



# DATA PROTECTION, INFORMATION SECURITY & RECORD RETENTION POLICY DOCUMENT

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5	Trustees	02.12.2022	Trustees	2022
4	Ralph Walker	02.12.2020	Trustees	10.12.2020
3	Ralph Walker	21.04.2019	Trustees	04.11.2019
2	Ralph Walker	17.04.2018	Trustees	23.04.2018
issue:	Reviewed by:	Date:	Approved by:	Date:

## **Statement of Intent:**

The Trustees of Cheam Baptist Church (“CBC”) acknowledge that CBC is a Data Controller as defined in the General Data Protection Regulation (“GDPR”). CBC is committed to ensuring that all Personal Data it collects, stores, processes and communicates is handled in a manner that complies with GDPR (as implemented by the Data Protection Act 2018), other relevant legislation, and otherwise respects the rights of those to whom it relates.

## **Responsibility:**

The responsibility for this Policy shall rest with the Pastors, Elders and Deacons as Trustees of Cheam Baptist Church (see clause 12.3 of the CBC Constitution).

## **Implementation:**

The Trustees are responsible for:

- ensuring that appropriate documentation relating to this policy is in place
- monitoring the implementation of this policy
- ensuring that appropriate practices and procedures are put in place to put this policy into effect
- reviewing this policy on a two-yearly basis
- maintaining a controlled hard copy of this Policy in the Church Office and saving an electronic copy on the shared Cheam Baptist Church One Drive account and on the CBC Insight Trustees Area

## **Definitions:**

Terms used herein are as defined in GDPR:

*“Personal Data”* means any information relating to an identified or identifiable natural person (*“Data Subject”*). Examples of Personal Data held by CBC include names, addresses, telephone numbers and e-mail addresses.

*“Data Controller”* means a body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

*“Special Category (or Sensitive) Personal Data”* means any Personal Data of the Data Subject relating to: (a) racial or ethnic origins, (b) political opinions, (c) religious or philosophical beliefs, (d) trade union membership, (e) health or sex life and sexual orientation, (f) commission or alleged commission of any offences or any court proceedings pertaining thereto.

*“Processing”* means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

## **Personal Data Processing at CBC:**

In relation to Personal Data CBC undertakes as follows:

### Lawful processing of Personal Data

CBC shall only process Personal Data for purposes for which there is a lawful basis for processing as set out in Art. 6 GDPR including without limitation: a legal obligation, fulfilment of a contract, a legitimate CBC interest or the consent of the Data Subject.

CBC's legal obligations and contracts include (without limitation) the requirement to process personal data for financial record purposes, for safeguarding requirements, and in employment and other HR records relating to its staff.

CBC's legitimate interests in processing Personal Data are based on the ICO definition and assessment suggested in [www.ico.org.uk](http://www.ico.org.uk) of using a Data Subject's data in ways they would reasonably expect and which have a minimal privacy impact, or where there is a compelling justification for the processing. The Trustees consider CBC's legitimate interests to include (without limitation): keeping a register of members and associate members of CBC; keeping a record of people involved with CBC activities; managing CBC's activities; facilitating communication with and between CBC members and others involved with CBC activities; and keeping a mailing list of persons who have given their consent to be kept informed of CBC's activities. All Data Subjects will be given an opportunity to opt out of allowing CBC to process their Personal Data for CBC's legitimate interests.

Any necessary consent to process Personal Data shall be obtained in writing, and clearly distinguished from any other matters. For a child aged under 16 consent will be obtained from the parent or guardian of the child.

Any person giving such consent shall have the right to withdraw or amend their consent at any time. Upon receiving a withdrawal or amendment of consent CBC shall without undue delay comply with that request unless there is any legal or contractual obligation or legitimate reason to continue retaining the Personal Data.

### Collecting Personal Data

At the time of collecting Personal Data CBC shall make sure the person to whom it relates is provided with the following information:

The contact details of CBC; their right to withdraw consent to processing Personal Data relating to them at any time; the purpose(s) for which the Personal Data is being processed and an indication of CBC's lawful basis for processing it; to whom the Personal Data might be disclosed and if disclosure to a country outside of the EU is likely to occur; the period for which the Personal Data will be stored, or the criteria used to determine that period; their free right to access Personal Data relating to them; that the person has the right to have that Personal Data deleted, corrected or to have its use restricted to specified purpose(s); and of the right of the person to lodge a complaint with a supervisory authority such as the Information Commission.

