

The Mustard Tree Community Church

Data Protection Policy

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DOCUMENT HISTORY

| Date | Version | Changes |
|------------|---------|---|
| Jun 2002 | A | Initial Version |
| April 2016 | B | Reviewed and updated (especially photo use) |
| Oct 2017 | C | Updated in line with upcoming GDPR legislation |
| Jun 2019 | D | Some terminology updates in line with GDPR (no material change to policy) |

Introduction

This document defines the MTCC's code of practice relating to data protection regulations. The document can be divided into three major areas:

- Firstly a summary of the data protection issues affecting MTCC (section 2).
- An outline of the implications for MTCC (section 3)
- MTCC's code of practice (section 4).

Anyone holding (or using) data on behalf of MTCC should ensure they are familiar with the code of practice defined in section 4.

N.B. If you are already treating information you handle with appropriate care this document should just be a reminder of good practice and it should be straightforward to comply with the code of practice in section 4.

1 GENERAL DATA PROTECTION REGULATIONS (GDPR)

The growth in the use of personal data has many benefits both for society, like helping to fight crime, and for the individual, like better medical care. However, wherever personal data are collected and used, people's lives can be adversely affected if something goes wrong. For example, if details are not entered correctly people can be unjustly refused credit, benefits, housing, or even a job. If data is not kept securely, people's privacy can be affected. It is vital that those who collect and use personal data maintain the confidence of those who are asked to provide it by complying with the requirements of the General Data Protection Regulations.

1.1 *GDPR in practice*

GDPR applies to 'personal data', that is, data about identifiable living individuals. Within the act all organisations (including MTCC) must comply with the rules of good information handling, known as the data protection principles.

1.2 *The rules of good information handling - the principles*

Anyone using personal data must comply with the principles of good practice. They say that data must be:

- Processed lawfully, fairly and in a transparent manner.
- Used for limited purposes and only in a manner compatible with those purposes.
- Adequate, relevant and not excessive.
- Accurate.
- Not processed for longer than is necessary.
- Secure.

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of MTCC towards the individual.

1.2.1 **Using personal data**

MTCC can use personal data to:

- To inform people we have a relationship with of MTCC news, events, activities and services;
- To enable us to provide a voluntary service for the benefit of the public;
- To maintain records of those we have a relationship with, including employees and volunteers;
- To maintain our own accounts and records.

1.2.2 Using sensitive data

GDPR makes specific provision for sensitive personal data. Sensitive data includes: racial or ethnic origin; genetic or biometric data; political opinions; religious or other beliefs; trade union membership; medical history; health; sex life; criminal proceedings or convictions.

MTCC can use sensitive data in the course of its legitimate activities 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 MTCC.

Sensitive data can only be shared outside of MTCC under strict conditions, which include:

- Having the explicit consent of the individual.
- Being required by law for employment purposes.
- Needing to use the data in order to protect the vital interests of the data subject or another.
- Dealing with the administration of justice or legal proceedings.

1.2.3 Paper files

GDPR covers information that is recorded as part of a 'relevant filing system' and not just computer records. The definition means a significant amount of manual data held by MTCC falls under the scope of the regulations.

1.2.4 Security

MTCC must take security measures to safeguard personal data. GDPR requires that we take appropriate technical or organisational measures to prevent the unauthorised use, or disclosure, of data.

1.3 The rights of individuals

1.3.1 The right of subject access

GDPR allows individuals to find out what information is held about themselves on computer and paper records.

1.3.2 The right of rectification, blocking, erasure and destruction

GDPR allows individuals require MTCC to rectify, block, erase or destroy personal details if they are inaccurate or contain expressions of opinion which are based on inaccurate data.

1.3.3 The right to prevent use

A data subject can request MTCC that they do not use data relating to them where it is causing, or is likely to cause, substantial unwarranted damage or substantial distress to themselves or anyone else. However, this right is not available in all cases and MTCC do not always have to comply with the request.

1.4 Failure to Comply

Failure to comply with GDPR is a criminal offence and which can result in a prison sentence.

2 IMPACT OF GDPR ON MTCC

MTCC's use of personal data is mainly limited to legitimate administration purposes (e.g. we do not "process data" in order to mailshot "clients" or carry out research studies). Therefore regulations and compliance with the principles should not be a significant issue for MTCC.

