



# The Church of Scotland

## Appendix 5 – Trace and Protect policy and procedures

### 5.1 Assisting NHS Test & Protect Strategy FAQs

#### What is Test & Protect?

The NHS has introduced a system intended to act as a reporting tool to help suppress the spread of COVID-19. The idea is that if records are kept concerning where people have been and who else they have been in contact with, that will help identify potential virus transmission points. The UK and Scottish Governments are asking community facing organisations, including churches, to help do their part in keeping records about visitors to their premises.

#### What do we need to do?

Collect details of people who attend our churches in support of the NHS Scotland Test & Protect strategy. All we need to collect is the name of each individual, together with a means of contacting them, usually a telephone number.

#### Is this compulsory?

Participation in the Test & Protect strategy is important, both for our Church and for those attending Church but it is not compulsory. In taking part we are joining the national effort to suppress COVID-19 and we will be acting in the best interests of our congregations. However, if people don't want to register their attendance, we cannot force them or deny entry. In this regard, congregations can exercise their own best judgement about the collection of personal data from individuals and remind people that if they choose not to take part it means the NHS cannot contact them and help them to take protective measures.

#### What data do we need to collect?

1. The name of any visitors taking part in congregational activities such as worship, friendship groups or Guild or congregational meetings.
2. Contact telephone number or email address.
3. The location of attendance.
4. The time of attendance.
5. (if possible) the time of departure or duration of attendance.

#### Whose data do we need to collect?

Only the personal data of those attending church services or other congregational events on church premises, broad categories as follows:

- Congregation members (names and contact telephone number).
- Visitors (names and contact telephone number or email address).
- Ministers (names only).

When church halls are allowed to re-open it will be the responsibility of those hiring the hall to produce Test and Protect records for their event or gathering.

#### Do we need to collect data for everyone attending our church?

There are some exceptions. For example, when a group of people attends church, for example a family group, we only need to record the "lead" person in the group. That way, should other members of the group need to be tested, this can be done by contacting the named lead member. So, for example, there will be no need to record each child going into a Sunday School class providing that one of their parents is on the register for that day.

#### How will we collect and record the information?

We have developed two methods of recording attendance at congregations.

1. The primary method is to use an A4 notebook. This low-tech approach is recommended for all congregations. Full instructions for using the notebooks accompany this FAQ document.
2. The second is the use of a smartphone app combined with printed QR codes displayed on your church premises. Once installed and set up on their smartphone, all the individual needs to do is point their smartphone camera at the QR code and click. The app will do the rest. Using the app is optional, but adds elements of flexibility, ease of use and security for congregations which choose to use it. The app vendor chosen has been carefully assessed and approved and is working directly with the data protection officer of the Church of Scotland (“DPO”). Note that you should only use the smartphone app approved by the DPO. Full instructions for use of the smartphone app accompany this document.

### **We may have more than one activity happening in different parts of our premises, how do we record attendance in these circumstances?**

Use a separate notebook for each activity on your premises. For example, Sunday worship, including all related activities such as Sunday School and after service coffee (as and when it is possible to start this up again) can be recorded in one notebook. A separate notebook can be used for other congregational activities such as Board/Session meetings or other gatherings. Ideally these notebooks will be stored securely in the church but accessible for the purposes of the activity.

The smartphone app makes use of QR codes which can be printed out and displayed throughout your premises. This provides a more flexible approach to multiple locations which is not reliant on the presence of a member of the congregation holding a notebook.

### **How long should we keep the information we collect?**

The Government guidance is 21 days. In practice, certainly for the registers using the notebook method, this may be up to 28 days but no longer.

Data is retained on the smartphone app system for 21 days and then securely deleted.

### **Where should we keep the information?**

The notebooks used to contain the attendance register should be stored in a lockable filing cabinet, drawer or safe. Access should be restricted to specific members of the Kirk Session or Elders tasked with the responsibility to maintain the registers.

When the notebooks are removed from storage, they should remain in the possession of the person responsible for them until they are returned to storage. The register notebooks must not be left unattended at any time as they contain personal data.

Information stored in the smartphone app system is encrypted and secured separately, which means congregations do not need to worry about the storage, security, retention or management of the personal data processed using the app.

