

Privacy Notice

Your privacy is important to the Catholic Children's Society (Westminster) ("**CCSW**") and the Catholic Trust for England and Wales whom is acting as trustee for the Catholic Bishops' Conference of England and Wales ("**CBCEW**"). This notice relates to the **personal data** we hold about individuals who were in children's homes and migrated to Australia or Canada under the direction of the Catholic Child Welfare Council ("**Former Child Migrants**"), as well as the individuals associated with them, such as their family members.

This privacy notice also sets out how we use such information and how you may access it. In this privacy notice CCSW and CBCEW are collectively referred to as "we" and "us".

If you have any questions please contact us using the contact details included at [section 12](#).

Italicised expressions are defined terms whose meaning can be found in the glossary at [section 13](#).

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1. Who we are

CCSW

The Catholic Children's Society (Westminster) is a company limited by guarantee registered at Companies House with company number 00085235 whose registered address is at 73 St. Charles Square, London, W10 6EJ. The Catholic Children's Society (Westminster) is also a charity registered at the Charity Commission for England and Wales with registration number 210920.

CCSW provides support to disadvantaged children and families in the South East of England and provides assistance to Former Child Migrants. CCSW holds **Migrant Records** and **Organisational Records**.

CBCEW

The Catholic Trust for England and Wales is a company limited by guarantee registered at Companies House with company number 4734592 whose registered address is at 39 Eccleston Square, London, Victoria, SW1V 1BX. The Catholic Trust for England and Wales is also a charity registered at the Charity Commission for England and Wales with registration number 1097482. The Catholic Trust for England and Wales is acting as the trustee for the Catholic Bishops' Conference of England and Wales.

CBCEW is a charity that promotes the Roman Catholic religion in England and Wales. The Migrant Records, Organisational Records and **St. Joseph's Records** belong to CBCEW.

Status

CCSW and CBCEW are joint **controllers** in respect of (i) Former Child Migrants' personal data that is contained in Migrant Records and Organisational Records; and (ii) any other personal data that we receive in connection with enquiries about Former Child Migrants. This means that CCSW and CBCEW

are both responsible for ensuring that such personal data is **processed** and protected in accordance with the UK GDPR.

CBCEW is the controller in respect of any Former Child Migrants' personal data within the St. Joseph's Records. CBCEW is responsible for ensuring that this personal data is processed and protected in accordance with the UK GDPR. Former Child Migrants' personal data within the St. Joseph's Records will only be processed by CCSW in accordance with the instructions of CBCEW.

2. How is your personal data collected?

We may hold personal data relating to you from a number of sources and will collect personal data about you:

- a. When you give it to us **directly**
For example, personal data that you submit by contacting us or any personal data that you share with us when you communicate with us in person, by email, phone or post.
- b. When we obtain it **indirectly**
Your personal data may have been shared with us by others for example The Child Migrants Trust. As you interact with the CCSW or CBCEW websites, we will automatically collect technical information about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see the following cookie policies for further details: [CCSW](#) and [CBCEW](#).
- c. When we obtain it from **publicly available sources**
Your personal data may have been obtained from public sources such as the General Register Office.

In certain circumstances, we may require proof of identification from you and a detailed explanation of why you require access to certain Migrant Records or Organisational Records before we decide whether to provide you with access to them. For instance, the UK GDPR requires us to ensure there is a lawful basis for processing personal data such as a legitimate interest that is proportionate to the **data subject's** interests, rights and freedoms.

3. What Personal data do we use?

We may collect, store and otherwise process the following kinds of personal data depending on whether you are a Former Child Migrant or another user of the service:

- a. Your name and contact details, including email address, postal address and telephone number;
- b. Your birth certificate, date of birth, family members and gender;
- c. Details of your residency in a children's home, details of any onward transportation from a children's home;
- d. School records;
- e. Local authority records; and
- f. Information about your religion.

We do not collect or store any information about criminal convictions and offences.

