

Clergy Personal Files – Privacy Notice

This privacy notice is provided by the Bishop of Chichester to explain what to expect when your personal information is processed, in accordance with the UK GDPR.

Data controller

The data controller is:

The Rt Revd Dr Martin Warner
Bishop of Chichester
The Palace
Canon Lane
Chichester PO19 1PY

For further information, please see www.chichester.anglican.org/the-bishop-of-chichester/

1. Why your personal data is processed

- To exercise legal and pastoral responsibilities in accordance with the Canons of the Church of England and other relevant legislation, statutory codes, guidance and policy of the Church of England;
- To transfer your Clergy Personal File when you take up an appointment in a new diocese in the Church of England or the Church in Wales.
- To assess your qualifications and suitability for any office or ministry where you have applied for a ministerial post or office within the diocese.
- For making appropriate arrangements for your ministerial development (including ministerial development reviews or similar);
- To facilitate necessary safeguarding audits and safeguarding practice reviews including the sharing of information with an auditor or independent reviewer;
- To administer and maintain the file to keep records up to date to ensure that all relevant records are appropriately filed;
- To assess and consider records in relation to formal disciplinary proceedings.

2. Categories of personal data processed

The data processed for these purposes includes information relating to:

- Biographical details
- Ordination and ministry
- Recruitment and appointment
- Ministerial development and training
- DBS information
- Safeguarding information
- Safeguarding training
- Informal complaints
- Formal complaints
- Capability and Health
- Grievance
- Finance

'Special category' data is also processed, as defined under the UK GDPR legislation, including information relating to:

- Race
- Ethnic origin
- Political affiliation
- Religion
- Trade Union membership
- Health
- Sexual orientation
- Criminal allegations, proceedings or convictions.

3. Lawful bases for processing your personal data

Personal data is processed under the following lawful bases:

3.1 Personal data

- **Consent (Art 6(1)(a))** - sharing of personal data with an external body, except where such sharing is required by legislation or Church of England policies; for the sharing of data for the purpose of providing pastoral or therapeutic support;
- **Contract (Art 6(1)(b))** - processing is necessary for the performance of a contract to which the data subject is party or to take steps at the request of the data subject prior to entering into a contract;
- **Legal obligation (Art 6(1)(c))** - processing is necessary for compliance with a legal obligation to which the controller is subject, as specified in Church of England or UK legislation (such as but not limited to processing of personal data for the purposes of the National Register of Clergy - [national-register-of-clergy-privacy-notice-v1.0-2021.pdf \(churchofengland.org\)](#));
- **Public task (Art 6(1)(e))** - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, as specified in Church of England legislation, statutory codes, guidance or policies;
- **Legitimate interest (Art 6(1)(f))** – to establish, exercise or defend legal claims;
- **Legitimate interest (Art 6(1)(f))** – for the purpose of safeguarding audits and safeguarding practice reviews.

Legitimate Interest Assessment – safeguarding audits and review

We have a specific purpose with a defined benefit.	The purpose of sharing data with a safeguarding audit or a safeguarding practice review is to enable the auditor to identify areas for consideration to improve safeguarding response to allegations of abuse and safeguarding working practice and thereby creating a safe environment for all.
The processing is necessary to achieve the defined benefit.	The reasons for the audit or safeguarding practice review and the necessary processing are to identify strengths and weaknesses and areas for consideration in the safeguarding arrangements, practices, leadership, governance and culture that will lead to improvements.
The processing legitimately overrides the interests of the data subject and any risks to their rights or freedoms.	The processing is necessary to achieve the intended purposes, and risks to data subjects are identified and mitigated as far as possible. There are joint interests in learning from the audit or safeguarding practice review, and understanding what needs to be done to improve practice.

3.2 Special category data and criminal information

- **Explicit consent (Art 9(2)(a))** - sharing of personal data with an external body, except where such sharing is required by legislation or Church of England policies; for the sharing of data for the purpose of providing pastoral or therapeutic support;
- **Legitimate Activity (Art 9(2)(d))** - to manage and administer internal functions in relation to membership and/or those with whom there is regular contact. Data is not shared externally outside the institutional bodies that comprise the Church of England or Church in Wales without consent, except where specified in this Notice.
- **Substantial Public Interest (Art 9(2)(g)) - Data Protection Act 2018 s. 10(3) and Schedule 1:**

Data processing is necessary for:

