



PRIVACY NOTICE FOR CLERGY, LLMs, CLMs and ORDINANDS

This Privacy Notice replaces the old waiver form that clergy used to sign in order to permit their data to be shared with Bishops in other Dioceses. Under the General Data Protection Regulation, such waiver is no longer required. What is required is that you should be issued with a privacy notice.

This document is that notice. It explains how the information about you held in your personal file is used and managed, and your rights with respect to that data. Please note that there will be other personal data on you held by the London Diocesan Fund. The LDF Privacy Notice may be viewed at www.london.anglican.org/GDPR

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the information alone or in conjunction with any other information. The processing of personal data is governed by the Data Protection Act 2018, the ‘UK GDPR’ which is the retained EU law version of the General Data Protection Regulation (EU) 2016/679, and other legislation relating to personal data and rights such as the Human Rights Act 1998.

Who is responsible for your personal data?

The Bishop who is responsible for you under the Area Scheme and/or the London Plan and holds your blue file (the Diocesan Bishop or one of the Area or Suffragan Bishops) is the Data Controller. The Bishop is also the Data Controller for personal data relating to Licensed Lay Ministers, Commissioned Ministers and Ordinands.

Why the Bishop collects your personal data

The Bishop collects and uses your personal information to carry out the following activities in order to exercise their legal and pastoral responsibilities as your bishop:-

- general oversight of your ministry;
- assessing your qualifications and suitability for any particular office or ministry within the diocese;
- for making appropriate arrangements for your ministerial development (including ministerial development review).

- ensuring that individuals are protected from harm and for related safeguarding purposes by ensuring that those who pose a risk or are otherwise unfit for ministerial positions, (due to, for instance, dishonesty, malpractice or other seriously improper conduct) are not able to gain access to ministerial posts.

The categories of data the Bishop collects

The types of information processed include:

- personal details; contact information; family details; lifestyle and social circumstances; employment and education details; housing needs; and details of misconduct and unlawful acts.
- “special categories” of information that may include: race; ethnic origin; politics; religion; trade union membership; health; sex life; or sexual orientation; criminal allegations, proceedings or convictions.
- personal information about: current, retired and prospective clergy; individuals involved in or connected with legal claims, inquiries, reviews and dispute resolution; professional advisers and consultants; children and parents; individuals whose safety has been put at risk.

What is the lawful basis for processing your personal data?

The Bishop collects and uses your data on the following lawful bases:-

A task carried out in the public interest or in the exercise of official authority vested in the data controller (Art. 6(1)(e)) - Processing of the personal data in relation to clergy personal files is carried out on the basis that is necessary for a task carried out in the public interest or the exercise of official authority vested in the Bishop by the Canons of the Church of England, in particular, Canons C4 to C12 inclusive, C18 and C30. This includes their general responsibilities as your pastor as well as in order to be able to develop, support, administer, regulate and manage clergy through their ministry. This may also involve sharing your personal file with another body which is part of the institutional Church of England or Church in Wales if you move to a new role.

As part of the Bishop’s public interest tasks contained in the Canons, they may need to process your information in order to protect individuals from harm and to ensure that no person unfit for a ministerial role gains access to such a position. This will include sharing your personal information in an Episcopal Reference or Clergy Current Status Letter (CCSL).

Legal obligation (Art. 6(1)(c)) – The Bishop may need to process your information in order to comply with a legal obligation, such as under the Inquiries Act 2005 which may compel them to provide personal data for the purposes of a statutory inquiry, or a referral to the Disclosure and Barring Service under the Safeguarding Vulnerable Groups Act 2006, or an order of a court or tribunal

Consent (Art 6(1)(a)) – The Bishop may need to share information contained in your personal file with another church body/organisation outside the Church of England or Church in Wales (other than in relation to the Episcopal Reference and CCSL). Your consent will be sought first.

You have the right to withdraw your consent at any time prior to the information being shared.

