

ST. COLUMBA'S PARISH CHURCH
Scottish Charity No. SCO16386

Data Protection Policy

Version 1 - Approved by the Congregational Board – 28 May 2014

1. Introduction

The Data Protection Act 1998 (the "Act") regulates the way in which information about living individuals (referred to as 'Data Subjects') is collected, stored or transferred. Compliance with the Act is important, because a failure to adhere to its terms will potentially expose St. Columba's Parish Church: Scottish Charity No. SCO16386, or indeed in exceptional circumstances, office bearers as charity trustees and employees, to complaints, large fines and/or bad publicity. It will also impact upon the Presbytery who have the role technically of being the "data controller" for the congregation.

This policy, therefore, sets out what office bearers and employees must do when any personal data belonging to, or provided by "Data Subjects", is collected, stored or transmitted onwards. It also seeks to provide general guidance in what is a very technical area of the law.

The Kirk Session/Congregational Board require all its office bearers and employees to comply with the Act and this policy (both as may be amended from time to time) when handling any Personal Data. A serious or persistent failure to do so may be regarded as misconduct and may be dealt with in accordance with Act 1, 2010 in the case of office bearers and in terms of the disciplinary policy applicable to them in the case of employees. If asked to do so, office bearers and employees must therefore attend training on Data Protection issues.

Any office bearer or employee who considers that this policy has not been followed in any instance should contact the Session Clerk.

2. Data Protection General Responsibilities

Notification to the Information Commissioner

It is necessary to notify the Information Commissioner on an annual basis as to the Church bodies that are processing personal data. Although there are some exemptions, where data is being processed for pastoral reasons or where CCTV has been installed, notification is always required. This notification for the Congregation is made under the umbrella registration of the Presbytery of Kirkcaldy, as the 'Data Controller'. The Presbytery's entry can be viewed at: www.ico.org.uk.

The Session Clerk should be advised in writing of any plans to process data of classes or purposes not covered in the registered entry or of any amendments required to it as early as possible. He/she in turn will pass this information to the Presbytery Clerk. A failure to do so, or to knowingly process data other than in accordance with the registered entry, may constitute an offence under the Act.

Data Processing: The 8 Data Protection Principles

The Data Protection Act imposes a requirement only to process Personal Data in accordance with certain Principles. These require that all Personal Data must:

- Be processed fairly and lawfully;
- Be obtained for specific and lawful purposes;
- Be kept accurate and up to date;
- Be adequate, relevant and not excessive in relation to the purpose for which it is used;
- Not be kept for longer than is necessary for the purpose for which it is used;
- Be processed in accordance with the rights of Data Subjects;
- Be kept secure to prevent unauthorised processing and accidental loss, damage or destruction; and
- Not be transferred to any country outside the EEA (unless an exception applies).

Personal Data: Definition

Personal Data is data which relates to a living individual who can be identified from:

- that data; or
- from that data and other information which is in the possession of, or is likely to come into the possession of, the Data Controller; which
- is in electronic form or held manually in a relevant filing system.

This definition also includes any expression of opinion about the individual Data Subject and any indication of the intentions of the Data Controller or any other person in respect of the Data Subject.

Personal Data may either be held electronically or in paper records.

Sensitive Personal Data: Definition

Sensitive Personal Data is Personal Data about an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, details of the commission or alleged commission of any offence and any court proceedings relating to the commission of an offence.

Sensitive Personal Data can only be processed under strict conditions including the express permission of the person concerned, unless a specific exemption applies. As a result, generally, if sensitive Personal Data is collected, appropriate steps will need to be taken to ensure that explicit consent from the person concerned has been given to hold, use and retain this information.

A significant amount of Personal Data held by a Church of Scotland congregation will be Sensitive Personal Data as it could be indicative of a person's religious beliefs. Office bearers and employees are therefore urged to be extra vigilant when dealing with any Personal Data.

