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# Bishop's Stortford Baptist Church Data Protection Policy

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# Bishop's Stortford Baptist Church Data Protection Policy

## *General*

### **Section 1 Preliminary**

- (1) Bishop's Stortford Baptist Church (BSBC) recognises the importance of data protection. It undertakes to comply with the letter and spirit of the all applicable data protection legislation and the rights of individuals arising under that legislation.
- (2) In particular BSBC embraces the Data Protection Principles, namely:
  - (i) Personal data must be fairly and lawfully processed
  - (ii) Personal data must be processed for limited purposes
  - (iii) Personal data must be adequate, relevant and not excessive
  - (iv) Personal data must be accurate and up to date
  - (v) Personal data must not be kept for any longer than is necessary
  - (vi) Personal data must be processed in line with the data subjects' rights
  - (vii) Personal data must be secure
  - (viii) Personal data must not be transferred to other countries without adequate protection
  - (ix) Responsibility for compliance with the above principles must be demonstrable.
- (3) BSBC is further committed to preparing for the General Regulation on Data Protection (Regulation (EU) 2016/679) when it comes into force.
- (4) The purpose of this policy is to ensure that BSBC complies with the relevant statutory provisions on data protection and respects the rights and privacy of the individuals whose personal data is processed or held by BSBC.
- (5) All ministers, elders, deacons, church leaders, members of staff and volunteers who obtain, handle, hold or process personal data for BSBC must adhere to this policy and the Data Protection Principles.

### **Section 2 Management**

- (1) The **BSBC Leadership Team** (the Ministers, Elders, Church Officers and Deacons acting collectively) is the **Data Controller** for the purposes of the *Data Protection Act 1998* and all other legislation on data protection. The Data Controller has ultimate responsibility for ensuring that BSBC complies with all relevant data protection legislation.
- (2) One of the Church officers (the Church Secretary) is designated by the Leadership Team as the **Data Protection Lead**. The Data Protection Lead is to promote awareness of data protection issues within the BSBC Leadership Team and act as a contact point within the Leadership Team for all data protection issues.
- (3) On the recommendation of the Data Protection Lead, the BSBC Leadership Team designates the Church Centre Manager as the **Data Protection Officer**.

The Data Protection Officer is responsible, under the direction and control of the BSBC Leadership Team and the supervision of the Data Protection Lead for implementing this policy and managing data protection in relation to BSBC on a day-to-day basis.

- (4) The Data Protection Officer is also responsible for determining the standards for how information is recorded and filed.
- (5) The Data Protection Officer ensures that BSBC is registered with the Information Commissioner's Office.

### **Section 3 Awareness and training**

- (1) The Data Protection Lead, on behalf of the BSBC Leadership Team and with the assistance of the Data Protection Officer, promotes awareness of data protection and privacy issues.
- (2) Appropriate training is provided to ministers, elders, deacons, church leaders, members of staff and volunteers who obtain, handle, hold or process personal data for BSBC. Refresher training is provided as appropriate.

### **Section 4 Data Protection by Design**

- (1) BSBC considers the implications for data protection and privacy, of new services, initiatives, events and activities and implements appropriate measures to ensure such services, initiatives, events and activities are compliant with the principles of data protection.
- (2) New IT and technology used by BSBC is to be configured in such a way as to ensure maximum compliance with the principles of data protection.
- (3) BSBC puts in place measures to prevent data protection breaches and to ensure a proactive approach to data protection. In particular:
  - (a) the Data Protection Lead ensures that the BSBC Leadership Team considers the data protection implications of its decisions
  - (b) the Data Protection Officer conducts data protection impact assessments in relation to new services, initiatives, events and activities; and new technologies, and reports the outcome to the Data Protection Lead for the information of the BSBC Leadership Team.

### *How Data is dealt with*

### **Section 5 Meaning of personal data**

- (1) **Personal data** is any information relating to an identified or identifiable natural person.
- (2) **Sensitive personal data** is personal data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic or biometric data capable of uniquely identifying a natural person, health, a natural person's sexual conduct or orientation, criminal convictions and offences or related measures of security or punishment.

