**ST MARY’S CHURCH WEAVERHAM CHARITY 1135093 ECC**

**ECC Member Trustee Eligibility Declaration[[1]](#footnote-1)**

As an ECC Member, you are a charity trustee. By signing this form, you confirm that you are not disqualified as a matter of law from acting as a charity trustee and, by signing overleaf, you confirm that you meet HMRC’s requirements to be considered a “Fit and Proper Person”.

You are disqualified from acting as a charity trustee if you have an **unspent[[2]](#footnote-2) conviction** for:

* a dishonesty or deception offence[[3]](#footnote-3);
* a terrorism offence to which Part 4 Counter-Terrorism Act 2008 applies, or under ss. 13 or 19 Terrorism Act 2000;
* a money laundering offence within the meaning of s. 415 Proceeds of Crime Act 2002;
* a bribery offence under ss. 1, 2, 6 or 7 Bribery Act 2010;
* an offence of contravening a Commission Order or Direction under s. 77 Charities Act 2011;
* an offence of misconduct in public office, perjury or perverting the course of justice;
* In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.

You are also disqualified from acting as a charity trustee if you:

* are subject to notification requirements under sexual offences legislation (commonly referred to as being on the sex offenders register) even if your conviction is spent;
* are currently declared bankrupt or are subject to bankruptcy restrictions or an interim order, including an individual voluntary arrangement (IVA) - limited exceptions apply;
* are subject to a debt relief order under the Insolvency Act 1986, a debt relief restrictions order, an interim order under that Act, or a failure to pay under a County Court Administration Order;
* are disqualified from being a company director - limited exceptions apply;
* are disqualified from being a charity trustee by an Order made by the Charity Commission pursuant to s.181A Charities Act 2011.
* have previously been removed as a trustee, officer, agent or employee of a charity by the Charity Commission, the High Court or the Scottish charity regulator due to misconduct or mismanagement;
* have been found guilty of disobedience to an order or direction of the Charity Commission under s.336(1) Charities Act 2011;
* have been found to be in contempt of court for making, or causing to be made, a false statement, including in a document verified by a statement of truth;
* are a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.

I declare that I am not disqualified from acting as a trustee[[4]](#footnote-4) and that I will inform the trustees promptly if, after the date of this declaration, any one or more of the disqualification criteria apply to me.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Role in ECC \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HMRC Fit and Proper Persons Declaration**

HMRC also requires that those who are running charities (Trustees and Managers) are “fit and proper persons”. Examples of factors that **may**[[5]](#footnote-5) lead to HMRC deciding that a trustee or manager is not a fit and proper person include, but are not limited to, where individuals:

* have been involved in tax fraud and other fraudulent behaviour including misrepresentation and/or identity theft;
* are known by HMRC to have involvement in attacks against, or abuse of, tax repayment systems;
* have been removed from acting as a charity trustee by a charity regulator or been disqualified from acting as a charity trustee or company director;
* have used arrangements notified under the Disclosure of Tax Avoidance Schemes (DOTAS) rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the arrangements featured charitable reliefs or which used a charity, and their tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final;
* have used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) and such counteraction has become final;
* have been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and they are:
  + a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014;
  + a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final;
  + a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

I declare that none of the above factors apply to me and that I will seek to ensure that the charity’s funds, and any charity tax reliefs received by the charity, are only used for charitable purposes:

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Role in ECC \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The Ecumenical Church Council (ECC) of St Mary’s Church, Weaverham**

**GDPR DATA PRIVACY NOTICE**

**1. Your personal data – what is it?**

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller’s possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (the “GDPR”).

**2. Who are we?**

The ECC of St Mary’s Weaverham is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes.

**3. How do we process your personal data?**

The ECC of St Mary’s Weaverham complies with its obligations under the “GDPR” by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We use your personal data for the following purposes: -

* To enable us to provide a voluntary service for the benefit of the public in a particular geographical area as specified in our constitution;
* To administer membership records;
* To fundraise and promote the interests of the charity;
* To manage our employees and volunteers;
* To maintain our own accounts and records (including the processing of gift aid applications);
* To inform you of news, events, activities and services running at St Mary’s
* To share your contact details with the Diocesan office so they can keep you informed about news in the diocese and events, activities and services that will be occurring in the diocese and in which you may be interested.

**4. What is the legal basis for processing your personal data?**

* Explicit consent of the data subject so that we can keep you informed about news, events, activities and services and keep you informed about diocesan events.
* Processing is necessary for carrying out legal obligations in relation to Gift Aid or under employment, social security or social protection law, or a collective agreement;

**5. Sharing your personal data**Your personal data will be treated as strictly confidential and will only be shared with other members of the church in order to carry out a service to other church members or for purposes connected with the church. We will only share your data with third parties outside of the parish with your consent.

**6. How long do we keep your personal data[[6]](#footnote-6)?**We keep data in accordance with the guidance set out in the guide “Keep or Bin: Care of Your Parish Records” which is available from the Church of England website [see footnote for link].

Specifically, we retain electoral roll data while it is still current; gift aid declarations and associated paperwork for up to 6 years after the calendar year to which they relate; and parish registers (baptisms, marriages, funerals) permanently.

**7. Your rights and your personal data**

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data: -

* The right to request a copy of your personal data which the ECC of St Mary’s, Weaverham holds about you;
* The right to request that the ECC of St Mary’s Weaverham corrects any personal data if it is found to be inaccurate or out of date;
* The right to request your personal data is erased where it is no longer necessary for the ECC of St Mary’s Weaverham to retain such data;
* The right to withdraw your consent to the processing at any time
* The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable) [*Only applies where the processing is based on consent or is necessary for the performance of a contract with the data subject and in either case the data controller processes the data by automated means*].
* The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
* The right to object to the processing of personal data, (where applicable) [*Only applies where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics*]
* The right to lodge a complaint with the Information Commissioners Office.

**8. Further processing**

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

**9. Contact Details**

To exercise all relevant rights, queries or complaints please in the first instance contact the ECC Secretary / Parish Administrator at [henshallcatherine@gmail.com](mailto:henshallcatherine@gmail.com) or [Weaverham.church.office@gmail.com](mailto:Weaverham.church.office@gmail.com)

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

1. This form should also be completed by a “senior manager” who is not also a ECC member (e.g. an employee treasurer). [↑](#footnote-ref-1)
2. You are not disqualified if your conviction is spent. See guidance from the charity Unlock at hub.unlock.org.uk/information/charities/ to work out when a conviction becomes spent. [↑](#footnote-ref-2)
3. Details of which offences are included can be found at <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver> [↑](#footnote-ref-3)
4. If you have obtained a waiver from automatic disqualification from the Charity Commission to permit you to act as a trustee of the ECC, you are able to sign this declaration. If you wish to seek a waiver, please read the Charity Commission’s guidance at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673798/Waiver_application_checklist_v1.pdf> and discuss this with an appropriate person within your ECC. [↑](#footnote-ref-4)
5. If any of these factors apply to you, you are not necessarily barred from serving, but the PCC will need to give careful consideration as to how it can meet the “Fit and Proper Persons” requirement. If you require guidance, please see <https://www.gov.uk/government/publications/charities-fit-and-proper-persons-test/guidance-on-the-fit-and-proper-persons-test> [↑](#footnote-ref-5)
6. Details about retention periods can currently be found in the Record Management Guides located on the Church of England website at: - <https://www.churchofengland.org/more/libraries-and-archives/records-management-guides> [↑](#footnote-ref-6)