GDPR APPROPRIATE POLICY DOCUMENT

Policy adopted by	Southview Church
Policy adopted by Trustees	01/03/2024
Policy to be reviewed	February 2025

Schedule 1, Part 4, Data Protection Act 2018: processing of special category and criminal offence data for the purposes of Parts 1, 2 or 3 of Schedule 1 of the Data Protection Act 2018.

Who we are

Southview Evangelical Church (the Church) is a registered with the Charity Commission in Scotland. The objects of the Church are, for the public benefit, to advance the Christian faith; and to advance education and other charitable purposes in the United Kingdom and/or other parts of the world.

For further information on what we do, please visit our website southviewchurch.org.uk

What this policy does

This policy explains how and why the Church collects, processes and shares special category personal data about you and data relating to criminal convictions etc in order to carry out our functions, in accordance with the data protection principles set out in the UK General Data Protection Regulation (UK GDPR.) Pursuant to Part 4 of Schedule 1 of the Data Protection Act 2018 (DPA 2018), special category data (Parts 1 and 2 of Schedule 1), and data relating to criminal convictions etc (Part 3 of Schedule 1), can only be processed lawfully if it is carried out in accordance with this policy. Church staff, trustees and volunteers must therefore have regard to this policy when carrying out sensitive processing on our behalf.

Our approach to data protection

• The Church is committed to ensuring that the collection and processing of personal data is carried out in accordance with the UK GDPR and the DPA 2018.

• This is implemented through the provision of training for all staff, trustees and volunteers on data protection to ensure compliance with our policies and procedures.

• The Church values openness and transparency, and we have committed to and published a number of policies and processes to assist data subjects and to explain how we handle personal data. These include data protection policy, our data retention schedule and our privacy notices which describe what information we hold, why we hold it, the legal basis for holding it, who we share it with, and the period we will hold it for.

• The Church has appointed a Data Protection Trustee, who is **Andrew Manley** The Data Protection Trustee has the day-to-day responsibility for ensuring that the information the Church collects is necessary for the purposes required and is not kept in a manner that can identify the individual any longer than necessary. Data protection training is provided for all new staff and volunteers and an annual update on data protection is provided to staff, trustees and volunteers, to ensure that everyone is familiar with the Church data protection policies and procedures and in particular the processing of any special category and criminal offence data. The DPO/Data Protection Trustee will review any Data Protection Impact Assessments for the Church.

• Due to the nature of the activities performed, the Church may need to share information with other organisations e.g. third parties, including statutory bodies and professional advisers, details of which can be found in our privacy notice.

The data protection principles

In summary, Article 5 of the UK GDPR states that personal data shall be:

• processed lawfully, fairly and transparently

• collected for specific and legitimate purposes and processed in accordance with those purposes

• adequate, relevant and limited to what is necessary for the stated purposes

• accurate and, where necessary, kept up-to-date

• retained for no longer than necessary, and

• kept secure

Special category data and criminal convictions etc data

Special category data

Personal data refers to any information by which a living individual can be identified. Individual identification can be by information alone or in conjunction with other information. Certain categories of personal data have additional legal protections when being processed. These categories are referred to in the legislation as "special category data" and are data concerning:

• health
• racial or ethnic origin
• political opinions
• religious or philosophical beliefs
• trade union membership
• genetic data
• biometric data
• sex life or sexual orientation

Criminal convictions etc data

The processing of criminal convictions etc data also has additional legal safeguards. Criminal convictions etc data ("criminal offence data") includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions.

Special category and criminal offence data we process about you

The Church collects, processes and shares special category and criminal convictions data where it is necessary in order to carry out our functions. This processing is usually carried by the Designated Person for Safeguarding, or certain charity trustees for the purpose of safeguarding against any risks posed to others in the Church or attending our activities by those who are involved in the Church, to mitigate the risk of individuals committing

criminal offences (including of a sexual nature) and to assess individuals' suitability for ministry or other work at the Church including by reference to risks they may pose to others. These functions and the requisite processing of personal data are matters of substantial public interest.

