

Data Protection, GDPR (General Data Protection Regulations) and Parish Archives

Summary

GDPR makes it clear that archives are to be protected. This means that personal data already in parish archives should not be removed, destroyed or changed in any way and that personal data worthy of permanent preservation should be safeguarded and added to the parish archive rather than destroyed.

Note

This article defines the contents of the parish archive as records which:

- Are no longer in use for operational purposes.
- Have been recognised as having long-term value and been set aside for permanent preservation.

Data Protection, GDPR and Parish Archives

Parish archives are important for many reasons. For example, the records in the archive help tell the story of the parish and community, and also of individuals and families involved in the church. They can also demonstrate the parish's accountability to its members, the Diocese, and the wider community.

Inevitably parish archive collections contain personal information about people's public and private lives. Data Protection and GDPR law recognises there is a public interest in permitting the permanent preservation of personal data in archives for the long-term benefit of society. GDPR calls this, 'archiving in the public interest.' Under GDPR personal data held in archives is exempt from various principles and data subject rights such as the right to be forgotten and data rectification.

While GDPR does not specifically define archives, it recognises that data held in archives is different from data processing which supports daily business. For example, a list of names and address of volunteers helping at a parish event is personal data which is being used for business purposes and therefore is fully subject to GDPR. However, if it was decided that this personal data had long-term historical value it could be placed in the parish archive where it would be subject to the 'archiving in the public interest' exemptions under GDPR.

The advice paper, *Southwark Diocese record keeping advice for parishes* (<https://tinyurl.com/y8ek5d8f>), contains a retention schedule (guidance on how long records should be kept for) for parishes. It identifies which records parishes should be placing in their parish archives. If parishes follow this retention schedule it will not only help them to manage their records well but will also offer them protection against any questions of why they have kept records containing personal data. If they can demonstrate that it is for archival purposes according to a set retention schedule there should be no further problems.

Some key points about parish archives under Data Protection, GDPR:

- GDPR applies to personal data being processed automatically (e.g. any digital records) and any paper records within a manual filing system. GDPR does not apply to data in paper records outside such a filing system, for example, random occurrences of personal names and addresses within a subject file.
- Data Protection and GDPR only applies to living people.
- GDPR makes it clear that archives are to be protected under the legislation. This means that personal data already in parish archives should not be removed, destroyed or changed in any way even if requested by the data subject. Personal data preserved in archives is not expected to be kept "up-to-date" in the same way as data still subject to operational use.
- It is important to continue to add appropriate material to the parish archive. Personal data worthy of permanent preservation should be safeguarded and added to the parish archive rather than destroyed. The retention schedule should be used as a guide for identifying which personal data should be added to the parish archive. There is no need to excise personal data from records before they goes to the archive.
- If a parish has any uncertainties or questions in relation to keeping data for their parish archive they should contact the Diocesan Archivist (archives@rcsouthwark.co.uk; 020 7202 8193).

While records in parish archives have some exemptions under GDPR there are some key things to remember:

- Parishes need to know what personal data they have in their archives and how they are processing it.
- Parishes need to be able to show that they recognise their responsibility for safeguarding the interests of the data subjects and have put in place appropriate measures for caring for personal data in their archives, including good practice in storage, handling and access.
- There is an ethical consideration to protect the privacy of people mentioned in records in the archive whilst they are alive. For this reason, it is usual to close records containing personal data for a person's lifetime which is usually assumed to be 100 years. In the case of parish registers, the Bishop's Conference has ruled that no information contained in parish registers is to be given out to researchers until it is 110 years' old (it may of course be given to the data subject themselves).
- Public use of personal data in archives is possible once the people concerned are dead, and may be possible earlier if the use is fair to the individuals in the record. However, parish archives are private so there is no obligation to allow researchers to use the records.

Further information on Data Protection, GDPR and archives can be found on the National Archive's website:

<http://www.nationalarchives.gov.uk/information-management/legislation/data-protection/>