



# Cullen and Deskford Parish Church

**Cullen and Deskford Parish Church  
Data Protection Policy  
*and*  
*Privacy Notice***

**Registered Scottish Charity No: SCO11231**

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## Data Protection Policy

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### **1 Overview**

- 1.1 The congregation takes the security and privacy of personal information seriously. As part of our activities we need to gather and use personal information about a variety of people including members, former members, adherents, employees, office-holders and generally people who are in contact with us. The Data Protection Act 2018 (the “2018 Act”) and the EU General Data Protection Regulation (“GDPR”) regulate the way in which personal information about living individuals is collected, processed, stored or transferred.
- 1.2 This policy explains the provisions that we will adhere to when any personal data belonging to or provided by data subjects, is collected, processed, stored or transferred on behalf of the congregation. We expect everyone processing personal data on behalf of the congregation (see paragraph 5 for a definition of “processing”) to comply with this policy in all respects.
- 1.3 The congregation has a separate Privacy Notice which outlines the way in which we use personal information provided to us. A copy can be obtained from Anne McLaren, Tel: 01542 841228.
- 1.4 All personal data must be held in accordance with the congregation’s Data Retention Policy, which must be read alongside this policy. A copy of the Data Retention Policy can be obtained from Anne McLaren, Tel: 01542 841228. Data should only be held for as long as necessary for the purposes for which it is collected.
- 1.5 This policy does not form part of any contract of employment (or contract for services if relevant) and can be amended by the congregation at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, the congregation intends to comply with the 2018 Act and the GDPR.
- 1.6 Any deliberate or negligent breach of this policy by an employee of the congregation may result in disciplinary action being taken in accordance with our disciplinary procedure. It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see Paragraph 12 below) and such conduct by an employee would amount to gross misconduct which could result in dismissal.

## 2 Data Protection Principles

2.1 Personal data will be processed in accordance with the six '**Data Protection Principles.**' It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to demonstrate compliance.

## 3 Definition of personal data

3.1 "**Personal data**" means information which relates to a living person (a "data subject") who can be identified from that data on its own, or when taken together with other information which is likely to come into the possession of the data controller. It includes any expression of opinion about the person and an indication of the intentions of the data controller or others, in respect of that person. It does not include anonymised data.

3.2 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

## 4 Definition of special categories of personal data

4.1 '**Special categories of personal data**' are types of personal data consisting of information revealing:

*racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic or biometric data; health; sex life and sexual orientation; and any criminal convictions and offences.*

- 4.2 A significant amount of personal data held by the congregation will be classed as special category personal data, either specifically or by implication, as it could be indicative of a person's religious beliefs.

## **5 Definition of processing**

- 5.1 **'Processing'** means any operation which is performed on personal data, such as collection, recording, organisation, structuring or storage; adaption or alteration; retrieval, consultation or use; disclosure by transmission, dissemination or otherwise making available; and restriction, destruction or erasure.

## **6 How personal data should be processed**

- 6.1 Everyone who processes data on behalf of the congregation has responsibility for ensuring that the data they collect and store is handled appropriately, in line with this policy, our Data Retention policy and our Privacy Notice.
- 6.2 Personal data should only be accessed by those who need it for the work they do for or on behalf of the congregation. Data should be used only for the specified lawful purpose for which it was obtained.
- 6.3 The legal bases for processing personal data (other than special category data, which is referred to in Paragraph 8 below) are that the processing is necessary for the purposes of the congregation's legitimate interests; or that (so far as relating to any staff whom we employ) it is necessary to exercise the rights and obligations of the congregation under employment law.
- 6.4 Personal data held in all ordered manual files and databases should be kept up to date. It should be shredded or disposed of securely when it is no longer needed. Unnecessary copies of personal data should not be made.

## **7. Privacy Notice**

- 7.1 If someone would not reasonably expect the way in which we use their personal data, we will issue information about this using a Privacy Notice which will be given to them at the point when the data is provided.
- 7.2 If our use of personal data is what someone would reasonably expect, we will provide information about this using a Privacy Notice which will be available on the

congregation's website and can be found on the noticeboard in The Hall Church and also the Auld Kirk.

## 8. When is consent needed for the processing of personal data?

8.1 A significant amount of personal data held by the congregation will be classed as special category personal data, as it could be indicative of someone's religious beliefs.

8.2 Processing of such special category data is prohibited under the GDPR unless one of the listed exemptions applies. Two of these exemptions are especially relevant (although others may also apply):

- the individual has given **explicit consent** to the processing of the personal data for one or more specified purposes; OR
- processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and 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 it in connection with its purposes and that the personal data is not disclosed outside that body without the consent of the data subjects.

