

THE CHURCH OF SCOTLAND

THE PRESBYTERY OF DUNDEE

(SC003162)

DATA PROTECTION

POLICY DOCUMENT

COMPLIANT WITH

THE DATA PROTECTION ACT 2018 AND THE

EU GENERAL DATA PROTECTION REGULATION (GDPR)

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DATA PROTECTION POLICY

1 Overview

- 1.1 The presbytery 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 (full and corresponding), former members, employees, office-holders (both within the presbytery and congregations) 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 presbytery. We expect everyone processing personal data on behalf of the presbytery (see paragraph 5 for a definition of “processing”) to comply with this policy in all respects.
- 1.3 The presbytery has a separate Privacy Notice which outlines the way in which we use personal information provided to us. A copy can be obtained from the Presbytery Clerk and is also available on the presbytery website at www.dundeepresbytery.org.uk
- 1.4 All personal data must be held in accordance with the presbytery’s Data Retention Policy, which must be read alongside this policy. A copy of the Data Retention Policy can be obtained from the Presbytery Clerk. 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 presbytery 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 presbytery 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 presbytery 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 category personal data

- 4.1 **‘Special category personal data’** is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership; genetic or biometric data; data concerning health; or data concerning a person’s sex life and sexual orientation.
- 4.2 A significant amount of personal data held by the presbytery 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 presbytery 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 presbytery. 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 presbytery'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 presbytery under employment law; or that (in relation to the processing of personal data relating to criminal convictions and offences or related security measures in a safeguarding context) the processing meets a condition in Part 1, 2 or 3 of Schedule 1 of the Data Protection Act 2018.
- 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 is available on the presbytery's website.

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

- 8.1 A significant amount of personal data held by the presbytery 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. Three 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; OR
- processing is necessary for reasons of substantial public interest, and in particular for the purpose of (a) protecting an individual from neglect or physical, mental or emotional harm; or (b) protecting the physical, mental or emotional well-being of an individual, where that individual is either aged under 18 or is aged 18 or over and is “at risk” (has needs for care and support, experiencing or at risk of neglect or any type of harm, and unable to protect themselves).

8.3 Most of the processing carried out by the presbytery will fall within the latter two exemptions, and will be carried out by the presbytery 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 presbytery 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 Presbytery Clerk will be informed **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.
- 11.2 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 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 presbytery 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 presbytery 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 the presbytery'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 presbytery, we will ensure that the mandatory processing provisions imposed by the GDPR will be included in the agreement or contract.

15. Policy review

The Presbytery Clerk in consultation with the presbytery's data protection co-ordinator and the Business Committee will be responsible for reviewing this policy from time to time and updating the presbytery in relation to its data protection responsibilities and any risks in relation to the processing of data.

PRIVACY NOTICE (general use)

PRESBYTERY OF DUNDEE – Charity Number SC003162

Purpose of this Notice

This Privacy Notice outlines the way in which the Presbytery 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 Presbytery recognises the importance of your privacy and personal information and we have therefore outlined below how we collect, use, disclose and protect this information. The Presbytery is the data controller, because we decide how your data is 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;
- for pastoral care purposes;
- for the general oversight of Church of Scotland congregations within the Presbytery;
- in relation to participation in Presbytery activities including the training and supervision of ministers, candidates for the ministry and probationers;
- to provide you with information about news, events, and activities within the Presbytery or the wider Church of Scotland;
- 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 Presbytery 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 Presbytery 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 Presbytery 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 of a congregation within the Presbytery 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 via our website, at www.dundeepresbytery.org.uk

Getting a copy of your personal information

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

Inaccuracies and Objections

If you believe that any information the Presbytery 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 The Presbytery Clerk, Presbytery of Dundee, Presbytery Office, Whitfield Parish Church, Haddington Crescent, Dundee, DD4 0NA, telephone 01382 503012, e-mail dundee@churchofscotland.org.uk.

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 Presbytery. You can contact the ICO via its website at www.ico.org.uk or at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

PRIVACY NOTICE (for employees)

PRESBYTERY OF DUNDEE – Charity Number SC003162
(the “Employer”)

The Employer collects and processes personal data relating to its employees to manage the employment relationship. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

What information do we collect?