## **Section 6 Purposes of data collection and who data is collected on**

- (1) BSBC collects personal data for the following purposes:
  - (i) for the general administration of BSBC
  - (ii) for the maintenance of membership records
  - (iii) for the compilation and distribution of the Directory of Church Members
  - (iv) to provide pastoral care and oversight
  - (v) for the proper maintenance of financial and tax records, including matters connected with the Gift Aid scheme
  - (vi) for statistical analysis
  - (vii) for publicity and activity promotion
  - (viii) for communicating with individuals who might benefit from our services, events or activities
  - (ix) for the administration of church activities, including children and youth work, social action and outreach
  - (x) for the benefit of the BSBC congregation, visitors and clients
  - (xi) to meet legal requirements.
- (2) BSBC collects personal data on the following living, natural persons (**Data Subjects**):
  - (i) Church members
  - (ii) other members of the congregation
  - (iii) members of staff
  - (iv) volunteers
  - (v) users of services provided by BSBC (such as hirers of the premises)
  - (vi) persons who give or receive financially to or from BSBC
  - (vii) persons in receipt of pastoral care
  - (viii) other persons with whom BSBC comes into regular contact in the course of its activities or in connection with its purposes

## **Section 7 Consent to collect data**

- (1) All personal data collected, processed and held by BSBC is obtained and processed fairly and lawfully.
- (2) A Data Subject's personal data is not collected except with the consent of the Data Subject. In the case of a child (a person under the age of 18 years) the consent must be given by a person who is:
  - (a) older than 18 years of age
  - (b) lives with the child
  - (c) has in law responsibility for making decisions about the welfare and upbringing of the child.
- (3) Consent must be in writing. The written consent must be retained until the data to which it relates has been deleted or removed.
- (4) Pre-printed consent forms must state the purpose for which the consent is sought. Such forms are to be written in such a way that consent is not presumed ("opt-in rather than opt-out").

- (5) Consent is only given for the purposes of this policy when it is an active, freely given, specific, informed and unambiguous indication of the individual's wishes.

## **Section 8 Data Handling**

- (1) Processes are in place to ensure that all data collected and held by BSBC is:
  - (i) accurate and up to date
  - (ii) processed in a manner compatible with the purposes listed above in section 6
  - (iii) relevant, adequate and not excessive for the purposes listed above in section 6
  - (iv) not kept beyond the defined retention period
- (2) The Data Controller ensures that:
  - (i) the processes in place are effective
  - (ii) everyone who obtains, handles, holds or processes personal data for BSBC is identified
  - (iii) all data held is subject to regular review
- (3) BSBC retains data for different time periods dependant on the record type:
  - (a) all data that is subject to legal requirements i.e. employment, Charities Act, etc, is kept as required by the appropriate legislation
  - (b) all other data is kept for no more than 2 years subsequent to the individual's last attending a church activity, resigning membership or leaving employment.
- (4) The Data Protection Officer puts in place such procedures and processes as may be necessary or convenient to give effect to this policy.

## **Section 9 Church Database**

- (1) All personal data obtained by BSBC is held in a central database in electronic form. The database may be stored on the BSBC IT network or externally by a Data Processor under appropriate safeguards.
- (2) The software for operating the Church Database must:
  - (a) restrict access to the database by user account and password
  - (b) enable differing levels of access, particularly distinguishing between access to view data, access to alter data and rights to manage access
  - (c) be secure against loss, destruction or unauthorised disclosure of any personal data held by BSBC
  - (d) generate evidence, including an audit trail.
- (3) The Church Database may be used to process personal data.
- (4) The Data Protection Officer, subject to the direction and control of the Data Controller and the supervision of the Data Protection Lead, determines who is to have access to the Church Database and what level of access. The determination is recorded in the Data Protection Log.

- (5) Individuals may be given password protected access to the Church Database, whether by direct access on BSBC premises, or online for the purposes of managing their own personal data and those of their dependent children.
- (6) The Data Protection Officer, subject to the direction and control of the Data Controller and the supervision of the Data Protection Lead, may determine that particular classes of personal data held by BSBC are not held on the Church Database. The determination together with its reasons is recorded in the Data Protection Log. Any personal data not held on the Church Database must be held securely in accordance with the other provisions of this policy and the law.

