



## **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](http://www.london.anglican.org/GDPR)

### **Your personal data – what is it?**

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the bishop's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation 2016/679 (the "GDPR")<sup>1</sup>

### **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 the personal data relating to Licensed Lay Ministers, Commissioned Ministers and Ordinands.

### **How does the Data Controller process your personal data?**

The Data Controller complies with their obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure; and by ensuring that appropriate technical measures are in place to protect personal data.

### **Your personal data is used for the following purposes: -**

- For the exercise of the canonical, legal and pastoral responsibilities of the bishop
- For the general oversight of your ministry
- For 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).

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<sup>1</sup> At the time of going to press the new Data Protection Bill, which incorporates the GDPR into national law, has started its journey through parliament. The final form of this legislation is not yet known, we have therefore referred to the GDPR as the relevant legislation.

### **What is the legal basis for processing your personal data?**

Processing of the personal data in relation to clergy personal files is necessary for the purposes of the legitimate interests of the data controller and in so far as any personal data relates to “special categories of personal data”, the processing is a legitimate activity in order to manage and administer internal functions in relation to membership and/or those with whom the Bishop has regular contact. It is not shared externally outside the institutional bodies that comprise the Church of England without your consent. The exception to this is the provision of Episcopal References and Clergy Current Status Letters (“CCSL”)

Episcopal References and CCSLs are processed on the basis that it is a legitimate interest of the Data Controller. However, in so far as the personal data contained within the Episcopal Reference and CCSL relates to “special categories of personal data”, this will be processed on the basis that it is necessary for reasons of substantial public interest on the basis of UK law. The Episcopal Reference and CCSL will be disclosed both for posts within the Church of England and externally, where you have applied for a ministerial post in another diocese or a church outside the Church of England. It is so done in order to protect members of the public from harm, including dishonesty, malpractice and other seriously improper conduct. Attached to this Privacy Notice as Appendix A is the “Appropriate Policy Document” with regard to the processing of personal data contained in the Episcopal Reference and CCSL as required by Schedule 1 Part 2 of the Data Protection Act 2018.

### **Sharing your personal data**

Your personal data will be treated as strictly confidential, and will be shared only when necessary with institutional bodies that comprise the Church of England for the purposes of administrative functions in connection with your role. If it is intended to share your personal data outside the Church of England, then your consent will always be sought first.

### **How long is your personal data retained?**

Your data is retained for no longer than reasonably necessary for the periods and purposes as set out in a retention table which is available on request to the Bishop’s office.

### **Your rights and your personal data**

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

- 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 to request your personal data is erased where it is no longer necessary for the Bishop to retain such data;
- 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)
- The right to lodge a complaint with the Information Commissioners Office.

**Transfer of Data Abroad**

In general, Bishops do not transfer personal data abroad. However, where this does occur, any electronic personal data transferred to countries or territories outside the EU will only be placed on systems complying with measures giving broadly equivalent protection of personal rights either through international agreements or contracts approved by the European Union.

**Further processing**

If it is intended to use your personal data for a new purpose, not covered by this Data Protection Notice, then you will be provided 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, your prior consent will be sought for the new processing.

**Contact Details**

To exercise all relevant rights, queries or complaints please contact your Bishop in the first instance.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## APPENDIX A

### **Appropriate Policy Document in relation to the processing of personal data in connection with the Episcopal Reference and the Clergy Current Status Letter**

#### **Introduction**

Under the Data Protection Act 2018, any data controller that relies on substantial public interest under Article 9(2)(g) of the GDPR as a legal basis for processing special categories of personal data (i.e. sensitive) must have in place an “Appropriate Policy Document”. This policy document must set out how the data controller intends to comply with the data protection principles as set out in Article 5 of the GDPR in connection with the processing and explain the policy for retention and erasure in relation to the personal data processed.

#### **How do we ensure compliance with the data protection principles in Article 5 of the GDPR?**

The way we ensure compliance is set out in the Privacy Notice which is supplied with this policy document and which is to be incorporated and read alongside this policy.

#### **Why do we use the Episcopal Reference and Clergy Current Status Letter (CCSL)?**

Where a priest or deacon is being considered for an appointment or Permission to Officiate in another diocese and the “sending bishop” receives a request from a “receiving bishop” for an Episcopal Reference and CCSL, the sending bishop will share with the receiving bishop such personal information about that priest or deacon as is necessary to provide a full and accurate response as to his/her suitability and fitness for a ministerial post. This applies to not only posts within the Church of England but also to posts outside the Church of England, (such as the Church in Wales etc.).

#### **What is the legal basis for processing the personal data contained in the Episcopal Reference and CCSL?**

The legal basis for disclosing this information is it is necessary for the legitimate interests of the data controller (pursuant to Article 6 of the GDPR) and in so far as the information is “special category” (i.e. sensitive) under Article 9, it is necessary for the reasons of substantial public interest on the basis of UK law, (Article 9(2)(g)) for the protection of individuals from harm by ensuring that those who pose a risk to members of the public or are otherwise unfit for ministerial positions, (due to dishonesty, malpractice or other seriously improper conduct) are not able to gain access to ministerial posts. The Episcopal Reference and CCSL provide sufficient information for a Bishop in the receiving diocese/church to make an appointment decision and start his/her own personal file on the cleric.

#### **Security and Sharing**

The Episcopal Reference and CCSL is treated as strictly confidential and will be shared only when necessary with a “receiving bishop” (or the equivalent) if you apply for a ministerial post in another diocese or church.

A priest or deacon will be entitled to ask for a copy of the Episcopal Reference and CCSL once it is in the hands of the “receiving bishop”. The reference is therefore prepared in a way that enables it to be shared with the priest or deacon concerned. Such sharing is recommended as a matter of good practice. It should be noted that special rules will apply to information about safeguarding concerns or other serious impropriety, so legal advice may be sought prior to sharing.

### **Retention**

The Episcopal Reference and CCSL shall be retained within the clergy personal file for a period of 70 years after a cleric’s death. After the relevant time period has elapsed it shall be securely and confidentially destroyed.

It is necessary to retain the Episcopal Reference and CCSL for such a period because members of the clergy can be put into ministerial positions at any period in their life time. It is, therefore, important to ensure that those unfit for ministerial positions (due to, for instance, seriously improper conduct) at no time gain access to ministerial posts.

Once a cleric has died, the data protection legislation will no longer apply because “personal data” can only ever relate to a living individual. The reason we retain data for 70 years after death is in order to investigate any allegations that arise, if there is, for instance, possible litigation, police/other investigations, or public inquiries. Allegations, particularly in relation to safeguarding, often do not arise for many years, particularly where an adult is making an allegation and he/she alleges that he/she was abused as a child. The cleric may be long deceased, nevertheless it is important to ensure all such allegations are properly investigated.