Special categories of data and criminal conviction data

Legitimate activity (Art. 9(2)(d)) - the processing is a legitimate activity in order to manage, administer and regulate members or former members and/or those with whom the Bishop has regular contact.

Substantial public interest (Art 9(2)(g)) - (protecting the public against dishonesty etc.) – The Bishop may need to process your information where necessary for the protection of individuals from harm, including dishonesty, malpractice and other seriously improper conduct or for safeguarding purposes or for the prevention or detection of an unlawful act, as established by the *Promoting a Safer Church* House of Bishops’ Policy Statement and the *Safer Recruitment: Practice Guidance* (see **References** section below). This will include sharing your personal data in an Episcopal Reference and CCSL.

Explicit consent (Art 9(2)(a)) – The Bishop may need to share information contained in your personal file with another church body/organisation outside the Church of England or Church in Wales (other than in relation to the Episcopal Reference and CCSL). Your consent will be sought first.

You have the right to withdraw your consent at any time prior to the information being shared.

Legal claims (Art 9(2)(f)) – The Bishop may need to process your information where there is a legal claim or in connection with a judicial process

Archiving (Art 9(2)(j)) – The Bishop may keep your information for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

Sharing/collecting your personal data

Where necessary (or required), we collect from or share information with

- You;
- Parishes e.g. Parochial Church Councils (PCCs) and relevant PCC members, diocesan bodies, bishops’ offices and cathedrals and other bodies which form part of the institutional Church of England;
- The Church in Wales;
- Other churches outside the institutional Church of England or Church in Wales;
- Educational institutions;
- legal representatives;
- parties and individuals involved in or connected with legal claims, inquiries, reviews and dispute resolution (including mediation and arbitration);
- regulatory and statutory bodies;

- governance bodies and committees
- charitable, religious and voluntary organisations
- law enforcement and prosecuting authorities;
- courts and tribunals and providers of legal services;
- members of the judiciary;
- statutory, public, regulatory or other legal or independent reviews or inquiries, including any “lessons learned” reviews.

How long does the Bishop keep your personal data?

The Bishop keeps your personal data for the periods and purposes as set out in the attached retention table as approved by the House of Bishops.

What security is in place in relation to your personal data?

We are committed to ensuring that your personal data is secure. We limit access to data on a need-to-know basis and test our security practices and technologies.

Employees and temporary workers are required to follow policies and procedures and complete mandatory annual training to understand data protection and information security.

If a data breach does occur, we will do everything in our power to limit the damage. In the case of a high-risk data breach, and depending on the circumstances, we will inform you about the breach and any remedial actions to prevent any further damage. We will also inform the Information Commissioner’s Office of any qualifying data breaches

Your rights and your personal data

Unless subject to an exemption under the UK GDPR or DPA 2018, you have the following rights with respect to your personal data: -

- The right to withdraw your consent to the sharing of information in your personal file with another church body/organisation outside the Church of England or the Church in Wales prior to that information being sent.
- The right to request a copy of your personal data which the Bishop holds about you;
- The right to request that the Bishop corrects any personal data if it is found to be inaccurate or out of date;
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you. You can exercise your rights by contacting me at the contact details below.

Further processing

If the Bishop wishes to use your personal data for a new purpose, not covered by this Privacy Notice, then they will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, they will seek your prior consent to the new processing.

Contact Details

To exercise all relevant rights, queries or complaints please contact the Bishop's office.

You have the right to complain to the Information Commissioner's Office (ICO). You can contact the ICO via <https://ico.org.uk/global/contact-us/email/>

References

Personal files relating to Clergy: Policy for Bishops and their Staff. Approved by the House of Bishops, June 2021

Canons of the Church of England Canons - website edition

<https://www.churchofengland.org/about/leadership-and-governance/legal-services/canons-church-england/canons-website-edition>

For further information on retention, please see the retention table below (taken from *Personal Files Relating to the Clergy: Policy for Bishops and their Staff*. Approved by the House of Bishops June 2021)

For further information on our safeguarding policy, please see Promoting a Safer Church policy statement <https://www.churchofengland.org/sites/default/files/2019-05/PromotingSaferChurchWeb.pdf>

For further information on our safeguarding duties and responsibilities, please see

Practice Guidance: Safer Recruitment <https://www.churchofengland.org/safeguarding/safeguarding-e-manual/safer-recruitment-and-people-management-guidance>

Retention Schedules – what is kept and for how long

The following agreed common retention periods apply to particular categories of information held in clergy personal files while those files are held under the management of the bishop.

