

THE REPRESENTATIVE BODY OF THE CHURCH IN WALES (“The RB”)

(i) PRE ORDINATION/ DISCERNMENT

(ii) LAY LICENSED MINISTERS

PRIVACY NOTICE

This policy is for the attention of the Diocesan Directors of Ordinands (DDOs), Bishops’ PAs/EAs & Chaplains, Discernment panels and others involved in pre-ordination training at all levels. It also applies to all persons involved in the oversight of Licensed Lay Ministers.

This policy applies to individuals who are planning to apply for or are working towards Ordination with the Church in Wales; those who have been accepted as Ordinands; those intending to apply or are working towards licensing as Lay Licensed Ministers; those working as Interns; those going through Discernment or engaged in working alongside Ordained Priests with a view to understanding or exploring their own Ministry.

This policy also applies to Lay Licensed Ministers (LLMs) during the process of Formation for Licensed Ministry (FLM) and their Newly Licensed Ministers (NLM) training and continues to apply throughout their ministry.

Upon the occasion of an individual starting to investigate the process of Ministerial training beyond merely an introductory enquiry, whether they ultimately intend to become Ordained or not the relevant Bishops office should open a Personal file in their name. Before opening a new file an enquiry should be made of the candidate as to whether they have previously come forward in another Diocese and if so the file from the previous Diocese should be obtained and examined.

NB This ‘New File’ is NOT a Clergy file because at this stage regardless of their ultimate destination or current intentions, they are not yet a Cleric.

The file should include their personal details and any activity within the Church in which they are currently or as a result of their enquiry have been invited to become engaged. The file should be updated with any activities or training the individual attends.

If the individual eventually becomes Ordained the information in the file will transfer to their Clergy File under the Pre Ordination CV Section. If they eventually become Licensed as an LLM the file stays in the Diocese in which they serve for the duration of their Ministry.

Retention timescales and Privacy Policy for these files are dealt with in Appendix A.

The file should be created and kept by the Bishop’s PA/EA for the relevant Diocese, in a file system which is separate from the existing clergy files.

A. WHAT IS THE PURPOSE OF THIS DOCUMENT?

The RB acting as Data Controller, is committed to protecting the privacy and security of the personal information (‘personal data’) under their control.

This privacy policy describes how we collect and use your personal data during Pre-Ordination activities or assessments and throughout the Ministry of Lay Licensed Ministers (LLMs), in accordance with the UK General Data Protection Regulation (GDPR) and related UK data protection legislation.

It is important that you read this policy, together with any other privacy policy we may provide on specific occasions when we are collecting or processing information about you, so that you are aware of how and why we are using the information.

B. GLOSSARY

Where we refer in this policy to your 'personal data', we mean any recorded information that is about you and from which you can be identified, whether directly or indirectly. It does not include data where your identity has been removed (anonymous data).

Where we refer to the 'processing' of your personal data, we mean anything that we do with that information, including collection, use, storage, disclosure, deletion or retention.

C. WHO IS USING YOUR PERSONAL DATA?

The RB is the "data controller" for the information that we hold about you as a result of your activities when applying for or working towards Ordination, during Discernment and in the case of Lay Licensed Ministers throughout your Ministry with the Church. This means that we decide how to use it and are responsible for looking after it in accordance with the UK GDPR.

This policy does not form part of any contract of employment or other contracts, agreements or licences provided by the Church, the Bishops or the Dioceses. We may update this policy at any time.

D. THE TYPES OF DATA WE HOLD ABOUT YOU

The information we hold about you may include the following:

- Personal details such as name, title, address, telephone number, email address, date of birth, National Insurance number, nationality, sex and gender identity, marital status, information about your dependants;
- Next of kin and emergency contact information;
- Banking, tax status and other financial information;
- Grant, Stipend, Salary, leave, pension and benefits information;
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process);
- Employment records (including job titles, work history, working hours, location of workplace, personal development and training records, performance information, exit interview, health and safety information and professional memberships);
- Disciplinary and grievance information;
- Information about your use of our information and communications systems (including CCTV and building access information);
- Work related photographs.

We may also process the following "special categories" of more sensitive information:

- Information about your race or ethnicity, religious beliefs and sexual orientation;
- Trade union membership;
- Information about your health, including any disability and/or medical condition, health and sickness records;
- Information about criminal convictions and offences, including proceedings or allegations.

E. HOW THE RB OBTAINED YOUR DATA

We obtain the vast majority of information directly from you, including through the application and discernment process. We may also obtain information from third parties, such as the Diocesan staff, the Bishop's Office, background check providers or referees. We will collect additional information about you during your ministry.