### **How should we destroy the information?**

Pages in the notebooks containing the register of attendance information which is older than 21 days should be removed and securely shredded.

Register of attendance data held in the smartphone app system is automatically deleted.

What are our responsibilities under data privacy regulations?

The ICO has issued guidance <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/contact-tracing-protecting-customer-and-visitor-details/> to the effect that we should:

- Only ask for what is needed
- Be transparent with parishioners and visitors
- Store the data carefully
- Not use the data for other purposes
- Erase the data in line with government guidance

The notebook and smartphone app systems observe the requirements of the Data Protection Act 2018/GDPR.

Each congregation will be defined as a data processor for this specific purpose of processing, with the Assembly Trustees of the Church of Scotland acting as the data controller.

### How does the tracing procedure work?

The sharing of tracing process data is carried out under the supervision of the data protection officer for the Church of Scotland (DPO). He is the primary point of contact for NHS Test & Protect officials. All requests made to congregations for register lists will be made by the DPO. Any requests for attendance register data made directly to congregations or presbyteries by anyone else, including NHS Scotland, should be politely declined and referred to the DPO.

1. When an individual is identified as being infected with COVID-19, NHS Scotland Test and Protect officials work with them to create a list of their movements and where they have been in the presence of other people.
2. If one of our congregations appears on that list, NHS Test & Protect will contact the Church of Scotland DPO, confirming the location, date and time involved.
3. The DPO will then provide NHS Test & Protect with register information available from the smartphone app system if it was used.
4. The DPO will also contact the congregation involved, asking for a copy of the register list with contact telephone numbers for all those who were in attendance.
5. NHS Scotland Test & Protect officials will then use this list to contact all those on the register and arrange for them to be tested.
6. **IMPORTANT NOTE: Individuals on the list should NOT be contacted by any church representatives until AFTER it is clear the individual has been contacted by NHS officials. There are no exceptions to this.** The guidance from the Scottish Government issued 14<sup>th</sup> July 2020 is clear: "There is no circumstance in which establishments should use the data to directly contact visitors, customers or staff, even in the event of a known outbreak within premises. Health protection teams will decide on a case-by-case basis on what follow-up action to take."). We do not want to spread fear and alarm. Of course, the individuals involved may benefit from church support **after** they have been contacted by NHS Test & Protect, **BUT ONLY AFTER**. To be clear, to use the personal data to make contact about a possible infection incident would be outside the purpose of processing. It will be considered a breach of the regulations. It is imperative that all health matters be left to NHS Scotland Test & Protect.

### Why is this liaison being run by the Church of Scotland DPO and not by the congregations?

Data protection regulations place certain responsibilities upon our Church. Any system is susceptible to abuse at the hands of "bad actors" and criminals, seeking to use Track and Protect as a means to target congregation officials or members.

Whilst the personal data being collected is straightforward enough, the wide distribution of the collection locations and the context of the data involved means we need to be able to demonstrate our accountability and deploy appropriate technical and organisational measures with regard to the security and integrity of the data.

The DPO will manage this process on behalf of all congregations. Which means that we are reducing the risk of congregation members or officials being targeted with attempted fraud attacks. The personal data involved is shared only with NHS officials in a secure and defined procedure.

### How will the DPO contact our congregation?

As part of the preparation for assisting the Test and Protect strategy, each congregation should register a point of contact with the DPO. The online registration form can be found at [www.churchofscotland.org.uk/test-protect](http://www.churchofscotland.org.uk/test-protect). This person (it could be more than one person of course) will be responsible for providing the contact list to the DPO.

### How will I know I am really dealing with the DPO?

If you are at all uncertain that you are really dealing with a call or message from the DPO you should hang up and contact him directly using his direct dial telephone (07825644360) or email address ([asimpson@churchofscotland.org.uk](mailto:asimpson@churchofscotland.org.uk)). Or you can email the Church of Scotland Law department.

### **How do we create the contact list for NHS Test & Protect to use?**

How each congregation official creates the list will depend on how congregation contact information lists are administered, so each Kirk session can decide for themselves how to construct the list required. The list should be headed with location, date and time and contain only the names and contact telephone numbers of those in attendance. If a contact telephone number is not available, an address or email address can be used.

