Trustees for Methodist Church Purposes

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The Methodist Church

Issue No. 1

Trustees for Methodist Church Purposes

Data Protection Responsibilities in a Nutshell

2018

The Methodist Church

Who are the Data Controllers in the Methodist Church?

Trustees for Methodist Church Purposes

For general data protection issues relating to day to day matters such as lists of members, third party users of church premises and lay employees employed by Local Churches, Circuits and Districts.

The Methodist Church in Great Britain

For data protection issues which fall outside TMCP's registration and for which the Connexional Team is solely responsible. The issues which affect Managing Trustees are those concerning safeguarding and complaints and discipline.

Where to find more help

- Practical guidance focusing on the Methodist Church produced by the Working Party to accompany the Data Protection Toolkit, is available from:
  TMCP: www.tmcp.org.uk/about/data-protection
  The Methodist Church website: www.methodist.org.uk/
- TMCP will notify you when any new guidance is available through the News Hub section of the TMCP website; https://www.tmcp.org.uk/news-hub. You can sign-up to receive notifications of new and updated guidance on data protection. Look out for the "Stay updated" banner at the foot of each webpage, insert your contact email address and confirm you would like to receive notifications when you receive a welcome email from TMCP.
- Look at materials produced by organisations including the ICO and EU for comprehensive but clear guidance in plain language which provide a good, balanced overview.
  - ICO website: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/
  - European Commission: http://ec.europa.eu/justice/smedataprotect/index_en.htm

Please contact TMCP (dataprotection@tmcp.methodist.org.uk) on general data protection matters and the Conference Office for queries specifically relating to safeguarding or complaints and discipline (dataprotection@methodistchurch.org.uk).

What's on the TMCP website?

www.tmcp.org.uk/about/data-protection

- ✓ *GDPR at a Glance*
- ✓ *GDPR Changes at a Glance*
- ✓ *GDPR Guidance Note*
- ✓ *9 Steps to Take Now*
- ✓ *9 Steps Checklist*
- ✓ *Template Data Mapping Form*
- ✓ *Template Consent Form (updated)*
- ✓ *Guidelines on Lawful Bases for Processing Personal Data*
- ✓ *Who are the Data Controllers and Where to Get Help*
- ✓ *Data Protection Do's and Don'ts*
- ✓ *Information on Church Directories*
- ✓ *GDPR Myth-Buster*
- ✓ *FAQs*

What do I need to know about GDPR?

The new General Data Protection Regulation (**GDPR**) comes into force on **25th May 2018**. Far from being a "game-changer", GDPR updates and consolidates the existing legal obligations on organisations, such as the Methodist Church, to bring them into the twenty first century. The Methodist Church cares about the people whose data it holds and recognises the importance of this information to its work. GDPR provides a great opportunity to review exactly what personal information the Church holds, how it uses it and what steps we as a Church need to take to protect each others privacy e.g. members, ministers, volunteers, employees, individuals who support the Church and third party users.

As a Connexional Church we are all working together to do what we can to protect privacy and keep information safe. If as a volunteer, minister or employee in the Methodist Church you use or have access to personal information, you are responsible for ensuring that such information is handled in accordance with data protection legislation and in line with best practice as set out in the **Data Protection Policy**. TMCP and the Connexional Team (as the two Data Controllers) have been working together through the data protection working party (**Working Party**) to provide a toolkit of guidance, policies and templates (**Data Protection Toolkit**) to help you understand and fulfil these responsibilities.

This guide summarises what you need to do to ensure that the information you hold is looked after carefully and kept safe.

What is personal information?

Any information identifying a living individual or information relating to an individual that can be identified from that information. Personal Data can be factual (for example, a name, email address, location or date of birth, photograph, disability, health or ethnicity data) or an opinion about that person's actions or behaviour.

