



DATA PROTECTION POLICY

Lymington Baptist Church ("LBC") is committed to protecting all personal information that it handles about people it supports and works with, and to respecting people's rights around how their information is handled. This policy explains our responsibilities and how LBC will meet them.

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Section A – What this policy is for

1. Policy statement

- 1.1 LBC is committed to protecting personal data and respecting the rights of its **data subjects**; the people whose **personal data** it collects and uses. LBC values the personal information entrusted to it and respects that trust, by complying with its obligations under all relevant laws, (namely the General Data Protection Regulation and associated legislation) and adopting good practice where reasonable and appropriate to do so.

LBC processes personal data to assist with:

- a) maintaining the list of LBC members [and regular attenders];
- b) providing pastoral support for members and others connected with LBC;
- c) providing services to LBC members and the community including outreach groups and ad-hoc activities supported by LBC;
- d) safeguarding children, young people and adults at risk in connection with the activities carried out at LBC;
- e) recruit, support and manage employees, trustees and volunteers;
- f) carrying out its obligations under applicable legislation and its charitable status (e.g. HMRC, Health and Safety);
- g) Forecasting future needs and pressures and undertaking statistical analysis.;
- h) maintaining its accounts and records;
- i) promoting its activities and services;
- j) maintaining the security of property and premises;
- k) responding effectively to enquirers and handling any complaints
- l) Outreach

- 1.2 This policy has been approved by LBC's Charity Trustees who are responsible for ensuring that LBC complies with all its legal obligations. It sets out the legal rules that apply to LBC whenever it collects, stores or uses personal data of data subjects.
- 1.3 The policy will be brought to the attention of all employees, Trustees and volunteers on an annual basis, or more frequently should changes be made to the policy.
- 1.4 Breaches of this policy will be reported upon at the LBC Annual General Meeting.
- 1.5 The policy will be reviewed on a regular basis, including after any changes in legislation occur.

2. Why this policy is important

- 2.1 LBC is committed to protecting personal data from being misused, getting into the wrong hands as a result of poor security or being shared carelessly, or being inaccurate, as LBC is aware that people can be upset or harmed if any of these things happen.
- 2.2 This policy sets out the measures LBC is committed to taking as an organisation and, what each of us when acting on behalf of LBC will do to ensure we comply with the relevant legislation.
- 2.3 In particular, LBC will make sure that all personal data of data subjects is:
- a) processed **lawfully, fairly and in a transparent manner**;
 - b) processed for **specified, explicit and legitimate purposes** and not in a manner that is incompatible with those purposes;
 - c) **adequate, relevant and limited to what is necessary** for the purposes for which it is being processed;
 - d) **accurate** and, where necessary, up to date;
 - e) **not kept longer than necessary** for the purposes for which it is being processed;
 - f) processed in a **secure** manner, by using appropriate technical and organisational means;
 - g) processed in keeping with the **rights of data subjects** regarding their personal data.

3. How this policy applies to you & what you need to know

- 3.1 **As an employee, trustee or volunteer** processing personal information on behalf of LBC, you are required to comply with this policy. If you think that you have accidentally breached the policy it is important that you contact the Trustees, who jointly act as Data Protection Officer at LBC so that we can take swift action to try and limit the impact of the breach.
- Anyone who breaches the Data Protection Policy may be subject to disciplinary action, and where that individual has breached the policy intentionally, recklessly, or for personal benefit they may also be liable to prosecution or to regulatory action and fines.
- 3.2 **As an employee, trustee or volunteer:** You are required to make sure that any procedures that involve personal data, that you are responsible for in your area, follow the rules set out in this Data Protection Policy.
- 3.3 **As a data subject of LBC:** Your personal information will be handled in line with this policy.
- 3.4 **As an appointed data processor/contractor:** Companies, Charities or other third parties who are appointed by LBC as a data processor are required to comply with this policy under the contract with us. Any breach of the policy will be taken seriously and could lead to LBC taking contract enforcement action against the company, Charity or third party or terminating the contract. Data processors have direct obligations under

the GDPR, primarily to only process data on instructions from the data controller (LBC) and to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk involved.