### **How should we send the list to the DPO?**

The DPO will advise the best way to send the list when he contacts the registered point of contact for your congregation. He will **NEVER** ask for the list to be sent in an unprotected format.

### **When will these attendance registration processes be implemented?**

The notebook/paper-based system will be implemented for the weekend commencing Saturday 18<sup>th</sup> July. All congregations should be using the paper-based attendance register from that date and should continue to maintain these records until notified otherwise.

The smartphone app system will be implemented for the weekend commencing Saturday 25<sup>th</sup> July. This is partly to allow time for congregations to register with the DPO to use the app system and partly to prevent information overload during the first week. Phasing the implementation in this way allows congregations to focus on the importance of the paper-based register first.

### **How does the smartphone app work?**

The smartphone app uses QR codes to identify each location. Congregations who want to use the smartphone app should register with the Data Protection officer using the form at [www.churchofscotland.org.uk/test-protect](http://www.churchofscotland.org.uk/test-protect).

Once registered, the DPO will contact the nominated point of contact at each congregation by email, with copies of the QR code specific to the congregation, instructions for how users can use the app and a copy of the privacy notice to be displayed. There is no other administrative involvement than that. The data collected will not be accessible to any congregation. Access and deletion will be handled by the DPOs office.

There is no need to register a user account with the Tap My Data app. Although users can if they want to. You can register your attendance at the church by simply scanning the QR code with a smartphone where the Tap My Data app has been installed. If the app is not yet installed, scanning a relevant QR code published in your church will start the app installation process.

Using the smartphone app with QR codes at entrance points in your church gives additional flexibility when it comes to registering attendance of those who visit the church outside regular services.

If you have any questions concerning this guidance please send an email to the Church of Scotland Law Department inbox: [LawDept@churchofscotland.org.uk](mailto:LawDept@churchofscotland.org.uk)

## 5.2 Attendance Registration and Data Release

### Paper Version

- 1) Scope
  - a) The procedure is to be used by congregations of the Church of Scotland as they assist the NHS Scotland Test & Protect strategy by recording attendance at church services and events. The procedure is for the paper version of attendance records.
  - b) The data controller for this process will be the Assembly Trustees of the Church of Scotland.
  - c) All congregations and any other Church of Scotland entities will be data processors.
- 2) Output
  - a) The output of this process will be a Register of Attendance which can be referred to by NHS Scotland Test & Protect.
- 3) Effective Date  
15<sup>th</sup> July 2020
- 4) Resources Required
  - a) One A4 spiral or ring bound notebook (or more if required to cope with the number of concurrent events at any one time on the church premises).
  - b) A secure storage location – Lockable cabinet, drawer or safe which can be accessed as required by the nominated officials.
- 5) Nominated Officials
  - a) At least one person to manage the registration of visitors to each Church event (or one person per event if concurrent events).
  - b) At least one person to act as liaison with Church of Scotland data protection officer (DPO) in the event of a Test & Protect enquiry by NHS Scotland.
  - c) Names, contact telephone numbers and email addresses to be registered with the DPO. The DPO will contact all congregations with details of how to register, this will be an online form. A link to which is provided in the COVID-19 guidance for congregations from the Church of Scotland.
- 6) Data Subjects
  - a) Each Register of Attendance page will record personal data belonging to the following categories of data subject:
    - i) Congregation members (as noted in the Communion roll)
    - ii) Visitors
    - iii) Ministers
    - iv) Employees
- 7) Personal Data To Be Collected  
Each Register of Attendance page will collect only the following items of personal data:
  - a) Congregation members: **Name and telephone number**. If no telephone number, then postal address and/or email address.
  - b) Visitors: **Name and telephone number**. If no telephone number, then postal address and/or email address.
  - c) Ministers: **Name only** (contact information can be added to the list later in the event of a Test & Protect request).
  - d) Groups (for example family groups): It is only necessary to record the name and contact details of the “lead” member of the group.
  - e) Each Register of Attendance Page will also identify the location of attendance, the date and general arrival and departure times.
- 8) Organisational Security Measures
  - a) Each register of attendance book is to be kept in lockable storage when not in use.
  - b) When in use, each register of attendance book is to be in the possession of a nominated official.
  - c) The register of attendance book should remain in the care of the nominated official until returned to the lockable storage.

