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**Agenda item 8**

**The General Data Protection Regulations (GDPR)**

The Church Council has been sent a briefing paper about the introduction of these regulations. The paper contains information about the definition of personal data, consent, rights of the individual and access to data.

The Church Council now needs to undertake a series of steps to fulfil its legal obligations. These were described in the TMCP Guidance Notes attached to the briefing paper. To take those steps the following action will need to be undertaken:

**Step 1 - Ensure that those people in the Local Church, Circuit or District who collect and/or use (process) personal information (personal data) are aware of the requirements under GDPR.**

* Training is being cascaded by TMCP via Districts and this report, and the processes that follow will provide a general understanding of the requirements.
* The Church Council as Managing Trustees will need to adopt the data protection policies and best practice that are being developed and promoted by TMCP

**Step 2 – Carry out a review of the personal information (data) the Local Church, Circuit or District holds (known as a “data mapping” exercise).**

**The first steps in a data mapping exercise have been taken.**

* These will involve asking what the personal information is, where it came from, why it is held, who actually holds the data, who has access to it and who it is shared with.

The results will be recorded using the template provided by TMCP. These will provide the Church Council with information which will respond to the questions: What action can the Managing Trustees take to ensure the data held is secure? Can the number of people with access to the records be limited? Is all the data Managing Trustees currently collect actually necessary? Can less personal information be collected?

**Step 3 – Ensure clear and accessible information is provided to individuals about how their data will be used (use of a Privacy Notice).**

* The Church Council will need to provide information at the point when personal data is collected. This can be done when a consent form is completed and a Privacy Notice provided. It will explain why managing trustees are asking for and retaining  their personal information, what they will use it for, who if anybody they will share it with and how they will protect an individual’s personal information. The Privacy Notice must be clear, transparent and readily accessible (A draft copy is attached for adoption by the Church Council).

**Step 4 – Understand the rights of the people whose personal information Managing Trustees hold (Data Subjects) and work out what Managing Trustees need to do to accommodate these rights.**

The Privacy Notice will describe the rights of people whose personal data is held by the Church Council. The processes put in place to exercise those rights will be subject to audit once a year to ensure compliance. A policy for dealing with requests including subject access requests will need to be developed.

**Step 5 – Decide what legal reason Managing Trustees have to use the personal information (data) they hold and record this.**

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| As part of the data mapping exercise the legal reason for holding the data will be identified. In most day to day cases Managing Trustees will rely on one of four following possibilities:* Consent from the person whose data is being held (data subject);
* Contractual obligations e.g. use is necessary to perform obligations under an employment contract or licence agreement;
* Legal obligation e.g. use of the data is necessary to comply with HMRC requirements or landlord and tenant legislation such as “right to rent”;
* Legitimate interests e.g. after careful consideration weighing up the needs of the charity and the interests, rights and freedoms of the individual, the Managing Trustees are satisfied that they need to use the information for their own legitimate interests such as maintaining lists of members.
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**Step 6 – Review how Managing Trustees obtain, record and manage consent– one of the legal reasons (lawful bases) in Step 5.**

* Check areas where the Managing Trustees rely solely on the consent of individuals to use their data
* Check whether the consent being relied on is valid under the GDPR; Was it given freely, specifically for the purpose in question, unambiguously and was it informed?
* Was the consent given explicitly i.e. did the individual do something positive to provide their consent. Is this consent fully documented?

**Step 7 – Review data relating to children and systems for obtaining consent.**

* Part of the mapping exercise will collect the relevant information and identify

whether appropriate systems are in place to check ages and obtain consent from parents or legal guardians if required. The age limit under which children can freely give consent is expected to be 13 although this will not be confirmed until the Data Protection Bill has gone through parliament.

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**Step 8 – Be prepared to deal with any data breaches.**

* The Church Council will need to put in place a system for dealing with breaches of the Regulations. This will be done when guidance is issued by TMCP.

**Step 9 – Consider data protection implications when making key decisions.**

* The Church Council will need to be mindful that when making key decisions it will have to consider what it needs to do to protect the personal information of its members, their families and others associated with it, undertaking a Privacy Impact Assessment to identify any risks to individuals and how these can be overcome.

**Recommendations**

The Church Council:

* Receives the GDRP Briefing paper, adopts the 9 Steps outlined above and notes its legal obligations;
* Adopts the Data Privacy Notice and Forms of Consent approved by TMCP for immediate use, noting that the Data Privacy Notice will be displayed in the church foyer, on the church website and elsewhere;
* Authorises the Church Secretary to undertake a data mapping exercise, consulting as necessary;
* Agrees that all those on whom the Church Council holds data will be asked to provide their informed consent to the processing of their personal data, being provided with the necessary clear and accessible information about how their data will be used and explaining their rights;
* Recognises that when making key decisions it needs to consider what it needs to do to protect the personal information of its members, their families and others associated with it, undertaking a Privacy Impact Assessment to identify any risks to individuals and how these can be overcome;
* Notes that, as experience and advice develops, changes may need to be made to documentation and it will receive update briefings as the work progresses.

hrmc gdpr report to church council april 2018