F. HOW THE RB USES YOUR DATA

We process your data for a number of purposes arising from your application for Ministry within the Church (e.g. terms and conditions and financial payments if applicable); personnel management (e.g. induction, performance appraisal, management of sickness or other absence, merit schemes); discipline or grievance processes; and the provision of services and support (such as counselling, disability support or childcare). We set out below those circumstances where it is necessary for us to process your data. (These circumstances are not mutually exclusive; we may use the same information under more than one heading).

1. Because we have a contract with you

In the event you are eventually selected for ordination training, we need to process your data in order to meet our obligations or exercise rights under a contract, terms of Service or other contractual document relating to your engagement with the RB, St Padarn's Institute or other training establishment. Information processed for this purpose includes, but is not limited to, data relating to: payroll; your pension; your bank account; your postal address, email address and telephone number; emails sent or received by you or between others, which are stored on the Church in Wales network; any record of absence; sick pay; annual leave; family leave and pay; emergency contacts; training and development; reward and recognition; teaching and research; disciplinary matters; criminal convictions or barring decisions; health and safety; and security.

2. Where we need to comply with a legal obligation.

We need to process your data in order to meet legal obligations, such as those relating to immigration, health and safety, safeguarding and equal opportunities. Information processed for this purpose includes, but is not limited to, information relating to safeguarding inquiries received by the Church, which would be sent confidentially to the Safeguarding Team. Other matters include tax; national insurance; auto-enrolment for pension; statutory sick pay; statutory maternity, adoption, paternity and shared parental pay; family leave; work permits or immigration status; management of health and safety and equal opportunities monitoring. We are required to disclose much of this data to government departments or agencies.

3. Where it is necessary to meet a task in the public interest (Public Task)

The operation of the Church in Wales is conducted under the provisions of the Welsh Church Act and the Constitution of the Church in Wales. Consequently, the majority of our data processing is conducted under the lawful basis of Public Task.

We may need to process your data for purposes related to teaching and research such as academic assessment, examination administration or research related administration.

Teaching and research are tasks that we perform through St Padarn's Institute in the public interest in order to fulfil our responsibilities under the Constitution of the Church in Wales and as a charity for promoting the advancement of religion for the public benefit.

St Padarn's may contact you to ensure you are aware of Continuing Ministerial Development training available to you. They will contact both Ordained Clerics and LLMs for this purpose under the Lawful basis of public task.

Information processed for these purposes includes but is not limited to: your personal details; records of teaching and research activity; emails sent or received by you or between other members of staff; and funding applications or grants.

Other matters in the Public interest (Public Task) which apply to the operational running of the Church include but are not limited to:

- Policy development;
- Internal reporting;
- Management of staffing budgets;
- Benchmarking;
- Equal Pay Audits;
- Financial Audits;
- Internal communications;
- Activities arising from your membership of committees or similar bodies;
- Your participation in events and other activities organised in support of the RB's charitable objectives;
- Security;
- Maintenance of IT systems, including information security;
- Administration of health and safety; and
- Business continuity

4. Where it is necessary to meet our legitimate interests

We need to process your data in order to meet our legitimate interests relating to the governance, management and operation of the RB and Church in Wales. Examples include, but are not limited to, the following activities:

- Security, including CCTV;

5. Where we have your consent

There may be situations where we ask for your consent to process your data e.g. where we ask you to volunteer information about yourself by taking part in a survey, or where we ask for your permission to share sensitive information.

6. Where it is necessary in order to protect your vital interests or the vital interests of another person

There may be circumstances in which it is necessary for us to process your data to protect an interest which is essential for your life or that of another person or where the processing serves important grounds of public interest and your vital interests for example purposes relating to the safeguarding from serious harm of children or vulnerable adults.

If you fail to provide certain information when requested under the circumstances described in F1 and F2 above, it may impair our ability to fulfil our obligations to you, or to comply with our other legal obligations.

G. CHANGE OF PURPOSE

We will only process your data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another related reason and that reason is compatible with the original purpose. If we need to use your data for an unrelated purpose, we will seek your consent to use it for that new purpose.

Please note that we may process your data without your knowledge or consent where this is required or permitted by law.

H. SPECIAL CATEGORY DATA AND CRIMINAL CONVICTION DATA

Special category data and criminal conviction data require a higher level of protection. Listed below are examples of processing activities that we regularly undertake in respect of these types of data. In addition to the activities listed below, it may sometimes be necessary to process this sort of information for exceptional reasons, for example, because it is necessary to protect your vital interests or those of another person.

