

General Terms and Conditions for Personal Data Protection in Parishes

1. Introduction

1.1) The Catholic Church, recognising “the right of each person to protect their own privacy”, in accordance with canon 220 of the Code of Canon Law of 1983 (CIC) and canon 23 of the Code of Canon Law of the Eastern Churches of 1990 (CCEO), and upholding that it is a natural right that must be respected by all, has been applying a series of principles in relation to the processing of personal data as stipulated in the Code of Canon Law and other provisions of private law. In this respect the Archdiocese of Malta, (collectively referred to herein as “the Archdiocese” “we”, “us”, “our”), is committed to protecting the privacy of individuals who provide personal information to it.

1.2) The data collected under these terms and conditions is property of the Archdiocese of Malta which consists of different units and entities. By giving any information under these terms and conditions to the Archdiocese of Malta or any of its entities or units, the data subject is consenting that such data can be shared with other entities or unities of the Archdiocese in order to fulfil the purpose for which it was collected and is processed according to the purpose, conditions and consent the data subject gave on time of collection. While as stipulated in applicable ecclesial laws, for Data Protection purposes, the Archdiocese is considered as one body, yet in its everyday running, each unit or entity is considered as the data controller of the data it has in its possession. Thus, when information is shared between different units and /or entities, each unity or entity is to be considered as a joint data controller (unless specified as processor) of that data and is bound to retain and process such data according to the consent, purposes and conditions with which the data was collected.

1.3) The personal data collected, during the course of activities undertaken by the Archdiocese, enables us to minister to the faithful and to fulfil our canonical and civil law obligations under the Code of Canon Law and under Maltese Law. The Church is bound by its General Decree on the Protection of Data (2018) (GDPD) in accordance with the provisions of Article 91 of Regulation (EU) 2016/679, of the European Parliament and of the Council, of April 27, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, (GDPR) that governs how the Church collects, uses and/or discloses any personal data. Any part of any declaration, policy or consent which violates the GDPR shall be considered as invalid and not binding.

1.4) These terms and conditions apply to all parishes, pastoral centres, groups, commissions and communities that fall within the administrative jurisdiction of a parish.

1.5) These terms and conditions describe ways in which Parishes collect, use, disclose, store, and dispose of personal information.

1.6) These terms and conditions do not affect the regulation of ministerial secrecy, nor any other right or obligation of secrecy regulated in Canon Law, the Laws of Malta or other applicable law.

1.7) These terms and conditions are further supplemented with other policies which regulate personal data protection in specific areas such as the *status animarum*. In case of different interpretations, such policies supersede these terms and conditions.

2. Understanding of personal data

2.1) “Personal data” generally refers to any data, about an individual who is identifiable from the provided data or information to which we have or are likely to have access to. This will include the data from our records which may be updated from time to time.

2.2) The personal data that the Archdiocese may collect and/or hold of individuals may include the following:

- Personal details, such as name, age, religion
- Personal identification details such as identity card number
- Personal contact details such as contact numbers or email addresses
- Records regarding the reception of sacraments, such as baptism, confirmation, marriage
- Information relating to education and employment details, such as employment history and academic qualifications
- Information relating to pastoral care needs
- Recordings such as photographs and video
- Information relating to a person's enrolment at a Catholic institution or group.

The exact data to be collected will be dependent on the purpose and needs for which the data is being collected. Normally this data is specified at collection

2.3) The Archdiocese endeavours to only collect personal data about an individual which it considers reasonably necessary for the purposes underlying such collection.

3. Purpose of collecting and processing personal data

3.1) The Archdiocese collects and processes personal data for purposes such as those indicated below:

- To minister to the faithful, including the administration of the sacraments
- To register reception of Sacraments
- To provide or improve pastoral care and services
- For events and activities such as meetings, fundraising, social and cultural activities
- To apply for catechetical programmes, courses, seminars, talks, workshops, activities, retreats and other such initiatives
- For enrolment into Catholic social services
- For the dissemination of information and news by way of newsletters, magazines, electronic material, messaging systems and the like
- To communicate with the individual
- For the communications regarding one's pastoral work, pastoral interest, and the preparation and issuance of Statement of Suitability for Ministry
- Any other purpose directly related to the work of the Church

3.2) Where the Archdiocese collect or process data for purposes other than those listed above, unless when abiding with other laws, the Archdiocese would disclose such purpose to the individual, by suitable means, when collecting the personal data from the individual.

3.3) Personal data will generally be obtained directly from the individual. When the data collector is formally made aware that the data subject is a minor or legally incapacitated person, personal data will be collected from the respective parents, legal guardians or legally appointed curators.