- d) Requests for access to the register of attendance book will only be made by the Church of Scotland data protection officer (DPO). These requests will be made directly to the nominated officials noted above.
- e) Access to the register of attendance book for the purpose of sharing data is only to be made by nominated officials on receipt of a request by the Church of Scotland DPO.
- f) All requests to access the data contained in the register of attendance must be referred to the Church of Scotland DPO, who will verify the nature of each request and proceed accordingly.

#### 9) The Process

- a) The front cover of each notebook should be clearly marked with:
  - i) The congregation name;
  - ii) Address;
  - iii) Start date of the record of attendance book.
- b) On The Day - For each new event:
  - i) A new page should be prepared as follows:
  - ii) Left side page: The date of the event and start time. This page should be marked "Event" and will be used to record the start and end times of the event. This page will also be retained as proof that a register attendance was taken and then destroyed 21 days later (to allow for this administration, the retention period for paper records only can be extended to 28 days).
  - iii) Right side page: Should be marked with the event date and time and headed "register". This page will be used to record the names and contact details of all those attending.
  - iv) You may wish to number the pages in the notebook as you go.
- c) **As congregation members arrive:** Their attendance is registered by the person in charge of the register of attendance book using the right hand page, recording name and telephone number, clearly IN CAPITAL LETTERS.
- d) **As visitors arrive:** Their name and telephone number is written on the right hand page, clearly IN CAPITAL LETTERS.
- e) **Members of the clergy:** Those in regular attendance can have their name appended on the register page. Each congregation can choose how to do this, but the names must be recorded.
- f) BEFORE visitor or congregation member personal data is collected and recorded, the Privacy Notice must be either presented to the visitor or read out to them. Copies of the Privacy Notice can be printed out and laid on a table allowing them to be read.
- g) On subsequent visits, congregation members or visitors who have seen the Privacy Notice before do not need to see it again (they are deemed to have been informed).
- h) There is no need for anyone in attendance to acknowledge that they have read the Privacy Notice.
- i) A copy of the Privacy Notice used should be kept as part of the record of registration (we may be asked how people were informed).
- j) At the conclusion of the event, the departure time of those attending should be noted next to the start time (this should be a general finish/departure time, it does not need to be specific for each attendee – we recommend the time at which the hall/room/church is seen to be empty).
- k) Each register of attendance book should be returned to the lockable storage.

#### 10) Data Retention and Disposal

- a) We are required to keep the register of attendance for only 21 days.
- b) This means a weekly check needs to be carried out on each register of attendance book. In practice this will mean a retention period for paper records of up to 28 days. Any pages for events dated more than 21 days before the date of checking should be removed from the notebook and shredded.
  - i) The right hand page containing the register of attendance should be removed and shredded.

- ii) The left hand page containing the event/gathering description should be retained and the words "Data destroyed" and the date and time of destruction noted at the foot of the page.
  - c) Note: All removed pages must be shredded. They must not be disposed of in waste bins without first being shredded. Confidential waste bins are OK as long as they are part of an appropriate procedure for confidential waste disposal.
- 11) Responding To A Request For Register of Attendance Data
  - a) The only person able to authorise a request for register of attendance data is the Church of Scotland data protection officer (DPO) or one of his nominated colleagues in the Law Department.
  - b) The Church of Scotland DPO is the single point of contact with NHS Scotland Test & Protect officials on behalf of all Church of Scotland congregations. All requests must be channelled through him.
  - c) The DPO will contact the nominated officials at the congregation relevant to the request and ask them to prepare a list of names and contact telephone numbers for the date/event in question.
  - d) The DPO will make contact by telephone initially, but may also use email if this is appropriate.
  - e) If the nominated official is at all unsure about whether they are dealing with a genuine request, they should hang up the phone or cease an email interaction and start a new one using contact information they know to be correct.
- 12) Preparing and Sending The List
  - a) The attendance register for the date/event containing names of congregation members and visitors can be prepared on a sheet of paper, a word processing document or a spreadsheet.
  - b) Depending on the nature of the list, the DPO and nominated congregation point of contact will agree the best way to transmit it between them.
  - c) When the list is ready, the DPO will provide instructions for the nominated official to send documents to him.
    - Note:** He will NEVER ask you to email the documents to him. Nor will he ask you for usernames or passwords of any kind.
  - d) The nominated official sends the documents to the DPO using the instructions provided.
  - e) The DPO will acknowledge receipt.