- 3.5 **Our Trustees, acting as Data Protection Officer**, are responsible for advising LBC and its employees, and volunteers about their legal obligations under data protection law, providing appropriate data protection training, monitoring compliance with data protection law, dealing with any data subject queries or complaints, data security breaches and with the development of this policy. Any questions about this policy or any concerns that the policy has not been followed should be referred to them at gdpr@lymingtonbaptist.org.
- 3.6 Before you collect or handle any personal data as part of your work (paid or otherwise) for LBC, it is important that you take the time to read this policy carefully and understand what is required of you, as well as the organisation's responsibilities when it processes data subject's personal data.
- 3.7 LBC's procedures will be in line with the requirements of this policy, but if you are unsure about whether anything you plan to do, or are currently doing, might breach this policy you must first speak to the Data Protection Officer.

4. Data Protection Training and guidance

- 4.1 LBC will provide general data protection training before an employee, trustee or volunteer commences a role and thereafter, as required, to raise awareness of their obligations and LBC's responsibilities, as well as to outline the law.
- 4.2 LBC may also issue procedures, guidance or instructions from time to time. Employees, trustees and volunteers must set aside time to look together at the implications of data protection for their work, including when considering new activities prior to commencement.

Section B – Our data protection responsibilities

5. What personal information do we process?

- 5.1 In the course of our work, LBC may collect and process information (personal data) about many different people (data subjects). This includes data received straight from the person it is about, for example, where they complete forms or contact us (e.g. telephone, email, website). LBC may also receive information about data subjects from other sources including, for example, previous employers, previous church, parent(s) / guardian(s), carers, HMRC, Charities or Affiliates.
- 5.2 LBC processes personal data in both electronic and paper form and all this data is protected under data protection law. The personal data processed can include information such as names and contact details, date of birth, family details, education or employment details (including references, appraisals etc.), LBC group(s) / activities an individual is involved in and visual images of people.

- 5.3 LBC also holds one or more types of information that are called “**special categories**” of data in the GDPR in addition to the personal data listed above. This personal data can only be processed under strict conditions.

‘Special categories’ of data (as referred to in the GDPR) includes information about a person’s:

- racial or ethnic origin;
- political opinions;
- religious or similar (e.g. philosophical) beliefs;
- trade union membership;
- health (including physical and mental health, and the provision of health care services);
- genetic and biometric data;
- sexual life and sexual orientation.

- 5.4 LBC will only hold information relating to criminal proceedings or offences or allegations of offences where legally required to do so or where LBC believes it is in the best interest of safeguarding to do so. Where holding such data relates to persons still under investigation for serious offences, LBC will hold the data until the allegations have been found to be untrue.
- 5.5 Other data may also be considered ‘sensitive’ such as bank details, financial details, donations, national insurance, UK tax payer / gift aid details, but will not be subject to the same legal protection as the types of data listed above.

6. Making sure processing is fair and lawful

- 6.1 Processing of personal data will only be fair and lawful when the purpose for the processing meets a legal basis, as listed below, and when the processing is transparent. This means LBC will provide people with an explanation of how and why it processes their personal data at the point LBC collect the personal data from them, as well as when LBC collect personal data about them from other sources.

How can LBC legally use personal data?

- 6.2 Processing of personal data is only lawful if at least one of these legal conditions, as listed in Article 6 of the GDPR, is met:
- a) the processing is **necessary for a contract** with the data subject;
 - b) the processing is **necessary for us to comply with a legal obligation**;
 - c) the processing is necessary to protect someone’s life (this is called “**vital interests**”);
 - d) the processing is necessary for us to perform a task in the **public interest**, and the task has a clear basis in law;
 - e) the processing is **necessary for legitimate interests** pursued by LBC or another organisation, unless these are overridden by the interests, rights and freedoms of the data subject.