8.3 Most of the processing carried out by the congregation will fall within the latter exemption, and will be carried out by the congregation with appropriate safeguards to keep information safe and secure. This information will not be disclosed outside the Church without consent. Such processing will not require the explicit consent of the data subject.

8.4 Where personal data is to be shared with a third party, the congregation will only do so with the explicit consent of the data subject. For example, personal data will only be included in a directory for circulation or included on a website where consent has been obtained.

8.5 If consent is required to process the information this should be recorded using the style consent form. If consent is given orally rather than in writing, this fact should be recorded in writing.

## 9. Keeping personal data secure

- 9.1 Personal data should not be shared with those who are not authorised to receive it. Care should be taken when dealing with any request for personal information over the telephone or otherwise. Identity checks should be carried out if giving out information to ensure that the person requesting the information is either the individual concerned or someone properly authorised to act on their behalf.
- 9.2 Hard copy personal information should be stored securely (in lockable storage, where appropriate) and not visible when not in use. Filing cabinets and drawers and/or office doors should be locked when not in use. Keys should not be left in the lock of the filing cabinets/lockable storage.
- 9.3 Passwords should be kept secure, should be strong, changed regularly and not written down or shared with others.
- 9.4 Emails containing personal information should not be sent to or received at a work email address (other than an @churchofscotland.org address) as this might be accessed by third parties.
- 9.5 The 'bcc' rather than the 'cc' or 'to' fields should be used when emailing a large number of people, unless everyone has agreed for their details to be shared amongst the group.
- 9.6 If personal devices have an @churchofscotland.org account linked to them these should not be accessed on a shared device for which someone else has the pin code.
- 9.7 Personal data should be encrypted or password-protected before being transferred electronically.
- 9.8 Personal data should never be transferred outside the European Economic Area except in compliance with the law.

## **10. Sharing personal data**

- 10.1 We will only share someone's personal data where we have a legal basis to do so, including for our legitimate interests within the Church of Scotland (either within the Presbytery or to enable central databases held within the Church Office at 121 George Street, Edinburgh to be maintained and kept up to date). This may require information relating to criminal proceedings or offences or allegations of offences to be processed for the protection of children or adults who may be at risk and to be shared with the Church's Safeguarding Service or with statutory agencies.

10.2 We will not send any personal data outside the European Economic Area. If this changes all individuals affected will be notified and the protections put in place to secure your personal data, in line with the requirements of the GDPR, will be explained.

## **11. How to deal with data security breaches**

11.1 Should a data security breach occur, the congregation will notify the Presbytery Clerk **immediately**. If the breach is likely to result in a risk to the rights and freedoms of individuals then the Information Commissioner's Office must be notified within 72 hours.

9.2 Breaches will be handled by the Presbytery Clerk in accordance with the Presbytery's data security breach management procedure.

## **12. Subject access requests**

12.1 Data subjects can make a subject access request to find out what information is held about them. This request must be made in writing. Any such request received by the congregation should be forwarded immediately to the Presbytery Clerk who will coordinate a response within the necessary time limit (30 days).

12.2 It is a criminal offence to conceal or destroy personal data which is part of a subject access request.

## **13. Data subject rights**

13.1 Data subjects have certain other rights under the GDPR. This includes the right to know what personal data the congregation processes, how it does so and what is the legal basis for doing so.

13.2 Data subjects also have the right to request that the congregation corrects any inaccuracies in their personal data, and erase their personal data where we are not entitled by law to process it or it is no longer necessary to process it for the purpose for which it was collected. Data should be erased when an individual revokes their consent (and consent is the basis for processing); when the purpose for which the data was collected is complete; or when compelled by law.

13.3 All requests to have personal data corrected or erased should be passed to *Anne McLaren* the congregation's data protection co-ordinator who will be responsible for responding to them in liaison with the Presbytery Clerk.



## **14. Contracts**

- 14.1 If any processing of personal data is to be outsourced from the congregation, we will ensure that the mandatory processing provisions imposed by the GDPR will be included in the agreement or contract.

## **15. Policy review**

The Kirk Session will be responsible for reviewing this policy from time to time and updating the congregation in relation to its data protection responsibilities and any risks in relation to the processing of data.

# Privacy Notice

## **Cullen and Deskford Parish Church** (the “Congregation”)

### **Purpose of this Notice**

This Privacy Notice outlines the way in which the Congregation will use personal information provided to us. Personal information includes any information that identifies you personally, such as your name, address, email address or telephone number.

The Congregation recognises the importance of your privacy and personal information and we have therefore outlined below how we use, disclose and protect this information. The Congregation, jointly with the Presbytery of Moray is the data controller, because we decide how your data are processed and for what purpose. Contact details for us are provided below.