4. Use of personal data

4.1) Without prejudice to article 15.5 of the GDPR, all personal data will be used for the purpose for which it was collected by any unit or entity within the Archdiocese. The Archdiocese may also use the personal data for purposes which are permitted by ecclesiastical and civil law.

5. Disclosure of personal data

5.1) The Archdiocese shall not disclose any information to third parties unless it is necessary to conduct its ministry, seeking advice, or has entrusted the party to perform a service on its behalf or unless specific consent is given. The Archdiocese will bind third parties to only use data in relation to such service or in line with the given consent and dispose of any information as soon as it is not anymore necessary. Where the Archdiocese makes such disclosure, confidentiality agreements would be in place in order to protect the personal data.

5.2) In line with article 2.2, the Archdiocese may from time to time and in compliance with all applicable laws on data privacy, disclose your personal data to third parties, whether located in Malta or elsewhere, in order to carry out the purposes set out above. Where the Archdiocese makes such disclosure, confidentiality agreements would be in place in order to protect the personal data.

5.3) The Archdiocese may distribute aggregated statistical information to the Vatican, other Catholic Church agencies, and civil authorities for reporting purposes.

5.4) The Archdiocese will not disclose any personal data for direct marketing purposes without the individual's prior consent.

5.5) The Archdiocese may transfer, store, process and/or deal with personal data outside of Malta. Where the Archdiocese does so, it will comply with the GDPR, Archdiocese policies, and other applicable data protection and privacy laws.

6. Consent

6.1) By providing personal data to the Archdiocese, the individual is giving consent to the Archdiocese's collection, processing, use and disclosure of his/her personal data in accordance with these terms and conditions and with the GDPR.

6.2) In order to better perform its mission, by providing personal data to the Archdiocese, the individual is giving consent to the Archdiocese's to add and retain to the already collected information, any other personal information which will enable the Archdiocese to better fulfil the pastoral ministry which the individual is receiving or has requested.

6.3) By providing personal data to the Archdiocese the individual is authorising any Archdiocesan unit or entity to share personal information with other Archdiocesan units or entities should this sharing enables any unit or entity (both giver and receiver) to better and easier perform any task or mission such unit or entity is responsible for or the data subject has requested; or is pastorally or administratively expected to perform. In receiving such information, the unit or entity assumes responsibility as joint data controller of that information.

7. Accuracy of information

7.1) The Archdiocese strives to ensure the accuracy of the personal data it has. However the individual also plays a part in ensuring that the personal data provided is correct.

7.2) The individual giving information is always assuming responsibility to give correct information, and to notify the competent authority should such information change.

7.3) In line with article 18 of the GDPR, any individual who wishes to rectify any personal information may do so by contacting the competent parish priest who will advise on the procedure to follow according to the nature of the data.

8. Data Subjects Rights

8.1) Without prejudice to other ecclesial and civil legislation, especially but not exclusively relating to sacramental information held in sacramental registries, any individual has the right to request access to his/her personal data as per article 17 of the GDPR as well as the portability of the data as per article 22 of the GDPR, to object to the processing of data as per article 23 of the GDPR, to restrict processing as per article 20 of the GDPR, to request erasure of data or withdraw his or her consent to any collection as per article 19 of the GDPR, and to use or disclosure of his or her personal data.

8.2) Notwithstanding any other provision of this document, if the individual, through the right for data portability, requests the Archdiocese to provide information to himself/herself or directly to an individual or to another organisation, the Archdiocese is not responsible for any subsequent processing carried out by the individual or the other organisation. However, the Archdiocese is responsible for the transmission of the data and needs to take appropriate measures to ensure that it is transmitted securely and to the right destination.

8.3) If any individual objects, withholds or withdraws his/her consent to the collection, use and disclosure of his/her personal data, the Archdiocese may not be able to:

- Attend to particular pastoral care or ministry needs (including the administration of sacraments) that the individual might have or need
- Inform the individual with matters concerning a service or pastoral care he/she is receiving or asking for. This might result in hindering or losing eligibility to such service or pastoral care.
- Deal with any enquiries, difficulties or concerns that the individual might have related to deleted data.

8.4) Any individual who objects, withdraws consent, restricts processing or requests erasure of data will not affect the legality of the processing based on the consent prior to its withdrawal nor he/she will be exempted from any legal obligations in which he/she entered at the time when consent was granted.

