



Frequently Asked Questions

May 2018

Please find below a long list of questions that have been raised during the training sessions. We have endeavoured to answer them as thoroughly as possible and we hope you find them helpful. We have grouped them together under general headings which are in alphabetical order.

Breaches

- 1. Provide examples of relevant breaches so that people can learn from these and avoid replicating them?**
 - Loss, theft or accidental destruction of a device containing personal data
 - Loss, theft or accidental destruction of paper records containing personal data
 - Publication or sharing of personal data without consent when consent is required
 - Publication or sharing of personal data when consent has been withdrawn
 - Granting access to personal data which should not have been given (i.e. allowing people to see things they shouldn't)
 - Sending an email, text or letter containing personal data to someone who should not have received it
 - Sharing passwords and other accounts where personal data can be seen
 - Publishing an image such as a photograph without consent
 - Inadvertently allowing access to a hardcopy or electronic document

Consent

We will be able to rely on legitimate interest in the vast majority of our processing of personal data. Consent will only be required in a small number of specific circumstances including:

- Sharing of special category data – e.g. health
- For electronic fundraising
- For the publication of images

- 1. Clarify whether new consent will need to be sought to continue using personal contact details when circulating the Parish newsletter?**

Consent is not needed.

- 2. Clarify the new consent conditions when someone makes a donation or creates a Fundraising page via JustGiving or some other money giving website?**

Consent is not required to advise people that others are seeking fundraising via these methods. An individual can choose to visit them or not. Parishes should not email or



message individuals electronically (e.g. Whats App message) to direct parishioners to the parish's Just Giving page.

3. Clarify the new consent conditions when sharing information on Facebook, Twitter and similar platforms?

Consent is not needed if it is a general communication such as publishing information on a parish Facebook page. Consent is only required when contacting people individually via say email.

4. Clarify what the time limit is on individual consent - i.e. once given how long does it last?

If it is given in relation to a specific activity – e.g. photographs of children at First Holy Communion – it lasts purely for the duration of the activity. In more general terms the law says that consent must remain current so you would need to update it on a regular basis.

5. Confirm whether consent is needed in respect of praying for sick?

Yes it is if it is made public – eg prayer lists, newsletter, at Mass, through Mass intentions, etc. Consent should really be in writing, but verbal consent would be acceptable if circumstances dictated that was all that could be reasonably obtained.

6. Can someone else give consent for prayers for a sick person?

Yes if they have the authority to act on behalf of the person – e.g. a close family member.

7. What about people already on the sick list – is consent needed for them?

No

8. Is consent needed if the parish contacts a hospital chaplain to visit someone in hospital?

Yes ideally, but no consent would be acceptable if circumstances dictated that it was not reasonably possible to obtain it. Vital interests would be the legal basis for sharing data with a hospital chaplain in the case of someone dying.

9. Prayer Intention Book – is it OK to put name and reason without consent or just name?

No putting someone's name in the prayer intention book implies that something is wrong.

10. Can prayers be said for individuals under wellbeing instead of sick without consent?

No there is still the suggestion of things being wrong.

11. Is it Ok to read out names in bidding prayers without consent without saying why?

No – it's the same issue as question 9.

12. Can private intentions be used where no consent is given?

Yes



13. Define what is direct marketing in our case – electronic versus other methods?

In our case this will largely relate to fund raising. You will not be able to email people individually about fund raising without consent. You do not need consent to write to people or speak to people about fund raising.

14. Is consent needed on certain forms – e.g. for photos of first holy communion?

YES – specific wording is available on the website.

Data Privacy, Collection & Storage

1. Clarify what details you can ask people to record in the “visitor’s book” on their arrival in a Parish or at an agency?

Name, who they are representing if applicable, who they are visiting, car registration if applicable, time in, time out and comments/feedback.

2. Clarify what type of information it is permissible for people to retain in their own homes, on mobile devices etc and whether this varies according to what position they hold?