### **Section 10 Release of data and Data Processors**

- (1) BSBC is committed to the principle of the confidentiality of personal data. All ministers, elders, deacons, church leaders, members of staff and volunteers who obtain, handle, hold or process personal data for BSBC must adhere to the principle of confidentiality.
- (2) BSBC does not release any data held without the expressed consent of the Data Subject concerned (except to the bodies listed in the Data Protection Act 1998).
- (3) Personal Data may be released with the written or verbal consent of the Data Subject concerned.
- (4) Sensitive Personal Data is only released with the written consent of the Data Subject concerned.
- (5) Data is only released to a country or territory outside of the European Economic Area with the written consent of the Data Subject concerned.
- (6) BSBC may engage a person (other than an employee) or business to process personal data on its behalf (“a data processor”). A data processor may not be engaged unless there is a written contract with BSBC which provides appropriate guarantees as to the confidentiality, integrity and availability of the data to BSBC. A data processor who is outside the European Economic Area or who holds data outside that Area may not be engaged. The transfer of data to a data processor does not constitute disclosure of that data to a third party and does not require the Data Subject’s consent.

### *Protection of individual rights*

### **Section 11 Protection of Individual Rights**

- (1) BSBC acknowledges and respects the data protection and privacy rights of individuals guaranteed under data protection legislation.
- (2) Those rights are:
  - (i) the right to be informed about how BSBC processes personal data
  - (ii) the right to confirm what personal data BSBC holds
  - (iii) the right to access personal data held by BSBS
  - (iv) the right to rectify inaccurate or incomplete personal data held by BSBC

- (v) the right to have personal data held by BSBC deleted or removed
- (vi) the right to restrict processing of personal data held by BSBC
- (vii) the right to transfer personal data held by BSBC in a structured, commonly used and machine-readable form
- (viii) the right to object to personal data being processed on the grounds of BSBC's legitimate interests, for direct marketing or for research
- (ix) the right not to have decisions made by BSBC on the basis of automated processing or profiling

## **Section 12 Exercising data rights**

- (1) A Data Subject may apply to exercise any of his or her rights (section 11) in relation to any personal data held by BSBC about him or her.
- (2) The application will be responded to without unnecessary delay and in any case within 20 working days. If the application is complex or otherwise particularly onerous, the period may be extended by a further 45 working days. The decision to extend is made by the Data Protection Officer with the agreement of the Data Protection Lead. The Data Protection Lead may refer the matter to the Data Controller for decision. The Data Subject must be informed in writing of the extension within the original 20-day period together with the reasons for the extension.
- (3) If the application is to be rejected, the Data Subject will be informed within the original 20-day period together with the reasons for rejection and any legal remedies open to them.
- (4) The application will be rejected unless the Data Subject's identity can be reasonably established. Personal knowledge of the Data Subject is sufficient. The proof of identity will be noted in the Data Protection Log.
- (5) Where the application is for deletion or removal of personal data (section 11(2)(v)), that data may not be deleted or removed if:
  - (i) the personal data is processed to comply with a legal obligation or to perform a public interest task
  - (ii) the personal data is processed to defend a legal claim
  - (iii) the personal data is still necessary in relation to the purpose for which it was originally collected or processed
  - (iv) BSBC has a legitimate interest in continuing to process the personal data
- (6) Where the application is to restrict processing of personal data (section 11(2)(vi)), the application will be rejected unless:
  - (i) the application challenges the accuracy of the personal data in which case processing is to be restricted until accuracy is verified
  - (ii) the Data Subject has applied to object to personal data being processed on the grounds of BSBC's legitimate interests in which case the processing is to be restricted until the Data Protection Officer with the agreement of the Data Protection Lead (who may defer the matter to

- the Data Controller for decision) has determined whether or not BSBC's legitimate interests override those of the Data Subject
- (iii) processing is unlawful and the Data Subject opposes deletion or removal and requests restriction instead
  - (iv) the Data Subject needs the personal data in connection with legal proceedings
- (7) No fee will be charged for the application unless it is found to be manifestly unfounded or excessive. The charge reflects the number of hours of work required to deal with the application (rounded up to the nearest hour). The fee is determined by the Data Protection Officer with the agreement of the Data Protection Lead. The Data Protection Lead may refer the matter to the Data Controller for decision. Likewise, a fee may be charged for the production of copies of personal data already supplied.
- (8) Where the personal data is provided in confidence by a third party, the Data Subject will be informed that such data is held and will be directed to request that data from the third party.

