



newton mearns

BAPTIST CHURCH

**General Data Protection Regulations (GDPR)**

<b>Version</b>	<b>Review Date</b>	<b>Reviewers</b>	<b>Notes</b>
<b>1</b>	<b>2018</b>	<b>Glen Cartwright</b>	<b>Initial version</b>
<b>2</b>	<b>May 2020</b>	<b>Rebecca Forsyth</b>	
<b>3</b>	<b>February 2025</b>	<b>Douglas Wheeler Glen Cartwright</b>	<ul style="list-style-type: none"><li>- Removes references to 'Care &amp; Assurance deacon' and 'Children's &amp; Youth Worker'.</li><li>- Removes references to specific individuals, and replaces these with role-based references.</li><li>- Updates ICO registration information</li></ul>

## **Introduction**

Newton Mearns Baptist Church (Scottish Charity Registration Number SC007105) is committed to taking seriously its' responsibilities relative to the personal data of its members and others with which it has been entrusted, to protecting all information that we handle about people we support and work with, and to respecting people's rights around how their information is handled.

We are also committed to ensuring all elements of the General Data Protection Regulations (GDPR) are not only implemented, but adequate assurances and protocols are in place and regularly reviewed to ensure compliance. This policy explains our responsibilities and how we will meet them.

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## **Section A - What this policy is for**

### **1. Policy statement**

1.1 Newton Mearns Baptist Church is committed to protecting personal data and respecting the rights of our data subjects; the people whose personal data we collect and use. We value the personal information entrusted to us and we respect that trust, by complying with all relevant laws, and adopting good practice. We process personal data on the legal basis of legitimate interest to:

- a. to undertake church business, including
  - the maintenance and administering of the church roll
  - the maintenance of accounts and records (including Gift Aid applications)
  - the management of employees and volunteers
- b. to enable the work of church organisations and events, including
  - work and ministry undertaken internally
  - work and ministry undertaken within Newton Mearns and its environs
  - the wider work of the Baptist Union of Scotland
- c. to provide spiritual and pastoral care and support;
- d. to keep members and friends in touch with the life, work and needs of the fellowship;
- e. to inform you of news, events, activities and services running at Newton Mearns Baptist Church or at other venues under the auspices of the church

1.2 This policy has been approved by the Leadership (Diaconate and Elders) and the Trustees of Newton Mearns Baptist Church, the latter who are responsible for ensuring we comply with all our legal obligations. It sets out the legal rules that apply whenever we obtain, store or use personal data.

## **2. Why this policy is important**

2.1 We are 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 we are aware that people can be upset or harmed if any of these things happen.

2.2 This policy sets out the measures we are committed to taking as a church and, what we will do to ensure we comply with the relevant legislation.

2.3 In particular, we will make sure that all personal data 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, member of the leadership or volunteer processing personal information on behalf of Newton Mearns Baptist Church, you are required to comply with this policy. If you think that you have accidentally breached the policy it is important that you contact our Data Protection Contact Point immediately, the Church Secretary, so that we can take swift action to try and limit the impact of the breach.

Anyone who seriously breaches the policy intentionally, recklessly, or for personal benefit, may, in addition to the exercise of church discipline as outlined in the Church Constitution, also be liable to criminal prosecution or to regulatory action.

**3.2 As an employee** of Newton Mearns Baptist Church: 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 Policy.

**3.3 As a data subject** of Newton Mearns Baptist Church: We will handle your personal information in line with this policy.

**3.4 As an appointed data processor/contractor** of Newton Mearns Baptist Church: Companies who are appointed by us 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 us taking contract enforcement action against the company or terminating the contract. Data processors have direct obligations under the GDPR, primarily to only process data on instructions from the controller (Newton Mearns Baptist Church) and to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk involved.

**3.5** Our Data Protection Contact Point is responsible for advising Newton Mearns Baptist Church and its trustees, employees, members and volunteers about their legal obligations under data protection law, monitoring compliance with data protection law, dealing with 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 the Data Protection Contact Point at [office@newtonmearnsbaptist.org.uk](mailto:office@newtonmearnsbaptist.org.uk) or by writing to the Church Office at the address in Schedule 2.

**3.6** Before you collect or handle any personal data as part of your work (paid or otherwise) for Newton Mearns Baptist Church, it is important that you take the time to read this policy carefully and understand what is required of you. Our protocols and 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 Contact Point.

#### **4. Training and guidance**

**4.1** We will provide general training at least annually for all employees and ministry/organisation leaders to raise awareness of their obligations and our responsibilities, as well as to outline the law.

**4.2** We may also issue procedures, guidance or instructions from time to time. The staff team must set aside time to look together as a team at the implications for their work.

### **Section B - Our data protection responsibilities**

#### **5. What personal information do we process?**

**5.1** In the course of our work, we may collect and process information (personal data) about many different people (data subjects). This includes data we receive straight from the person it is about, for example, where they complete an 'in-house' form or contact us. We may also receive information about data subjects from other sources including, for example, from a previous church of which they have been in membership.

