

# Metropolitan Community Churches (MCC) Overview of General Data Protection Regulation (GDPR)

Original document created by Constant Contact (<http://bit.ly/2s2jFn2>) and updated for Metropolitan Community Churches

This document includes a summary of the new European Union law, General Data Protection Regulation (GDPR), that goes into effect 25 May 2018. This information does not represent legal advice, but is a summary of some provisions of the law, what you need to be aware of going forward, and how it affects your local church, ministry, and community.

For churches that do not send emails or collect data from users in European Union (EU) and European Economic Area (EEA) countries, you will not be impacted. If you stream your services live and/or send surveys or emails to EU/EEA countries, you should update and publish your privacy policy and include transparency about data collection (names, email, IP addresses, etc.). You should also offer an “opt-in” opportunity for email users and clarify your unsubscribe policy.

MCC has elected to update our Statement of Privacy, opt-in and unsubscribe opportunities, not only to align with the GDPR, but also to provide more privacy protections for users and new users who subscribe to receive emails and newsletters from MCC.

Information provided will include MCC’s actions to implement GDPR and Statement of Privacy, in addition to Constant Contact’s compliance. Constant Contact is an online marketing company that hosts a secure database from which MCC staff creates and sends emails, newsletters, promotions, etc.

This document will contain the following information:

- What is the GDPR?
- What is considered personal data?
- How does this affect me?
- What rights does the GDPR provide to EU residents?
- What is MCC doing to comply with the GDPR?
- What do I need to do differently to be compliant with the GDPR?
- What if I have more questions?

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## What is the GDPR?

GDPR is short for the General Data Protection Regulation that goes into effect on May 25, 2018. It was passed by the European Parliament to create a harmonized data privacy law across member states of the European Union (EU). Its purpose is to support privacy as a fundamental human right and therefore give EU residents rights over how their personal data is processed or otherwise used.

### **What is considered personal data?**

The GDPR defines personal data as *'... any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, or online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person'*.

Additionally, the GDPR notes that online identifiers can constitute personal data. The GDPR explains, *'... natural persons may be identified with online identifiers which are provided by:*

- *Devices*
- *Applications*
- *Tools*
- *Protocols, such as IP (Internet Protocol) addresses*
- *Cookie identifiers (and similar web tracking technologies)*
- *Radio Frequency Identification (RFID) tags (the Internet of Things)*

### **How does this affect me?**

Individuals, companies or businesses providing services to EU residents need to comply with this law. To the extent you collect EU residents' personal data (including the collection, processing, storage or transmittal of such data), GDPR requires you to comply with its terms by May 25, 2018.

If you are an EU resident, this law will apply to your personal data in MCC's Constant Contact account.

The Constant Contact Privacy Statement explains what we collect and how we handle your personal data. This statement includes many examples of how personal data may be used by Constant Contact. We suggest that you take the time to understand how this applies to you.

### **What rights does the GDPR provide to EU residents?**

- **Right of access:** You, or your customer, can ask what personal data is being processed (used), why and where.
- **Right to rectification:** If you want to correct, revise or remove any of the data retained on you - as explained in MCC's and Constant Contact's Privacy Statement - you may do so at any time.
- **Right to be forgotten:** If you need to cancel your MCC Constant Contact account at any time, we will permanently remove your account and all information associated with it.
- **Right to restrict processing:** If you believe your personal data is inaccurate or collected unlawfully, you may request limited use of your personal data.

- **Right of portability:** We provide you with the ability to move any of your account data to a third party at any time.
- **Right to object:** If you decide that you no longer wish to allow your data to be included in our analytics or for us to provide personalized (targeted) marketing content at any time, you may contact us to request removal of this data.

MCC and Constant Contact will provide the necessary mechanism to comply with your requests.

### **What is MCC doing to comply with the GDPR?**

MCC has created and shared a UFMCC Statement of Privacy that meets the standards set by GDPR and is now part of MCC Communications Protocols. MCC is contacting all users currently subscribed to Constant Contact to allow individuals the opportunity to indicate continued interest to remain on MCC's email list. After agreeing to continue to receive MCC's emails, individuals will then have the opportunity to update their profile, indicate their preferred email address, and verify the MCC newsletters they would like to receive.

### **What is Constant Contact doing to comply with the GDPR?**

Our current privacy program has been certified to the obligations and standards of the EU-US and Swiss-US Privacy Shields, which means we lawfully transfer and protect the personal data of EU/EEA residents to the U.S. pursuant to the rules of the Federal Trade Commission and the EU. This means that we have already implemented many privacy requirements that are similar to those required by the GDPR.

Constant Contact is committed to achieving compliance with the GDPR by May 25, 2018. This will include work "behind the scenes," such as reviewing and updating (as necessary) our agreements, policies, internal processes, features and templates to assure our compliance.

### **What do MCC Churches, Emerging Ministries, and Oasis Communities need to do differently to be compliant with the GDPR?**

MCC Churches, Emerging Ministries, and Oasis Communities and each of your email marketing companies have obligations and requirements for GDPR compliance.

Your email marketing company will have a Terms of Service that require you to lawfully obtain and process all personal data appropriately. You will need to continue to do this to be compliant with the GDPR.

If you collect EU residents' personal data, you are likely to be classified as a data controller under the GDPR. This means you will have some additional obligations around such things as

data subject rights. We urge you to understand this and seek legal advice where you think necessary.

Constant Contact created a GDPR email template to document express consent for your current contacts. If you are a Constant Contact customer, you can easily access the full template at this link: [http://bit.ly/GDPR\\_Step-by-Step](http://bit.ly/GDPR_Step-by-Step). Your email marketing company will likely provide a similar template. If you would like to receive a pdf of the consent email MCC is using, send your request to [Communications@MCCchurch.net](mailto:Communications@MCCchurch.net).

Constant Contact also provides additional features, such as updated consent tools and the ability to respond to a customer data subject request.

Please check with your email marketing company (i.e. MailChimp) for similar GDPR compliance tools and templates.

### **What if I have additional questions?**

If you have any additional questions, please do not hesitate to contact me:

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