People should not be permanently storing personal data in their homes or on the hard drives of their personal technology. Personal data can be retained for short periods of processing before forwarding the files to either the parish office or central diocesan agency. If any hardcopy data is held at home it should be under lock and key. As soon as the IT changes are implemented no personal data should be held on their devices as these devices will be able to be used as portals instead.

3. Provide practical guidance in respect of creating parish rotas for readers, altar linen cleaners, gift aid box collectors etc?

Sharing contact details between the people on the rota does not need consent. However, these contact details should not be published more widely than the group without consent. For example, you can publish a list of readers’ names on the notice board without consent but you would need to also publish their phone numbers as well. Any collecting or gift aid boxes containing names and addresses must NOT be left unattended in the church or porch.

4. What guidance is needed for special ministers (or other parishioners) who are provided with parishioners’ information in order to visit them at home?

Data should be under lock and key and retained as securely as possible whilst visiting.

5. State what type of information requires extra security measures, e.g. must be kept under lock and key in the main office?

Registers, special category and safeguarding data (see below)



6. Clarify whether a parishioners' database contains Special Category data?

It might contain data such as state of health which is special category personal data. Any hard copy files with this information should be in the safe.

7. Please provide a version of the retention schedule for Parish use?

Two are available on the website – one for parish records and one for finance and other business related data.

8. Can you keep parish financial data at home if there is no personal data in it?

Yes as long as there is no personal data on it.

9. What should a disposal register look like?

Please see the website.

We have arranged through Restore DataShred to securely dispose of your hard copy records. You will need to contact Martin Vodden on 07523 514798 or e-mail him at martin.vodden@restore.co.uk and quote our account number: 4955234 and he will arrange this.

Gift Aid

1. Clarify whether consent to donate through Gift Aid will have to be sought afresh, given that all details relating to this would have been freely provided in the past. Check when Gift Aid contacts will have to be removed if a response is not immediately provided?

Consent will not be needed for gift aid.

2. HMRC require gift aid data to be held for 6 years – can parishes rely on the Gift Aid Secretary to do this?

Yes for those who use Gift Wise. Those who do not use Gift Wise should will need to retain their own records.

3. Is it Ok to access gift wise from home?

Yes it is

4. If you can access gift wise at home do you have to print off reports for storage in the parish office?

No

5. Gift aid forms are scanned and sent to the Gift Aid Secretary. Should these then be deleted?

Yes using the secure disposal.



6. Can copies of standing order forms be kept once the originals have gone to the bank and been processed?

No and please dispose of them securely as soon as the bank has processed them.

Groups/Organisations

1. What is our relationship with groups like SVP, Legion of Mary, etc and other non-parochial groups?

When someone chooses to join one of these groups they provide their personal data to the group. The group is the Data Controller for that data. However, the Diocese may well share personal data with the group – e.g. may ask them to visit a sick parishioner. In that case the group becomes a data processor for the Diocese and will have to be able to prove to the Diocese that they are GDPR compliant. The Diocese will ensure that an appropriate Data Processing Agreement is in place to cover GDPR compliance.

2. What about social or youth clubs?

If the parish has created the club, then the Diocese will be the Data Controller for that personal data and will be responsible for processing the data legally.

3. 2nd collection processing eg for Cafod – are we processing Cafod's data?

Yes we are and so we will have to prove to Cafod that we are GDPR compliant. The Diocese will ensure that an appropriate Data Processing Agreement is in place to cover GDPR compliance.

Images and Recording

1. Clarify the rules relating to taking photographs?

If you take photographs or live stream services or events, you should bring people's attention to this beforehand. You should display a sign permanently in the parish advising that, on occasions, there may be photographers present at church services and, by attending those services, individuals give their permission to use any general crowd shots they appear in for parish or diocesan printed publications and websites. However, publication of photographs in which a person is identifiable require consent.

2. If the CCTV also does audio does this need to be on signs?

Yes the signs should indicate image and audio recording.

3. Can a parish publish pictures of children from overseas without consent – e.g. if supporting a school in Africa?

The GDPR legislation only applies to the EU, so consent would not be needed under this legislation. However, we think it is good practice to try and obtain consent if at all possible in these circumstances.