We collect and process a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- information about your remuneration, including entitlement to benefits such as pensions, childcare vouchers or insurance cover;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

We collect this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of, or during employment; from correspondence with you; or through interviews, meetings or other assessments.

We also collect personal data about you from third parties, such as references supplied by former employers and, where applicable, information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file and on our IT systems (including the email system).

Basis for processing personal data

We need to process data to enter into an employment contract with you and to meet our obligations under your employment contract. For example, we need to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer pension and benefit entitlements.

In some cases, we need to process data to ensure that we are complying with our legal obligations. For example, we are required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, we have a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us to:

- run recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that we comply with duties in relation to individuals with disabilities, meet our obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that we comply with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where we rely on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of employees or workers and have concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow us to operate check-off for union subscriptions.

We process other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief. This is done for the purposes of equal opportunities

monitoring. Data that we use for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

Who has access to data?

Your information will be shared internally, including with Presbytery Clerk, the Depute Presbytery Clerk and the Convener of the Business Committee of the Presbytery.

We share your data with third parties in order to obtain pre-employment references from other employers and obtain necessary criminal records checks from Disclosure Scotland.

We also share your data with third parties that process data on our behalf in connection with payroll and the provision of occupational health services].

How do we protect data?

We take the security of your data seriously. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by those in the performance of their duties.

Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long do we keep data?

We will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in the Data Retention Policy.

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require us to change incorrect or incomplete data;
- require us to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where we are relying on our legitimate interests as the legal ground for processing; and
- ask us to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override our legitimate grounds for processing data.

Contact us

If you would like to exercise any of these rights, please contact You can contact us by getting in touch with The Presbytery Clerk, Presbytery of Dundee, Presbytery Office, Whitfield Parish Church, Haddington Crescent, Dundee, DD4 0NA, telephone 01382 503012, e-mail dundee@churchofscotland.org.uk.

How to complain

If you believe that we have not complied with your data protection rights, you can complain to the Information Commissioner. You can contact the ICO on its website at www.ico.org.uk or at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

What if you do not provide personal data?

You have some obligations under your employment contract to provide us with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide us with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable us to enter a contract of employment with you. If you do not provide other information, this will hinder our ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

DATA RETENTION POLICY

PRESBYTERY OF DUNDEE – Charity Number SC003162

1. Introduction

- 1.1. Church of Scotland Presbyteries 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.
- 1.2. 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 Presbytery meetings; membership rolls; employment records; newsletters and other communications such as letters and emails.
- 1.3. 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.
- 1.4. It is however not practical or appropriate for Presbytery 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 Presbytery has in place systems for the timely and secure disposal of documents that are no longer required.
- 1.5. This Data Retention Policy was adopted by the Presbytery on [*insert date*] and will be implemented on a day to day basis.

2. Roles and Responsibilities

- 2.1. Presbytery office bearers will adopt the retention and disposal guidance at Appendix 1 of this policy and strive to keep records up to date.
- 2.2. Advice will be obtained from the Law Department of the Church Office at 121 George Street if there is uncertainty about retention periods.

3. Retention and Disposal Policy

- 3.1. Decisions relating to the retention and disposal of data should be guided by:-
 - 3.1.1. Appendix 1 – Document Retention Schedule – Guidance on the recommended and statutory minimum retention periods for specific types of documents and records.
 - 3.1.2. Appendix 2 – Quick Guide to document retention.

3.2. 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.

4. Disposal

4.1. 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.

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

4.3. 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 Presbytery 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.

4.4. 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
Data Retention Schedule

This Schedule is provided as a guide to common types of documents but is not exhaustive. A policy was adopted by Presbytery in December 2017 in relation to the disposal or retention of material held within the Presbytery Office and since then the items identified for disposal have been disposed of. This list relates to the ongoing work of the Presbytery.