Transfer of Personal Data outside European Economic Area ("EEA")

The transfer of Personal Data to any country or location outside of the EEA is a breach of the Act unless:

- the data protection arrangements in the destination country have been approved by the EU Commission; or
- the recipient is a signatory to an EU approved data protection regime; or
- the recipient is bound by a contract that ensures that the data concerned will be adequately protected.

Given the links that the Church of Scotland maintains with other countries around the world, some Personal Data may fall into this category. Therefore, prior to transferring data outside the EEA or giving anyone outside the EEA access to personal data you must contact the Session Clerk, who will check the position with the Law Department of the Church of Scotland, if required.

Type of Personal Data

The type of data processed by the Congregation, its office bearers and employees is likely to fall into one of the following categories:

- Personal Data about office bearers, members and parishioners as Data Subjects; or
- Personal Data relating to employees as Data Subjects.

3. Personal Data about Office Bearers, Members and Parishioners

When an individual provides you with their contact details, which you intend to record for future use, you must hold, process and use that Data Subject's Personal Data in accordance with this policy and the 8 Data Protection Principles. In order to put the principles into practice you must also be aware of the type of information which is being collected, held or processed and therefore take into account the definitions of Personal Data and Sensitive Personal Data above.

Data must be obtained for a specific use and be kept accurate and up to date

People must be informed that we hold their Personal Data, why we hold it and what we will use it for.

Where possible, when obtaining new contact information, or other Personal Data, or communicating with a contact for the first time, you should:

- Refer them to Privacy Policy (Addendum 1)
- Check to see if your database already holds that person's details and is up to date and then as appropriate arrange for the details to be recorded/updated. Ensure that you advise the

Data Subject that their details are recorded for the Congregation's use. If the use is not going to be in connection with the Privacy Policy, explain what the use is likely to be. If in doubt about the use of the Personal Data please discuss the matter with the Session Clerk who may check the position with the Church of Scotland Law Department, if required.

If this is not possible, you should include a paragraph in relation to contact details within the next communication to the Data Subject concerned. Suggested wording is set out at Appendix 2.

Data must be held for no longer than necessary

Employees must monitor their own individual contacts (e.g. in Outlook and/or other databases) and update or remove details where appropriate. If you notice that the database is out of date, you should ensure that this is updated immediately.

If a Data Subject specifies that they do not wish you to use a particular form of contact with them or indeed that you are not to contact them at all, then you must comply with this at once. You should ensure all databases are updated.

Disclosures

Personal Data must only be disclosed to those organisations and individuals who the Data Subject has consented may receive his or her data, or to organisations that have a legal right to receive the data without consent being given. Care must therefore be taken to ensure that Personal Data such as the names, addresses and telephone numbers of members are not disclosed either over the phone or in writing to non-Church personnel, without such consent being in place. Care should be taken with records such as the Baptismal Register so that only the entry relating to the person concerned is exhibited to him/her and not also those of others who may still be alive.

Information Security

At minimum:

- Electronic data must be protected by standard password procedures with the 'computer lock' facility in place when office bearers or employees are away from the desk/workstation where information is held;
- Computer workstations in administrative areas in church premises should be positioned so that they are not visible to casual observers;
- Personal data stored in manual form e.g. in files, should be held where it is not readily accessible to those who do not have a legitimate reason to see it and (especially for sensitive personal data) should be in lockable storage, where appropriate;
- All ordered manual files and databases should be kept up to date and should have an archiving policy. Data no longer required must be regularly purged;
- If data is to be transferred through memory sticks, CD-ROMs or similar electronic formats then the secure handling of these devices must be ensured. No such device should be sent through the open post – a secure courier service must always be used. The recipient should be clearly stated. If data is sent via a courier the intended recipient must be made aware when to expect the data. The recipient must confirm safe receipt as soon as the data arrives. The sender is responsible for ensuring that the confirmation is received, and liaising with the courier service if there is any delay in the receipt of the data.
- Laptops and USB drives should have appropriate security and 'encryption'.