### Data Protection Issues

The type of personal data we are collecting is basic and minimised as far as we can.

Nevertheless, we face challenges because of the heavily distributed nature of our collection of this personal data and the fact that by its nature it suggests the religious beliefs of the data subject (and is therefore classified as "special category" data). It could also be classified as behavioural data, in that we are recording attendance at a specific location.

We are doing so for good reasons. We are stepping up to our responsibilities to support the Test & Protect strategy of NHS Scotland and in doing so we are playing our part in protecting those within our congregations and the people in our local communities.

As an organisation we need to be able to demonstrate our accountability for how we collect and process the personal data involved, upholding the rights of each data subject. This is why this procedure has been developed. We are trying to keep this as simple and effective as possible so that people feel able to take part. It may not be perfect, so we will be keeping it under constant review throughout its deployment during the COVID-19 pandemic and associated restrictions.

### Data Subject Access Requests

Recording personal data in this way may cause individuals to exercise their rights over how their personal data is used by the Church of Scotland and invoke a Data Subject Access Request (DSAR) with us.

An online form specifically for this purpose will be published, linked from the Privacy section of the Church of Scotland website.

If someone makes a data subject access request directly at your congregation, you should note their name, contact details and the nature of their request and send it to the Church of Scotland

DPO without delay. He will deal with the request.

### **Data Incidents and Breaches**

If you are made aware of or detect an incident or breach involving this specific process you should inform the Church of Scotland DPO without delay.

### 5.3 Privacy Notice (Paper Process)

#### Privacy Notice

You are giving your personal data to The Trustees of the General Assembly of the Church of Scotland as the Data Controller.

#### Your Personal Data

You are being asked to supply your: Full name and contact telephone number.

#### Purpose

The purpose of processing the personal data we ask for is to assist with the NHS Scotland Test & Protect Strategy.

Under the Data Protection Act 2018 and GDPR, the legal basis for this processing is:

- 1) Article 6/1d – Processing is necessary in order to protect the vital interests of the data subject.
- 2) Article 9/2i – Processing is necessary for reasons of public interest in the area of public health.

Your personal data will not be used for any other purpose without your permission, except in the context of fulfilling a legal obligation to which The Church of Scotland is subject.

If you do not provide the personal data requested, we cannot register your attendance at the Church and will be unable to share your name with NHS Scotland if a relevant case of infection occurs.

#### Data Retention

Your personal data will be retained for up to 28 days and will then be disposed of securely.

#### Data Subjects

Personal data processing is carried out for Church of Scotland congregation members, visitors ministers and employees.

#### Sharing Your Personal Data

The purpose of the sharing is to assist with the NHS Scotland Test & Test Strategy. Your personal data will not be used for any other purpose or shared with a third party unless doing so is necessary in order to comply with a legal obligation or in order to protect your vital interests or those of another data subject.

#### Data Transfers

Your personal data will not be transferred outside the EEA.

## Your Rights

Under the Data Protection Act 2018 you have the following rights:

1. The right to be informed.
2. The right to access (your personal data).
3. The right to rectification.
4. The right to erasure.
5. The right to restrict processing
6. The right to object to processing.
7. The right to data portability.
8. Rights in relation to automated decision-making.

If you wish to invoke any of your rights, including for the purpose of a Subject Access Request (SAR), send your written request to: Data Protection Officer, Church of Scotland, 121 George Street, Edinburgh, EH2 4YN. Or email: [lawdept@churchofscotland.org.uk](mailto:lawdept@churchofscotland.org.uk)

You may also advise us of an incident involving personal data or a data breach using the same contact information.