(a) Health (including disability)

We will process data about your health where it is necessary, for example, to record absence from work due to sickness, to arrange to pay appropriate levels of sick pay, to determine fitness for work or to determine whether it is necessary to make reasonable adjustments for disability. Processing of this nature is necessary to carry out our obligations or exercise our specific rights as an employer; and/or for the purposes of occupational medicine and for the assessment of the working capacity of employees. There may also be circumstances where we ask for your explicit consent to share data about your health.

(b) Criminal conduct (including convictions, proceedings or allegations)

Data about unspent criminal convictions is usually collected before your appointment. Data about spent criminal convictions or any barring decisions will only be collected if you have applied for and been appointed to particular posts or responsibilities and where we are legally required to do so.

If a post requires additional screening you will be advised before the screening takes place. We may also process data relating to criminal conduct for disciplinary reasons in order to exercise rights under our contract with you.

Processing of this nature is necessary to meet our legal obligations and exercise our specific rights as an employer, and will be subject to suitable safeguards.

(c) Racial or ethnic origin, sexual orientation and religious belief

Data about your racial and ethnic origin, sexual orientation or religious belief will only be processed where you have volunteered it and where we need to process it in order to meet our statutory obligations under equalities and other legislation. This processing is considered to meet a substantial public interest.

I. DATA SHARING WITH THIRD PARTIES

In order to perform our contractual and other legal responsibilities, we may, from time to time, need to share your information with the following types of organisation:

- External companies providing services to us, for example, those that hold and process staff data on our behalf in relation to HR functions e.g. IT systems in use to record

absence data, process payroll, staff appraisal, occupational health. Other examples include companies assisting us with legal advice.

- External organisations offering RB-sponsored services including those that offer benefits to staff, such as travel schemes, nursery providers and employee assistance programmes;
- Pension providers;
- Relevant governmental departments or agencies, including those responsible for tax and immigration;
- Any relevant regulatory bodies (for example the Solicitors Regulation Authority and the Royal Institution of Chartered Surveyors)
- Our auditors;
- Other employers, where you have worked in the past or you may move to in the future;
- Unions and legal representatives where you have involved them to support you through a process.

Where information is shared with third parties, we will seek to share the minimum amount necessary. For example, we may share only your employee number and not your name (this is known as pseudonymisation).

All our third-party service providers that process data on our behalf are required to take appropriate security measures to protect your data in line with our policies. We do not allow them to use your data for their own purposes. We permit them to process your data only for specified purposes and in accordance with our instructions.

J. TRANSFERS OF YOUR DATA OVERSEAS

There may be occasions when we transfer your data outside the UK, for example, if we communicate with you using a cloud based service provider that operates outside the UK, or if we seek a reference from a person outside the UK. Such transfers will only take place if one of the following applies:

- the country receiving the data is considered by the UK to provide an adequate level of data protection;
- the organisation receiving the data is covered by an arrangement recognised by the UK as providing an adequate standard of data protection;
- the transfer is governed by approved contractual clauses ;
- the transfer has your consent;
- the transfer is necessary for the performance of a contract with you or to take steps requested by you prior to entering into that contract;
- the transfer is necessary for the performance of a contract with another person, which is in your interests;
- the transfer is necessary in order to protect your vital interests or of those of other persons, where you or other persons are incapable of giving consent;
- the transfer is necessary for the exercise of legal claims; or
- the transfer is necessary for important reasons of public interest.

We may display your work email address and telephone number on our websites, which are accessible to internet users, including those in countries outside the UK.

K. DATA SECURITY

We have put in place measures to protect the security of your information. Third parties that process data on our behalf will do so only on our instructions and where they have agreed to keep it secure.

L. RETENTION PERIOD

We will retain your data for as long as we need it to fulfil our purposes, including any relating to legal, accounting, or reporting requirements.

Personal Data, file notes and information relating to Ordained clergy and Lay Licensed Ministers (LLMs) is subject to special care and extended retention timescales.

The same timescales apply to the files relating to individuals starting the Discernment process, Pre Ordination training and activities undertaken in the Church, whether the individual intends to become Ordained or whether they are planning to become Lay Licensed Ministers (LLMs).

Following Ordination, a Cleric is subject to separate Terms and Conditions but LLMs information and data relating to their activities will continue to be dealt with under this Privacy Policy.

A schedule of retention timescales is presented at Appendix 1 of this document.

M. YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your data (commonly known as a "subject access request"). This enables you to receive a copy of your data and to check that we are lawfully processing it.
- **Request correction** of your data. This enables you to ask us to correct any incomplete or inaccurate data we hold about you.
- **Request erasure** of your data. This enables you to ask us to delete or remove your data under certain circumstances, for example, if you consider that there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your data where you have exercised your right to object to processing (see below).
- **Object to processing** of your data where we are processing it to meet our legitimate interests (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your data for direct marketing purposes.
- **Request the restriction of processing** of your data. This enables you to ask us to suspend the processing of your data, for example, if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your data to another party.

Depending on the circumstances and the nature of your request it may not be possible for us to do what you have asked, for example, where there is a statutory or contractual requirement for us to process your data and it would not be possible to fulfil our legal obligations as your employer if we were to stop.

Where you have consented to the processing (for example where you have allowed us to communicate with your GP regarding your medical records) you can withdraw your consent at

any time, by emailing the relevant department. If you choose to withdraw consent it will not invalidate past processing. Further information on your rights is available from the [Information Commissioner's Office](#) (ICO).

If you want to exercise any of the rights described above or are dissatisfied with the way we have used your information, you should contact the Data Protection Officer at dataprotection@churchinwales.org.uk.

We will seek to deal with your request without undue delay, and in any event in accordance with the requirements of the GDPR. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

If you remain dissatisfied, you have the right to lodge a complaint with the ICO at <https://ico.org.uk/concerns/>.

N. KEEPING YOUR DATA UP-TO-DATE

It is important that the data we hold about you is accurate and current. Please keep us informed of any changes that may be necessary during your working relationship with us.

O. CHANGES TO THIS PRIVACY POLICY

We reserve the right to update this privacy policy at any time, and will seek to inform you of any substantial changes. We may also notify you in other ways from time to time about the processing of your personal data.

Policy last updated: April 2023

APPENDIX 1

Retention Schedules – what is kept and for how long

The following agreed common retention periods apply to particular categories of information held for those engaged in pre-ordination activity and for those prior to and after licensing as LLMs while their files are held under the management of the Church in Wales.

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
Copy of birth certificate (or other appropriate evidence demonstrating age for licensing)	20 years from the date of the individual's death
Evidence of immigration status and permission to work in the UK (if the individual is not a British Citizen)	20 years from the date of the individual's death Date of individual becoming British citizen <i>(whichever is soonest)</i>
Copies of qualification certificates	20 years from the date of the individual's death
Individual's CV since leaving school	20 years from the date of the individual's death
Copy of faculty dispensing with ordination impediment	20 years from the date of the individual's death
Report of the Provincial Discernment Panel and periodic reports from the individual's training institution	20 years from the date of the individual's death
Copies of individual's Bishops Licence	20 years from the date of the individual's death
Copies of any 'safe to receive' or Episcopal Reference or similar.	70 years from the date of the individual's death
Application papers for posts: application form, references, copy licence, deed of institution.	Supporting papers for successful applications should be held on the file for 20 years from the date of the individual's death. Papers for retained following the end of the relevant recruitment process.
A written record of any Ministerial Review	20 years from the date of the individual's death.

Records of any continuing ministerial education (CME) undertaken	20 years from the date of the individual's death
DBS Certificate	Not retained on Personal File. The Provincial office processes.
Record of an individual's criminal record check history.	70 years from the date of the individual's death
Record of safeguarding allegations and concerns – including details of how these are handled, followed up, actions taken, decision reached and eventual outcome.	70 years from the date of the individual's death
Evidence of personal file being independently scrutinised under an external review – including a note of any action resulting.	70 years from the date of the individual's death
Copies of records relating to safeguarding allegations and concerns (this refers to papers being retained in the Provincial Office safeguarding team following the movement of the individual to a Diocese outside of Wales)	70 years from the date of the individual's death
Record of a individual'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 individual's death
Record of Disciplinary Tribunal – including copies of the complaint, referral and findings of the Tribunal and preliminary and final stages, supporting evidence, letter recording sanction/penalty/action taken.	70 years from the date of the individual's death
A brief summary of an allegation of misconduct (not resulting in a reference to the Disciplinary Tribunal)	20 years from the date of the individual's death

<p>Records of capability inquiries raised - including a record of discussions between an individual and a member of the bishop's staff, evidence of how health issues have been managed (e.g. copies of occupational health reports, note of any adjustments made)</p>	<p>20 years from the date of the individual's death</p> <p>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</p>
<p>Record of grievances raised under the Grievance Procedure – including details of the grievance, the process followed and the outcome.</p>	<p>20 years from the date of the individual's death</p>
<p>Record of significant unresolved financial problems</p>	<p>Keep the record until financial problems have been satisfactorily resolved</p>
<p>Personal file itself after an individual's death</p>	<p>Entire file to be destroyed 70 years after the date of the individual's death</p>