RECORD	RETENTION PERIOD
Minutes of Presbytery meetings	Permanent.
Minutes of Presbytery Committee meetings	Permanent.
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 (it is unlikely that Presbytery will be directly involved in any Safeguarding matters involving individuals as these should be dealt with by the congregation(s) involved. This section refers only to matters where Presbytery has been involved)	100 years
Roll of Presbytery (relates to those admitted to membership of Presbytery, ie Ordained ministers, and not to elders)	Permanent
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 at the discretion of the Presbytery Clerk
Documents relating to litigation or potential litigation	Until matter is concluded plus 7 years
Hazardous material exposures (it is unlikely that Presbytery will be directly involved in any such matters involving individuals as these should be dealt with by the congregation(s) involved. This section refers only to matters where Presbytery has been involved)	30 years
Injury and Illness Incident Reports (RIDDOR)	5 years
Arranged accommodation/placements (e.g. overseas visitors)	3 years following end of event/placement
Payroll Records	Minimum, 7 years. No maximum
Contracts	7 years following expiration

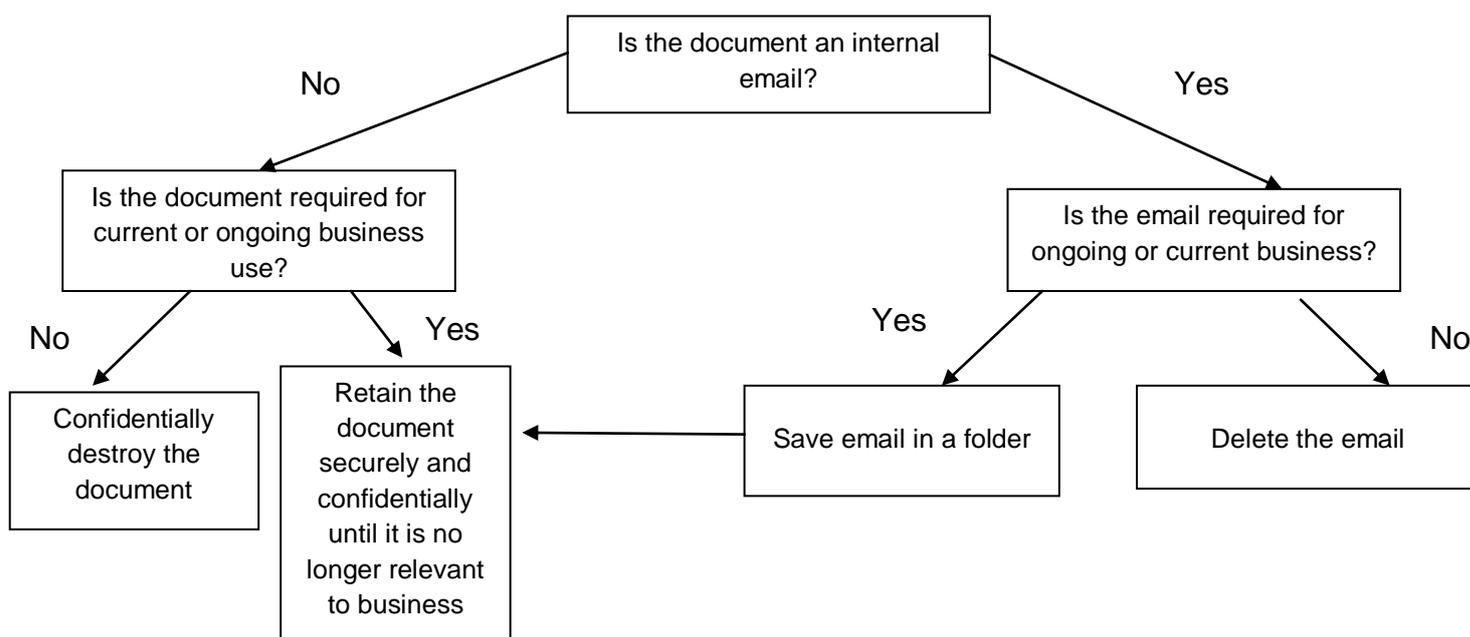
Fixed Asset Records	Permanent
Application for charitable and/or tax-exempt status	Permanent
Audit and review workpapers	5 years from the end of the period in which the audit or review was concluded
OSCR filings	5 years from date of filing
Records of financial donations	7 years
Accounts Payable and Receivables 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
Ministries & Mission Contribution letters from 121	6 years plus the current year
Extract Minutes	12 months electronic storage only
Vacancy Schedules	12 months after Vacancy is filled / comes to an end
Permission to Call	12 months after Vacancy is filled / comes to an end
Ballot Papers for a new Minister	12 months after Vacancy is filled /