### **How we use information**

We use the information you give to us:

- to administer membership records, including a Communion Roll and Supplementary Roll;
- for pastoral care purposes;
- in relation to participation in Congregational activities ;
- to provide you with information about news, events, and activities within the Congregation or the wider Church of Scotland;
- to provide the services of a parish church to the local community;
- to fulfill contractual or other legal obligations;
- to manage our employees;
- to further our charitable aims, for example through fundraising activities;
- to maintain our accounts and records (including the processing of Gift Aid applications);
- if CCTV is in place we have this for the prevention and detection of crime.

### **Disclosure of information**

The Congregation will only share your personal information where this is necessary for the purposes set out above. Information will not be shared with any third party outwith the Church of Scotland without your consent unless we are obliged or permitted to do so by law.

### **Basis for processing personal information**

The Congregation processes your information in the course of its legitimate activities, with appropriate safeguards in place, as a not-for-profit body with a religious aim and on the basis that our processing relates solely to members, former members or people who have regular contact with us, and that this information is not disclosed to any third party without your consent.

We also process information where this is necessary for compliance with our legal obligations; where processing is necessary for the purposes of our legitimate interests and such interests are not overridden by your interests or fundamental rights and freedoms; and where you have given consent to the processing of your information for a particular purpose.

### **Storage and security of personal information**

The Congregation will strive to ensure that personal information is accurate and held in a secure and confidential environment. We will keep your personal information for as long as you are a member or adherent or have regular contact with us or so long as we are obliged to keep it by law or may need it in order to respond to any questions or complaints or to show that we treated you fairly. We may also keep it for statistical purposes but if so we will only use it for that purpose. When the information is no longer needed it will be securely destroyed or permanently rendered anonymous. [Further information about our data retention policy is available at <https://www.cullen-deskford-church.org.uk/> **OR** A copy of our data retention policy is attached to this Notice].

### **Getting a copy of your personal information**

You can request details of the personal information which the Congregation holds about you by contacting us using the contact details given below.

### **Inaccuracies and Objections**

If you believe that any information the Congregation holds about you is incorrect or incomplete or if you do not wish your personal information to be held or used by us please let us know. Any information found to be incorrect will be corrected as quickly as possible. You have the right to object to our use of your personal information, or to ask us to remove or stop using your personal information if there is no need for us to keep it. There may be legal or other reasons why we need to keep or use your data, but please tell us if you think that we should not be using it.

If we are processing your data on the basis of your explicit consent, you can withdraw your consent at any time. Please contact us if you want to do so.

### **Contact us**

You can contact us by getting in touch with Anne McLaren at Deskford Schoolhouse, Deskford, Buckie, AB56 5UD or [mclaren600@btinternet.com](mailto:mclaren600@btinternet.com).

### **How to complain**

*You have the right to complain to the Information Commissioner's Office about anything relating to the processing of your personal information by the Congregation. You can contact the ICO via its website at [www.ico.org.uk](http://www.ico.org.uk) or at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5A*

## **WHAT TO KEEP**

### **Cullen and Deskford Parish Church – SCO11231 (the “Congregation”)**

#### **DATA RETENTION POLICY**

#### **Introduction**

Church of Scotland congregations gather personal information from individuals and external organisations as well as generating a wide range of personal data, all of which is recorded in documents and records, both in hard copy and electronic form.

Examples of the types of information accumulated and generated are set out in Appendix 1 of this policy and include but are not limited to minutes of Kirk Session meetings; membership rolls; baptismal information; employment records; newsletters and other communications such as letters and emails.

In certain circumstances it will be necessary to retain documents to meet legal requirements and for operational needs. Document retention is also required to evidence agreements or events and to preserve information.

It is however not practical or appropriate for congregations to retain all records. Additionally, data protection principles require information to be as up to date

and accurate as possible. It is therefore important that congregations have in place systems for the timely and secure disposal of documents that are no longer required.

This Data Retention Policy was adopted by the Congregation on 28<sup>th</sup> June 2018 and will be implemented on a day to day basis.

### **Roles and Responsibilities**

Congregational office bearers and those involved with safeguarding will adopt the retention and disposal guidance at Appendix 1 of this policy and strive to keep records up to date.

Advice will be obtained from the Law Department or Safeguarding Department of the Church Office at 121 George Street if there is uncertainty about retention periods.

### **Retention and Disposal Policy**

Decisions relating to the retention and disposal of data should be guided by:-

Appendix 1 – Document Retention Schedule – Guidance on the recommended and statutory minimum retention periods for specific types of documents and records.

Appendix 2 – Quick Guide to document retention.