**5.2** We process personal data in both electronic and paper form and all this data is protected under data protection law. The personal data we process can include information such as names and contact details, membership interview records and visual images of people (the latter will only be processed with the prior consent of the data subject and only for the specific purpose outlined).

5.3 In some cases, we may hold types of information that are called “special categories” of data. This personal data can only be processed under strict conditions.

‘Special categories’ of data (as referred to in the General Data Protection Regulations) 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 data; biometric data; sexual life and sexual orientation.

5.4 We will not hold information relating to criminal proceedings or offences or allegations of offences unless there is an overarching safeguarding requirement to process this data for the protection of children and adults who may be put at risk in Newton Mearns Baptist Church. This processing will only ever be carried out on advice from our Child Protection Leads and the Pastors (Brian More & David Lazonby).

5.5 Other data may also be considered ‘sensitive’ such as bank details (held for Standing Order or Direct Debit purposes) 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, is necessary and when the processing is transparent. This means we will provide people with an explanation of how and why we process their personal data at the point we collect data from them, as well as when we collect data about them from other sources.

### **How can we 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 - <http://www.privacy-regulation.eu/en/article-6-lawfulness-of-processing-GDPR.htm> - of the General Data Protection Regulations, 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 Newton Mearns Baptist Church, 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 General Data Protection Regulation - <http://www.privacy-regulation.eu/en/article-9-processing-of-special-categories-of-personal-data-GDPR.htm> - 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 and other 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, we may refer to the original text of the General Data Protection Regulations as well as any relevant guidance, and seek legal advice as required.

### **What must we tell individuals before we use their data?**

6.5 If personal data is collected directly from the individual, we will inform them in writing about; our identity/contact details and those of the Data Protection Contact Point, the reasons for processing, and the legal bases, explaining our legitimate interests, and explaining, where relevant, the consequences of not providing data needed for a contract or statutory requirement; who we will share the data with; if we 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'.

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

6.6 If data is collected from another source, rather than directly from the data subject, we will provide the data subject with the information described in section 6.5 as well as: the categories of the data concerned; and the source of the data.

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

If we plan to pass the data onto someone else outside of Newton Mearns Baptist Church, we will give the data subject this information before we pass on the data.

### **7. When we need consent to process data**

7.1 Where none of the other legal conditions apply to the processing, and we are required to get consent from the data subject, we will clearly set out what we are asking consent for, including why we are collecting the data and how we plan to use it. Consent will be specific to each process we are requesting consent for and we will only ask for consent when the data subject has a real choice whether or not to provide us with their data. Though we will use a bespoke Consent Form produced at the time and tailored to the specific circumstances, the standard wording used will be as follows:

*'In accordance with the General Data Protection Regulations, the reason this data is being collected is for the specific purpose of <INSERT PURPOSE >. The data will be used to <INSERT SPECIFIC USE>. Consent for Newton Mearns Baptist Church to hold and use this data can be withdrawn at any time. If you wish to withdraw consent, please confirm this in writing to our Data Protection Contact Point'.*

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 We will only process personal data for the specific purposes explained in our privacy notices (as described above in section 6.5) or for other purposes specifically permitted by law. We 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 We 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). We will not collect more than is needed to achieve those purposes. We will not collect any personal data “just in case” we want to process it later.

## **10. Accurate data**

10.1 We will make sure 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 regular intervals.

## **11. Keeping data and destroying it**

11.1 We will not keep personal data longer than is necessary for the purposes that it was collected for. We will comply with any official guidance issued to Registered Charities about retention periods for specific records.

11.2 Information about how long we will keep records for in respect of each ministry and/or organisation, can be found in our Data Retention Schedule held by the Church Office. The schedule details for each organisation/ministry the agreed retention period(s) for the information and details they hold, which was collected during our Data Audit in January 2018.

11.3 As part of ensuring good governance and that Newton Mearns Baptist Church is consistent in complying with not keeping personal data longer than is necessary for the purposes that it was collected for, we may from time to time undertake assurance checks as outlined in our Compliance Calendar.

## **12. Security of personal data**

12.1 We will use appropriate 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 To keep personal data secure relative to electronic communications, we will follow the protocols outlined in our Communications Etiquette Policy. Where e-mails are sent to a number of people beyond a defined ministry group or organisation, recipients must always be BCC (blind carbon copied) as making their e-mail address known to other recipients could be regarded as a breach of their personal data.

12.3 Where personal data is stored on any electronic device - be this a laptop, iPad, tablet, memory sticks and/or smartphone - it will always, and must be, password protected. Passwords should not be accessible and should be securely stored to avoid them being visible to unauthorised individuals.

12.4 Where personal data is held on paper format - be this a register, membership interview record or registration forms - these will be held in a locked and secure facility with controlled access.

12.5 We will implement security measures which provide a level of security which is appropriate to the risks involved in the processing.

Measures will include technical and organisational security measures. In assessing what measures are the most appropriate we 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 risk (of varying likelihood and severity) to the rights and freedoms of data subjects;
- e. the risk which could result from a data breach.

12.6 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.

Any breach of data security or an incident likely to result in a breach will be reported in accordance with our Accident & Incident Reporting Policy.