How to use this guide

This guide is part of the **Data Protection Toolkit**. The Methodist Church recognises that those who have access to personal information on a daily basis are already busy and do not have time to pour over the technical jargon of GDPR. By using this guide you will have a basis understanding of how to protect personal information under GDPR. It also sets out some straightforward rules around which you can shape the way you handle personal information and shows you where to access more detailed guidance; the toolkit of policies and templates and further help and support.

Pastoral records

- ⇨ You can rely on "legitimate interests" if the information belongs to the Church's **own** members, **former members**, or persons with whom it has regular contact in connection with the Church and will not be shared with third parties. It is possible the information may be "special category" (refer to the **Lawful Bases Fact Sheet 7 - Special Category Data**). In this case the not-for-profit condition in **Article 9(2)(d) of GDPR** can be used to enable you to collect and use the information.
- ⇨ Keep any health information to a minimum. The person may want to share details of their illness with you but you do not need to take written records of this. What do you need to record? What information is essential for the pastoral records?
- ⇨ As the information will include special category information e.g. health data, take special care of it. Keep any paper records in a locked filing cabinet (or cupboard) if possible, keep any computer records password protected, do not leave the files unattended and only share information with others involved in pastoral visits on a need to know basis.

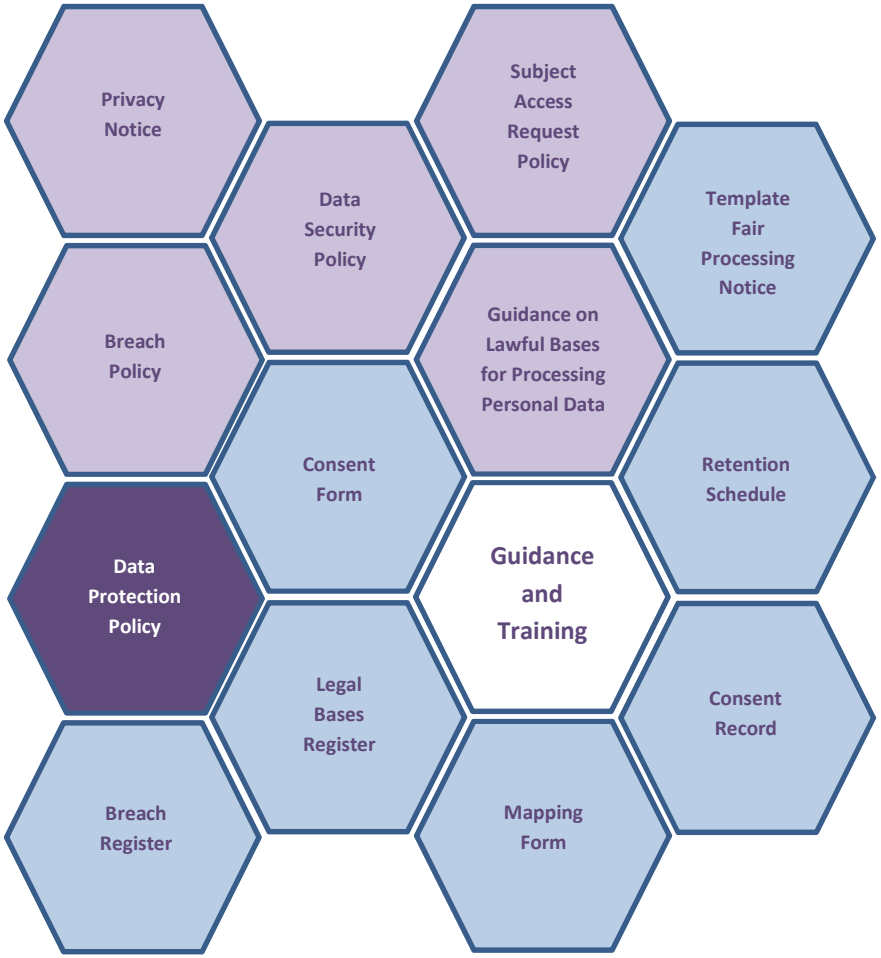
Applying the Data Protection Policy

The Methodist Church uses personal information in many different ways but the following two purposes raise the most queries. Make sure you understand what your responsibilities are using this guide and note the following points:

Directories and Circuit Plans

- ⇨ You can rely on "legitimate interests" if the Directory or Circuit Plan is not shared with third parties.
- ⇨ If you share the Directory or Circuit Plan with third parties e.g. they are published on your website or made accessible to third parties (left in the church foyer) you will need to obtain consent. Please note there is **no need for consent to be obtained from Ministers in Full Connexion or probationers**.
- ⇨ Refer to the **Lawful Bases Fact Sheets** on **Legitimate Interests** and **Consent**. Use the **Consent Form** if consent is required.
- ⇨ If you have not obtained consent because you do not make the Directory or Circuit Plan available to third parties, ensure those members with a copy know they must keep the information confidential.
- ⇨ When people give you their personal information to include in the Directory or Circuit Plan destroy the completed forms; shred or tear up information handed to you in paper form and delete emails OR store the information securely only for so long as you need to. Keep in locked filing cabinets, locked cupboards or password protected files or anywhere that is considered safe and secure.

How the Toolkit fits together



The "**Data Protection Toolkit**" is the:

- **Data Protection Policy** - An overarching "policy" or "rulebook" that those handling personal data within the Local Church, Circuits and Districts need to follow clarifying what everybody's responsibilities are. Read this policy carefully so that you know what your responsibilities are and understand the Methodist Church's position with regard to privacy. It also sets out the responsibilities of the Data Controllers and where to go for help.

Specific Policies

- **Privacy Notice** - Sometimes referred to as a "privacy policy", this document tells people what the Local Church, Circuits and Districts do with their information and how it is kept safe. You need to make sure data subjects (individuals) have access to the notice when you collect data from them. Download the **Privacy Notice** from the TMCP website (once available), display a copy publically on your noticeboard and ensure you provide individuals with links to it as necessary by email and from your Local Church, Circuit and District websites.
- **Data Security Policy** – Practical guidelines on keeping data safe.
- **Subject Access Request policy** – Step by step guide on how to deal with requests from individuals in relation to their data rights focusing on subject access requests e.g. requests for the information you hold about them.
- **Breach policy** – Practical guidelines on how to respond to the loss or unauthorised disclosure of personal information. The key points are set out in the flowchart at the end of this guide and a full policy will follow in summer 2018.

What happens if personal information is lost or stolen (there is a breach)?

Step 1

Stay Calm

Step 2

Take any immediate action that you can to get the information back e.g. recall the email, ask the unintended recipient not to read it and delete the email, retrace your steps to find lost papers or contact the train or bus company if you think you left them on public transport

Step 3

Let TMCP know what has happened (unless the matter relates to complaints and discipline or safeguarding when you should contact the Conference Office; **dataprotection@methodistchurch.org.uk**)
TMCP: 0161 235 6770
dataprotection@tmcp.methodist.org.uk

Step 4

Take whatever steps TMCP or the Connexional Team ask you to take. TMCP or the Connexional Team will notify the ICO if necessary.

- Legal obligation
- Consent (if there is no other legal basis that can be used)
- Vital Interests (only in a life or death situation e.g. medical emergency or safeguarding context)

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What are the ongoing obligations?

⇨ **Inform** – be transparent – use the template Privacy Notice

⇨ **Keep it safe** – security – follow the Methodist Church's data security policy and practical guidelines

⇨ **Keep it under review** – maintain records and registers required under data protection law (use the registers in the Data Protection Toolkit), keep information up-to-date, check whether new consent is required, review what you hold and whether you still need it.

