GDPR FREQUENTLY ASKED QUESTIONS - PARISH SICK LISTS AND MASS INTENTIONS

SICK LISTS

It has always been best practice to obtain consent before putting someone’s name on a sick list, as some people, for a whole variety of reasons do not want their name to go on the sick list. Changes in data protection law mean that it is now necessary.

1 Do I need the consent of the sick person before their name can be put on a sick list?

Yes, if the sick list is put up at church or published in the parish newsletter (whether or not that newsletter is posted on the parish website).

Why? Because a name on a sick list is special category personal data (because it reveals information about the person’s health) and can only be disclosed outside the church with the consent of the sick person. Once a name is on a newsletter the church has no control over where that information may end up.

2 Do I need everyone who is sick to sign a form?

If the sick person is well enough to do so easily, you can ask them to sign a simple form, and there is a draft attached. There is also a prayer request which deals with the same issue in a different way

If you do not think it appropriate to ask the sick person to sign a form, then you can ask them whether they want their name to be on the sick list. You should tell that person what happens to the sick list in your parish, ie whether it goes on the church wall/ newsletter/website. You should then make a note of the conversation as evidence of the fact that you obtained oral consent. There is a draft register of verbal consent attached.

Why? Because the sick person has a right to know what the parish will do with their information.

3 What happens if the person whose name is to go on the sick list is a relative or friend of a parishioner, and lives far away, maybe on another continent?

In that case you should obtain confirmation from the person who asks for the name to go on the list that the sick person has been asked whether they want their name on the list and has been told what happens to the sick list in your parish and has consented. The attached form covers this also

4 What happens if the sick person is a child or does not have mental capacity?

If a child, then the consent of a parent is fine, either written or verbal- see point 2.

If an adult without mental capacity, then you should ask a close family member or someone who has a health and wellbeing power of attorney to give consent on their behalf. That consent can be either written or verbal- see point 2

5 What happens to all the names on the sick list at the moment?

You should use this opportunity to start afresh with your parish sick list. A possible draft notice for your newsletter is attached

6 What happens if someone wants their name removed from the sick list?

You must remove it straight away

7. How long should I keep consent forms and how should they be stored?

Keep completed forms for as long as the person wishes to remain on the sick list. Then the form should be shredded. Keep them in a locked environment.

MASS INTENTIONS

1 Can we still put Mass intentions in the newsletter and/or announce them at Mass?

Yes, BUT you cannot include any information about anyone’s health without the consent of that person for the reasons set out at point 2 above. Reference to birthdays, anniversaries or other life events are fine, although it might be sensible to make sure that the person is happy to have their age made public, some people are sensitive about age.

Technical information about sick lists and Mass intentions which give information about someone’s health under GDPR.

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| Legal basis for and purpose of processing | Article 6:-Necessary in the legitimate interests of the Church, as we pray for those who are sick, to ask God for healing and comfort for the person who is sick and for their family |
| Is the personal data special category? | Yes- it reveals information about someone’s health- Article 9. 2 (d) permits processing in the course of the church’s legitimate activities with appropriate safeguards relating solely to members/former members/those who have regular contact with the church. The sick list may be put up at church and/or published in the church newsletter and/or available via the newsletter on the parish website if the consent of the person who is sick is obtained. If the name of a person who is not a member of the church is to be added to the sick list, consent must be obtained under regulation 9.2 (a) |
| Transfers to third party recipients (inc outside EEA) | Sick lists would not be sent out of the EEA by the Church but could be accessed from outside the EEA where parishes put their newsletter online and it contains a sick list |
| Security arrangements | Consent is obtained to put anyone’s name on the sick list and information is provided at the time that consent is obtained, as to what happens to the sick list in that parish. Those forms are kept securely in the parish |
| Retention Period | A person’s name is removed from the sick list whenever they withdraw consent |
| Suitable privacy notice? | Archdiocesan privacy policy and information about how the information will be used is provided either on a form or verbally |