



Data Protection and Privacy Policy

Former policy approved by the Board: August 2018

This new policy approved by the Board: October 2023

Date of next review: October 2025

Spiritus Theological College is committed to protecting and respecting your privacy. This document sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us during your employment or study with us, including when you:

- Use our email systems or other communication channels and platforms we make available for your use, such as Zoom, Teams or Moodle (our Virtual Learning Environment)
- use our Human Resources platforms, such as to log holiday requests or record sickness absence.

This policy applies to the following individuals:

- All Spiritus Theological College students including Curates and Ordinands, Independent students (including Not-for-credit) students, LLMs (Readers).
- Alumni
- Personal tutors
- Training Incumbents
- Home Ministers
- Placement Ministers
- Staff (including current and former employees, workers and contractors)
- Associate staff
- Trustees
- Advisors to the Board of Trustees
- Committee members
- Donors
- Next of kin/ emergency contacts for students
- Volunteers

This policy does not form part of any contract of employment or other contract to provide services.

1. Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data (directly or indirectly). Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. Personal Data includes Special Categories of Personal Data (see below) and Pseudonymised Personal Data (data which replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of

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additional information which is meant to be kept separately and secure) but excludes anonymous data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour. The processing of personal data is governed by the General Data Protection Regulation (the "GDPR").

2. Who are we?

For the purpose of data protection laws, Spiritus Theological College is a controller, and we are registered as a controller within the Information Commissioner's Office under number ICO: 07870035252. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy policy.

3. Basis for processing personal data

This section explains how and why we process your personal data, as well as the legal basis on which we carry out this processing.

To conduct a recruitment and admissions process: where you apply for a role that we have advertised, we will process your personal data in order that we can decide whether or not to employ or accept (or engage) you (for example, by inviting you to interview, or reviewing your qualifications). The legal basis on which we process your personal data in this way is the steps taken prior to entering into a contract of employment with you as a potential employee or volunteer, or prior to taking you on as a student.

To conduct Pre-Employment Checks: where you have accepted a role within the business, we will process your personal data in order to (a) check that you have the legal right to work for or volunteer with us; (b) receive satisfactory references from your referees; and (c) check that the information provided by you is correct. The legal basis on which we process your personal data in respect of pre-employment checks are to comply with our legal obligation of establishing your right to work status and/or our legitimate interest to ensure the competency of those we recruit.

To enter into an employment contract or other arrangement with you: where we offer you a role within our business, we will process your personal data in order that we can complete the terms of the contract and carry out such terms. Our use of personal data in this way includes sharing your personal data with Haines Watts (our payroll provider) and the Church of England Pensions Board. It is necessary for us to process your personal data in this way in order to be able to enter into and perform the contract of employment or other agreement with you (and this forms the legal basis for such processing). If you do not wish to provide us with your personal data in this way, you will be unable to enter into an employment contract or other agreement with us.

To pay your salary/remuneration, pension and any other benefits in accordance with your employment contract or other arrangement: we will process your personal data in order to pay you your agreed salary and benefits. The legal basis on which we process your personal data in this way is in order to perform our contract with you.

To pay tax and National Insurance due: we will process your personal data in order to pay the relevant amounts of tax and National Insurance (if applicable) on your remuneration. The legal basis on which we process your personal data in this way is in order to comply with our legal obligations.

To provide a reference upon request from another employer or educational body: we may process your personal data in order to provide a reference to a prospective employer or educational body of yours. The legal basis on which we will process your personal data in this way is the legitimate interests of the third-party employer or educational body in ensuring your suitability for the role or place as a student.

To review your performance, decide whether to manage your performance or conduct, carry out a disciplinary / grievance investigation or procedure in relation to you or someone else: we may process your personal data for one of the above reasons. The legal basis on which we will process your personal data in this way is our legitimate interests in ensuring the productivity and success of our workforce and also in accordance with our legal obligations as your employer.

To support student learning: we may process your personal data in order to monitor your learning, participation and progress as a student.

To sell our business: we may process your data in order to provide a prospective purchaser with information necessary to conduct its due diligence process. The legal basis on which we will process your personal data in this way is our legitimate interest to ensure that our business can be continued by a purchaser.

If it becomes necessary to process your data for reasons other than those already listed above, we will notify you when this need arises.