- f) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their clear **consent**.

How can we legally use 'special categories' of data?

6.3 Processing of 'special categories' of personal data is only lawful when, in addition to the conditions above, one of the extra conditions, as listed in Article 9 of the GDPR, is met. These conditions include where:

- a) the processing is necessary for **carrying out our obligations under employment and social security and social protection law**;
- b) the processing is necessary for **safeguarding the vital interests** (in emergency, life or death situations) **of an individual** and the data subject is incapable of giving consent;
- c) the processing is carried out in the **course of our legitimate activities** and only relates to our members or persons we are in regular contact with in connection with our purposes;
- d) the processing is necessary for **pursuing legal claims**.
- e) If none of the other legal conditions apply, the processing will only be lawful if the data subject has given their **explicit consent**.

6.4 Before deciding which condition should be relied upon, LBC may refer to the original text of the GDPR as well as any relevant guidance, and seek legal advice as required.

What must LBC tell individuals before using their personal data?

6.5 If personal data is collected directly from the individual, LBC will inform them in writing about; our identity/contact details and those of the Data Protection Officer, the reasons for processing, and the legal bases, explaining our legitimate interests, and explaining, where relevant, the consequences of not providing personal data needed for a contract or statutory requirement; who LBC will share the data with; if LBC plan to send the data outside of the European Union; how long the data will be stored and the data subjects' rights. This information is commonly referred to as a 'Privacy Notice'.

6.6 This information will be given at the time when the personal data is collected.

6.7 If personal data is collected from another source rather than directly from the data subject, for example from the previous church they attended, LBC will provide the data subject with the information described in section 6.55 as well as: the categories of the personal data concerned; and the source of the personal data.

This information will be provided to the individual in writing and no later than within **1 month** after LBC receive the personal data, unless a legal exemption under the GDPR applies. If LBC use the data to communicate with the data subject, LBC will at the latest give them this information at the time of the first communication.

If LBC plan to pass the personal data onto someone else outside of LBC, it will give the data subject this information before passing on the personal data.

7. When LBC need consent to process data

- 7.1 Where none of the other legal conditions apply to the processing, and LBC are required to get consent from the data subject, LBC will clearly set out what LBC are asking consent for, including why LBC is collecting the personal data and how LBC plan to use it. Consent will be specific to each process LBC is requesting consent for and LBC will only ask for consent when the data subject has a real choice whether or not to provide LBC with their personal data.
- 7.2 Consent can however be withdrawn at any time and if withdrawn, the processing will stop. Data subjects will be informed of their right to withdraw consent and it will be as easy to withdraw consent as it is to give consent.

8. Processing for specified purposes

- 8.1 LBC will only process personal data for the specific purposes explained in its privacy notices (as described above in section 6.5.5) or for other purposes specifically permitted by law. LBC will explain those other purposes to data subjects in the way described in section 6, unless there are lawful reasons for not doing so.

9. Data will be adequate, relevant and not excessive

- 9.1 LBC will only collect and use personal data that is needed for the specific purposes described above (which will normally be explained to the data subjects in privacy notices). LBC will not collect more than is needed to achieve those purposes. LBC will not collect any personal data “just in case” it may want to process it later.

10. Accurate data

- 10.1 LBC will endeavour to ensure that personal data held is accurate and, where appropriate, kept up to date. The accuracy of personal data will be checked at the point of collection and at appropriate points later on.

11. Keeping data and destroying it

- 11.1 LBC will not keep personal data longer than is necessary for the purposes that it was collected for. LBC will comply with official guidance issued to our sector about retention periods for specific records. Schedule.
- 11.2 Information about how long LBC will keep records for can be found in our Data Retention Schedule.

12. Security of personal data

- 12.1 LBC will use reasonable, appropriate and proportionate measures to keep personal data secure at all points of the processing. Keeping data secure includes protecting it from unauthorised or unlawful processing, or from accidental loss, destruction or damage.
- 12.2 LBC will implement reasonable security measures which provide a level of security which is appropriate and proportionate to the risks involved in the processing.