	comes to an end
Electoral Registers	12 months after Vacancy is filled / comes to an end
Study Leave Forms	12 months after Study Leave completed
Quinquennial Reports / Local Church Review Reports	Most recent plus immediately previous report, and only held electronically. ('Report' includes Action Plan and SG11)
Basis of Linkage or Union or Guardianship	These are to be retained whilst the Linkage etc remains in being.
Statistical Returns - on PIMS since 2005	Once updated on PIMS, retain the most recent form only.
Property Surveys (of church buildings and manses)	Most recent and immediately previous to be retained on a rolling basis.
Issues/difficulties in congregations	Permanently.
Committee Reports (to Presbytery)	Permanently.
Citations to congregations	12 months after Vacancy filled. 12 months after date of Linkage, Union etc 12 months after Presbytery Plan approved by PPTG.
Miscellaneous Correspondence	Retain for 5 years from completion of correspondence / exchange, or longer at discretion of the Presbytery Clerk.

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 may still need to be referred to for on-going activities.



DATA AUDIT

Description	Why is the data held and what is it used for	Who holds the data and who can access it?	What security controls are in place?	How long is data kept for?	Is the data updated?	Is the data disclosed to anyone?	Is this covered by our privacy notice?	ACTION REQUIRED
Nominal Roll of all members of Presbytery	For contact purposes	Presbytery Office. Access restricted to Presbytery Clerk, Depute Presbytery Clerk and Clerk's Secretary	Password protected on hard drive and back-up	Permanently with amendments made as and when required	Yes, as and when required, with main check annually during preparation of 'Presbytery Year Book'	Yes. Limited details (name, telephone number and e-mail address) are printed in 'Presbytery Year Book' which is issued to every member of Presbytery	Yes	None
Consent Forms	Record of members of Presbytery giving permission to process their details	Presbytery Office. Access restricted to Presbytery Clerk, Depute Presbytery Clerk and Clerk's Secretary	Held on paper. Stored in lockfast filing cabinet within office which is locked when not occupied	Retained whilst data subject is a member of Presbytery and then for 3 years after leaving	No, other than 'weeding' of forms as and when required.	Yes. Data is transferred to digital database from where it is transferred to 'Presbytery Year Book', which is then issued as above	Yes	None

FASTI forms (<i>Fasti Ecclesiae Scoticae</i> – historic records of minister in the Church of Scotland)	Means of gathering personal details (name, date of birth, details of professional qualifications, previous occupations etc) on Ministers serving in Presbytery	Presbytery Office. Access restricted to Presbytery Clerk, Depute Presbytery Clerk and Clerk's Secretary	Held on paper. Stored in lockfast filing cabinet within office which is locked when not occupied	Retained whilst data subject is a member of Presbytery and then for 3 years after leaving	No.	Yes. May be passed to the editor of the <i>Fasti Ecclesiae Scoticae</i> .	Yes	None
Employees' recruitment papers – successful applicant(s)	Application paperwork for employees.	Presbytery Office. Access restricted to Presbytery Clerk and Depute Presbytery Clerk	Held on paper. Stored in lockfast filing cabinet within office which is locked when not occupied	Retained whilst data subject is employed, then for 3 years after leaving	No.	No.	Yes	None
Employees' recruitment papers – unsuccessful applicant(s)	Application paperwork for employees.	Presbytery Office. Access restricted to Presbytery Clerk and Depute Presbytery Clerk	Held on paper. Stored in lockfast filing cabinet within office which is locked when not occupied	Retained for 6 months after successful applicant recruited.	No.	No.	Yes	None
Employees' personal bank details	For payroll purposes	Presbytery Office. Access restricted to Presbytery Clerk, Depute Presbytery Clerk and Clerk's Secretary	Held on paper. Stored in lockfast filing cabinet within office which is locked when not occupied	Retained whilst data subject is a member of Presbytery and then for 6 months after leaving	No. Responsibility for advising of change in details rests with data subject	Yes. Church of Scotland Stewardship and Finance Department for payroll purposes	Yes	None

