

**IN THE CONSISTORY COURT
OF THE DIOCESE OF GLOUCESTER**

**GUIDANCE FROM THE CHANCELLOR FOR PETITIONERS
SEEKING A FACULTY FOR THE INSTALLATION OF LIVE-
STREAMING EQUIPMENT**

**THE CHANCELLOR WILL EXPECT PETITIONERS TO PROVIDE A
LIVE-STREAMING POLICY DOCUMENT AND A PRIVACY
DOCUMENT TO ACCOMPANY PETITIONS, AND WILL IMPOSE
CONDITIONS RELATING TO THEM IF A FACULTY IS ISSUED**

1. During the COVID-19 pandemic of 2020-2021, our churches, which were closed to the public, introduced the live-streaming of services to enable the absent congregation to participate in ‘virtual services’. Typically, these services would involve a combination of footage, which would be seamlessly sewn together: a preacher in a church on his/her own, a leader of prayers in their home, a youth pastor addressing children and several recordings of choirs and church music. The services were posted on a church’s webpage and would be accessed using YouTube.
2. Church leaders reported in 2020 that the number of views indicated that services may have been viewed by a greater number of people than the previous average congregation numbers. In 2021, as more people were vaccinated against COVID-19, and as church services resumed, many church leaders have given thought to whether to continue the live-streaming of their services. In part, this has been because it was noted that some members of the congregation have not returned due to continuing fears over the spread of COVID-19, and in part because it is hoped to continue to connect to those who may not attend church otherwise.
3. However, the services conducted in the pandemic lockdown were very different from the services now being conducted with a congregation present. Simply filming a church with a congregation, hoping that it appears like the BBC’s Songs of Praise programme, is not straightforward. It raises issues of the congregation’s safety and privacy, data protection and transparency. The streaming of a sermon, or the choir’s singing, just like the audio recordings that have taken place since the advent of radio, usually remains a straightforward option for any church to participate in. The key distinction is where members of the congregation are likely to be filmed.

4. Any Petition for a faculty for live-streaming equipment will need to demonstrate that the Petitioners, the incumbent, the PCC and the congregation have understood the benefits and potential harms of live-streaming. This must be set out in a 'policy document' that has been agreed by the PCC and has been shared with the congregation.
5. The benefits of live-streaming are mainly that it may enable a church to reach the sick and vulnerable who are unable to attend a service and others who for their own reasons do not chose to attend in person.
6. However, the potential harms need to be understood. Unfortunately, once filmed and published online, the footage or stills from the images are potentially available forever. Taking footage offline at a future date does not mean that it won't have been captured by one means or another in the meantime and kept for future use and then propagated on social media. Whilst social media has enabled families and friends to keep in touch, especially during the pandemic, it has also spawned an array of people across the globe who seek to harm others. Mainstream media reports on an almost daily basis the hatred messages received via social media directed towards almost anyone in a position of responsibility. Those who run church services have a responsibility for the safety of their congregation. They should be alert to the fact that there are people who will deliberately try to cause harm to others through social media.
7. Our churches have traditionally been places where we are all equal sinners before God, regardless of our position or employment or apparent notoriety. Church is a place where all are welcomed: the homeless, the depressed, the bereaved, the ex-prisoner, the vulnerable young and old, as well as those who don't fit these simplified descriptions. If these social media harm causers discover footage of someone that they recognise in a congregation, then it is likely that they will re-use it. In so doing, they will not care about who else is captured in the process. By way of example, consider the Member of Parliament/popular entertainer/FTSE 100 chairman who sits almost anonymously with his/her family in church. This may be one of the few safe 'paparazzi-free' places that he/she can be out in public with their family, without having to consider what they say and do. If they knew that they were being filmed, in conversation with someone who they did not know and it was then being broadcast, it is possible that they may choose not to come to church. Likewise, there may be vulnerable people who enjoy the safety of the church congregation who would not wish their whereabouts to be broadcast. What currently unites a

congregation, regardless of status and life's challenges is that we are called to accompany the leader of the service 'with a pure heart and humble voice until the throne of the heavenly grace.'

8. Accordingly, any church introducing live-streaming must recognise that some members of the congregation will not want to be filmed. This wish must be respected. It cannot be right to turn every service into one where every person who attends risks being filmed regardless of whether they want to. A balance must be struck, so that either a person can fully participate in a service by sitting in a location that will not be captured and filmed, or the church will provide a range of services, some that are live-streamed and some that are not.

9. The 'policy document' must set out the following:

9.1. **The location of the cameras:**

This must include an explanation of the areas and parts of a service that are filmed. For example, it may state that the footage may begin when the service starts, whilst everyone is in their seat. The taking of communion may be omitted from live-streaming as it would involve the filming of people moving about.

9.2. **Camera use:**

Cameras may be restricted to specific purposes, such as to film those officiating at a service, the reader of a lesson, the preacher and perhaps the choir. All would need to give clear information in advance.

9.3. **Availability of live-streamed material:**

The footage may have a short uploaded life, if it included footage of the congregation. If it was felt that a sermon was worth keeping uploaded, then the footage may be edited.

9.4. **Transparency, including displaying a livestreaming notice:**

9.4.1. The congregation must be consulted on whether they wish to participate in live-streaming prior to its introduction.

9.4.2. All publicity concerning the service must contain a reference to live-streaming.

9.4.3. At least one permanent notice must be placed in an obvious and visible place so that all entering the church will see that the service is about to be livestreamed. The notice must be sufficiently clear so that all present fully understand the implications of being filmed; in particular, that the recordings

will be available online and may therefore be viewed by anyone. The notice must also explain how to find more information including how to access the PCC's privacy notice. The privacy notice will need to be updated to cover the live-streaming, for example, data protection law requires that the lawful basis (see paragraph 9.7 below) be documented in the privacy notice

9.4.4. Those who wish to sit in a non-filmed area must be directed to appropriate seats.

9.4.5. At the start of the service, it must be announced that the service is being livestreamed and, where this is the case, that it will be recorded and available to download online.

9.5. Ongoing risk assessment:

The 'policy document' must also provide for how the rights of children and vulnerable adults will be safeguarded. Those responsible for safeguarding, such as the church's safeguarding officer, must be involved in drafting the 'policy document'. For example, ensuring that a child at risk is not filmed even if their parents apparently do not object to this.

9.6. Special events:

The 'policy document' may state that certain services would or would not be live-streamed such as weddings, baptisms, funerals depending on the wishes of those participating.

9.7. Lawful basis

The PCC must identify the 'lawful basis' to make the recordings compliant with data protection law. The relevant lawful basis will likely be 'legitimate interests', which would allow the recordings to be made so long as the PCC can show that (a) there is a legitimate interest in doing so; (b) the recording is necessary in the sense that it is a proportionate way of achieving that legitimate interest; and (c) the interests and rights of the individual do not override the legitimate interests. This assessment must be set out in the 'policy document'.

9.8. Review of the policy:

The 'policy document' must be reviewed annually by the PCC and the safeguarding officer as must the effectiveness of the livestreaming of services.

10. The PCC must provide training and written guidance to those staff with responsibility for livestreaming. This must cover the essential 'dos and

don'ts', for example, on making sure that the cameras are switched off at the right time, data security and storage.

**MARK B. RUFFELL,
CHANCELLOR OF THE DIOCESE OF GLOUCESTER
Monday 13 December, 2021**