Measures will include technical and organisational security measures. In assessing what measures are the most appropriate, reasonable and proportionate LBC will take into account the following, and anything else that is relevant:

- a) the quality of the security measure;
- b) the costs of implementation;
- c) the nature, scope, context and purpose of processing;
- d) the likelihood and severity of impact to the rights and freedoms of data subjects.
- e) the damage which could result from a data breach.

12.3 Measures may include:

- a) technical systems security;
- b) measures to restrict or minimise access to data;
- c) measures to ensure our systems and data remain available, or can be easily restored in the case of an incident;
- d) physical security of information and of our premises;
- e) organisational measures, including policies, procedures, training and audits;
- f) regular testing and evaluating of the effectiveness of security measures.

13. Keeping records of our data processing

- 13.1 To show how LBC complies with the law LBC will keep clear records of its processing activities and of the decisions LBC makes concerning personal data (setting out the reasons for those decisions).

Section C – Working with people we process data about (data subjects)

14. Data subjects' rights

- 14.1 LBC will process personal data in line with data subjects' rights, including their right to:
- a) request access to any of their personal data held by us (known as a Subject Access Request);
 - b) ask to have inaccurate personal data changed;
 - c) restrict processing, in certain circumstances;
 - d) object to processing, in certain circumstances, including preventing the use of their data for direct marketing;
 - e) data portability, which means to receive their data, or some of their data, in a format that can be easily used by another person (including the data subject themselves) or organisation;
 - f) not be subject to automated decisions, in certain circumstances; and
 - g) withdraw consent when we are relying on consent to process their data.

- 14.2 If a colleague receives any request from a data subject that relates or could relate to their data protection rights, this will be forwarded to our Data Protection Officer as soon as possible.
- 14.3 LBC will act on all valid requests as soon as possible, and at the latest within **one calendar month**, unless LBC has reason to, and can lawfully extend the timescale. This can be extended by up to two months in some circumstances.
- 14.4 All data subjects' rights are provided free of charge.
- 14.5 Any information provided to data subjects will be concise and transparent, using clear and plain language.

15. Direct marketing

- 15.1 LBC will comply with the rules set out in the GDPR, the Privacy and Electronic Communications Regulations (PECR) and any laws which may amend or replace the regulations around **direct marketing**. This includes, but is not limited to, when LBC make contact with data subjects by post, email, text message, social media messaging, telephone (both live and recorded calls) and fax.

Direct marketing means the communication (by any means) of any advertising or marketing material which is directed, or addressed, to individuals. "Marketing" does not need to be selling anything, or be advertising a commercial product. It includes contact made by organisations to individuals for the purposes of promoting the organisation's aims.

- 15.2 Any direct marketing material that LBC send will identify LBC as the sender and will describe how people can stop receiving similar communications in the future. If a data subject exercises their right to not receive direct marketing LBC will stop the direct marketing as soon as possible.
- 15.3 LBC will not sell data subjects personal data to third parties for marketing purposes

Section D – working with other organisations & transferring data

16. Sharing information with other organisations

- 16.1 LBC will only share personal data with other organisations or people when LBC has a legal basis to do so and if LBC has informed the data subject about the possibility of the data being shared (in a privacy notice), unless legal exemptions apply to informing data subjects about the sharing. Only authorised and properly instructed employees, Trustees and volunteers are allowed to share the personal data of data subjects.
- 16.2 LBC will keep records of information shared with a third party, which will include recording any exemptions which have been applied, and why they have been applied. LBC will follow the ICO's statutory **Data Sharing Code of Practice** (or any replacement code of practice) when sharing personal data with other data controllers. Legal advice will be sought as required.

17. Data Processors

- 17.1 LBC have no 3rd Party Data Processors and has no plans to appoint any in future.

18. Transferring personal data outside the European Union (EU)

- 18.1 LBC does not transfer any personal data outside the EU and has no plans to do so in future.