You have the right to make a complaint about our processing of your personal data to the ICO as the regulator in the UK. You can contact the Information Commissioner's Office (ICO) at:

Website: [www.ICO.org.uk](http://www.ICO.org.uk)

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

## 5.4 Attendance Registration and Data Release

### Smartphone App

- 1) Scope
  - a) The procedure is to be used by congregations of the Church of Scotland as they assist the NHS Scotland Test & Protect strategy by recording attendance at church services and events. This procedure is for the smartphone app version of attendance records.
  - b) The data controller for this process will be the Assembly Trustees of the Church of Scotland.
  - c) All congregations and any other Church of Scotland entities will be data processors.
- 2) Output
  - a) The output of this process will be a secure, encrypted electronic Register of Attendance which can be referred to by NHS Scotland Test & Protect.
- 3) Effective Date  
22<sup>nd</sup> July 2020
- 4) Resources Required
  - a) (by congregation officials) copies of the QR code image document which will be supplied by the Church of Scotland data protection officer.
  - b) (by congregation members and visitors) the smartphone app known as "Tap My Data" installed on their iPhone or Android smartphone device. Visit [www.tapmydata.com](http://www.tapmydata.com) for information. The app is available in the Apple Store and on Google Play.
  - c) An appropriate Privacy Notice (supplied by the Church of Scotland DPO).
  - d) User instructions as supplied by the DPO.
- 5) Nominated Officials
  - a) At least one person to act as liaison with Church of Scotland data protection officer (DPO) for communication about registration and use of the smartphone app and in the event of a Test & Protect enquiry by NHS Scotland.
  - b) Names and contact telephone numbers of congregation liaison to be registered with the DPO. The DPO will contact all congregations with details of how to register as part of the COVID-19 briefing issued by the Church of Scotland.
- 6) Data Subjects
  - a) The smartphone app will only record personal data when it is used in conjunction with the QR codes provided. When used in this way it will process personal data belonging to the following categories of data subject:
    - i) Congregation members (as noted in the Communion roll)
    - ii) Visitors
    - iii) Ministers
    - iv) Employees
- 7) Personal Data To Be Collected
  - a) The smartphone app system will collect only the items of personal data provided to it by the data subject when they registered for their app user account:
    - i) Full name, telephone number.
  - b) Any other personal data provided by the data subject to the smartphone app will not be collected for the purpose of creating and maintaining the register of attendance by the Church of Scotland.
  - c) Each register of attendance record in the smartphone app system will also identify the location of attendance, the date and the time at which the QR code was clicked or check in occurred.
- 8) Technical & Organisational Security Measures
  - a) The electronic register of attendance is encrypted in transit and at rest.
  - b) Access to the electronic register can only be authorised by the DPO
  - c) Access to the register of attendance is protected by a key code known only to a limited number of Church of Scotland officials.
  - d) There will be no need for congregations to access the electronic record of attendance.

- e) Any requests to access the data contained in the register of attendance must be referred to the Church of Scotland DPO, who will verify the nature of each request and proceed accordingly.
- 9) The Process
- a) If a congregation wishes to make use of the smartphone app, a congregation official (eg, Minister, Session Clerk or Treasurer) should notify the Church of Scotland data protection officer using the online form provided for the purpose of registering the liaison point of contact. The email address provided should be one to which the QR code document can be sent, together with any necessary documentation or instructions.
  - b) The DPO will enable the congregation on the Tap My Data System and verify to the congregation contact by email that this has been done.
  - c) The DPO will issue a unique QR code page in PDF format (A4 page size).
  - d) The QR code document can be printed out as many times as needed and published as needed in the Church premises: It is suggested a copy is posted at every entrance, for example.
  - e) Copies of the appropriate privacy notice should also be prominently displayed.
  - f) Church officials "meeting and greeting" can draw attention to the smartphone registration option and the QR codes.
  - g) Each person attending the Church need only register using the smartphone app and QR code once per visit, then on each subsequent visit.
    - i) **Note:** Anyone can register using the paper system and the smartphone app if they want to. Duplication is not an issue, what matters is that we have a record of attendance.
- 10) Data Retention and Disposal
- a) We are required to keep the register of attendance for only 21 days.
  - b) The Tap My Data system is configured to delete data older than 21 days and does so on a daily basis. The office of the DPO will handle this.
- 11) Responding To A Request For Register of Attendance Data
- a) The only person able to authorise a request for register of attendance data is the Church of Scotland data protection officer (DPO) or one of his nominated colleagues in the Law Department.
  - b) The Church of Scotland DPO is the single point of contact with NHS Scotland Test & Protect officials on behalf of all Church of Scotland congregations. All requests must be referred to him.
  - c) The DPO will respond to NHS Scotland with the electronic register direct. The congregations have no access to the electronic record, which means the DPO will only ever be contacting the congregation nominated officials with regard to the paper register of attendance.