4. How we use your Personal data

As part of providing services, we will use your personal data for the following purposes:

- a. to answer your questions or requests, and communicate with you in general;
- b. to provide you (or your legal representative) with information about your history if you were in a children's home and migrated to Australia or Canada;
- c. to provide you with information about a family member's history if they were in a children's home and migrated to Australia or Canada;
- d. to analyse, evaluate and improve our work, programmes, services, activities or information;

- e. to comply with our reporting obligations (internally and externally);
- f. to satisfy legal obligations which are binding on us, for example when we are inspected or audited by a supervisory authority, for example, the Information Commissioner's Office;
- g. for research purposes;
- h. for the prevention of fraud or misuse of services; and
- i. for the establishment, defence or enforcement of legal claims.

Please note that we keep records about you to assist us in documenting the service you have received from us. We will keep records of our meetings and all other communications for this purpose.

5. Lawful processing

We are required to rely on one or more lawful grounds to collect and use the personal data that we have outlined above. We consider the grounds listed below to be relevant:

a. Legitimate interests

Where applicable law allows us to collect and use personal data for our or a third party's legitimate interests, and the use of your personal data is fair, balanced and does not unduly impact your rights.

Where you contact us seeking our services, we will rely on the legitimate interest ground to provide the services to you in most instances.

b. Consent

Where we ask for your consent for our use of your personal data for a specific purpose. You always have the right to withdraw your consent.

c. Legal obligation

Where the processing of your personal data is necessary for us to comply with a legal obligation to which we are subject.

d. Historical research

When we process *special category data*, we also rely on the fact that the processing is necessary for historical research purposes carried out with sufficient safeguards and in the public interest.

6. Do we share your personal data?

The personal data we hold about you (including if you are a Former Child Migrant) will be provided to staff within CCSW who provide services to you. Also the *Sisters of Nazareth* or another religious order may be involved in reviewing or supplying such personal data as part of providing the service to you.

Except where set out in this privacy notice, we will not disclose your personal data to others. We do not share your personal data with third parties for marketing purposes.

We may disclose your personal data to selected third party *processors* (such as agents or sub-contractors) for the purposes outlined at [section 4](#). We require all third parties to respect the security of your personal data and to treat it in accordance with the law. The third parties in question will be required to process any personal data they receive in accordance with our instructions.

Where it is necessary for one of the purposes explained above in [section 4](#) and where there is a lawful basis for us to do so, we may also disclose your personal data to:

- Your legal representative;
- Local authorities;
- Regulators;
- Your descendants or other family members;
- Tracing agencies;
- Voluntary organisations, including religious institutions, that may hold relevant records; and

- Academic researchers.

We reserve the right to disclose your personal data to third parties:

- a. if substantially all of our assets are acquired by a third party (for example if CCSW or CBCEW were to close down), personal data held by us may be one of the transferred assets;
- b. if we are under any legal or regulatory obligation to do so; and
- c. in connection with any legal proceedings or prospective legal proceedings, in order to establish, exercise or defend our legal rights.

Where it is necessary for the purposes of the proper management of CCSW and CBCEW, personal data may be shared or made available on a limited basis to our professional advisors, for example, lawyers, accountants and IT consultants.

7. International Data Transfers

Former Child Migrants and their family members may be living outside of the UK. In providing services, it may be necessary for us to send personal data outside of the UK. When doing so, we rely upon the conditions set out in (i) Article 49(1)(b) of the UK GDPR that the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request; or (ii) Article 49(1)(c) of the UK GDPR that the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person. We always ensure that any personal data transferred out of the country is transmitted in an appropriately secure way.

As we sometimes use third parties to process personal data, it is possible that personal data we collect from you will be transferred to and stored in a location outside the UK.

Please note that certain countries outside of the UK have a lower standard of protection for personal data, including lower security protections. Where your personal data is transferred, stored, and/or otherwise processed outside the UK in a country which does not offer an equivalent standard of protection to the UK, we will take all reasonable steps necessary to ensure that the recipient implements appropriate safeguards designed to protect your personal data.

For instance, we will only transfer your personal data to third parties located in countries that have been deemed to provide an adequate level of protection for personal data by the Commissioner; or where we use certain service providers, we may use specific contracts approved by the Commissioner which give personal data the same protection it has inside the UK.

If you have any questions about the transfer of your personal data, please contact us using the details at [section 12](#).

8. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those members of staff and third parties who have a need to know in connection with performing the services. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected **personal data breach** and will notify you and any applicable regulator of a breach where we are legally required to do so.