A notice setting out this information (“Privacy Notice”) shall be displayed on a notice board in the CBC premises and on the CBC website. A copy of the current Privacy Notice is appended hereto.

#### Processing of Personal Data.

CBC shall ensure that Personal Data is processed lawfully, fairly, transparently in relation to the person to whom it relates, and consistently with the purpose(s) for which the purpose for which it is being processed.

CBC shall ensure that as far as possible Personal Data it processes is adequate, relevant and limited to what is necessary for the purpose(s) for which it is processed, accurate and up to date, and that any Personal Data that is inaccurate is erased or rectified without undue delay.

#### Special Categories of Personal Data (“Sensitive Personal Data”)

CBC recognises that Personal Data in its possession may fall within the special categories defined in Art. 9 GDPR (in particular relating to religious beliefs or medical matters), and is permitted to process such data under Art. 9.2 (d) GDPR.

CBC shall only process such Personal Data which relates solely to members or former members of CBC or to persons who have regular contact with CBC in connection with CBC’s purposes, with appropriate safeguards, and it shall not be disclosed outside of CBC without the consent of the person to whom it relates unless there is any legal or contractual obligation or legitimate reason to do so.

#### Confidentiality of Personal Data

CBC shall keep Personal Data confidential, and shall not disclose any Personal Data to any third party unless there is any legal or contractual obligation or legitimate reason to do so. For example CBC may share Personal Data with IT services providers contracted to CBC under terms consistent with the confidentiality requirements of this Policy.

CBC shall not transfer Personal Data to any country outside of the EU unless with the consent of the person to whom it relates, and only to recipients who are expected to keep it with appropriate safeguards.

#### Retention and Deletion of Personal Data and ongoing obligations

CBC shall keep all Personal Data it possesses for no longer than is necessary for the purpose(s) for which the Personal Data is processed, and then delete it, unless there is any legal or contractual obligation or legitimate reason to continue processing the Personal Data for longer.

#### Data Subject Access

At their request of any person whom CBC holds Personal Data relating to CBC shall without undue delay inform them of what Personal Data relating to them CBC holds, the purpose(s) for which it is being processed, and any recipients to whom that Personal Data has been disclosed.

#### Record of Processing Activities

CBC shall maintain a record of Personal Data processing activities as required under Art. 30 GDPR including at least the following information:

The purpose(s) of the processing and the lawful basis for processing it; a description of the categories of Data Subjects and Personal Data; recipients to whom the Personal Data has been or will be disclosed, including to another country; a description where possible of security measures protecting it; and where possible the envisaged time limits for keeping the Personal Data.

This record is annexed to this Policy.

### Personal Data Breaches

In case of CBC becoming aware of a Personal Data breach CBC shall inform the supervisory authority (the UK Information Commissioner's Office) of the breach within 72 hours of becoming aware of the breach, unless in the opinion of CBC the breach is unlikely to result in a risk to the person to whom the Personal Data relates.

If in the opinion of CBC the breach is likely to result in such a risk CBC shall inform the affected person of the data breach without undue delay.

### Registration with the Information Commission

CBC is a non-profit organisation and as such is exempt from registration with the Information Commission. Primarily for the purposes of CBC's Pre-school, CBC has registered with the Information Commission as a Tier 1 organisation under reference No. ZA430083.

### **Information Security:**

CBC shall use all reasonable measures to ensure that all Personal Data and other proprietary information in its possession is processed in a manner that ensures appropriate security.

Such measures shall include (without limitation):

All CBC IT systems shall be appropriately protected by IT security measures such as internet security systems and passwords and shall allow access on a need to know basis.

Written media including Personal Data and other confidential information will be kept securely, with access only by CBC members or staff on a need to access basis.

All media made available to CBC Members which includes Personal Data (such as CBC's printed membership list) shall be clearly marked with an indication that the information therein is not to be disclosed to third parties without appropriate safeguards, and that unauthorised disclosure of that Personal Data may be a breach of the law.