Contact names and e-mail addresses held on the Presbytery office computers	For easy and accurate insertion of e-mail addresses on outgoing e-mails	Presbytery Office. Access restricted to Presbytery Clerk, Depute Presbytery Clerk and Clerk's Secretary	Both PC's password protected. Office locked outwith office hours.	Permanently with amendments made as and when required	Yes, as and when required, such as deletion when person leaves Presbytery or when they notify a change in their e-mail.	No. BCC is used in e-mails sent from the office PC's	Yes	None
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THE PRESBYTERY OF DUNDEE (SC003162) (“Presbytery”)

LEGITIMATE INTERESTS ASSESSMENT

[November 2018]

The General Data Protection Regulation (GDPR) requires organisations to identify the basis on which they process personal data. Data controllers (who decide the purposes and means of the processing of personal data) may process and share information on a number of different bases. One of these is consent; another is that they have a **legitimate interest** in doing so¹. When information is gathered and used within and/or for the purposes of the Presbytery, it is likely to be most often processed on the basis of a legitimate interest, and not on the basis of consent. This basis of processing is likely to be appropriate where data is used in ways which people would reasonably expect, based on their relationship with the data controller, and which have a minimal privacy impact; or where there is a compelling justification for the processing. There are three elements to the legitimate interests basis of processing. It is necessary to:

- identify a legitimate interest;
- show that the processing is necessary to achieve it; and
- balance it against the individual’s interests, rights and freedoms.

The GDPR requires that data controllers demonstrate that they have fully considered the necessity of the processing and balanced this against the rights of the individuals concerned and decided that these rights did not override the interests of the controller. This Legitimate Interests Assessment form has been produced to help Presbyteries with this process. It provides a number of sample questions and answers which are relevant to satisfying all three elements of the test. These are, however, only examples and not all of them may be relevant to your particular situation. You should think carefully about all of the personal information which you process and ensure that all of it is reflected within your form.

On completion of the form, if it is found that the processing of any information is not in fact based on a legitimate interest (or one of the GDPR exemptions for processing) you should seek advice from the Law Department by emailing: LAWDEPT@churchofscotland.org.uk and referencing “legitimate interest assessment” as the subject.

Presbyteries must also ensure that they have Privacy Notices available to those whose information is being processed. Guidance on Privacy Notices can be found on the Church of Scotland website under “Resources” and “Law Department Circulars”.

¹ GDPR recitals 40 through 55 and Articles 6 (1)(f) and 9(2)(d)

LEGITIMATE INTERESTS ASSESSMENT FORM

A) IDENTIFYING A LEGITIMATE INTEREST		
	Question	Answer
1	What is the processing operation?	The collation and use of personal information including names, contact details and bank details of members of the Presbytery, those in contact with it and congregational office-bearers within the bounds. Information pertaining to former members of the Presbytery is also retained for a time in order to restore contact should that be desired. Such information is obtained directly from individuals or from sources within the Church of Scotland and may also be supplied by third parties, for example in connection with safeguarding.
2	What is the purpose of the processing operation?	Information is processed for the legitimate interests of the Presbytery, including but not limited to pastoral activities; charitable purposes; the provision of care or services; employment matters; safeguarding; legal requirements; for the performance of a contract; or to meet legal obligations. All of these purposes are in line with the reasonable expectations of the individual when engaging with the Presbytery.
3	Is the processing necessary to meet one or more specific organisational objectives?	Yes. The processing is necessary for the proper administration and facilitation of Presbytery activities; for the purposes of communication and updates; the provision of pastoral care; and the advancement of religion.
4	Is the processing necessary to meet one or more specific objectives of any Third Party?	No. Where necessary, such as for the distribution of communications, third parties may also have a legitimate interest in processing the data but that will not be the primary specific objective of any third party.
5	What Third Parties are provided with personal data and why?	Where necessary, such as for the distribution of communications or arranging events, third parties may also have a legitimate interest in processing the data but that will not be the primary specific objective of any third party.
6	Does the GDPR, ePrivacy Regulation or other national legislation specifically identify the processing activity as being a legitimate activity, subject to the completion of a balancing test and positive outcome?	Yes. The legislation applicable to processing carried out in the legitimate interests of the Church of Scotland includes: GDPR Recitals 45; 47; 48; 49; 50; 52; 53; and 55; and GDPR Articles 6 and 9.