4. Draft wording is needed for CCTV and live streaming signs?

Please see the website

IT

1. Confirm that communications such as newsletters will in future need to be sent as blind carbon copies?

This is good practice as doing it prevents accidentally publicising other people's email addresses.

2. Clarify whether ex-incumbents will still be allowed to access their old e-mails, contacts etc?

Once the new ...@rcaos.org.uk email addresses are introduced the email address will become function specific, so once someone has left a role they will no longer have access to those emails as that email address will be provided to the next incumbent of the role.

3. Quantify the data storage limits for Office 365 and provide further details on how the Diocese will be supplying this. What do Parishes need to do if they already have Office 365 contracts?

Each parish will receive 1 terrabyte of storage space with Office 365. If you already have Office 365 please contact ICTsupport@finance-rcdsouthwark.org and they will advise you how to switch to your free copy.

4. Do home laptops and PCs require their own version of Office 365 or can the parish system be accessed via the web?

No they do not need their own version. They will be able to log on via the internet.

5. Provide guidance on what sections need to be updated on Parish websites in order to reflect the changes?

You need to check where the content of your website is kept. If it is in the EU that is OK. We recommend that you also put the abridged privacy notice on your website. It is important to remember that the personal data on the website is the responsibility of the Data Controller and as such the parish should have a Data Processor Agreement with the body (individual or company) running the website. We are aware that in some cases the parish website is hosted and managed by an individual (who may be a parishioner) and these arrangements would apply in this case as well. Please contact the Finance Office for a Data Processor Agreement.

6. Clarify what level of encryption will be required when working on laptops and home PCs, particularly in relation to volunteers and whether appropriate means of doing this will be provided by the Diocese?

We need to be moving towards a situation where no personal data is being retained on the personal devices of volunteers or employees. Remote access via Office 365 is being



provided as an alternative, whereby personal devices can be used as a portal. In the interim any personal data on hard drives should be password protected and when you move to remote access it should be deleted.

7. Confirm the storage requirements for electronic data in a parish office. Is it OK to replicate this in people's homes?

Please see question 6 above. There is no requirement to replicate this in peoples' homes as their computers can be used as a portal instead.

8. What about old data on computers?

This should be deleted and remember to empty the trash or recycle bin.

9. Are Finance Office and DPO emails going to change to @rcaos.org.uk first?

Yes

10. Can historic emails be migrated to the new email addresses?

Yes they can

11. Is there a standard wording/disclaimer with new email addresses?

Yes please see below:

Name

Position

Parish/agency address

Parish/agency/direct dial phone number

This message is only for the use of the intended recipient(s). It may contain information which is confidential and legally privileged within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. Any copying, disclosure, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful. Unless stated to the contrary, any opinions expressed in this message are personal and may not be attributed to the Roman Catholic Archdiocese of Southwark.

12. If a parish has external IT support how do you check if they are GDPR compliant?

You will need to write to them to ask for their GDPR policy which should confirm how they will process any personal data you share with them.

Parish Records and Forms

1. Clarify whether it is permissible to publish details publicly of participants in respect of Holy Communion, confirmation or any other sacrament?

Only with the consent of the individual or parents in the case of children.

2. Clarify whether consent will be required to cross-reference marriage information with baptism certificates?

Consent is not required to do this.



3. Can someone else request a baptism certificate? What steps should be taken to check the person requesting is who they say they are?

Anyone can request to see their own certificate but steps should still be taken to verify the person is who they say they are – eg provide ID such as a passport or driving licence. A priest can request to see the baptism certificate but again the priest receiving the request should verify that the person asking is who they say they are.

4. Is data about children special category data?

Not in itself. However, data about a child's health, for example, is special category data.

5. How old is a child?

For anything to do with safeguarding anyone up to the age of 18 is considered to be a child. For other purposes – for example giving consent to publish a photograph 16 and above is considered acceptable.