### Data Protection Issues

The type of personal data we are collecting is basic and minimised as far as we can.

Nevertheless, we face challenges because of the heavily distributed nature of our collection of this personal data and the fact that by its nature it suggests the religious preference of the data subject (and is therefore classified as "special category" data). It could also be classified as behavioural data, in that we are recording attendance at a specific location.

We are doing so for good reasons. We are stepping up to our responsibilities to support the Test & Protect strategy of NHS Scotland and in doing so we are playing our part in protecting those within our congregations and the people in our local communities.

As an organisation we need to be able to demonstrate our accountability for how we collect and process the personal data involved. Upholding the rights of each data subject. Which is why this procedure has been developed. We are trying to keep this as simple and effective as possible so that people feel able to take part. It may not be perfect, so we will be keeping it under constant review throughout its deployment during the COVID-19 pandemic and associated restrictions.

The use of the smartphone app makes the attendance registration process easier for congregations to manage and for tech enthusiastic parishioners and visitors to use. Overall, the smartphone app is not intended to replace the paper-based attendance registration process. Instead it is a useful extension to it.

### **Data Subject Access Requests**

Recording personal data in this way may cause individuals to exercise their rights over how their personal data is used by the Church of Scotland and invoke a Data Subject Access Request (DSAR) with us.

An online form specifically for this purpose will be published, linked from the Privacy section of the Church of Scotland website.

If someone makes a data subject access request directly at your congregation, you should note their name, contact details and the nature of their request and send it to the Church of Scotland DPO without delay. He will deal with the request.

### **Data Incidents and Breaches**

If you are made aware of or detect an incident or breach involving this specific process you should inform the Church of Scotland DPO without delay.

## 5.5 Privacy Notice - Congregation Test & Protect - Smartphone App

### Privacy Notice

You are giving your personal data to The Assembly Trustees of the Church of Scotland as the Data Controller.

### Your Personal Data

You are being asked to supply your full name and contact telephone number.

#### Purpose

The purpose of processing the personal data we ask for is to assist with the NHS Scotland Test & Protect Strategy.

Under the Data Protection Act 2018/GDPR, the legal basis for this processing is:

- Article 6/1d – Processing is necessary in order to protect the vital interests of the data subject.
- Article 9/2i – Processing is necessary for reasons of public interest in the area of public health.

Your personal data will not be used for any other purpose without your permission, except in the context of fulfilling a legal obligation to which The Church of Scotland is subject.

If you do not provide the personal data requested, we cannot register your attendance at the Church and will be unable to share your name with NHS Scotland if a relevant case of infection occurs.

### Data Retention

Your personal data will be retained for 21 days and will then be disposed of securely.

### Data Subjects

Personal data processing is carried out for Church of Scotland congregation members and visitors.

### Sharing Your Personal Data

Your personal data is processed using the secure smartphone app and will be shared with our contracted data processor, Personal Privacy Solutions Ltd (t/a TapMyData) who will process your personal data according to written instructions agreed by The Church of Scotland. Your personal data will only be shared with NHS Scotland Test & Test officials on request.

The purpose of sharing is to assist with the NHS Scotland Test & Test Strategy. Your personal data will not be used for any other purpose or shared with a third party unless doing so is necessary in order to comply with a legal obligation or in order to protect your vital interests or those of another data subject.

### Data Transfers

Your personal data will remain within the EEA.

### Your Rights

Under the Data Protection Act 2018 you have the following rights:

1. The right to be informed.
2. The right to access (your personal data).
3. The right to rectification.
4. The right to erasure.
5. The right to restrict processing
6. The right to object to processing.
7. The right to data portability.
8. Rights in relation to automated decision-making.

