



## The Bishop of Lincoln

To Licensed Clergy and Clergy with Permission to Officiate

September 2024

Dear Colleagues,

From time to time the Church of England nationally makes changes to the way in which it requires dioceses to administer its policies and procedures. This will often be because of changes in legislation or as a result of good practice being disseminated. When such changes occur, we are often required to inform those it affects, even if no action is required by them.

The House of Bishops recently approved the new Interim Clergy Personal “Blue” File Privacy Notice for use across dioceses in the Church of England. You will find a copy of this enclosed.

The reason for this interim policy is that the Church’s current Privacy Notice is now in direct conflict with approved safeguarding data sharing best practice and is at odds with effective safeguarding. Specifically, it relied on consent to share safeguarding information, which is clearly neither appropriate nor desirable.

In brief, the key changes in this Interim Privacy Notice are:

- It has been updated to a more suitable format and is easier to read
- Its purposes are more clearly defined and specifically include safeguarding audits/reviews and disciplinary matters
- Lawful bases and conditions have been made more transparent and are now aligned with data protection law
- Transfer of files to other dioceses and the Church in Wales is now explicitly stated
- Categories of data now reflect the main records that should be held in a Blue File, including special category data
- It is made clear that where Bishops are required by policy or legislation to share data, clerics will not be asked for their consent. The relevant circumstances have been made explicit in the Privacy Notice, in particular regarding safeguarding audits or reviews
- Limitations on consent are included
- Reference is included to the National Church of England Information Sharing Agreements, and the Police Data Sharing Agreement
- A section has been added clarifying the legislative restrictions regarding access to disciplinary data, in relation to the Clergy Discipline Measure
- A section has been added clarifying the legislative exemptions to access to confidential references



Please be assured that I, as the Bishop of Lincoln, as well as my colleagues in the Bishops' Office, always guard and treat your personal data with the respect that it deserves. We take care to understand what we can and cannot share, and with whom. There is often a fear about what clergy personal files may contain, but the reality is that most of it will have been seen by you already – it is, after all, your data! Modern files plot your ministry from selection to the end; they are factual and focus on the key events.

You do not need to do anything as we are making all the necessary changes needed – one of which is to inform you about the changes.

If you have any questions about your data and how it is stored and used, please be in touch with my Senior Chaplain, the Revd Nick Nawrockyi, via [bishops.chaplain@lincoln.anglican.org](mailto:bishops.chaplain@lincoln.anglican.org). We will always do our best to answer your questions and allay any fears you may have.

Yours ever in Christ,

A handwritten signature in black ink that reads "Stephen Conway". Below the signature is a horizontal line.

The Rt Revd Stephen Conway  
Bishop of Lincoln



## The Bishop of Lincoln

### Clergy Personal Files – Privacy Notice

This privacy notice is provided by the Bishop of Lincoln to explain what to expect when we collect and process your personal information in accordance with the UK GDPR.

#### Data controller

The data controller is the Bishop of Lincoln.

The Bishops' Office, Edward King House, Minster Yard, Lincoln LN2 1PU  
[bishop.lincoln@lincoln.anglican.org](mailto:bishop.lincoln@lincoln.anglican.org), 01522 50 40 90

For further information on the Bishop of Lincoln please go to:

<https://www.lincoln.anglican.org/about/people/bishops/>

#### 1. Why we collect and use your personal data

- 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 “Blue” 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. The categories of personal data we collect:

The information we process for these purposes includes:

- 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

Further details of the records held can be found in the Policy.

We also process “special categories”<sup>1</sup> of information that may include:

- Race
- Ethnic origin
- Politics
- Religion
- Trade Union membership
- Health
- Sex life
- Sexual orientation
- Criminal allegations, proceedings or convictions

### 3. The lawful basis for using your information

We collect and use personal data 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 or UK legislation, (such as but not limited to data on English clergy provided 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 legislation, statutory codes, guidance and policies
- **Legitimate Interests (Art 6(1)(f))** – to establish, exercise or defend legal claims
- **Legitimate Interests (Art 6(1)(f))** – for the purpose of safeguarding audits and safeguarding practice reviews

#### Legitimate Interests Assessment Summary – 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.     |

*For a copy of the full Legitimate Interests Assessment, please use the contact details set out in section 9 below.*

<sup>1</sup> The special categories of data are as stated in the UK GDPR legislation

### 3.2 Special categories 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 we have 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 Privacy Notice
- **Substantial Public Interest (Art 9(2)(g) - Data Protection Act 2018 s. 10(3) and Schedule 1:**
  - 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))
  - Protection the public against dishonesty, etc. (Schedule 1, Part 2 (11))
  - Safeguarding of children and 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 from or share your information 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)
- Church in Wales, when you take up an appointment
- Limited data with other Churches when you take up an appointment
- Internal and external auditors, and quality assurance reviewers, independent reviewers
- Judicial, statutory, 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 the Church of England bodies and the Church in Wales and the National Police Chiefs Council.

## **5. Clergy Discipline 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 can only be accessed 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 CDM (and by extension Ecclesiastical Jurisdiction Measure 1963 (EJM)) papers 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 the 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. Your personal data will/will not be sent to countries outside the UK/EEA.**

Your personal data will not be sent to countries outside the UK/EEA unless:

- in response to a confidential reference from an employer or appointing authority based outside the UK/EEA
- to judicial, statutory, regulatory bodies, law enforcement and prosecution agencies pursuing security or criminal investigations based outside of the UK/EEA where there is a substantial public interest in doing so

In such circumstances where your data are sent to countries outside the UK/EEA we shall consider how adequate the arrangements are regulatory and administratively for receiving that information in a way that accords with the data protection principles.

## 8. How long do we keep your information?

We will keep your information 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>

## 9. 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 at any time (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.

## 10. Complaints or concerns

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

The Revd Nick Nawrockyi, Senior Chaplain to the Bishop of Lincoln  
The Bishops' Office, Edward King House, Minster Yard, Lincoln LN2 1PU  
[bishops.chaplain@lincoln.anglican.org](mailto:bishops.chaplain@lincoln.anglican.org), 01522 50 40 90

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