However the following points should be noted:

- The definition of sensitive data includes religious beliefs. In disclosing an individual's association with MTCC (which is allowed) there can be an implication of a religious belief and therefore we must obtain explicit permission for any such disclosure.
- The definition of sensitive data includes medical information that we obtain for youth groups. Also we obtain dietary information for events and camps.
- The definition of sensitive data includes photographs that we would use on display boards, within Branching Out and publicity purposes. This is because a photograph may disclose someone's racial or ethnic background.
- For children under the age of 13 parental consent (for use/disclosure of data) is acceptable; however at 13 and above the child's consent should be obtained as well.
- Where children are concerned all data should be treated as sensitive data.

As mentioned above MTCC should only use data for legitimate administration purposes in relation to its events and activities.

2.1 *Permission for disclosure*

The most significant impact of the above points is that explicit permission for disclosure must be given in a number of cases, for example, the publishing of an article/photograph in Branching Out (our termly newsletter).

Appendix A outlines example permission forms for use with adults and young people. Their use is explained in section 4.3.

2.2 *Photographs*

Appendix B contains guidelines for anyone taking photographs on behalf of MTCC.

Appendix C contains guidelines for anyone the storing and handling of photographs.

3 MTCC'S CODE OF PRACTICE

MTCC seeks to abide by the principles of the data protection regulations. The following guidelines illustrate how those principles should be put into practice. Within each section the associated data protection principles (from section 2) are shown in *italics*.

3.1 Personal Data Recorded

Adequate, relevant and not excessive.

In pursuing its aims and purposes MTCC may keep the following data on individuals.

- Basic contact information:
 - Name,
 - Address,
 - DOB/Age,
 - Telephone number(s),
 - E-mail address,
 - Spouse/Children's names.
- Information relating to involvement with MTCC:
 - Membership forms for church groups,
 - Photographs of MTCC events (may be used for notice board displays and publicity),
 - Special dietary requirements (where these relate to MTCC events/meals/camps),
 - Medical information (for under 16s where MTCC are in loco parentis),
 - Accounting/financial information, donations and expenses (required for tax and charity commission purposes),
 - Accident report forms,
 - Child protection forms e.g. incident forms, inclusion plans etc,
 - Disclosure and Barring Service (DBS) data (supplied by CCPAS),
 - Data protection disclosure permission forms.
- Other data should not be recorded. If other information is being recorded, or needs to be recorded please notify the data controller (see 4.8) so that appropriate action can be taken. If the data is being recorded for valid reasons this document can then be amended.

3.2 Responsibility and Maintenance

Accurate.

Used for limited purposes and only in a manner compatible with those purposes.

In line with the principles of the data protection act, individual groups within MTCC will be responsible for the maintenance of their own records. This will help to ensure that:

- Information is used for the purpose it was obtained.
- The minimum of disclosure takes place.
- The information is held 'close' to the data source to ensure it is easier to keep up to date and accurate.

Certain data is **highly confidential** and must only be shared on a **strict** need to know basis. This data is:

- Child protection forms e.g. incident forms, inclusion plans etc,
- Disclosure and Barring Service (DBS) data (supplied by CCPAS).

All such forms, letters etc must be passed **directly** to the Safeguarding Officer or their deputy; they must then ensure that disclosure of this data is kept to an absolute minimum.

DBS data must only be viewed by one of the 'recruiters' who are registered with CCPAS. These 'recruiters' are identified in the MTCC Child Protection Policy (CPP).

Responsibility for the maintenance and security of records shall lie with the main leader of each group/function within MTCC. Where appropriate the actual task of maintaining the records may be delegated (e.g. to MTCC administrator or a group helper).

When considering delegation the leader should consider if this would result in an unnecessary increase in the number of people with access to sensitive data (see 2.2.2). If this is the case it may be that delegation is not appropriate.

When delegating the maintenance task, the group leader should also ensure that the person undertaking the maintenance task has a copy of this policy.

N.B. Most information recorded by MTCC will be factual – if a personal opinion is being recorded this should be clearly stated e.g. “In my opinion...”.