If you wish to invoke any of your rights, including for the purpose of a Subject Access Request (SAR), send your written request to: Data Protection Officer, Church of Scotland, 121 George Street, Edinburgh, EH2 4YN. Or email: [lawdept@churchofscotland.org.uk](mailto:lawdept@churchofscotland.org.uk)

You may also advise us of an incident involving personal data or a data breach using the same contact information.

You have the right to make a complaint about our processing of your personal data to the ICO as the regulator in the UK. You can contact the Information Commissioner's Office (ICO) at:

Website: [www.ICO.org.uk](http://www.ICO.org.uk)

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

## 5.6 Tap My Data Smartphone App User Instructions

### Introduction

The Church of Scotland has a responsibility to help our congregations assist with the NHS Scotland Test & Protect strategy by maintaining attendance registers for each of our congregations.

To this end we have chosen to use a smartphone app to help us create and maintain attendance registers. This smartphone app will work as a companion to the primary method of data collection which is the paper notebook.

We recognise that many congregations will want to use technology to help with their responsibilities. Recognising that data collection in our context usually involves managing “special category” data, which places additional demands and responsibilities upon us, we have chosen to work with a vendor who is providing us with advanced, privacy-centric technology. Which is no less than our congregations and visitors deserve.

The Tap My Data app was originally designed to help individuals make and manage subject access requests, known as DSARs with organisations which may be using their personal data. It is now also equipped with the ability to register a **“Service Check In”** and it is this part of the app which will be used by the Church of Scotland.

(for anyone interested in raising a DSAR with the Church of Scotland, you can find information about this in the Privacy Centre on the Church of Scotland website – do not use Tap My Data for this, it is not configured for the DSAR service with the Church of Scotland, although you will be able to use it with any of the other organisations who use the Tap My Data DSAR system)

The Tap My Data system holds all the data you give it securely. It also provides means to verify the personal data you share with it.

1. Installation
  - 1.1. You can find out more about the app by visiting their website at [www.tapmydata.com](http://www.tapmydata.com).
  - 1.2. You can download the app for your iPhone by searching for Tap My Data on the Apple App Store and for your Android device by looking for it on Google Play.
2. Setup
  - 2.1. Once the app is installed on your smartphone you do not need to set up an account in order to register attendance at your church. Setting up an account on the Tap My Data app is optional.
  - 2.2. The app system will send you a text message to verify your phone number or an email with a clickable link to verify your email address if you used these to set up an account.
  - 2.3. It is your choice if you want to add more personal data. The app does contain useful features for doing so. However for the purpose of letting you register your attendance at Church services, all we need is your name and phone number.
3. Use
  - 3.1. Each congregation will have a unique QR code associated with it. They will have copies of this QR code on display.
  - 3.2. All you need to do is open your Tap My Data app, click on the QR code icon at the top right of the main app page and point your camera at the QR code.
  - 3.3. You will be presented with a page titled, “Service Check In”
  - 3.4. The personal data which is about to be shared with The Church of Scotland is displayed by the app. This will be at most your name and phone number. The first time you register attendance at church you will need to enter this information.
  - 3.5. Press the blue “Check In” button, located below your displayed data and the app will send your check in to the Church of Scotland.
  - 3.6. Click “Continue” to return to the main app page.

3.7. To review your Check Ins, click on the “requests” menu item at the foot of the app page.

3.8. You can close a check in to record a departure time.

That is all you need to do. The personal data you have shared with the Church of Scotland is tagged with the congregation name, date and time of check in. It is stored in a secure, encrypted format on the Tap My Data management system, which can only be accessed by Church of Scotland officials if authorised by the data protection officer.

If there is an infection risk, the relevant personal data will be shared with NHS Scotland Trace & Protect officials only on receipt of a verified request. They will then apply their own contact procedures to approach the people on the list.

The Tap My Data system is configured to delete all records more than 21 days old on a daily basis.



The Church of Scotland

[www.churchofscotland.org.uk](http://www.churchofscotland.org.uk)

Scottish Charity Number: SC011353