8.5) All requests must be made in person and in writing using the specified form. In cases where the individual does not wish to or cannot personally present the request, he/she may delegate someone else to present such a request. In this case, the person being delegated must be in possession of a legal document acknowledging such delegation. In case of minors or legally incapacitated persons, request can only be made by their parents, legal guardians or legally appointed curators. Requests are to be directed to the relevant Data Protection Coordinator. The individual must provide proper identification documents to confirm his/her identity. The individual will be advised on the exact timeframe required to respond to this request. However, this period shall be no longer than the time stipulated by law. Each notification will be acknowledged in writing within a maximum of 15 days from the time of notification.

8.6) The entity may impose a reasonable charge on such requests as permitted by the Law.

8.7) In accordance with Applicable Law, the Archdiocese reserves the right to withhold any request if it would adversely affect the rights and freedoms of others. When a request is refused, the individual will be informed and may forward such a request to the DPO.

8.8) The individual may request the correction of any error or omission in relation to his/her personal data using the prescribed form.

8.9) Archive data including records regarding the reception of sacraments, photos, videos and other recordings, are not regulated by these terms and conditions nor by the GDPR, but by other legislation. Thus, any data classified as archival is to be generated, processed and disposed of according to such legislations.

9. Security, protection and retention of personal information

9.1) The Archdiocese will take reasonable security measures to safeguard the personal data collected. The Archdiocese mandates that personal data is handled with the appropriate care in order to protect it from unauthorised access or disclosure. All present and past staff members, other non-ecclesial staff, consultants and third-party service providers, insofar as they come into contact with personal data through their dealings with the Archdiocese, are bound by the Archdiocese's data protection policies, procedures and code of ethics.

9.2) Unless in conflict with any other state or ecclesial legislation, the Archdiocese will only retain the personal data collected for as long as it is required for the fulfilment of the purposes or as allowed by any applicable law to be retained.

9.3) Without prejudice to article 9.2 and/or unless otherwise specified in the specific consent form or policy, retention periods are to be as follows:

- 1) **Registration for one-off activities:** Up to 12 months following the termination of the activity.
- 2) **Catechetical programmes linked to sacramental preparation and related follow-up activities:** Up to 24 months following the reception of the Sacrament of Confirmation.
- 3) **On-going programmes:** Up to 12 months following the termination of the programme but not more than 3 years from the date when the last consent was given.
- 4) **Data relating to issuing of Certificates:** Up to 24 months from the termination of program. Once a certificate is issued, should the certificate be lost, the parish may not be able to reissue the certificate, and the individual would need to repeat the whole program/procedure and re provide any required material/information for a certificate to be reissued.
- 5) **Enrolment in a group or list:** Up to a maximum of 3 years from the last consent.
- 6) **Marketing, promulgation of information:** Up to a maximum of 5 years from the date of the last consent.
- 7) **Preparation procedures required for the reception and registration of Sacraments:** Up to 12 months following the reception of the sacrament.
- 8) **Records regarding the reception of sacraments:** permanently retained and archived according to the respective legislations.
- 9) **Photos, Videos and recordings:** indefinitely retained in the historical archives according to the respective policies.

At his/her discretion the parish priest, DPC or DPO may delete any data (except sacramental data) before any retention period elapses should it be deemed as not any more necessary.

9.4) Any unsolicited personal data that the Archdiocese receives from individuals will be assessed and only retained if it is deemed necessary for the provision of any services that are being provided or have been requested.

10. Questions and feedback

10.1) If there are any queries about these terms and conditions, mentioned forms or feedback regarding the handling of personal data by the Archdiocese one should contact the respective DPC.

10.2) Data Protection Officer (DPO)

The Church Internal Rules provide for the appointment of a DPO whose functions include monitoring internal compliance and co-operating with the Supervisory Authority, with regards to, amongst others, security matters, official complaints and notification/communication of data breaches. The DPO is not the controller or the processor who is required to ensure and to be able to demonstrate that the processing is performed in accordance with the Regulation. In this regard, any questions regarding this document, as well as any requests for the exercise of data subject rights, should be directed to the respective DPC.

Contact details:

DPC Parroċċi: Archbishop's Curia, St Calcedonius Square, Floriana, Malta. Email: dpc.parrocci@maltadiocese.org

Data Protection Officer: Archbishop's Curia, St Calcedonius Square, Floriana, Malta. Email: dpo@maltadiocese.org

10.3) All feedback is taken seriously and will be reviewed accordingly.

10.4) If after contacting the DPO, the individual feels his/her rights have been breached, he/she has the right to lodge a complaint with the Supervisory Authority.

11. Changes to Terms and Conditions

11.1) The Archdiocese may from time to time review these terms and conditions and amend them to reflect changes in legislation or other operational requirements. The current version of the General Terms and Conditions for Personal Data Protection in Parishes may be found on our website www.church.mt