If we process personal information about you, you are a "data subject." Below is a non-exhaustive list of categories of data subjects who we might process information about:

• Employees, volunteers, workers or charity trustees of the Church

• A child or individual in membership with or associated with the Church;

The Church will share this data with third parties only where strictly necessary (please see the section "Who we share your personal data with" below).

Special category data and criminal offence data may be collected from the following non-exhaustive list of sources:

- Data subjects
- Individuals in regular contact with the Church – including the pastors, church officers, workers or volunteers, and the Church Designated Person for Safeguarding
- Police, Social Services or the Local Authority Designated Officer for safeguarding.

The Church may also obtain and process this data for other statutory and legal obligations for example, including, but not limited to:

- responding to data subject access requests under data protection legislation
- in connection with our duties under the Equality Act 2010.

The legal basis for processing your special category or criminal convictions data

Privacy Notices are available the website Southviewchurch.org.uk and the service Notice Board The Privacy Notices set out the legal bases for our processing of your personal data.

Where we process special category and criminal offence data it will be by reference to Article 6(1)(f) UK GDPR and Conditions 10, 11, 12, 18, 19 and 31 of Schedule 1 Data Protection Act 2018, which are described below:

Article 6(1)(f) UK GDPR, where the processing is necessary for the purposes of the legitimate interests of the Church, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Special category or criminal offence data may also be processed by the Church where it fulfils one of the substantial public interest conditions under Schedule 1, Part 2 of the Data Protection Act 2018:

(i) Condition 10:

where the processing is necessary for the purposes of the prevention or detection of an unlawful act, it must be carried out without the consent of the data subject so as not to prejudice those purposes, and is necessary for reasons of substantial public interest.

In order to mitigate the risk of individuals committing criminal offences, including of a sexual nature, the Church may undertake a risk assessment, receive, make a record of and share information about an individual who has been reported to us by another individual or a statutory authority, where there is a significant concern about their conduct and the risk they may pose to others.

(ii) Condition 11:

where the processing is necessary for the exercise of a protective function, it must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and is necessary for reasons of substantial public interest. In this paragraph, "protective function" means a function which is intended to protect members of the public against – dishonesty, malpractice or other seriously improper conduct, unfitness or incompetence, mismanagement in the administration of a body or association, or failures in services provided by a body or association.

The Church may exercise protective functions which include assessing individuals' suitability for ministry or other work within the Church, including by reference to risks they may pose to others. These functions are discharged by custom, practice and with the consensus of the members of the Church and the requisite processing of personal data is a matter of substantial public interest.

(iii) Condition 12:

where the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct, and in the circumstances the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and the processing is necessary for reasons of substantial public interest.

The Church may investigate and risk assess an individual's suitability for ministry or other work within or connected with the Church, which is in the substantial public interest and forms an integral part of "generally accepted principles of good practice" as per the definition of "regulatory requirement" in Condition 12.

(iv) Condition 18:

where the processing is necessary for the purposes of protecting an individual from neglect or physical, mental or emotional harm, or protecting the physical, mental or emotional well-being of an individual, the individual is - aged under 18, or aged 18 and over and at risk, the processing is carried out without the consent of the data subject for one of the reasons listed in sub-paragraph (2), and (d) the processing is necessary for reasons of substantial public interest. (2) The reasons mentioned in sub-paragraph (1)(c) are – (a) in the circumstances, consent to the processing cannot be given by the data subject; (b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing; (c) the processing must be carried out without the consent of the data subject because obtaining the consent of the data subject would prejudice the provision of the protection mentioned in sub-paragraph (1)(a).

The Church may process criminal and special category data for the purposes of safeguarding minors and vulnerable persons or adults at risk.

(v) Condition 19:

where the processing is necessary for the purposes of protecting the economic well-being of an individual at economic risk who is aged 18 and over and the processing is of data concerning health, is carried out without the consent of the data subject for one of the reasons listed in sub-paragraph (2), and is necessary for reasons of substantial public interest. An "individual at economic risk" means an individual who is less able to protect his or her economic well-being by reason of physical or mental injury, illness or disability. The Church may seek to rely on this condition if it is required to investigate allegations of financial abuse by an individual in ministry or other work or who is involved in the life of the Church for the purpose of safeguarding vulnerable persons or adults at risk.