### **13. Keeping records of our data processing**

13.1 To show how we comply with the law we will keep clear records of our processing activities and of the decisions we make concerning personal data (setting out our reasons for those decisions).

## **Section C - Working with people we process data about (data subjects)**

### **14. Data subjects' rights**

14.1 We 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 member of the leadership, trustee, employee or volunteer of Newton Mearns Baptist Church 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 Contact Point immediately.



14.3 We will act on all valid requests as soon as possible, and at the latest within one calendar month, unless we have 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 We will comply with the rules set out in the General Data Protection Regulations and the Privacy and Electronic Communications Regulations and any laws which may amend or replace the regulations around direct marketing. This includes, but is not limited to, when we 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 we send will identify Newton Mearns Baptist Church as the sender and will describe how people can object to receiving similar communications in the future. If a data subject exercises their right to object to direct marketing we will stop the direct marketing as soon as possible.

## **Section D - working with other organisations & transferring data**

### **16. Sharing information with other organisations**

16.1 We will only share personal data with other organisations or people when we have a legal basis to do so and if we have informed the data subject in a privacy notice about the possibility of the data being shared, unless legal exemptions apply to informing data subjects about the sharing.

Only authorised and properly instructed personnel (this will normally be the Pastors) are allowed to share personal data once the data subject has given their consent for the specific purpose outlined to them.

16.2 We 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. We will follow the Information Commissioners Office (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.

16.3 We will not share your personal data with any third parties for the purposes of direct marketing. We use data processors who are third parties who provide elements of services for us. We have contracts (data privacy notices) in place with our data processors. This means they cannot do anything with your personal data unless we have instructed them to do it. They will not share your personal data with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

## **17. Data processors**

17.1 Before appointing a contractor who will process personal data on our behalf (a data processor) we will carry out due diligence checks. The checks are to make sure the processor will use appropriate technical and organisational measures to ensure the processing will comply with data protection law, including keeping the data secure, and upholding the rights of data subjects. We will only appoint data processors who can provide us with sufficient written guarantees they will do this.

17.2 We will only appoint data processors on the basis of a written contract that will require the processor to comply with all relevant legal requirements. We will continue to monitor the data processing, and compliance with the contract, throughout the duration of the contract.

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

18.1 Personal data cannot be transferred (or stored) outside of the European Union (EU) unless this is permitted by the General Data Protection Regulations. This includes storage on a “cloud” based service where the servers are located outside the EU.

18.2 We will only transfer data outside the EU where it is permitted by one of the conditions for non-EU transfers in the GDPR as the organisation’s responsibilities when we process data.

## **Section E - Managing change & risks**

### **19. Data protection impact assessments**

19.1 When we are planning to carry out any data processing which is likely to result in a high risk we will carry out a Data Protection Impact Assessment (DPIA). These include situations when, for example, we process data relating to vulnerable people, using new technology, and transferring data outside the EU. Any decision not to conduct a DPIA will be recorded.

19.2 We may also conduct a DPIA in other cases when we consider it appropriate to do so. If we are unable to mitigate the identified risks such that a high risk remains we 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 any member of the Leadership, trustees, employees or volunteers or contractors working for us think that this policy has not been followed, or data might have been breached or lost, this will be reported immediately to our Data Protection Contact Point who will then report in accordance with the process outlined in our Accident & Incident Reporting Policy.

20.2 We will keep records of personal data breaches, even if we do not report them to the ICO.

20.3 We will report all data 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 the church becomes aware of the breach.

20.4 In situations where a personal data breach causes a high risk to any person, we will (as well as reporting the 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 General Data Protection Regulations. The 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. We are the data controller of data which we process.

**Data processors** include any individuals or organisations, which process personal data on our behalf and on our instructions. 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 we 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 we are likely to hold personal data about on the legal basis of legitimate interest include:

- a. employees of the church;
- b. members of the church;
- c. our volunteers;
- d. consultants/contractors/individuals who are our contractors or employees working for them;
- e. those coming around the church (to Sonshine Kids, Alpha, etc)
- f. representatives of other para-church, mission and other organisations

**ICO means the Information Commissioners Office** which is the UK's regulatory body responsible for ensuring that we comply with our 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. 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 we 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 General Data Protection Regulations) includes information about a person's:

- a. Racial or ethnic origin;
- b. Political opinions;
- c. Religious or similar (e.g. philosophical) beliefs;
- d. Trade union membership;
- e. Health (including physical and mental health, and the provision of health care services);
- f. Genetic data;
- g. Biometric data;
- h. Sexual orientation.

### **Schedule 2 - ICO Registration**

Data Controller:

Newton Mearns Baptist Church  
2 Greenfarm Road  
Newton Mearns  
East Renfrewshire G77 6FA

Registration Number: Z7705591

Date Registered: 16<sup>th</sup> February 2003      Registration Expires: 15<sup>th</sup> February 2026

### **Schedule 3 - ICO Contact Details**

The Information Commissioner's Office  
43 Melville Street  
EDINBURGH  
EH3 7HL

Telephone: 0303 123 1115 - Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)