### **Section 13 Privacy Notice**

In order to protect the right of individuals to be informed about how BSBC process personal data, the privacy notice included in the Appendix to this policy is to be easily accessible on the official website of BSBC. A copy must be displayed in the Gathering Area of the Baptist Church Centre on Twyford Road, Bishop's Stortford, Hertfordshire, CM23 3LJ and must be available on request from the Church Office.

### *Special categories of data*

### **Section 14 CCTV**

- (1) BSBC uses closed circuit television (CCTV) for maintaining the security of property and premises belonging to BSBC and for preventing and investigating crime. It may also be used to monitor staff when carrying out work duties.
- (2) All premises monitored by CCTV have clear signage giving notice that the area is monitored by CCTV and giving contact details for the Church Office by telephone or email.
- (3) All CCTV equipment must comply with the requirements as to technical standards of the Seventh Data Protection Principle in Schedule 1 of the Data Protection Act 1998 and the provisions of the Protection of Freedoms Act 2011.
- (4) All CCTV equipment is capable of generating evidence.
- (5) Images of any person recorded by CCTV are personal data for the purposes of this policy.
- (6) CCTV images are retained for no longer than 42 days except where specific images are required for a specific purpose (such as the prosecution of an offence which has actually taken place). Images retained for longer than 42

days are destroyed when the purpose for their retention no longer exists. Images which are no longer required to be retained are destroyed.

- (7) Only the Data Protection Officer, the Data Protection Lead and appropriately qualified individuals carrying out repairs or maintenance may access CCTV images. The Data Controller may authorise other persons to have access for specific purposes. Access to the CCTV images is controlled by password.
- (8) CCTV images may not be disclosed except:
  - (a) where disclosure is required by law
  - (b) for the purposes for which the images are recorded
  - (c) to comply with the rights of an individual under legislation.
- (9) CCTV images may be disclosed to the police and other law enforcement agencies in accordance with section 29 of the Data Protection Act 1998.
- (10) The purposes for using CCTV are reviewed as part of the review of this policy.

### **Section 15 Photographs**

- (1) BSBC recognises that photographs of a living, natural person are a form of personal data which BSBC may use for publicity, marketing, advertising and public relations. They may be displayed internally or externally, including on the official BSBC website, Facebook page, Instagram account and Twitter account.
- (2) Photographs of a person may not be taken or used for BSBC without that person's consent. The consent may be verbal or in writing. Parents are able to consent on behalf of their children (see section 7(2)).
- (3) Photographs of a living, natural person may not be displayed outside the premises of BSBC, including on the official BSBC website, Facebook page, Instagram account and Twitter account without written consent expressly indicating consent to external display.
- (4) The photographing of children and vulnerable adults is subject to BSBC safeguarding policies.

### **Section 16 Financial data**

- (1) BSBC recognises that processing personal data relating to the giving and receiving of funds to and from BSBC, as well as banking details and other financial data, gives rise to particular concerns of confidentiality.
- (2) This policy applies to such data as it applies to any other personal data held by BSBC. However, access to such data is restricted to the Church Treasurer and such other persons as may assist him or her or may have special legal responsibilities in relation to the keeping of church accounts or managing church finances (such as the Gift Aid scheme). The BSBC Leadership Team, as Data Controller, continues to have responsibility for such data but may not access it except by a formal decision of the BSBC Leadership Team taken by vote at a leadership meeting and recorded in the official minutes of that leadership meeting.