⇨ **Deal swiftly with requests** by individuals who exercise their rights under data protection law. Use the Subject Access Request guidance

⇨ **Keep informed** – attend training sessions, watch the training webinars and keep up-to-date with the guidance produced by the Working Party to help you meet your responsibilities.

⇨ **Report data breaches – contact the Appropriate Data Controller**

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Destroy data safely

Destroy data as soon as you have finished with it in line with the Church's retention schedule and disposal guidelines.

Guidelines and Schedules

- **Guidelines on Lawful Bases for Processing Personal Data** (These are contained in the Lawful Bases Guidance Note) – It is important to establish that information is being handled lawfully e.g. for one of the six lawful reasons set out in Article 6 of GDPR. The charts in Sections A and B of the guidance note explain how the lawful bases set out in the Privacy Notice have been identified. Use the guidelines in the charts to check that there is a lawful basis (or bases) for using personal information, for examples of when the Privacy Notice will tell you to use one lawful basis or another and key points to bear in mind in terms of record keeping and informing data subjects
- **Retention Schedule** – Use the categorised list to identify how long personal information should be kept.

Template Notices, Registers and Forms

- **Mapping Form** – An essential part of the toolkit and your 1st step in working out what data you have and what your responsibilities are.
- **Legal Bases Register** – record which lawful bases you are relying on to use each category of information you use at your Local Church, Circuit or District.
- **Template Fair Processing Notice** – Template wording to give to people when you collect data from them (or receive their data from others) pointing them towards the more detailed **Privacy Notice**.
- **Breach Register** – Use this to record all instances of breach however large or small i.e. whether or not you need to notify the individual concerned.
- **Consent Form** – If you need to rely on consent – perhaps because you are sharing personal information about

church members with third parties (e.g. making directories available on websites) you must use the consent form.

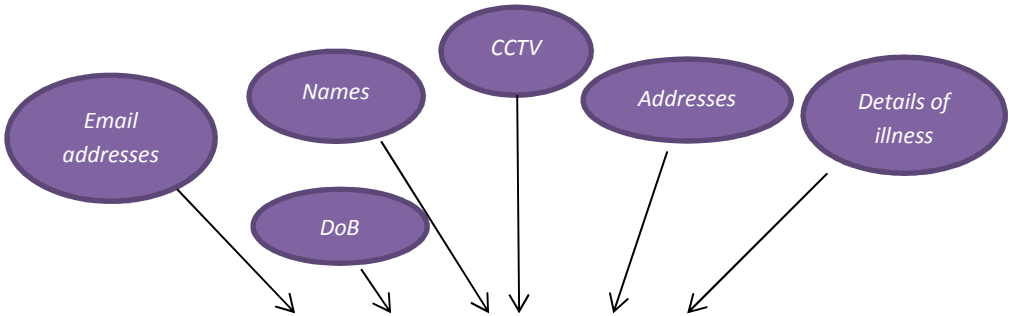
- **Consent record** – If you need to rely on consent you must record how and when consent was given and what was said using this record.

It is important to download and use these registers to keep the records required under GDPR and show that you are taking data security seriously. Records must be kept to comply with SO 019.

Guidance

Use the guidance available on the data protection pages of TMCP's and the Methodist Church's websites which is aimed specifically at the Methodist Church. Refer to the "**9 Steps for Methodist Managing Trustees to Take Now to Comply with GDPR**" and "**Data Protection FAQs**" in particular. These are focused on what you need to do both to get ready for GDPR and to keep on top of your data responsibilities in the future. The FAQs pick up on key questions raised by Managing Trustees.

Responsibilities in a Nutshell



Carrying out the data mapping exercise at your Local Church, Circuit or District as described in Step 2 of the "9 Steps for Managing Trustees to take now to prepare for GDPR" will help to identify what personal information you hold and what you use it for.

e.g. Further Mission · Provide pastoral support · Record members · Create directories · Fulfil contractual obligations · Pay employees · Manage room bookings

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STOP! - Can you lawfully use the information as intended?