At present the following group leaders are accountable for the maintenance and storage of records:

| Group/Role | Leader |
|-------------------------|--|
| <i>MTCC Leadership</i> | <i>John Mark Molyneux, Malcolm Gaywood, Anthony Bolton</i> |
| <i>MTCC Admin</i> | <i>Melanie Balch</i> |
| <i>MTCC Accounts</i> | <i>Richard Hull</i> |
| <i>Youth</i> | |
| <i>Coffee Tots</i> | <i>John Mark Molyneux</i> |
| <i>Golden Blend</i> | <i>John Mark Molyneux</i> |
| <i>Child Protection</i> | <i>Donna Gaywood (co-ordinator)</i> |
| <i>Sunday School</i> | |

A copy of this document will be supplied to the individuals, and leaders of the groups, listed above.

3.3 Use of Personal Data

Processed lawfully, fairly and in a transparent manner.

Used for limited purposes and only in a manner compatible with those purposes.

Data must only be used for the purpose for which it was intended. For example; Coffeetots records must not be used to cold call or mailshot parents in order to invite them to an alpha course. However if they have expressed an interest in alpha as a result of publicity they have seen it is acceptable to look up their phone number in the Coffeetots records in order to contact them.

Explicit written permission must be obtained to disclose certain information outside of MTCC, specifically contact information, photographs and information that states or implies a certain religious belief. Therefore we have developed a series of permission forms (see appendix A). These should be attached to any forms where we gather personal data e.g. youth groups personal details forms.

A copy of the permission form should be kept by the group leaders who should also retain a copy alongside the data they hold.

Anyone seeking to disclose personal data should check with the group leaders that permission has been given before making a disclosure.

A draft copy of Branching Out, or similar publications, should be passed to the data controller, before publication.

Specific guidelines on the taking photographs are given in appendix B.

3.4 *Old Records*

Not processed for longer than is necessary.

The majority of data MTCC collects can be kept when an individual's involvement with MTCC ceases. This includes:

- Basic contact information,
- Medical information,
- Special dietary requirements,
- Accounting information, donations and expenses,
- Accident report forms,
- Child protection forms,
- Data protection disclosure permission forms.

All of the above may be required in the future for legal/insurance reasons. However once an individual's involvement with MTCC has ceased such data should only be **used** in very limited circumstances, e.g:

- Where specific data protection principles allow, for example, a legal case.
- For analysis of attendance trends.
- To invite people to a reunion or similar event (related to their original involvement with MTCC).

Other data must be deleted after the following period(s) of time:

- DBS data (supplied by CCPAS) – this should be deleted after 6 months, although it is preferable if they are deleted earlier.
- Children's photographs should be deleted 6 months after they were taken, if not used. A small number of photos may be maintained if they represent good "stock images" or show the development of the church over the years, these photographs should be reviewed annually (see Appendix C for guidelines on storing photographs)..

Sensitive and highly confidential paper records must be destroyed by burning or shredding (or by an equivalent process). Care must be taken to ensure no accidental disclosure takes place (e.g. records should not be left unattended at any point during the process).

Any records that need to be kept but are no longer in use should be passed to the Data Controller who will arrange for them to be archived.

3.5 *The Right to Inspect*

Accurate.

All data/records about an individual must be made available for inspection by that individual should they request it.

Requests to inspect individual data must be made in writing and passed to the church administrator who will then notify the data controller.

3.6 Security

Secure.

Computers and files containing MTCC data should not be kept in publicly accessible areas (members' homes are not publicly accessible).

Computers should be password protected.

It is preferable not to store paper records at the Mustard Tree (as a large number of people have access to the Mustard Tree), However if records are stored at the Mustard Tree they should be stored out of sight and if they contain more than basic contact information in a locked cabinet (the locker under the "bench" at the front of the building can be used for this).

Highly confidential data (see 4.2) should always be stored in a non-portable, lockable cabinet.

Other data stored in members' homes need not be kept in a lockable cabinet (the home itself represents a sufficiently secure environment to which only a very limited number of people have access). However, when not in use, they should be stored securely and not in a location where they are accessible to the casual visitor (if a lockable cabinet or box is available that is ideal).

Of course there are times where records need to be at hand and easily accessible e.g. medical forms may be needed for a weekend away or youth event. This policy should not prevent information being available when needed, however care should be taken at all times to ensure that the information is kept safe (and accidental disclosure does not take place).

