

St John's Church of Scotland, Carluke
Scottish Charity Number: SC004066

Data Protection Rationale

As you may know, the EU General Data Protection Regulation (GDPR) comes into force on 25 May. The UK is currently subject to this regulation and, even after we have departed from the EU in 2019, the Government has stated that future UK Data Protection legislation will be based on the GDPR. A draft Bill has already been produced but there is no indication of when it will be placed before Parliament. In the meantime, it is up to users of Personal Data (such as churches) to ensure that they comply with the requirements of the GDPR.

The Privacy Notice is a public document which essentially sets out our approach to the protection of Personal Data. This is the main document that a visitor to the website would access if interested in our treatment of Private Information.

The three Policies are intended for internal reference (although would also be accessible on website).

Much of the GDPR, with respect to churches, covers similar areas to the Data Protection Act (1998) (DPA). However, the emphasis is on the rights of the Data Subjects. In particular the Privacy Notice and Subject Access Policy are important, basic tools. Any person who is processing Personal Data on behalf of St John's Church, or one of its organisations, will need to be made aware of their responsibilities to ensure that such Data is processed fairly and stored securely. This will require further procedural guidelines to be prepared to support the Policies.

I am currently carrying out a Data Audit of data use in around 20 areas of our congregation's life using the form on the Data Protection area of the website. The Summary of Data Use in St John's will be updated using information obtained in this audit.

Our use of Personal Data is mainly to allow us to operate as a church and some of the Personal Data we process is classed as Special Category Data (what was labelled "sensitive personal data" in the DPA). The very fact that an individual is a member allows the inference of their religious beliefs, and in some areas, data relating to some Data Subjects' health is held (eg in Youth Church). The GDPR prohibits the processing of Special Category Data unless one of several exemptions applies. For church purposes, the main exemption is that:

"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."

Naming members in the Parish Register section of the church Newsletter (which, remember, has an on-line version) or the use of images of church functions in the Newsletter or on the website are NOT covered by the above exemption, and so would require **explicit consent** (eg the completion of a consent form. I dare say there will be other instances where such consent is required. One of the on-line documents is a generic consent form which would cover this eventuality.