B) The Necessity Test

	Question	Answer
1	Why is the processing activity important?	Processing such data allows the Presbytery to ensure that those in contact with it may safely engage with the life of the Church, receive updates and have access to services and information relevant to their requirements.
2	Why is the processing activity important to other parties the data may be disclosed to, if applicable?	The data may be disclosed by the Presbytery to other parties within the Church of Scotland for the benefit of its members and those in contact with the Church; as a means to fulfill its legitimate aims and, where necessary, with third parties, for example: for the distribution of communications; for the provision of care and services; for the performance of contracts; for property related matters and for compliance with legal obligations.
3	Is there another way of achieving the objective?	No. The overarching objective of the Church of Scotland is the advancement of religion and to share in the fellowship of Christ. Holding information and using it for communication across the Church, and where necessary communication with third parties, for the provision of services, information and resources to members and to those in contact with the Church, for a wide variety of purposes, is critical in meeting that objective and allowing the Church to function as a religious organisation. It is impractical for the Presbytery to obtain explicit opt-in consent from every person to the processing of their personal data.

C) THE BALANCING TEST

	Question	Answer
1	Would the individual expect the processing activity to take place?	Yes. Those in contact with Presbytery have a reasonable expectation that their personal information will be processed by the Church in order to facilitate their membership of, or contact with, the Church of Scotland.
2	Does the processing add value to a product or service that the individual uses?	N/A
3	Is the processing likely to negatively impact the individual's rights?	No
4	Is the processing likely to result in unwarranted harm or distress to the Individual?	No
5	Would there be a prejudice to the Data Controller if processing does not happen?	Yes. Presbytery - and the Church as a whole - would not be able to function effectively as a religious organisation without processing individuals' data.
6	Would there be a prejudice to the Third Party if processing does not happen?	Yes, in some circumstances. The Presbytery only shares information with third parties where necessary for the distribution of communications; as required to meet legal obligations; for the

		provision of care and services; and for the legitimate operation of the church as a religious organisation in line with the reasonable expectations of the data subject. There would be prejudice, for example, to vulnerable people if the Presbytery was not able to share information with the statutory authorities and the Church's Safeguarding Service where concerns arise.
7	Is the processing in the interests of the individual whose personal data it relates to?	Yes. The Presbytery is a voluntary association and all those joining or associating with it are doing so on a voluntary basis. The processing enables such individuals to be kept informed about Presbytery activities and allows targeted care and support to be provided to those who may need it because of infirmity or illness.
8	Are the legitimate interests of the individual aligned with the party looking to rely on their legitimate interests for the processing?	Yes. Those in contact with the Presbytery have made a choice to have that contact. Both the data subjects and the data processor are part of the same voluntary association and have the same charitable purpose in view, namely the advancement of religion. This principle also applies to former members of the Church of Scotland who may, for a time, remain on supplementary rolls in accordance with Church law. Accordingly the legitimate interests of the individual are aligned with the legitimate interests of the Church of Scotland.
9	What is the connection between the data subject(s) and the organisation?	In this context, data subjects include: Current and former members of the Presbytery Individuals attending worship, including children Individuals involved in using church premises, including children Employees, office-holders, volunteers and contractors Suppliers Adherents and those in contact with the Church with the common purpose of the advancement of religion Those in contact with the Church in connection with property related matters
10	What is the nature of the data to be processed? Does data of this nature have any special protection under GDPR?	The Presbytery processes information including names, contact details, bank details and images. Much if not all of this data is special category personal data because it by implication discloses a person's religious beliefs. It will also include data concerning health; safeguarding issues; and children's data.
11	Is there a two-way relationship in place between the organisation and the data subject(s)? If so how close is that relationship?	Yes. The organisation exists only through its members and adherents and all personal data processed for the legitimate activities of the Presbytery will foster that two-way relationship.
12	Would the processing limit or undermine the rights of individuals?	No.
13	Has the personal information been obtained	A mix of both. Personal information is generally obtained by the Presbytery direct from data subjects

