that it is accurate. In this case we would need a legitimate interest assessment (LIA) with the three tests. This can be broken down into a three-part test:

1. Purpose test: are you pursuing a legitimate interest?
2. Necessity test: is the processing necessary for that purpose?
3. Balancing test: do the individual’s interests override the legitimate interest?

If we chose **consent**, the individual is in control of the information they receive from us. However, we must provide the opportunity of the member to renew consent every so often. It is suggested that the time period be 2 years although this is not set down in the legislation. Clearly, we could lose touch with members and be required to reduce the church roll if they fail to renew their consent.

In both cases, we must seek consent (in this limited and specific sense) to communicate by email or phone as this is a condition of the Privacy and Electronic Communications Regulations (PECR). These are separate from GDPR.

For processing based on **legitimate interest**, we must create a Legitimate Interest Assessment (LIA):

1. Church roll process

Lawful basis: Legitimate interest, legal obligation, **Consent1**

Justification of the choice of legitimate interest  
Purpose test: The data allows us to visit members when they require pastoral care, provides data for the church directory which was issued to members some years ago and enables member to contact one another. The roll is used for financial purposes. For example if someone gives a gift by cheque, the treasurer could then write a letter of thanks using the address data on the roll. Members benefit from that data being available. It is important that we can contact members as pastoral care is integral to the purpose of the church. If the roll was not available, we would need to constantly rely on finding someone who knows the contact details of the person we wish to communicate with. There are no ethical issues regarding the use of members’ data.

Necessity test: The roll definitely furthers the purpose of the church by facilitating an easy means of contact between members. It is reasonable as members would expect us o maintain such a roll. It would be impractical not to have a church roll.

Balancing test: Members would expect us to use their data by maintaining a church roll and we could explain this convincingly. Normally children are not members of a church, the youngest age of members being typically about 16. Some members could be considered vulnerable. We restrict access to the church roll to only those who need it. We cannot offer an opt-out as the roll is also a legal requirement.

1. Readers rota process

Lawful basis: Legitimate interest

Justification of the choice of legitimate interest

Purpose test: We keep a record of the names of those willing to read the scripture passages during worship services. This ensures that worship is participatory.

Necessity test: It is necessary to organise the reader in advance so that the person can prepare.

Balancing test: Members are happy to serve in this way. Children are occasionally asked to read but contact is made via their parent or guardian.

1. Over 90’s process

Lawful basis: Legitimate interest, **Consent3**

Justification of the choice of legitimate interest  
Purpose test: We keep a record of the names and dates of birth of those members who are over 90 so that we can help them celebrate their birthdays. If we did not do this, members would feel less connected with church, particularly as many of them are no longer able to attend.

Necessity test: It is a way of maintaining contact which is part of the mission of the church

Balancing test: In most cases, these will be members who have had a long association with the church. Although date of birth is sensitive data, people would not object to us keeping this data for this purpose and we could easily justify this. People are unlikely to refuse a birthday card so an opt out is unnecessary.

1. Door/communion rota process

Lawful basis: Legitimate interest

Justification of the choice of legitimate interest  
Purpose test: The door duty rota is created to ensure that people coming to worship are welcomed as they enter the church and are given a hymn book and order of service. The communion rota ensures that there are helpers available to dispense communion. Both rotas need to be prepared in advance to ensure the orderly conduct of worship.

Necessity test: Both lists are necessary to allow the church services to function effectively. Organising a rota is essential.

Balancing test: This is a reasonable use of the data of members who have volunteered to serve the church by contributing to worship in these two specific ways.

1. Flower rota process

Lawful basis: Legitimate interest

Justification of the choice of legitimate interest  
Purpose test: We create a rota of flower arrangers so that we know in advance who will be arranging flowers for a particular service and the person can have time to make the necessary arrangements. Flowers are an important part of the adornment of the church and are greatly appreciated by those who receive them and without a rota, it would not be possible to systematically ensure that we have a flower display.

Necessity test: This is a reasonable way of recording the allocating of people to this task.

Balancing test: There are no issues of concern regarding the data collected.

1. Sound rota process

Lawful basis: Legitimate interest

Justification of the choice of legitimate interest  
Purpose test: We need to ensure that someone is allocated to operate the sound desk otherwise some people will not hear what is said during the service. Without a rota, the process could not be managed effectively a people would be asked at the last minute and a volunteer might not be available.

Necessity test: This is a reasonable way of achieving the purpose.

Balancing test: Volunteers for this rota would expect their data to be held in this way.

1. Coffee rota process

Lawful basis: Legitimate interest

Justification of the choice of legitimate interest  
Purpose test: We need coordinators to ensure that tea/coffee is served after the service.

Necessity test: This is a reasonable way of achieving the purpose.

Balancing test: Coordinators and those in their teams would expect their data to be used in this way.

1. Link magazine production

Lawful basis: Legitimate interest, consent (see below)

Justification of the choice of legitimate interest  
Purpose test: The magazine provides information about the activities of the congregation and included photos and the names of people on rotas. This is of benefit to the congregation and visitors. It is an essential means of communicating news.

Necessity test: This is a normal means of sharing news of congregational activities.

Balancing test: Pictures require the consent of the individuals but other data such as the names of those on rotas are generally acceptable uses of personal data.

1. Financial processing

Lawful basis: Legal obligation

1. HMRC Payroll processing

We maintain employee records for personnel management and HMRC purposes

Lawful basis: Legal obligation

1. Hall lettings process

To enable us to keep track of room bookings and issue invoices

Lawful basis: Contract

1. Personnel processing

For personnel management

Lawful basis: Legal obligation

1. Children’s data process

We maintain data about the parents and children attending the youth choir

Lawful basis: **Consent2**

1. Cradle roll process

We maintain the cradle roll by recording the names and dates of baptism of children

Lawful basis: **Consent4**

**Requesting, recording and managing ongoing Consent (1.3)**

**1,2,3,4** Please refer to the documents: “Consent form 1,2,3,4”

Initial process

We made consent form 1 available to all the congregation, stored the information securely and ensured that personal data is published in orders of service, the Link, the website and any other publications in line with the consent given. Consent form 2 has been distributed to parents or guardians of children and will be kept by the safeguarding officer. Consent form 3 will be completed by the pastoral care convenor on behalf of those reaching age 90 in future. Consent form 4 will be given the parents of children being baptised and stored by the safeguarding officer. The cradle roll will be updated accordingly.

Ongoing process

We must seek the renewal of consent every five years.

For new members, new children joining the choir, those over 90 and parents of the newly baptised, the appropriate form should be issued.

**Privacy Notice**

Our Privacy Notice specifies what data we will hold and the purposes for which we will hold such data and is provided to all members and adherents by publishing on our website. If we ever need to change the purposes for which consent is the legal basis, we will need to obtain consent again.

**Documentation**

From the ICO website section “Documentation”: “If you have less than 250 employees, you only need to document processing activities that:

* are not occasional; or
* could result in a risk to the rights and freedoms of individuals; or
* involve the processing of **special categories of data** or criminal conviction and offence data.”