### **Data on Privately Owned Devices:**

Processing of Personal Data or other confidential or proprietary information for CBC activities on privately owned systems and / or devices is discouraged but it is recognised this may occur.

In such situations those responsible for such CBC activities should, as far as possible, ensure that those who do such processing are responsible persons and do so in a manner consistent with this Policy.

Those intending to use their own devices should be directed to the ICO publication "Bring Your Own Device" (BYOD)

### **Record Retention:**

CBC shall retain records for time periods appropriate to their type and consistently with the data retention principles herein.

CBC shall retain such records, whether in a paper or electronic form, in a manner which enables them to be traced, identified and retrieved as required during the retention period.

At the end of their specified retention period records will be deleted and / or destroyed, unless there is any legal or contractual obligation or legitimate reason to retain them longer, or in the Trustees' sole discretion some other reason to keep them.

### **Other Intellectual Property Rights:**

CBC undertakes to respect any proprietary rights, intellectual property rights, confidentiality and privacy which appear to exist in any information communicated to CBC or which otherwise comes into the possession of CBC.

In relation to copyright works which are available for use under a Church Copyright Licence issued by Christian Copyright Licensing International (CCLI), CBC shall use such works only subject to the terms of such a Licence.

CBC recognises that copyright works exist which are not available for use under a CCLI licence and CBC undertakes to respect the copyright(s) in these.

### **Implementation:**

CBC will ensure Personal Data and confidential information is processed at CBC only by responsible persons having a legitimate need to do so, who are approved by the Trustees and who are fully acquainted with this Policy.

CBC shall implement appropriate technical and organisational measures to ensure that Personal Data and other proprietary information is processed and is kept confidentially and securely, and that third-party intellectual property rights are respected in accordance with this Policy. Such measures shall include ensuring all persons employed or otherwise authorised by CBC to process Personal Data and proprietary information are responsible persons, are made aware of the requirements of this Policy and if necessary are appropriately guided and trained.

Those measures shall be reviewed and updated where necessary.

## **CBC Privacy Notice (to be displayed)**

### **How Cheam Baptist Church Uses Personal Data.**

CBC is committed to being compliant with the General Data Protection Regulation ("GDPR"), which applies to all organisations, including churches, which process "Personal Data", and also to being compliant with all other requirements relating to personal data and other proprietary or confidential information.

#### **Personal Data.**

"Personal Data" is any information which can identify a living person, including names, addresses, phone numbers, e-mail addresses etc. "Special Category" (or "Sensitive") personal data includes (among other things) medical details and information relating to a person's religious beliefs. "Processing" includes both computer and paper records.

#### **Personal Data held by CBC.**

CBC may collect personal data every time someone contacts CBC, e.g. providing their own or someone else's name, e-mail address, telephone number, or other information via social media, etc.

If a person or their child become involved with a CBC activity, CBC may collect personal data relating to them and/or relating to their child. Such personal data is normally collected using forms which indicate the purpose for which the personal data is being collected, and which aim to request only sufficient personal data for the intended purpose. CBC recognises that some of such data may be Sensitive personal data.

CBC keeps such personal data in various ways including on its computer database and in paper storage systems. Some personal data may be kept by CBC members on their personal devices and systems for the purposes of CBC activities they are involved with.

#### **Use of Personal Data by CBC.**

CBC uses personal data for a number of purposes.

CBC is under a legal obligation to process some personal data, e.g. for financial records, HR purposes and for the safeguarding of children or vulnerable adults.

CBC uses personal data for its legitimate interests, i.e. in its normal operations. For example, CBC uses it to keep a record of and to communicate with people who are involved with CBC activities, and generally to facilitate people's involvement in CBC's activities. CBC believes it uses such data in ways which would be reasonably expected and which have a minimal privacy impact.

In some cases, particularly where children are involved with CBC activities, CBC bases its use of personal data on consent given by the person to whom the personal data relates, or in the case of children, by their parent or guardian. Insofar as CBC's use of personal data is based on consent, any person giving consent may withdraw their consent at any time.