6. Can First Holy Communion (and other) forms be kept at home? For processing?

Forms for First Holy Communion, any other sacramental forms or other types of application (eg DBS application) can be retained at home under lock and key for a short period whilst the forms are processed. Once processing is complete the forms must be returned to the parish or diocesan agency as required. Copies should not be retained at home. Processing periods should be kept to a minimum.

7. Can someone have their baptism records withdrawn under the right to be forgotten?

No – they would have to seek legal advice

8. Does a reference (for any reason) have to be shown to the person it is about?

A data subject has the right to see a reference.

9. Are there any special measures to be taken for married priests where their wives are essentially part of the 'team' running the parish?

In the case of a married priest or deacon their wife should be treated as a volunteer and have her own diocesan email address. The wife should not share their husband's diocesan email address.

10. What is the position if people are say researching a family tree and some of the people are still living – what can be shared?

Nothing without consent if the person is still alive.

11. 200 club – processing done at home – is this OK – records kept at home?

This is the same as question 6 above. However, if certain data needs to be kept at home it should be retained on a password protected spreadsheet or word document.

12. What constitutes off site in terms of where records are kept?

Anywhere outside of the parish or diocesan office.



13. What if there is no parish office?

Please contact the Finance Office

14. If a file kept on a parishioner in parish with things like date of first holy communion, confirmation etc – should this be kept and for how long?

Please see the retention schedule. Please also note that such files should be kept under lock and key.

15. How long should we keep details of parishioners who move out of the parish. Under the right to be forgotten if you do a census and people don't respond do you assume their data is correct or incorrect?

Please refer to the retention schedule.

16. What do you do with very old registers?

Please contact the archive office

17. Where should permanent diaconate application forms be held?

Please see question 6 above and after processing they should be returned to the Director of Formation for the Permanent Diaconate.

18. Confirm the storage requirements for hardcopy in a parish office. Is it OK to replicate this in people's homes?

Personal data should be kept under lock and key and special category personal data should be in a safe. Nothing should be duplicated in people's homes except during the processing of certain applications as per question 6 above.

19. Where s be held?

Please see question 6 above and after processing they should be returned to the Director of Formation

Rotas and Other Data – who can see what?

1. Clarify the access that volunteers are entitled to in respect of names, telephone numbers and e-mail addresses for associated volunteers?

Members of the rota/group can share their contact details between themselves but they should not be published outside of the group without consent.

2. Clarify how to handle baptism certificate requests a) on own behalf b) by another person (e.g. another priest)?

People can ask to see their own baptism certificate. Other people who have a legitimate need to see it (eg a parish priest making marriage preparations) can see it but in both cases, the person of whom the request is made must make every effort to establish the ID of the person making the request before sharing it.



Safeguarding

1. References as part of DBS process are kept in the parish – should they be and where/how should they be kept?

As part of the Safer Recruitment Process for parish employees and volunteers, the volunteer application form, references and DBS confirmation letter should be retained in the parish, in a personal file kept in a locked, immovable cabinet/safe with restricted access. This file can be securely destroyed 7 years after the person has left the role. The Disclosure Application Form, ID Verification Form, Safeguarding Self Declaration Form and photocopy documents should all be sent to the Safeguarding Office, via secure postage or other delivery, once the process is complete.

2. Where should DBS application forms be kept during the local process?

Whilst the DBS is being processed locally, documents can be kept in the safeguarding reps home under lock and key for the duration of the processing. The processing time must be kept to a minimum.

3. What about the DBS documentation for the Safeguarding Reps themselves?

This should all be sent to the Safeguarding Office via secure postage or other delivery.

Subject Access Requests

1. Provide further guidance on 30 days Subject Access Requests clarifying any potential for extending these?

Requests for things like a baptism certificate do not constitute a subject access request and can be dealt with locally as currently. If you have a parish Facebook page or Twitter account please remember to check them regularly to see if anything that might be a subject access request has been received. All subject access requests should be sent immediately to the DPO. If you are not sure whether or not something is a subject access request please contact the DPO who will advise you. Extensions to the 30 day deadline are only likely to be permitted in exceptional circumstances.