- the exercise of a function conferred on a person by an enactment/rule of law (Schedule 1, Part 2(6))
 - Preventing or detecting unlawful acts (Schedule 1, Part 2(10))
 - Protecting the public against dishonesty etc (Schedule 1, Part 2 (11))
 - Safeguarding of children and other individuals at risk (Schedule 1, Part 2 (18))
 - Insurance (Schedule 1, Part 2 (20)).
- **Legal claims (Art 9(2)(f))** - processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

3.3 Consent

It is not always necessary or possible to obtain consent and/or explicit consent for processing and sharing data. Circumstances include but are not limited to:

- where a crime may have been committed;
- where a person is judged to be at risk of significant/serious harm or a person is considered to be a risk of harm to themselves or others;
- the function of the bishop's office would be prejudiced or prevented if a data subject withheld consent, for example in relation to the provision of medical or safeguarding records.

4. Who we collect your information from or share it with:

We collect your information from:

- You
- Members of the public or parishioners
- Referees
- Church of England bodies
- Church in Wales
- Other Churches
- GPs and other medical professionals
- Educational and training organisations
- Independent or external auditors or reviewers
- Legal or other internal/external advisors

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 (including governance bodies and committees)
- the Church in Wales, when you take up an appointment
- other Churches when you take up an appointment (limited data)
- internal and external auditors, quality assurance reviewers, independent reviewers
- judicial, statutory and regulatory bodies
- law enforcement and prosecution agencies pursuing security or criminal investigations
- third-party system providers (e.g. ResourceLink, Pathways, Oracle)
- legal or other internal/external advisors.

A National Safeguarding Information Sharing Agreement (ISA) has been signed by Church of England bodies and the Church in Wales under the Church of England Information Sharing Framework.

A National Safeguarding Data Sharing Agreement (DSA) has been signed by Church of England bodies and the Church in Wales and the National Police Chiefs Council.

5. Disciplinary legislation – Clergy Discipline Measure 2003 (CDM)

<https://www.churchofengland.org/sites/default/files/2022-12/cdm-code-of-practice-july-2022.pdf>

The CDM disciplinary system is a judicial process and is governed by specific legislation and a statutory Code of Practice issued by the Clergy Discipline Commission under section 3 of the CDM. Access to CDM papers held in the Clergy Personal File is restricted, and only in accordance with the Code of Practice, as follows:

- “306. Allegations of misconduct under the CDM are private and confidential. This is to ensure that matters are dealt with fairly and that the process is not prejudiced. It extends to complainants, respondents and witnesses.
- 307. All matters should be kept strictly private and confidential. This includes written documents and material which, save for legal representatives, should not be shared with third parties”.

No papers relating to proceedings under the CDM (or, by extension, the Ecclesiastical Jurisdiction Measure 1963 (EJM)) will therefore be shared with any individual or external body not directly involved in the formal CDM process unless subject to a legal order from a court or tribunal. Therefore, safeguarding auditors or independent reviewers will not be given access to CDM/EJM papers.

The CDM (or EJM) process and related data is also exempt from Articles 5 and 12-21 of the UK GDPR, pursuant to the Data Protection Act 2018, Schedule 2, Part 3, para 14 and therefore cannot be included in individual rights requests, disclosure requests or any other form of data sharing without obtaining appropriate legal advice.

6. Confidential references

The Episcopal Reference and Clergy Current Status Letter (CCSL) and any other confidential references are exempt from Articles 13, 14 and 15 of the UK GDPR, pursuant to the Data Protection Act, Schedule 2, Part 4, para 24, and therefore are:

- not disclosable in a subject access request, and
- not covered by the requirements for a Privacy Notice, and
- able to be sent outside the UK without informing the data subject of any safeguards.

7. How long will information be kept?

We will keep your personal data for the period of time stated in our retention schedule:

<https://www.churchofengland.org/sites/default/files/2021-08/personal-files-relating-to-clergy-2021-edition.pdf>

8. Your rights

You have the following rights regarding your personal data, except where a relevant exemption applies:

- The right to be informed about any data we hold about you;
- The right to request a copy of your personal data which we hold about you;
- The right to withdraw your consent (if applicable);
- The right to request that we correct 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 us 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 your personal data (if applicable).

To exercise these rights, please use the contact information provided below.

9. Complaints or concerns

If you have any queries or concerns regarding the processing of your personal data, please contact:

Howard Cattermole
Chief of Staff to the Bishop of Chichester
The Palace
Canon Lane
Chichester PO19 1PY
email howard.cattermole@chichester.anglican.org

You have the right to make a complaint at any time to the Office of the Information Commissioner, online at [Data protection and personal information complaints tool | ICO](#), or by phone on 0303 123 1113 (local rate).