Records should be structured in such a way that any necessary disclosure of one person's information does not disclose excessive data or another person's data. Where records are stored electronically this can be achieved by copy/paste of the appropriate data. Where records are held on paper, e.g. medical forms taken on a weekend away, they should allow for an individual's form to be accessed in an emergency, such as a trip to hospital, without disclosing anyone else's data (e.g. double sided copying/printing might make it difficult to pass a medical form to a doctor).

Only share data (e.g. verbally, by e-mail, physical copy) in an appropriate manner – if someone has a legitimate need data only share what is needed (not additional data or data on additional people).

3.6.1 Web Site Implications

The rules on transfer to other countries have particular implications for the MTCC web site.

No personal contact information should be displayed on the web site without explicit consent. However generic MTCC e-mail addresses can be used, for example, alpha@themustardtree.com.

Children's names should not be used as photograph captions on the MTCC web site.

3.7 Data Controller

All Principles.

- A data controller will be appointed to monitor MTCC use of personal data to verify that it complies with the data protection principles.

The data controller may make random checks to ensure permission has been obtained for any disclosures.

- The data controller will also be responsible for the maintenance of this policy document.
- The current data controller is Steve Seymour.

3.8 Visibility of this Policy

All Principles.

In order to promote visibility of the data protection policy a notice stating that MTCC has a data protection policy and giving the name of the data controller will be displayed at the Mustard Tree alongside the insurance certificate and child protection statement. This notice will also state that a copy of the policy is available from the church administrator.

APPENDIX A – Permission Forms

Permission To Use A Photograph

Data protection regulations require that we have permission to use your photograph. Similarly we also require permission to disclose certain information about you and to make any statement that could imply a certain religious belief on your part. Therefore could you please sign the following declarations.

Data Protection Regulations:

I understand that MTCC may want to use my name and/or photograph (and where applicable the names/photographs of my children*)

**for display purposes,

**in Branching Out (our newsletter),

**in publicity material,

**on the MTCC web site (which may result in the information being viewed outside of the UK)

and I hereby give specific written consent.

N.B. For children under the age of 13 parental consent (for use/disclosure of data) is acceptable; however at 12 and above the child's consent should be obtained as well.

*Children's names will not be used alongside photographs on the web site.

**Delete as applicable to permission requested

Signed: _____

Signed: _____

Child
(if aged 13
or over)

Print name: _____

Print name: _____

Date _____

Date _____

Youth Groups

Data protection regulations require that we have permission to use your photograph. Therefore we would be grateful if you could sign the following declaration.

Data Protection Act:

I understand that MTCC may want to use my child's name (first name only)* and/or photograph for display purposes, in Branching Out (our newsletter), in publicity material or on the MTCC web site** (which may result in the information being viewed outside of the UK) and I hereby give specific consent.

*Delete if you do not wish your child to be named in any such publication.

**Children's names will not be used alongside photographs on the web site.

| | | | |
|-------------------|-----------------------|-------------------|----------------------------------|
| Signed: _____ | Parent or Guardian | Signed: _____ | Child (if aged 13 or over) |
| Print name: _____ | | Print name: _____ | |
| Date _____ | | Date _____ | |

Verbal Permission Form

Event: _____

Location: _____

Date: _____

Photographer: _____

Verbal permission obtained from:

| |
|--|
| |
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| |
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| |