The Church may also seek to obtain, use and retain criminal offence data in reliance upon the following additional condition relating to criminal convictions under Schedule 1, Part 3 of the Data Protection Act 2018:

(vi) Condition 31:

where the processing is carried out by a not-for-profit body with a religious aim in the course of its legitimate activities with appropriate safeguards where it relates solely to the members or former members of the body or to persons in regular contact with it in connection with its purposes, and the personal data is not disclosed outside that body without the consent of the data subjects.

Who we share your personal data with

We are required to share your data with third parties where we have a legal obligation to do so. We may also share information with our partner organisations with whom we have a Data Sharing Agreement, or as set out in our Privacy Notices.

The persons/organisations we may share your special category and criminal offence data with are:

- Our charity trustees, employees, contractors and volunteers on a need-to-know basis;
- Employees and volunteers working for one of our partner organisations with whom we have a Data-Sharing Agreement.
- Other appointing or employing bodies as appropriate
- Counsellors, professional supervisors and risk assessment consultants
- The Police and Social Services, Local Authority Designated Officers and other statutory agencies
- The Disclosure and Barring Service and our DBS Checking Company
- Before sharing information with any of the above persons or organisations, careful consideration is given to the rights and freedoms of the data subject against what is needed to be shared to achieve our overarching goal of safeguarding children, young people and adults at risk from harm within the Church and to support and promote exemplary ministry. Special category and criminal offence data is only disclosed where it is reasonably necessary to do so and a record and full details of any disclosure to third

parties is kept [please describe how and where the special category data or criminal offence data is securely held].

Automated decision making

Currently the Church undertakes no automated decision making in relation to your personal data.

How we keep your data secure and how long we keep it for

The Church deploys a range of technical and organisational measures to protect the personal data it holds and processes. Controls include but are not limited to :

• Appropriate data protection training for all staff and part of the induction for new staff

• Strong defences of the Church and personal IT systems (e.g. Firewalls, Malware Detection & Defence)

• Encryption of data both at rest and in transit across Church networks where appropriate and the use of password protected documents when sharing data.

• Where needed, appropriate redaction takes place before witness statements, case notes or investigation reports are shared.

• Deployment of Information Security Tools (e.g. Data Loss Prevention, Mobile Device Management, Secure External Email)

• Robust procedures for the reporting of any data or potential data breaches

These measures are under review by the Church.

The Church has a Data Retention Schedule which lists the data we hold and how long we hold it for. To find out how long we keep your data for please see our Data Retention Schedule.

Your rights in relation to the data we hold

Data protection legislation provides you with a number of rights relating to your personal data, including your special category and criminal conviction etc data. These rights are subject to some specific exemptions. Your rights may include:

• the right to access your data

• the right to have your data corrected if it is wrong or incomplete

• the right to request restrictions to the processing of your data

• the right to object to your data being processed

• the right to have your data erased

• the right to be informed about how your data is processed

• rights relating to automated decision making and data portability

You should keep us informed of any changes to your information so that we can be confident that the data we hold about you is accurate. To understand more about these rights and how to exercise them please see our Privacy Notice and the Information Commissioner's Office website: https://ico.org.uk/.

Data Protection Officer/Contact

Andrew Manley is our **Data Protection Trustee** and is the person responsible for matters relating to the protection of personal data. She/he can be contacted at the address below or by **email ... trustees@southviewchurch.org.uk**

Your right to complain to the Information Commissioner

If you are unhappy with any aspect of the way in which we have processed your personal data, you have the right to make a complaint to the Information Commissioner's Office:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

www.ico.org.uk

Tel: 0303 123 1113

casework@ico.org.uk

Feedback or complaints about the Church, staff or volunteers

If you want to give us feedback or make a complaint about the Church, its staff or volunteers in relation to the handling of your personal data, please contact

…ANDY MANLEY Chair of Trustees.....

Tel: 07999884509 (phone).....

Email: ……trustees@southviewchurch.org.uk .....

Review of this policy

This policy will be regularly reviewed and may be subject to revision.

Date	by	Signed	Role	Action