- Personal data must not be transmitted to an office bearer's home Personal Computer without appropriate assurances from him/her that the foregoing safeguards will be put in place.

Action to be taken if data goes missing

The Presbytery Clerk as Data Protection Compliance Officer must be informed immediately if any confidential or sensitive data goes missing. An immediate investigation will be launched by the Kirk Session. Depending on the circumstances, consideration will also be given to making a report to the Information Commissioner.

Negligent transfer of data

Should an office bearer or employee be negligent in transferring sensitive and confidential personal data, this will be conduct which may result in disciplinary action having to be taken.

In the case of an employee, it could be considered to be gross misconduct, which could result in summary dismissal. This is particularly likely to be the outcome if:

- The employee did not encrypt (or store in an encrypted format), compress and password protect the data;
- The employee transferred the data in manual form without using secure means to do so; or
- The employee transferred the data without seeking the appropriate approvals

Subject Access

Upon receipt of a written request from a data subject to see any personal data held which relates to them, contact should be made immediately with the Presbytery Clerk who will make arrangements for a response to be made within the statutory 40 day deadline.

4. Personal Data about Employees

Best practice dictates that, the Kirk Session/Congregational Board, as an employer, are legally required to keep information for purposes connected with an employee's employment, during employment, and for as long a period as is necessary following the termination of that employment.

The data recorded may include:

- information gathered about an employee and any references obtained during recruitment;
- details of terms of employment;
- salary and payroll information, tax, National Insurance information and pension details;
- appraisal information and performance management;
- details of grade and job duties and promotion/career development;
- health records;
- absence records, including holiday records and self-certification forms;
- details of any disciplinary investigations, warnings and proceedings and grievances;

- training and development records;
- contact names and addresses and next of kin information;
- all core and flexible benefits;
- correspondence with the Church as Employer and other information provided to the Employer.

The Kirk Session/Congregational Board values the privacy of its staff and is aware of the responsibilities under the Act. The Kirk Session/Congregational Board shall, therefore, process any personal information relating to staff fairly and lawfully and shall endeavour to comply with the Information Commissioner's code of practice on the use of Personal Data in employer/employee relationships.

The information held will be for the Kirk Session/Congregational Board's management and administrative use only, but from time to time, the Kirk Session/Congregational Board may need to disclose some information held about employees to relevant third parties or to another Organisation, solely for purposes connected with an employee's career or the management of the organisation.

Any personal data which is recorded or used in any way whether it is held on paper, computer or other media will have appropriate safeguards applied to it to ensure that it is in compliance with the Act.

The Kirk Session/Congregational Board will make every effort to ensure that the information held is accurate and kept up to date but it is the responsibility of each individual employee to notify HR of any changes. In the absence of evidence to the contrary, it will be assumed that the information is up to date.

5. Further information

Office bearers and employees who wish further information about data protection should refer to the Church of Scotland website.

Specific queries should be raised with the Session Clerk who, if appropriate, should take advice from the Law Department.

6. Review

The Kirk Session/Congregational Board have a responsibility to review this policy on an on-going basis to ensure its continuing relevance and effectiveness in the light of any legislative or other developments.

PRIVACY POLICY

Any personal data or sensitive personal data provided by you to us will be held and processed in accordance with the data protection principles set out in the Data Protection Act 1998 for the purposes of meeting the legitimate interests of St. Columba's Parish Church.

Privacy statement

This Privacy Policy explains our data processing practices and only applies to this website. Other websites to which this website links are not covered by this Privacy Policy. If you have any queries concerning your personal information or any questions on our use of the information, please contact us.

At St. Columba's Church we are committed to protecting the privacy of our website visitors. Our relationship with you is valuable and we understand the importance you place on the privacy and security of information which personally identifies you. In that respect, and whether you are a first time visitor to our website or a regular user, we take your privacy seriously. Please read the following in order to learn more about our privacy policy and our information gathering and dissemination practices.