Section E – Managing change & risks

19. Data protection impact assessments

- 19.1 When LBC is planning to carry out any data processing which is likely to result in a high risk, LBC will carry out a Data Protection Impact Assessment (DPIA). These include situations when LBC processes data relating to vulnerable people. Any decision not to conduct a DPIA will be recorded.
- 19.2 LBC may also conduct a DPIA in other cases when LBC considers it appropriate to do so. If LBC is unable to mitigate the identified risks such that a high risk remains LBC will consult with the ICO.
- 19.3 **DPIAs will be conducted in accordance with the ICO's Code of Practice 'Conducting privacy impact assessments'.**

20. Dealing with data protection breaches

- 20.1 Where employees, Trustees, volunteers or contractors working for LBC, think that this policy has not been followed, or data might have been breached or lost, this will be reported as soon as possible to the Data Protection Officer/Trustee.
- 20.2 LBC will keep records of personal data protection breaches, even if LBC do not report them to the ICO.
- 20.3 LBC will report all material data protection breaches which are likely to result in a risk to any person, to the ICO. Reports will be made to the ICO within 72 hours from when someone in LBC becomes aware of the breach.
- 20.4 In situations where a personal data protection breach causes a high risk to any person, LBC will (as well as reporting a material breach to the ICO), inform data subjects whose information is affected, without undue delay.

This can include situations where, for example, bank account details are lost or an email containing sensitive information is sent to the wrong recipient. Informing data subjects can enable them to take steps to protect themselves and/or to exercise their rights.

Schedule 1 – Definitions and useful terms

The following terms are used throughout this policy and have their legal meaning as set out within the GDPR. The GDPR definitions are further explained below:

Data controller means any person, company, authority or other body who (or which) determines the means for processing personal data and the purposes for which it is processed. It does not matter if the decisions are made alone or jointly with others.

The data controller is responsible for the personal data which is processed and the way in which it is processed. LBC is the data controller of data which LBC processes.

Data processors include any individuals or organisations, which process personal data on LBC's behalf and on LBC's instructions e.g. an external organisation which provides secure waste disposal for us. This definition will include the data processors' own staff (note that staff of data processors may also be data subjects).

Data subjects include all living individuals who LBC hold or otherwise process personal data about. A data subject does not need to be a UK national or resident. All data subjects have legal rights in relation to their personal information. Data subjects that LBC is likely to hold personal data about include:

- a) the people LBC care for and support;
- b) LBC's employees (and former employees);
- c) consultants/individuals who are our contractors or employees working for them;
- d) volunteers;
- e) tenants;
- f) trustees;
- g) complainants;
- h) supporters;
- i) enquirers;
- j) friends and family;
- k) advisers and representatives of other organisations.

ICO means the Information Commissioners Office which is the UK's regulatory body responsible for ensuring that LBC comply with its legal data protection duties. The ICO produces guidance on how to implement data protection law and can take regulatory action where a breach occurs.

Personal data means any information relating to a natural person (living person) who is either identified or is identifiable. A natural person must be an individual and cannot be a company or a public body. Representatives of companies or public bodies would, however, be natural persons.

Protection of Personal data is limited to information about living individuals and does not cover deceased people.

Personal data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

Privacy notice means the information given to data subjects which explains how LBC process their data and for what purposes.

Processing is very widely defined and includes any activity that involves the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing can also include transferring personal data to third parties, listening to a recorded message (e.g. on voicemail) or viewing personal data on a screen or in a paper document which forms part of a structured filing system. Viewing of clear, moving or stills images of living individuals is also a processing activity.

Special categories of data (as identified in the GDPR) includes information about a person's:

- l) Racial or ethnic origin;
- m) Political opinions;
- n) Religious or similar (e.g. philosophical) beliefs;
- o) Trade union membership;
- p) Health (including physical and mental health, and the provision of health care services);
- q) Genetic data;
- r) Biometric data;
- s) Sexual life and sexual orientation.