APPENDIX B – Guidelines on Taking Photographs

- (.1) Photographs should be considered as *sensitive* data (because they may disclose the race or ethnic origin of the subject). These guidelines explain the implications of this legislation and how MTCC is affected. **If you are going to take photographs on behalf of MTCC you must read these guidelines first.**
- (.2) These guidelines apply to anyone taking photographs **on behalf of MTCC**. They do not apply to individual members taking photographs for their own benefit (although the permission elements must be applied if the photo is subsequently offered to MTCC for use). However if you are taking personal photos please be respectful and consider what is appropriate, photos of friends maybe, but why take a photo of a family you don't know may not be (equally if posting personal photos on social media consider if those in the photo would consent to this).
- (.3) We have an obligation to keep data (including photographs) for **limited** purposes and only in a manner consistent with those purposes. MTCC take photographs either for public display (at the Mustard Tree) or publication (in Branching Out or similar publications). Therefore:
 - Don't be snap happy. Consider why we are taking the photographs; **only take those that we NEED**. For notice board displays we are unlikely to need more than a dozen photos of any event, for Branching Out even less.
 - Quality not quantity - any poor quality photo should be deleted straight away
 - If someone is unsure about having their photo taken, don't.
- (.4) Get into the practice of immediately showing people what you have taken. And/or the other leaders at the event. Remove immediately anything that is not right or objected to. (Reviewing photos after may help with composition/shot selection next time as well, filtering the best/most appropriate, as well as spotting those who asked not to be photographed etc).
- (.5) You must have permission from any people who will appear in a photograph (or video) before it is taken. This means children as well as adults. This permission may be verbal – if it is it should be recorded by the photographer as soon as possible (see form in Appendix A).
- (.6) For some events (mainly those involving children and young people we are likely to have included the photo permission form (see Appendix A) in the forms used to register before the event or as part of the group membership form. Therefore check with the group leader beforehand so that you are aware of those who have given permission and those who have not.
- (.7) If you are taking photographs at a large event you must get permission for the main subject(s). However you do not need to get the permission of everyone in a crowd shot (a wide shot of the hall during a Sunday service could fall into this category). Similarly you do not need to get permission from the people in the foreground/background of the main subject(s). However people do not normally make the best backgrounds for good photos so consider the composition and you may find you can get a better shot with no people in the foreground/background. **(N.B. Please see point 12 onwards below for specific guidelines relating to children)**.
- (.8) When taking photos on behalf of MTCC it is suggested that you should stick to church members (regular attenders) and their families, this will make it easier to track/obtain written permission for use and to stay within the data protection regulations and minimise the possibility of any problems related to the use of the photographs.
- (.9) If you are after a specific photograph/setting it may be better to stage-manage the photograph (e.g. take it before the doors open to the public). This will also give you more time to compose the photograph and should result in a better picture.
- (.10) When a photograph is later used e.g. on the notice boards or in Branching Out written permission is required. If this has not already been obtained (see .5) a sample permission form is in Appendix A. Sample forms should also be available at the Mustard Tree and from the church administrator.

- (.11) If you are asking for written permission you must make it clear why you are using that person's image, what you will be using it for, and who might want to look at the pictures (i.e. where we might use them).

Specific Guidelines on Taking Photographs of Children.

- (.12) Apply the guidelines in point 2 and 3 above vigorously – only take exactly what you need.
- (.13) Whilst .7 above indicates permission is not needed for people in the background/foreground Children who appear as “non-subjects” in this way should be avoided if possible. Therefore when taking photographs where there are children around take great care to avoid identifiable “non-subjects” by:
- Composing the shot to avoid “non-subjects” appearing.
 - Controlling the depth of focus (wide aperture) so that anyone in the foreground/background is blurred
 - Cropping or editing the photo when using it to remove “non-subjects”

Specific Guidelines on for Visitors/Parents.

- (.14) The data protection regulations do not cover personal and domestic photography therefore visitors and parents at public events should be able to take photographs. However it may be appropriate at times to remind them (either individually or as a group to be respectful of others when taking photos and also to remind them that others may not wish their photos to be used on social media). Depending on the situation it may be appropriate to ask parents only to take photos of their own children.

APPENDIX C – Guidelines on Storing Photographs

- (.1) Photos should only be stored on personal/home computers/devices for a limited time (max 3 months). This should be sufficient time to allow them to be used for to produce leaflets/magazines/displays. After this they should be deleted from your personal computer/device and any that you want to keep for future use transferred to the church laptop.
- (.2) If you need historical photos at any point they can be copied from the church laptop, but again should be deleted from your computer/device after you have finished with them.
- (.3) Access to photographs folder on the church laptop is limited (and audited/recorded in the background). At the time of writing the following people have accounts with access to add and view photos (and may access them on behalf of others if needed).
 - Steve Seymour
 - Doug Campbell
 - John Mark Molyneux
 - Mel Balch
- (.4) Photos on the computer will be reviewed every 6 months to ensure only the best are maintained as a record of church activities.