

DATA PROTECTION ACT 1998

The act applies to “data controllers” (which in the context of this report would mean churches) who process information about “data subjects” (ie the person to whom the information refers) whether the information is kept manually - in structured records, or on a computer.

Data controllers who process information that is not exempt are required to “notify” the Information Commissioner that they are processing data and this can be done online or by submitting the appropriate form to the address given below.

Churches are not required to “notify” under the act if they only use the information for maintaining membership records and for recording donations given to the church. However, they must “notify” if they maintain pastoral records such as maintaining a record of pastoral visits, issues discussed, advice given, the individual’s personal beliefs, etc.

It can be a grey area whether the maintaining of certain records will require notification or not, but further information can be obtained from the Information Commissioner.

Irrespective of whether a church is required to notify or not, all data controllers are governed by certain data protection principles, which require data controllers to:

1. Process personal data fairly and lawfully.
2. Obtain personal data for specific purposes and process it only for those purposes.
3. Ensure that the personal data is adequate, relevant and not excessive for the purpose for which it is held.
4. Ensure that personal data is accurate and kept up to date.
5. Ensure that personal data is not kept longer than is necessary for the purpose for which it was obtained.
6. Process personal data in accordance with the rights of the data subjects.
7. Ensure that personal data is kept secure.
8. Ensure that personal data is not transferred to a country outside the European Economic Area unless the country to which it is transferred has a suitable level of data protection in place.

Additionally, sensitive personal data, such as a record of a person’s religious beliefs, political opinions, medical information, mental health, criminal record (to give just a few examples) may only be held with the explicit consent of the data subject who also has a right of access to the information held.

Further information and advice may be obtained from the Information Commissioner's Office at one of the contact points listed below:

Telephone: 01625 545700
Helpline: 0303 123 1113 or 01625 545745
Fax: 01625 524510
Email: mail@ico.gsi.gov.uk or notification@ico.gsi.gov.uk
Website: www.ico.gov.uk

Postal Address: Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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