1. Why we require your information

St. Columba's Church collect personally identifiable information when you register with us and when you use our services. We ask you for personal data only when it is needed to provide services you have enquired about or asked us to provide or to respond to your request for information. You do not need to provide us with personal data simply to browse our site.

St. Columba's Church use this information in order to customise the content you see on our pages, to fulfil your request for certain services, to communicate with you generally and to contact you about news you have requested.

2. What information do we collect?

Optional Information

We may request optional information from you on our registration forms. We request this optional information so that we may serve you better (e.g. to provide more tailored products and services to you) and so that we may understand our users better (e.g. through internal research, data analysis, market research). If we request this additional information from you we will identify it as optional.

Cookies

There are various technologies, including one called "cookies", that can be used to provide you with tailored information from a website. A cookie is a small data file that certain websites write to your hard drive when you visit them. The only personal information a cookie can obtain is information a user supplies him or herself. A cookie cannot read data off your hard disk or read cookie files created by other sites. Cookies, however, enhance our website performance in a number of ways including providing a secure way for us to verify your identity during your visit to our website and personalising your experience on our site making it more convenient for you. The St Columba's Church website uses cookies so that we can serve you better. For example, we set cookies to maintain the open menus as you move between pages, or to remember user names

and preferences (if applicable). These are used only when you are on the website. You can refuse cookies by turning them off on your web browser and you do not need to have cookies turned on to successfully use our service. Most browsers are defaulted to accept and maintain cookies and you can set your browser to notify you when you receive a cookie, giving you the chance to decide whether to accept it or not.

Website Usage Data

With or without cookies, our website keeps track of usage data, such as the source address that the page request is coming from (i.e. your IP address, domain name), date and time of the page request, the referring website (if any) and other parameters in the URL (e.g. search criteria). We use this data to better understand website usage so we know what areas of our website users prefer. This information is stored in log files and is used for aggregated and statistical reporting but is not attributed to you as an individual.

Security

We recognise industry standards and employ security safeguards to protect information from unauthorised access and misuse. We use the most accurate and current information you provide in order to process your request.

User Submissions

Please do not post confidential or proprietary information to our website. Any material, information or any other communication you transmit or post to our website (other than your personal information) will be considered non-confidential and non-proprietary unless we are advised to the contrary and we will have no liability for it. St Columba's Church and its designees will be free to copy, disclose, distribute, incorporate and otherwise use the communications in all data, images, sound, text and other things embodied therein for any and all commercial or non-commercial purposes. Users of our website are prohibited from posting or transmitting to or from this site any unlawful, threatening, libellous, defamatory, obscene, and pornographic or other material that would violate any law.

3. What information do we share?

Compliance with law

We will release personal information where we are required to by law or by the regulations and other rules (including auditing requirements) to which we are subject. We may also exchange information with other companies and organisations for fraud protection and credit risk reduction.

Consent

Other than in the above situations you will receive notice from us when your personal information might go to third parties and you will have the opportunity to decide not to share that information.

4. Changes to Privacy Policy

We may edit this policy from time to time. If we make any substantial changes we will notify you by posting a prominent announcement on our web pages.

5. Questions or suggestions

If you have any questions or suggestions regarding this policy, should you at any time wish us to remove your personal details from our database, have any concerns about the practices of our websites or believe we are not properly adhering to our privacy policy please contact us.

Appendix 2

The information set out below we believe to be correct. Please do advise us immediately if our understanding is incorrect or if the details change.

Contact name
Address
Telephone number
Mobile Number
Email address
We may take instructions from

St. Columba's Parish Church is committed to protecting your privacy and safeguarding your personal data. We are registered with the Information Commissioner, through the umbrella registration of Kirkcaldy Presbytery, and strive to comply fully with data protection law. We shall use the information you have provided us with for the provision of (*insert purpose – see below**) in accordance with our Privacy Policy. We will only keep the data for as long as necessary.

Examples of purposes:

- * a survey relating to the need for additional youth activities for teenagers living in our Parish area.
- * for mailing you information about our congregation.