4. Basis for processing special categories of personal data

'Special categories of personal data' means data revealing:

- racial or ethnic origin;
- political opinions; religious or philosophical beliefs or trade union membership;
- genetic or biometric data that uniquely identifies you; or
- data concerning your health, sex life or sexual orientation.

This section explains how and why we process special categories of your personal data, as well as the legal basis on which we carry out this processing.

To review your fitness to work or study / likelihood of returning to work or studies: we may process special categories of your personal data in order to consider your ability to carry out your role or continue with your studies, which may include requiring you to undergo an Occupational Health or other medical assessment. The legal basis on which we will process this personal data is in order to carry out our obligations and exercise our rights as an education provider and employer under employment, social security and social protection laws.

To determine whether we need to make reasonable adjustments to your workplace, role or place of study because of your disability: we may process special categories of your personal data to assess the measures we can take to alleviate difficulties in your work or studies which are caused by your disability. The legal basis on which we will process this personal data is in order to carry out our obligations as an education provider and employer under employment, social security and social protection laws (including, in this case, equality laws).

To monitor diversity and equal opportunities: we may process special categories of your personal data in order to ensure that we are giving opportunities to individuals from all backgrounds and situations. The legal basis on which we will process this personal data is in order to carry out our

obligations as an education provider and employer under employment, social security and social protection laws (including, in this case, equality laws).

To ensure health and safety in the workplace and place of study: we may process special categories of your personal data to ensure that we are complying with the requirements of health and safety legislation. The legal basis on which we will process this personal data is in order to carry out our obligations as an education provider and employer under employment, social security and social protection laws and/or to protect your vital interests.

To sell our business: we may process special categories of your data in order to provide a prospective purchaser with information required to be disclosed under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (and as amended). The legal basis on which we will process your personal data is to carry out our obligations under employment law.

Please note that we do not require you to share special categories of personal data with us unless as set out above. We also request that you do not share sensitive personal information (including special categories of personal data) about yourself via the information technology and communication channels we make available to you for you to carry out your work (e.g. email, Zoom, Teams etc). However, you acknowledge and agree that special categories of personal data about you may be shared by you, or others with whom you communicate, by mistake via such information technology and communication channels.

In such circumstances, we cannot and do not control how such special categories of personal data about you may enter our systems and, and in the absence of any request by you to delete such information, we cannot be held responsible for processing such sensitive personal information when we are not aware that such information is being processed by us.

If you become aware that special categories of personal data relating to you is being processed within our information systems and is being done so contrary to aforementioned reasons, or without your consent, and/or by mistake, you must immediately notify our Data Protection Officer (currently the Spiritus Theological College Programmes Co-ordinator and Administrator) on info@spiritus.ac.uk and we will do what we can to limit any further processing of such information and where possible arrange for such information to be deleted from our systems.

5. Categories of personal information we collect in relation to you

We will collect and process the following personal data about you.

Information you give us: this is information about you that you give us when filling in forms, using our HR platforms (e.g. to book holiday or record absence) or when you correspond with us by phone, email or otherwise.

Information we collect about you: we may collect, store and use the following types of personal data about you:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses;
- date of birth;
- gender;
- marital status and dependants;
- next of kin and emergency contact information;
- National Insurance number;

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- bank account details, payroll records and tax status information;
- salary, annual leave, pension and benefits information;
- start date and, if different, the date of your continuous employment;
- course dates;
- leaving date and your reason for leaving;
- location of employment, studies or workplace;
- copy of your passport and/or driving licence;
- recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process);
- background screening information (carried out as part of any pre-employment security procedures);
- relevant qualifications;
- DBS certificates and Safeguarding Training certificates
- education history;
- employment records (including job titles, work history, working hours, holidays, training records and professional memberships);
- compensation history;
- performance and appraisal information;
- disciplinary and grievance information;
- information about your use of our information and communications systems;
- photographs;
- results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

Information we receive from other sources: we may receive information about you from third parties who we have asked to conduct Pre-Employment Checks about you, former employers when they provide references, Occupational Health or other medical professionals in terms of your fitness for work, or from HMRC in respect of your tax code.

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process, or we may be notified of such information directly by you in the course of you working for us.

6. Categories of recipients of personal data

We set out below details of third-party recipients of your personal data. When we share your personal data with these third parties we do so in order to carry out our obligations under our contract of employment with you or as an education provider and/or for our legitimate interests. We require these third parties to keep the personal data that they process on our behalf confidential and secure and to protect and process such personal data in accordance with our policies and applicable law. These third parties are only permitted to process your personal data for the purposes for which it has been shared by us.

