



# Data Protection Policy

## 1. Introduction

The General Data Protection Regulation (GDPR) comes in to effect on 25th May 2018 replacing the Data Protection Act 1998. The GDPR gives you more rights protection in how your information is used by organisations.

The GDPR applies to 'personal data'. This is any information by which an individual can be identified.

Any personal data collected by Trinity Church Buxton (TCB) will be:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- accurate and, where necessary, kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- processed in a manner that ensures appropriate security of the personal data

## 2. Lawful basis for processing your data

Article 6 of the GDPR sets out various lawful bases for processing data.

The lawful bases under which TCB will collect and process your data are:

### 'Legitimate interests'

This means that we will only use your personal data in a way which you would reasonably expect from us as a church, for example establishing and maintaining membership; administration or information provision regarding our groups and activities.

### 'Consent'

Asking for consent:

- We will ask you to positively opt-in to allowing us to use your personal data
- We will specify why we want your personal data and what we've going to do with it

Recording consent:

- We will keep accurate records of when you gave us your consent to process your personal data

Managing consent:

- We will regularly review our consents to check that the purposes for which we process your data has not changed
- We have processes in place to refresh consent at appropriate intervals, including any parental consents
- You can withdraw your consent at any time by contacting the Church Administrator
- We act on withdrawals of consent as soon as we can.
- We don't penalise individuals who wish to withdraw consent

Personal data which reveals religious belief is classed as sensitive personal data under the GDPR. Article 9 of the GDPR gives details of how to process this information:

#### Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation **shall be prohibited**.

2. Paragraph 1 shall not apply if one of the following applies:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(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.

### 3. **Your rights**

#### a) The right to be informed

Under the GDPR, you have the right to be informed about how your personal data is being used. We will also inform you about the lawful basis for collection of your data and our data retention periods. You also have the right to complain to the Information Commissioners Office if you think there is a problem with the way we are dealing with your personal data.

#### b) The right of access

Under the GDPR, you have the right to obtain:

- confirmation that your data is being processed
- access to your personal data
- other supplementary information

This will be provided free of charge (unless the request is manifestly unfounded or excessive or is a subsequent request for information already provided) and within one month of receipt of the request. Should the request be complex or numerous in nature, we have a further 2 months to comply with your request. If this should be the case, you will be contacted to explain why the extension is necessary.

#### c) The right to rectification

You have the right to have your personal data rectified if it is inaccurate or incomplete.

This will be provided free of charge (unless the request is manifestly unfounded or excessive or is a subsequent request for information already provided) and within one month of receipt of the request. Should the request be complex or numerous in nature, we have a further 2 months to comply with your request. If this should be the case, you will be contacted to explain why the extension is necessary.

#### d) The right to erase

You have the right to ask us to remove or delete your personal data when there is no longer a compelling reason for its continued processing.

The right to erasure does not provide an absolute 'right to be forgotten'. Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR)
- The personal data has to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child

We can refuse the right to erasure for the following reasons:

- to exercise the right of freedom of expression and information
- to comply with a legal obligation for the performance of a public interest task or exercise of official authority
- for public health purposes in the public interest
- archiving purposes in the public interest, scientific research historical research or statistical purposes
- the exercise or defence of legal claims

#### a) The right to restrict processing

Under the GDPR, we are required to restrict the processing of your personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, you should restrict the processing until you have verified the accuracy of the personal data.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and you are considering whether your organisation's legitimate grounds override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If you no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim.

Our rights:

- When processing is restricted, we are permitted to store the personal data, but not further process it.
- We can retain just enough information about the individual to ensure that the restriction is respected in future.

#### b) The right to data portability

Because we do not collect information by automated means, this section is irrelevant.

#### c) The right to object

Under the GDPR, you have the right to object to:

- processing based on legitimate interests or the performance of a task in the public interest/ exercise of official authority (including profiling)
- direct marketing (including profiling)
- processing for purposes of scientific/historical research and statistics

We will stop processing the personal data unless:

- We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

#### d) Rights in relation to automated decision making and profiling

No decisions will be made with your personal data without human intervention.

Should you wish to make a request regarding any of your rights, please put it in writing to 'The Church Administrator, Trinity Church Buxton, Hardwick Mount, Buxton. SK17 6PR'. Please clearly date your request. We will then contact you to confirm receipt of your request. Your request will be carried out within the time frames listed above. We reserve the right to ask you to verify your identity prior to us carrying out your request.

#### **4. Data Protection Officer**

Because of the type of organisation we are and the way we use and process personal data, we do not need to appoint a Data Protection Officer. Any queries or questions can be addressed to the Church Administrator.

#### **5. Registering with the Information Commissioners Office (ICO)**

Due to the information we process and the way we process it, we do not currently need to register with the ICO.