	directly from the data subject(s), or obtained indirectly?	unless the data subject lacks capacity to provide that information themselves. Information is also provided to the Presbytery indirectly for example by statutory agencies for safeguarding purposes or by other churches, or by the broader Church of Scotland, in pursuit of the legitimate interests of the Church of Scotland as a religious organisation. Presbytery has a policy of asking members joining Presbytery to give their written consent to process their data.
14	Is there any imbalance in who holds the power between the organisation and the individual?	No. Data subjects are for the most part in contact with the Presbytery on a voluntary basis and in pursuit of a common goal namely the advancement of religion. The Presbytery has a privacy notice explaining what information is held, what is done with it and the legal basis on which it is used and that individuals may object to their data being processed.
15	Is it likely that individuals may expect their information to be used for the purposes outlined in your privacy notice and in this legitimate interest assessment?	Yes. Individuals in contact with the Presbytery would reasonably expect that it is necessary for the Presbytery and the Church of Scotland to hold information and use it for communication across the Church, and where necessary communicate with third parties for: the provision of services; administration information; and resources for members and to those in contact with the Church, for a wide variety of purposes. Those in contact with the Presbytery have a reasonable expectation that this processing is necessary to meet the legitimate objectives of the Church, allowing the Church to function as a religious organisation and providing services to the broader community, in particular the parish which the Presbytery serves.
16	Could the processing be considered intrusive or inappropriate?	No, because it is in line with the reasonable expectations of the data subjects.
17	If the processing might be intrusive are there any steps that can be taken to address that, such as seeking permission from the data subject(s)?	N/A
18	Is a privacy notice made available to the individual, if so, how? Are they sufficiently clear and up front regarding the purposes of the processing?	Yes. Privacy notices are provided to individuals when they become a member of the Presbytery and are available from the Presbytery's website and from the Presbytery Clerk. Individuals who were in contact with the Presbytery prior to May 2018 are deemed to be aware of the Presbytery's approach to data protection in line with Article 13 (4) of the GDPR, and it is not necessary to send them a privacy notice now. However, these individuals will be supplied with a copy via a normal internal mailing.
19	Can the individual, whose data is being processed, control the processing activity or object to it easily?	Yes. The Presbytery's privacy notice provides instructions to data subjects on how to object to their information being processed. In the event of an objection all processing will cease unless permitted under the GDPR.

20	Can the scope of the processing be modified to reduce/mitigate any underlying privacy risks or harms?	The Presbytery processes a minimal amount of information, only in line with the purposes for which it was provided and with a view to safeguarding privacy by using steps such as password protection, encryption and secure storage.
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D) SAFEGUARDING AND COMPENSATING CONTROLS

The Presbytery endeavours to ensure that personal data is kept as secure as reasonably possible by using measures such as: the use of encryption and password protection on devices (including external storage devices); data minimisation and compliance with good practice in data retention; restricted access (where applicable); the use of privacy notices; and seeking consent for use of information relating to children and/or particularly sensitive information. It has appointed someone with responsibility for data protection and is familiar with the Guidance issued by the Church's Law Department and has effective data protection and data retention policies in place.

E) REACHING A DECISION AND DOCUMENTING THE OUTCOME

Taking the above answers into consideration and in line with the GDPR requirements for relying on legitimate interests for the processing of data, the Presbytery considers that the processing of personal information of those in contact with it is required in order to achieve the legitimate objectives of the Presbytery and the Church of Scotland, in line with the reasonable expectations of data subjects and in fulfillment of the data subjects' interests. The nature of the data being processed and the purposes for which it is processed are at the lower end of the scale of risk. Any limited risk can be mitigated by appropriate safeguards and controls.

Signed by: James L Wilson

Role: Presbytery Clerk

On behalf of Presbytery

(Specify the role of the person completing this assessment)

Date: 14th November 2018

Review date: By 31st December 2019 and then annually

It is recommended that your Legitimate Interests Assessment is reviewed on an annual basis or earlier in the event of any change in processing. If there are any changes, a new assessment should be completed. If there are no changes that should be recorded and stored on