Record type	Retention period
A note of the reasons for processing sensitive personal data	Length of time the data to which the note is held
Common Application Form	Successful application forms should be held on the file for 20 years from the date of the cleric's death
Copy of birth certificate (or other appropriate evidence) required under Canon C.6 in relation to a person who is to be made a deacon	20 years from the date of the cleric's death
Evidence of immigration status and permission to work in the UK (if the cleric is not a British citizen)	20 years from the date of the cleric's death or Date of cleric becoming British citizen (<i>whichever is soonest</i>)
Copies of qualification certificates	20 years from the date of the cleric's death
Cleric's CV since leaving school	20 years from the date of the cleric's death
Copy of faculty under Canon C4.3A	20 years from the date of the cleric's death
Report of the Bishop's Advisory Panel and reports from the cleric's training institution in the penultimate and final years of training	20 years from the date of the cleric's death
Copies of cleric's letters of orders and (if relevant) permission under the Overseas and Other Clergy (Ordination and Ministry) Measure 1967	20 years from the date of the cleric's death
Copies of any 'safe to receive' or Episcopal Reference and Clergy Current Status letters ('CCSL')	70 years from the date of the cleric's death

Application papers – including application form, references, copy licence, deed of institution, Statement of Particulars (where subject to Common Tenure)	Papers relating to successful applications should be held on the file for 20 years from the date of the cleric's death
A written record of any Ministerial Development Review	20 years from the date of the cleric's death
Records of any continuing ministerial education ('CME') undertaken	20 years from the date of the cleric's death
Criminal Record Check certificate	6 months from the date of the recruitment decision to which they relate
Record of a cleric's criminal record check history (the nature of which is noted in paragraph 29)	70 years from the date of the cleric's death
Record of safeguarding allegations and concerns – including details of how these are handled, followed-up, actions taken, decisions reached and eventual outcome	70 years from the date of the cleric's death
Evidence of clergy personal file being independently scrutinised under the Past Cases Review Protocol – including a note of any action resulting	70 years from the date of the cleric's death
Copies of records relating to safeguarding allegations and concerns (this refers to papers being retained in a diocese following the movement of the cleric to another diocese)	70 years from the date of the cleric's death
Record of a cleric's safeguarding training – including the nature of the training, the date of the training and who provided the training	70 years from the date of the cleric's death
Record of CDM complaints – including copies of the complaint, report on preliminary scrutiny, respondent's answer, supporting evidence, letter recording bishop's decision	70 years from the date of the cleric's death

A brief summary of an allegation of misconduct (not resulting in a formal CDM complaint)	20 years from the date of the cleric's death
Records of capability inquiries raised under the Capability Procedure – including a record of discussions between a cleric and a member of the bishop's senior staff, evidence of how health issues have been managed (e.g. copies of occupational health reports, note of adjustments made)	20 years from the date of the cleric's death As noted in the Capability Procedure code of practice – spent warnings should be retained on file in a sealed envelope for as long as the office holder remains in post, but should then be destroyed, unless the next post to which the office holder is appointed is designated as a probationary post, or there are other circumstances which justify retaining them
Record of capability issues (where there is no formal capability inquiry)	20 years from the date of the cleric's death
Record of grievances raised under the Grievance Procedure – including details of the grievance, the process followed and the outcome	20 years from the date of the cleric's death
Record of significant unresolved financial problems	Keep the record until financial problems have been satisfactorily resolved
Personal files after a cleric's death	70 years from the date of the cleric's death