



# St. Michael's, Breaston

*Growing as followers of Jesus*

## General Data Protection Regulation (GDPR) Privacy Notice

### Summary

A brief overview of GDPR, and what consent means.

<i>Routine action</i>	<i>Undertaken by</i>	<i>When</i>
Make available on website	Webmaster	When updated
Issue to all whose consent is sought	PCC Secretary	When consent is sought

<i>Legal obligations</i>	<i>Accountable role</i>
Consent must be obtained before personal data is processed	PCC Secretary

### Document control

Document reference	SMB-DP-004-DOC
Issue:	1.2 (Minor updates)
Status	Published
Issue Date:	04/10/2023
Written by:	Jonathan Lupton
Roles principally responsible for compliance with document	All
Circulation (by job title)	All whose consent is sought
Review period	Annually

**[Do not print this page]**



# **St. Michael's, Breaston**

*Growing as followers of Jesus*

## GDPR Privacy Notice

# St. Michael's, Breaston

## *GDPR Privacy Notice*

### **1 General Data Protection Regulation – what is it?**

The EU's General Data Protection Regulation (GDPR) is the result of four years of work by the EU to bring data protection legislation into line with new, previously unforeseen ways that data is now used.

Currently, the UK relies on the Data Protection Act 1998, which was enacted following the 1995 EU Data Protection Directive, but this will be superseded by new legislation on 25th May 2018. It introduces tougher fines for non-compliance and breaches, and gives people more say over what organisations can do with their data. It also makes data protection rules more or less identical throughout the EU.

This new regulation means that we can process your personal data only as part of a "legitimate interest", or if we have obtained your explicit consent: consent that is "freely given, specific, informed and unambiguous, given by clear affirmative action". We believe that all the ways we process personal data are covered by the church's "legitimate interests."

### **2 Your personal data – what is it?**

Personal data is information about a living individual (the "data subject") who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. Note that your data may be able on a computer as well as in paper or photographic records.

### **3 Who are we?**

The Data Controllers are the bodies that determine the purposes and means of processing personal data. At St. Michael's there are two Data Controllers:

- the Parochial Church Council (PCC), which is a registered charity, number 1165581;
- the incumbent, Rev'd Chris Smedley (until his retirement at the end of May 2023).

See section 10 below for contact details.

Why are there two? Because the PCC and the incumbent are two separate legal entities.

### **4 What do we hold and how do we process it?**

The Data Controllers comply with their obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

# St. Michael's, Breaston

## **GDPR Privacy Notice**

We use your personal data for the following purposes (these are our "legitimate interests"):

- To enable us to provide a voluntary service for the benefit of the public in Breaston and the surrounding areas;
- To administer membership records;
- To fundraise and promote the interests of the charity;
- To manage our employees and volunteers;
- To maintain our own accounts and records (including the processing of gift aid applications);
- To inform you of news, events, activities and services running at St Michael's;
- To maintain legal documents such as the Electoral Roll, Baptism and Marriage Registers;
- To manage the church website and social media accounts.

For most purposes all that we hold are your contact details (name, address, telephone number(s) and email address). Other data that we may hold are:

<i>Data</i>	<i>Who and why</i>
Date of birth	Employees (for tax, NI and pensions); Trustees (required for the Charity Commission website); Children (to know when they reach 18)
DBS number and date	Those who need a DBS declaration (so we know when to renew our DBS)
Facebook id	Members of the closed church family facebook group (so that access can be granted at your request)
NI number, salary, contract details	Employees (to pay employees and report to HMRC and manage their employment)
School year	Children (to ensure they are placed in the correct groups)
Occupation	Those being married (for entry into marriage registers)

## **5 What is the legal basis for processing your personal data?**

We can legally process personal data:

- If we have the explicit consent of the data subject (you), so that we can keep you informed about news, events, activities and services and process your gift aid donations and keep you informed about diocesan events;
- If the processing is necessary for carrying out obligations under employment, social security or social protection or other law, or a collective agreement (this includes the completion of marriage and baptism registers), or as part of a contract or contract negotiation (for example, renting the Church Hall);
- If the processing is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided:

# St. Michael's, Breaston

## **GDPR Privacy Notice**

- the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes); and
- there is no disclosure to a third party without consent.

The third major point is the principal basis upon which we may legally process personal data; there is therefore no requirement for us to obtain consent at the moment.

## **6 Sharing your personal data**

Your personal data will be treated as strictly confidential and will only be shared with other members of the church in order to perform a "legitimate interest" (see above). We will only share your data with third parties beyond the parish with your consent.

## **7 How long do we keep your personal data?**

We keep data in accordance with the guidance set out in the guide "Keep or Bin: Care of Your Parish Records" which is available from the Church of England website<sup>1</sup>.

Specifically, we retain electoral roll data while it is still current; gift aid declarations and associated paperwork for up to 6 years after the calendar year to which they relate; and parish registers (baptisms, marriages, funerals) permanently.

## **8 Your rights and your personal data**

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which the PCC of St. Michaels, Breaston holds about you;
- The right to request that the PCC of St. Michaels, Breaston corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for the PCC of St. Michaels, Breaston to retain such data (this is sometimes known as "the right to be forgotten");
- The right to withdraw your consent to the processing at any time;
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable);
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request that a restriction is placed on further processing;

---

<sup>1</sup> See [www.churchofengland.org/sites/default/files/2017-11/care\\_of\\_parish\\_records\\_keep\\_or\\_bin\\_-\\_2009\\_edition.pdf](http://www.churchofengland.org/sites/default/files/2017-11/care_of_parish_records_keep_or_bin_-_2009_edition.pdf)

## St. Michael's, Breaston *GDPR Privacy Notice*

- The right to object to the processing of personal data, (where applicable)
- The right to lodge a complaint with the Information Commissioners Office.

### 9 Further processing

If we wish to use your personal data for a new purpose not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

### 10 Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact

- the PCC Secretary by email to *breaston.secretary@wdbchurches.org.uk*; or
- the Church Office: email *office@wdbchurches.org.uk*; phone (01332) 872094; post: St. Michael's Church Office, Main Street, Breaston, DERBY DE72 3DX.
- The incumbent, Rev'd Chris Smedley: email *rector@wdbchurches.org.uk*, phone (01332) 872242; post: 68 Risley lane, Breaston, DERBY DE72 3AU.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.