

## **Data Sharing Protocol**

### **Adopted by the House of Bishops in 2021**

#### **Purpose of the protocol**

1. This protocol sets out the basis on which a diocesan bishop in the Church of England agrees to share personal information with another diocesan bishop in the Church of England and the Church of Wales about clergy who live or minister in his diocese and with third parties.
2. Bishops need to share such information from time to time in order to discharge their legal and pastoral responsibilities as chief pastor of the diocese.

#### **Circumstances in which personal information will be shared**

3. Where a bishop ('the receiving bishop') submits a request at any time for personal information about a priest or deacon to another bishop ('the sending bishop') and the receiving bishop confirms in writing that the sharing of the information is in the substantial public interest and is necessary (a) for the prevention or detection of any unlawful act or (b) for the protection of the public against dishonesty, malpractice, or other seriously improper conduct by, or the unfitness or incompetence of, that priest or deacon or another person, then the sending bishop will share that information with the receiving bishop. In these circumstances data protection legislation permits personal information to be shared without the individual's consent being sought.
4. Where a priest or deacon is being considered for an appointment or permission to officiate in the receiving bishop's diocese, and the sending bishop receives a request from the receiving bishop for an Episcopal Reference and Clergy Current Status Letter ('CCSL'), the sending bishop will share with the receiving bishop such personal information about that priest or deacon as is necessary to provide a full and accurate response.
5. Where a priest or deacon moves to take up a new appointment or permission to officiate ('PTO') in another diocese in the Church of England or the Church of Wales, the sending bishop will transfer to the receiving bishop the clergy personal file at the point where the priest or deacon's ministry in the sending diocese ends (which, in the parochial context, means in practice the person's last Sunday in the parish), provided that the individual in question has given his or her consent to such transfer. If consent has been refused, the sending bishop will have advised the receiving bishop accordingly in the CCSL.
6. Where a priest or deacon takes up appointment in a diocese which is not part of the Church of England (including the Church of Ireland or the Episcopal Church of Scotland) the clergy personal file will be retained by the bishop in whose diocese the cleric last served, and information from it will only be disclosed outside the Church of England with the individual's consent.
7. Where a priest or deacon moves to a specialist ministry in England and he or she holds a bishop's licence in connection with that ministry, the personal file will be transferred to the bishop who issues the licence. If he or she is to serve

under contract without a licence, the file will remain in the diocese where the cleric last served.

8. Where a priest or deacon is appointed as a regular chaplain to the Armed Forces or to a Royal Peculiar, the personal file will be transferred to Lambeth Palace. On that person's return to diocesan ministry, a brief summary of his or her Forces posting or appointment to the Royal Peculiar in question will be added to the personal file before the file is sent to the receiving bishop from Lambeth, to ensure that the record of his or her ministry is complete.
9. When a priest or deacon retires, the personal file will remain in the diocese in which he or she last served unless and until he or she is granted PTO in another diocese.
10. Where a priest or deacon ceases to hold a PTO or leaves the ministry of the Church of England, either temporarily or permanently, the personal file will be retained in the diocese in which he or she last served.
11. Where a priest or deacon holds a licence or PTO concurrently in more than one diocese, the personal file will be held in the diocese where the greater part of his or her ministry is exercised. A note will be kept on the file as to which other dioceses have issued a licence or PTO and arrangements put in place for the appropriate staff of those dioceses to have access to the file as necessary. The other dioceses will in turn keep a record of where the personal file is held.

#### Sharing with Third Parties

12. Other than providing an Episcopal Reference and CCSL personal information from clergy personal files will only be shared with third parties outside the institutional Church of England in the circumstances detailed in the following paragraphs.
13. Special category personal data can be shared without consent when the disclosure is necessary for the prevention or detection of any unlawful act, or for the discharge of any function which is designed for protecting members of the public against seriously improper conduct or incompetence, and it must necessarily be carried out without explicit consent being sought.
14. Special category personal data may also be shared without consent if the circumstances justify it in safeguarding situations and it is necessary to protect an individual from physical or emotional harm.

#### Security

15. All diocesan bishops will put in place appropriate measures to ensure that the personal information which they hold about clergy is secure. Where information is shared electronically it will be encrypted or password protected. Where it is shared in paper form it will be sent by registered or recorded delivery post.

## Retention periods

16. The following agreed common retention periods apply to particular categories of information held in clergy personal files while those files are held under the management of the bishop. Where a file is deposited in a diocesan archive office after the death of the cleric to whom it relates, it will be subject to the conditions as to retention and ultimate disposal which apply to material held in that archive.