**In circumstances where the retention period for a specific document or category of documents has expired, a review should be carried out prior to disposal and consideration should be given to the method of disposal.**

### **Disposal**

Documents containing confidential or personal information should be disposed of either by shredding or by using confidential waste bins or sacks. Such documentation is likely to include financial details, contact lists with names and addresses and pastoral information.

Documents other than those containing confidential or personal information may be disposed of by recycling or binning.

Electronic communications including email, Facebook pages, twitter accounts etc and all information stored digitally should also be reviewed and if no longer required, closed and/or deleted so as to be put beyond use. This should not be done simply by archiving, which is not the same as deletion. It will often be sufficient simply to delete the information, with no intention of ever using or accessing it again, despite the fact that it may still exist in the electronic ether. Information will be deemed to be put beyond use if the Congregation is not able, or will not attempt, to use it to inform any decision in respect of any individual or in a manner that affects the individual in any way and does not give any other organisation access to it.

Deletion can also be effected by using one of the following methods of disposal:-

- Using secure deletion software which can overwrite data;

- Using the function of “restore to factory settings” (where information is not stored in a removeable format);

- Sending the device to a specialist who will securely delete the data.

**Appendix 1**  
**Illustrative Data Retention Schedule**

This Schedule is provided as a guide to common types of documents but is not exhaustive.

**NOTE:** There may be an historic interest in the Congregation’s records. Kirk Session minutes are archived after 50 years. If you think that archiving other records is preferable to destruction, you should be in touch with the Department of the General Assembly, which will organise archiving where appropriate.

**Avoid retaining information if there is no reason for doing so. Consult with the Law Department if you are unsure.**

RECORD	RETENTION PERIOD
Minutes of meetings	6 years
Kirk Session meetings	50 years - permanent. After 50 years pass the minutes to the principal clerk’s office, who then liaise with the National Records of Scotland for archiving.
Pre-employment enquiries/applications/notes/letters/references	6 months after completion of recruitment (unless data to be retained for a future similar opportunity, in which case 1 year)
Safeguarding - Service confirmation of advice, emails, letters	100 years
Safeguarding - Confidentiality Agreements	100 years
Safeguarding - Covenants of Responsibility (managing those who pose a risk)	100 years

Safeguarding - Risk Assessments	100 years
Safeguarding - Complaints concerning people	100 years
Safeguarding - Audit for Congregations and Presbyteries	100 years
Congregational Roll	100 years
Certificates of Transference/Lines	100 years
Employee/appointments records including: contracts, time records etc	Duration of employment + 7 years
Volunteer records	Duration of placement + 7 years
Databases for mailing lists/distribution	Reviewed annually, delete out of date information
Miscellaneous contact information	Delete once there is no longer a requirement to hold such information
Arranged accommodation/placements (e.g. overseas visitors)	3 years following end of event/placement
Documents relating to litigation or potential litigation	Until matter is concluded plus 7 years
Hazardous material exposures	30 years
Injury and Illness Incident Reports (RIDDOR)	5 years
Pension plans and retirement records	Permanent
Salary schedules; ranges for each job description	2 years
Payroll Records	Minimum, 7 years. No maximum



Contracts	7 years following expiration
Construction documents	Permanent
Fixed Asset Records	Permanent
Application for charitable and/or tax-exempt status	Permanent
Sales and purchase records	5 years
Resolutions	Permanent
Audit and review workpapers	5 years from the end of the period in which the audit or review was concluded
OSCR filings	5 years from date of filing
Records of financial donations	7 years
Accounts Payable and Receivables ledgers and schedules	7 years
Annual audit reports and financial statements	Permanent
Annual plans and budgets	2 years
Bank statements, cancelled cheques, deposit slips	Minimum of 7 years
Business expense records	7 years
Cash/cheque receipts	7 years
Electronic fund transfer documents	7 years
Employee expense reports	7 years

General ledgers	Permanent
Journal entries	7 years
Invoices	7 years
Petty cash vouchers	7 years
Tax records	Minimum 7 years
Filings of fees paid to professionals	7 years
Environmental studies	Permanent
Insurance claims/ applications	Permanent
Insurance disbursements and denials	Permanent
Insurance contracts and policies (Directors and Officers, General Liability, Property, Workers' Compensation)	Permanent
Leases	7 years after expiration
Property/buildings documentation (including loan and mortgage contracts, title deeds)	Permanent
Warranties	Duration of warranty + 7 years
Records relating to potential, or actual, legal proceedings	Conclusion of any tribunal or litigation proceedings + 7 years

## Appendix 2

General Guidance for documents NOT included in the retention schedule.

On-going business use is subjective, but generally refers to documents still required for on-going projects or documents that still may need to be referred to for on-going activities.