### **Section 17 Pastoral data**

- (1) BSBC recognises that processing personal data relating to pastoral care and oversight gives rise to particular concerns of confidentiality.
- (2) This policy applies to such data as it applies to any other personal data held by BSBC. The pastoral care team is to liaise with the Data Protection Officer as to how to apply this policy. However, access to such data is restricted to members of the pastoral care team, either collectively or on an individual basis according to the pastoral circumstances of each Data Subject. The BSBC Leadership Team, as Data Controller, continues to have responsibility for such data but may not access it except by a formal decision of the BSBC Leadership Team taken by vote at a leadership meeting and recorded in the official minutes of that leadership meeting.

### *Security*

#### **Section 18 Security of data**

- (1) The Data Protection Officer ensures that adequate security precautions are in place to prevent the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data held by BSBC.
- (2) Such precautions are to include appropriate systems of backup for all electronically held data, measures to protect the infrastructure of BSBC's IT network and lockable storage for paper data.
- (3) The degree of access to data is dependent on the sensitivity of the data held.

#### **Section 19 Remote working and removable storage of personal data**

- (1) All ministers, elders, deacons, church leaders, members of staff and volunteers who store personal data for BSBC on any electronic system not connected to the BSBC IT network or part of the Church Database or email system are required to do so in accordance with the principles of data protection legislation and to take due care to ensure that the information remains secure through the use of passwords and encryption where appropriate. This includes:
  - (i) Email / telephone / address books held on personal computers, mobile phones, PDA's etc
  - (ii) data stored on memory sticks and/or portable hard drives.
- (2) The advice of the Data Protection Officer should always be sought.

#### **Section 20 Data Protection Log**

- (1) The Data Protection Officer is to maintain a Data Protection Log in which is to be recorded:
  - (a) all applications under section 12, including the date the application was received, by whom, by what method (email etc.), how identity was confirmed, each date the application was actioned and in what way, and any other particulars relating to the application

- (b) the names and other pertinent details of the Data Protection Lead and the Data Protection Officer and their respective dates of designation
  - (c) the date and outcome of any reviews or audits under this policy
  - (d) the particulars of any data protection breaches and the subsequent actions taken
  - (e) the dates of any votes by the BSBC Leadership Team to access financial or pastoral data
  - (f) any other matters which the Data Controller, the Data Protection Lead or the Data Protection Officer consider necessary or convenient for the purposes of promoting transparency and accountability in the management of personal data held by BSBC.
- (2) The Data Protection Log is confidential and stored securely. The Data Controller, the Data Protection Lead and the Data Protection Officer have free access to it. Others may request to be given access by the Data Protection Officer under appropriate safeguards to protect the privacy of third parties. The decision of the Data Protection Officer is subject to review and override by the Data Protection Lead.

### **Section 21 Data protection breaches**

- (1) In cases where a data protection breach is alleged or suspected, whether occurring through malice, negligence or otherwise, the Data Protection Officer makes enquiries and carries out an audit to confirm the breach. In cases of conflict of interest, the Data Protection Lead may make the enquiries and carry out the review. In appropriate cases, the police may be informed and their advice sought and followed.
- (2) If it is established that a data protection breach has occurred:
- (a) the Data Protection Officer informs the Data Protection Lead and proposes measures to deal with the breach which are carried out unless the Data Protection Lead is of the opinion that the Data Controller should consider them first
  - (b) the Data Protection Lead informs the Data Controller of the breach and directs the Data Protection Officer to take any additional measures required by the Data Controller.
- (3) The Data Controller, on the recommendation of the Data Protection Officer, notifies the Information Commissioner of all data protection breaches where:
- (a) the Data Subject claims there is a risk to his or her rights and freedoms under law
  - (b) the Data Controller is satisfied that there is a risk to his or her rights and freedoms under law.
- (4) The Data Controller, on the recommendation of the Data Protection Officer, notifies a Data Subject of any data protection breaches in relation to his or her personal data where there is a high risk to the Data Subject's rights and freedoms under law.

- (5) The notification includes:
- (i) the contact details of the Data Protection Officer
  - (ii) details of the breach, including who is affected and what description of personal data
  - (iii) the likely consequences of the breach
  - (iv) the measures taken or proposed to deal with the breach.