<b>Record type</b>	<b>Retention period</b>
<i>Relates to paragraph 18</i> A note of the reasons for processing sensitive personal data	Length of time the data to which the note is held
<i>Relates to paragraph 20</i> Common Application Form	Successful application forms should be held on the file for 20 years from the date of the cleric's death
<i>Relates to paragraph 21</i> Copy of birth certificate (or other appropriate evidence) required under Canon C.6 in relation to a person who is to be made a deacon	20 years from the date of the cleric's death
<i>Relates to paragraph 21</i> Evidence of immigration status and permission to work in the UK (if the cleric is not a British citizen)	20 years from the date of the cleric's death or Date of cleric becoming British citizen (which ever is soonest)
<i>Relates to paragraph 21</i> Copies of qualification certificates	20 years from the date of the cleric's death
<i>Relates to paragraph 21</i> Cleric's CV since leaving school	20 years from the date of the cleric's death
<i>Relates to paragraph 22</i> Copy of faculty under Canon C4.3A	20 years from the date of the cleric's death
<i>Relates to paragraph 22</i> Report of the Bishop's Advisory Panel and reports from the cleric's training institution in the penultimate and final years of training	20 years from the date of the cleric's death
<i>Relates to paragraph 23</i> Copies of cleric's letters of orders and (if relevant) permission under the Overseas and Other Clergy (Ordination and Ministry) Measure 1967	20 years from the date of the cleric's death

<i>Relates to paragraph 23</i> Copies of any 'safe to receive' or Clergy Current Status letters ('CCSL')	50 years from the date of the cleric's death
<i>Relates to paragraph 23</i> Application papers – including application form, references, copy licence, deed of institution, Statement of Particulars (where subject to Common Tenure)	Papers relating to successful applications should be held on the file for 20 years from the date of the cleric's death
<i>Relates to paragraph 24</i> A written record of any Ministerial Development Review	20 years from the date of the cleric's death
<i>Relates to paragraph 25</i> Records of any continuing ministerial education ('CME') undertaken	20 years from the date of the cleric's death

<i>Relates to paragraph 27</i> Criminal Record Check certificate	6 months from the date of the recruitment decision to which they relate  <i>Certificates can only be retained for a longer period in exceptional circumstances and where the Disclosure and Barring Service have been consulted</i>
<i>Relates to paragraph 27</i> Record of a cleric's criminal record check history (the nature of which is noted in paragraph 27)	50 years from the date of the cleric's death
<i>Relates to paragraphs 28 and 53</i> Record of safeguarding allegations and concerns – including details of how these are handled, followed-up, actions taken, decisions reached and eventual outcome	50 years from the date of the cleric's death
<i>Relates to paragraph 30</i> Evidence of clergy personal file being independently scrutinised under the Past Cases Review Protocol – including a note of any action resulting	50 years from the date of the cleric's death
<i>Relates to paragraph 31 and 53</i> Copies of records relating to safeguarding allegations and concerns (this refers to papers being retained in a diocese following the movement of the cleric to another diocese)	50 years from the date of the cleric's death

<i>Relates to paragraph 32, 33, 34</i> Record of CDM complaints – including copies of the complaint, report on preliminary scrutiny, respondent's answer, supporting evidence, letter recording bishop's decision	20 years from the date of the cleric's death
<i>Relates to paragraph 32</i> A brief summary of an allegation of misconduct (not resulting in a formal CDM complaint)	20 years from the date of the cleric's death
<i>Relates to paragraph 35, 36</i> Records of capability inquiries raised under the Capability Procedure – including a record of discussions between a cleric and a member of the bishop's senior staff, evidence of how health issues have been managed (e.g. copies of occupational health reports, note of adjustments made)	20 years from the date of the cleric's death  As noted in the Capability Procedure code of practice – spent warnings should be retained on file in a sealed envelope for as long as the office holder remains in post, but should then be destroyed, unless the next post to which the office holder is appointed is designated as a probationary post, or there are other circumstances which justify retaining them

<i>Relates to paragraph 35</i> Record of capability issues (where there is no formal capability inquiry)	20 years from the date of the cleric's death
<i>Relates to paragraph 39</i> Record of grievances raised under the Grievance Procedure – including details of the grievance, the process followed and the outcome	20 years from the date of the cleric's death
<i>Relates to paragraph 41</i> Record of significant unresolved financial problems	Keep the record until financial problems have been satisfactorily resolved