*Personal information can only be used lawfully, fairly and without adversely affecting the individual the information relates to. Use the **Lawful Bases Guidance Note** and follow the **Privacy Notice** to ensure that one of the six lawful bases applies before using personal information. The five bases applicable (generally) to the Methodist Church are:*

- The Church has a legitimate interest that does not override the rights of the individual.
- Contractual obligation

10. Respond to requests to exercise data rights e.g. to erase information or provide details of information held without delay and notify the Appropriate Data Controller. (Data Subject's rights and requests)

*e.g. if somebody asks for copies of all the personal information you hold about them or asks you to delete personal information check the guidelines on responding to data subjects rights and the **Subject Access Request Policy** (SAR).*

11. Contact your District Data Champion, TMCP (**dataprotection@tmcp.methodist.org.uk**) or the Conference Office (**dataprotection@methodistchurch.org.uk**) if you have any questions about your responsibilities.

Code of Practice

*The **Data Protection Policy** sets out the Methodist Church's policy for keeping personal information safe and the responsibilities of all of us to comply with the eight data protection principles set out in GDPR. In a "nutshell", your data protection responsibilities detailed in the Policy are:*

1. Carefully read and follow the **Data Protection Policy.**

2. Review and keep under review the personal information you collect and use in your Local Church, Circuit or District. What information do you have? Why? Who has access to it? Do you need to keep all the information you have? (Refer to Step 1 of the **9 Steps Focus Note**.)

If you do not need all the information you hold this could be a great opportunity to carry out a data cleansing exercise naturally reducing the responsibilities placed on you. Make sure that the information you do not need is disposed of in accordance with the guidelines on disposing of personal information securely.

3. Only collect and/or use personal information if you have a lawful reason for doing so and inform individuals about how you will use their personal information. (Lawfulness, fairness and transparency)

*The **Lawful Bases Guidance Note** explains the six lawful bases that can be used and the **Privacy Notice** contains the information you need to give out to individuals.*

4. Only use the personal information that you need and only for activities relating to the life and work of the Methodist Church. (Purpose limitation)

e.g. do not use information from the Directory for your own private or business purposes and only use personal information you actually need for the purpose required. Just because information is available for one purpose does not mean it should be used for all purposes. Also, if you can fulfil the purpose e.g. publicise an upcoming Local Church event by displaying posters, speaking to people and handing out leaflets after a service (i.e. without using people's personal information) do so.

5. Only collect and use the minimum amount of personal information that you need for a particular task. (Data minimisation)

e.g. if you are arranging a pastoral visit, you only need to collect sufficient personal information to enable the pastoral visitor to provide pastoral support. The pastoral visitor is meeting the spiritual needs of the Church member rather than providing medical care requiring a full medical history.

6. Check the information you have is correct and up-to-date. (Accuracy)

e.g. read back personal information given over the telephone and update information when notified about changes in contact details.

7. Destroy/ delete personal information as soon as it is no longer needed in accordance with the Church's guidelines and **Retention Schedule**. (Storage limitation)

e.g. do not keep hold of information longer than you need it. As with point 2, carry out data cleansing exercises. Stop and think – do you actually need to keep the information? If so, for what purpose?

8. Review how you collect and store personal information in your Local Church, Circuit and District and update processes as necessary in accordance with the **Data Security Policy** to ensure its safety. (Security, integrity and confidentiality)

e.g. do not leave personal information unattended in the vestry; store computer files on a password protected machine; do not print information unless you really need to and if you do store it somewhere safe.

9. If you lose or allow unauthorised access to personal information, immediately contact the Appropriate Data Controller so that they can tell you what to do next. (Security, integrity and confidentiality)

*e.g. if you mistype an email address or leave contact details on the bus. Please refer to the "**Who are the Data Controllers and where to get help?**" Focus Note to identify the Appropriate Data Controller.*