### *Reviews*

#### **Section 22 Annual audit**

- (1) In the January of every calendar year, and at such other times as the BSBC Leadership Team may direct, the Data Protection Officer carries out an audit of personal data held by BSBC, identifying how many individuals BSBC holds personal data on, the type of that data, compliance with retention periods and to identify any latent data protection breaches.
- (2) A current list of who obtains, handles, holds or processes personal data for BSBC, together with any changes occurring in that list since the last audit, is submitted to the BSBC Leadership Team with the annual audit of data.

#### **Section 23 Policy review**

At least once in every 2 years the Data Protection Officer carries out a review of this policy, examining compliance of the policy with latest legal requirements and compliance of BSBC practice with both the policy and the law.

## *Appendix Privacy Notice*

At Bishop's Stortford Baptist Church we collect different types of information from you for the following main reasons:

- To run church activities and events that you are or would like to be involved in
- To communicate with you about things which you might benefit from or be interested in
- To keep you up to date with news about us and the things we do
- To ensure we comply with the highest safeguarding standards
- To improve the quality of our work and operations

We collect information from you in a variety of ways, such as:

- When you sign up for a group, event or activity run by us
- When you become a member
- When you make a donation

We may collect:

- Your title (Mr, Mrs, etc)
- Your first, middle and last name
- Changes to your name since we first collected it
- Your telephone number
- Your mobile telephone number
- Your email address
- Your postal address, including post code and country
- Your date of birth (to ensure we do not send age inappropriate communications)
- Your gender
- Your marital status
- Financial details, if you give to or receive funds from BSBC

If you are under 18 years of age, we may collect:

- Your first, middle and last name
- the title, name, address, telephone numbers, email address and relationship to you of your parent (or other person having parental responsibility for you)
- the name, address, telephone numbers, email address and relationship to you of a second adult
- Your date of birth
- Your gender
- Medical information about you (for cases when we are responsible for you and we need to know in order to look after you).

None of this information is collected automatically. We only collect the information which you choose to provide to us.

Sometimes, to be able to look after your interest or to protect the safety and wellbeing of others, we may not be able to provide a service or include you in an

event or activity unless you agree to provide us with certain information. If we have to deny you a service or inclusion in an event or activity because you have not or will not provide us with certain information, we will discuss ways forward with you.

For the purposes of data protection legislation, the BSBC Leadership Team (consisting of the Ministers, Elders, Church Officers and Deacons acting collectively) is the Data Controller.

We are registered with the Information Commissioner.

We will only contact you when you have given us permission to do so and only in the ways you have permitted us to contact you (e.g. email, telephone, post).

We reserve the right to contact you in any way in cases of emergency or special urgency. We reserve the right to contact you in an appropriate way for administrative purposes.

We do not share your information with others without permission unless legally required to do so.

We use external suppliers to process and store emails and personal information about you. Our arrangements with these suppliers are regulated by legally enforceable contracts which conform to the requirements of data protection legislation including in relation to confidentiality. All data is stored in the European Economic Area.

We will not obtain information about you from publicly available sources.

We will not employ 'data matching' (comparing two sets of information about you) except (a) with your permission or (b) to eliminate duplicate or inaccurate information about you.

We will not employ 'teleappending' (using your telephone numbers to obtain further information about you) or 'wealth screening' (using your information to build a profile about your wealth with a view to targeting you for financial contributions) except with your permission.

We employ CCTV at our premises at the Baptist Church Centre, Twyford Road, Bishop's Stortford CM23 3LJ for the purposes of site security and preventing and detecting crime.

You have the following rights:

- the right to confirm what information about you BSBC holds
- the right to access information about you held by BSBC
- the right to correct inaccurate or incomplete information about you held by BSBC
- the right to have information about you held by BSBC deleted or removed
- the right to restrict processing of information about you held by BSBC
- the right to 'port' any information about you held by BSBC to other organisations
- the right to object to information about you being processed on the grounds of BSBC's legitimate interests, for direct marketing or for research
- the right not to have decisions made by BSBC on the basis of automated processing or profiling

To exercise any of these rights, please contact the Church Centre Manager:

- in writing to the Baptist Church Centre, Twyford Road, Bishop's Stortford CM23 3LJ
- by email at [churchoffice@stortfordbaptist.org](mailto:churchoffice@stortfordbaptist.org)
- by telephone at 01279 836695