9. How long do we keep your personal data?

We may retain Former Child Migrants' personal data contained in the Migrant Records, Organisational Records and St. Joseph's Records indefinitely for historical research carried out with sufficient safeguards and in the public interest. We retain Former Child Migrants' personal data that is contained

in their residential children's home records for a minimum period of 75 years from the relevant Former Child Migrant's date of birth.

We will only retain personal data of other users of our service for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of carrying out family tracing, maintaining records of family tracing enquiries for reference in connection with subsequent related requests and satisfying any legal, accounting or reporting requirements. We may retain such personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

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, accounting or other requirements.

10. Your rights

We may contact you by post and by telephone, email, text or other electronic means depending on what the law allows and on your communication preferences. If you decide you do not want to receive any further communications from us then please tell us.

Where we rely on your consent to use your personal data, you have the right to withdraw your consent.

When we use your personal data you have the right to:

- a. Ask us for **confirmation** of what personal data we hold about you, and to request **access** to a copy of that information. If we are satisfied that you have a right to see this personal data, and we are able to confirm your identity, we will provide you with this personal data.
- b. Request that we **erase** the personal data we hold about you, as far as we are legally required to do so.
- c. Ask that we **correct** any personal data that we hold about you which you believe to be inaccurate.
- d. **Object** to the processing of your personal data where we: (i) process on the basis of the legitimate interests ground; or (ii) use the personal data for historical research purposes.
- e. Ask for the provision of your personal data in a machine-readable format (the **data portability right**) to either yourself or a third party, provided that the personal data in question has been provided to us by you, and is being processed by us: (i) in reliance on your consent; or (ii) because it is necessary for the performance of a contract to which you are party; and in either instance, we are processing it using automated means.
- f. Ask for processing of your personal data to be **restricted** if there is disagreement about its accuracy or legitimate usage.

There are exceptions which apply to these rights, which we will explain in our response to you.

Should you have any concerns or complaints with respect to the way we use your personal data, please contact us (using the contact details in [section 12](#)) in the first instance so that we may address your concerns.

You also have the right to lodge a complaint with the Information Commissioner's Office at www.ico.org.uk/concerns

11. Updating this privacy notice

We may update this privacy notice. You can access the latest version of this privacy notice on the CCSW or CBCEW websites. Please review these websites to ensure that you are accessing the most recent version.

12. How to contact us

If you have any questions about how we use your personal data and how we comply with our responsibilities, please contact us as follows:

CCSW

Email: info@cathchild.org.uk

Post: FAO: CEO, The Catholic Children's Society, 73 St. Charles Square, London, W10 6EJ, United Kingdom

CBCEW

Email: karen.oconnor@cbcew.org.uk

Post: 39 Eccleston Square, London, SW1V 1BX, United Kingdom

13. Glossary

Commissioner: the Information Commissioner for the United Kingdom as more particularly described in the Data Protection Act 2018.

Controller: a person, organisation or body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

Migrant Records: the correspondence, documents and ledgers, or material which relates to a particular named migrant whether within specific files relating to that Former Child Migrant or otherwise.

Organisational Records: documents which belonged to the Catholic Child Welfare Council, or one of its predecessor or related organisations, which are currently stored by CCSW. Organisational Records exclude any Migrant Records in any form.

Personal data: any information relating to an identified or identifiable living person ("**data subject**") and it does not include data where the identity has been removed (anonymous data).

Personal data breach: a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Processing: any operation which is performed on personal data, whether or not by automated means, such as collection, organisation, storage, alteration, retrieval, use, disclosure, erasure or destruction.

Processor: a person, organisation or body which processes your personal data on behalf of the controller.

Sisters of Nazareth: The Congregation of the Sisters of Nazareth, a charity registered at the Charity Commission for England and Wales with registration number 228906.

Special category data: includes details about your race or ethnicity, religious or philosophical beliefs, information about your health, sexual orientation, political opinions, trade union membership, and genetic and biometric data.

St. Joseph's Records: the Organisational Records of the Catholic Child Welfare Council that were originally stored at St. Joseph's, Hendon, which have been stored at CCSW's premises since 2018.

UK GDPR: The retained EU law version of the General Data Protection Regulation (EU) 2016/679 as implemented by the Data Protection Act 2018.

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