Your personal data may be shared by us with categories of recipients that include:

- external payroll provider and occupational pension scheme provider; or
- Spiritus Theological College and Diocesan Safeguarding Advisers; or

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- Occupational Health advisers or another medical professional; or
- If you are a student, with Durham University, as the awarding body for Common Awards

7. Transfer of data to a third country

We do not send your personal data outside the combined area of the United Kingdom and the European Economic Area. If this changes, you will be notified of this and the protections which are in place to protect the security of your data will be explained.

8. Period of storage

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Students

We will retain your personal data whilst you are studying with Spiritus Theological College.

We will also keep your personal data, including the qualification(s) you gain for 6 years after you complete your studies with Spiritus Theological College.

Your name, gender, date of birth and the qualification gained will also be retained by Durham University.

Employees and Volunteers

We will retain your personal data whilst you are employed by Spiritus Theological College, and after you have left our employment to enable us to comply with pension record requirements.

Others

We will retain your personal data whilst you are connected/involved with Spiritus Theological College and thereafter until you ask us to delete it.

9. Your right to object under data protection laws

You have the right to object to us processing your personal data when we are processing personal data based on our legitimate interests (as set out above). If you ask us to stop processing your personal data on this basis, we will stop processing your personal data unless we can demonstrate compelling grounds as to why the processing should continue in accordance with data protection laws.

To enforce your right to object, please contact us directly (see section 13).

10. Your other rights under data protection laws

Right of access

You have the right to receive confirmation as to whether your personal data is being processed by us, as well as various other information relating to our use of your personal data. You also have the right to access your personal data which we are processing. You can exercise this right by contacting us directly (please see section 13).

Right to rectification

You have the right to require us to rectify any inaccurate personal data we hold about you. You also have the right to have incomplete personal data we hold about you completed, by providing a supplementary statement to us.

Right to restriction

You have the right to restrict our processing of your personal data where:

- the accuracy of the personal data is being contested by you;
- the processing by us of your personal data is unlawful, but you do not want the relevant personal data erased;
- we no longer need to process your personal data for the agreed purposes, but you want to preserve your personal data for the establishment, exercise or defence of legal claims; or
- we are processing your data on the basis of our legitimate interest (as set out at under section 3 above) and you:
 - object to our processing on the basis of our legitimate interest under section 9, above; and
 - want processing of the relevant personal data to be restricted until it can be determined whether our legitimate interest overrides their legitimate interest.

Where any exercise by you of your right to restriction determines that our processing of particular personal data are to be restricted, we will then only process the relevant personal data in accordance with your consent and, in addition, for storage purposes and for the purpose of legal claims.

Right to data portability

You have the right to receive your personal data in structured, standard machine-readable format and the right to transmit such personal data to another controller.

Right to erasure

You have the right to require we erase your personal data which we are processing where one of the following grounds applies:

- the processing is no longer necessary in relation to the purposes for which your personal data was collected or otherwise processed;
- our processing of your personal data is based on your consent; you have subsequently withdrawn your consent and there is no other legal ground we can use to process your personal data;
- you object to the processing in your personal data as set out in section 9 above and we have no overriding legitimate interest for our processing;
- the personal data have been unlawfully processed; and
- the erasure is required for compliance with a law to which we are subject.

You have the right to lodge a complaint with the Information Commissioner's Office, the supervisory authority for data protection issues in England and Wales.

Exercising your rights: You can exercise your rights by contacting us directly (please see section 13).

11. Data Protection Officer

We have appointed a data protection officer ('DPO') (currently the Spiritus Theological College Programmes Co-ordinator and Administrator) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO (please see section 13 for contact details). You have the right to make a complaint at

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any time to the Information Commissioner's Office with respect to data protection issues. However, we kindly request that prior to exercising such a right you let us know of your concerns so that, if we can, we resolve them for you.

12. Changes to this policy

We reserve the right to update this privacy notice at any time, and we will alert you that we have put a new privacy notice on Moodle (our Virtual Learning Environment) when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

13. Contact Details

To exercise all relevant rights, or if you have queries or complaints, in the first instance please contact the Spiritus Theological College Programmes Co-ordinator and Administrator on info@spirituscollege.ac.uk.

Alternatively, you can contact the Information Commissioner's Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.