



PRESBYTERIAN CHURCH OF VICTORIA

Privacy Policy and Privacy Policy Guidelines [Oct 2015, min. 23.3, 23.4]

1. Introduction

The Presbyterian Church of Victoria (the church) is an unincorporated association. The church collects data from users of church services, and from persons and businesses that provide services to the church and its organisations.

The data collected by the church includes information which can identify you as a person such as your name, your address and other details about you. This information is referred to in Australian Government legislation as 'personally identifiable information'.

The church may also collect sensitive information about or related to you from time to time. Sensitive information includes information which may not personally identify you but is related to a person's:

- health;
- financial status;
- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices; or
- criminal record.

The collection and management of personally identifiable and sensitive information is regulated in Australia and in other countries.

The church will take every reasonable measure to protect your information. The church's approach to your privacy conforms to the *National Privacy Principles* extracted from the *Privacy Act 1988*, which provides guidance about the collection of personal information, how it should be used and disclosed and its storage and security.

The church is committed to protecting your privacy and any personally identifiable and sensitive data you supply to us. This Privacy Policy sets out:

- how and why we collect data including personally identifiable and sensitive data;
- what we do with data we collect;
- how we manage collected data; and
- with whom we share that data.

If you have any questions about this policy please contact us as set out at the end of this document.

2. Scope of this Privacy Policy

As required by government registration or accreditation obligations, certain organisations and activities operated by the church, such as church affiliated schools and aged care facilities, have separate privacy policies in place.

This Privacy Policy for the church will apply to the collection of data by the church where no other church privacy policy applies.

3. Collection and use of personal information

The church will use collected data including personally identifiable and sensitive information in furtherance of the mission and activities of the church. The church will include some of the information it collects in the church's permanent archival records.

The church will review information not included in the church archival records, and delete information no longer required for church activities.

The church will use data it collects to promote all of the spiritual, pastoral, social, educational, administrative, legal, and historical functions of the church and for the business requirements of the church.

These church purposes include but are not limited to administration and communication throughout the church, analysing the role of the church in society, recording the histories of church members, adherents, and persons in regular contact with the church, and maintaining records in the public interest, including baptism rolls, wedding registers and other related purposes.

Data collected by the church will only be shared with third parties where such parties have agreed in writing to abide by this policy and to only use such information disclosed for the purposes for which access has been given. In general, information provided to third parties should not be able to identify you as an individual; such information can only be disclosed with your express written consent.

Anyone seeking access to any sensitive information will need to be authorised by the Privacy Officer and Assembly Clerk to ensure there is a specific need for such information and provision of such data does not breach any legislative or confidentiality requirements.

Whenever we share information with third parties, the church will take all reasonable efforts to make sure that these third parties keep such information in the same manner as it is kept by the church, and consistent with the principles as set out in the *Privacy Act 1988*.

Please note that the church does work with third parties to provide our services. The majority of the service providers used by the church are based in Australia and are therefore subject to the Australian laws. However the church may from time to time work with service providers such as charities and other church related bodies who are located outside of Australia.

Confidential Pastoral duties

If a minister, other church staff or another body of the church intends to record personal and sensitive information arising from deputations or counselling sessions, any person whose data will be collected should be informed of this and advised that:

- a) the records will be kept pursuant to the church's privacy policy;
- b) the purposes for which the collected information will be used; and
- c) information collected will **not** be disclosed to any third party and securely destroyed when the purpose for collection is no longer relevant or it is no longer appropriate to maintain the record(s). For example, the minister has moved parishes or retired.

4. Security and disclosure of information:

The church will take all reasonable steps to keep personal, sensitive, and all other confidential or restricted information secure, and to prevent its unlawful use and/or inappropriate disclosure.

The church will, as far as practicable, develop and implement practices and procedures in respect to church archival records. These policies will address:

- a) Requiring researchers seeking access to archival records to acknowledge prior to access being granted to the archival records, that:

- i) the archival records made available to them are subject to this privacy policy and all applicable legislation; and
 - ii) the researcher is solely responsible for obtaining any further consent required if the information is to be used outside of the purposes for which it was collected; and
 - iii) the researcher will be responsible for any breach of this privacy policy and/or relevant legislation caused by the use of information made available by the church; and
 - iv) the researcher will be required to indemnify the church and the General Assembly, and/or its agencies in respect of liability for such breach.
- b) Require all applicants/researchers seeking access to personal and sensitive information from registers of baptism and/or marriage prior to the provision of such information to:
- i) produce evidence that he/she is a subject of the record concerned, or holds the consent of the subject(s) of the record to obtain the information; or
 - ii) establish that the subject(s) of the record are deceased, or can reasonably be presumed to be deceased.

Where the subject of data collected by the church seeks access to his or her personal information or sensitive information collected, it is the policy of the church to grant access, subject to the production of appropriate identification. Such identification must meet the 100-point identification test as used by banks and government organisations (see **Attachment A**).

5. **Archival records:**

It is the current policy of the church that in order to assure the preservation of data collected by the church that this church will transfer church registers, minute books, correspondence, photographs and other images, and all other records containing personal and sensitive information to the archives of the Presbyterian Church of Victoria.

The exception to this policy is data collected under **Confidential Pastoral Duties** above.

6. **Complaints procedure, designation of Privacy Officer and contact information:**

Enquiries concerning this privacy policy, and any complaints concerning failure of the church to comply with this policy, or relevant legislation should be addressed in the first instance to the Church's designated Privacy Officer, who can be contacted on 0499 090 449 or by email safechurch@pcvic.org.au.

If any complaint is not readily resolved to the satisfaction of the complainant, the matter will be referred to the Assembly Clerk, who can be contacted on 03 9650 9311 or by email admin@pcvic.org.au.

The complaint resolution process will include but is not limited to:

- a) the matter being handled in a proficient and confidential manner at executive level; and/or
- b) referred to the courts of the church under the provisions of the Code of the church; and/or
- c) independent arbitration initiated depending on the most suitable action necessary in an attempt to best resolve the matter.

Privacy Policy Guidelines

1. **Scope**

The church and any person or organization affiliated with the church are bound by privacy and data protection legislation in Australia. As a result, anyone who deals with the collection, management and transfer of personally identifiable data on behalf of the church will need to understand and comply with the terms of the church's privacy policy. These guidelines are specifically for the privacy policy applicable to the church. However, there may be other church privacy policies in use for various church activities, (e.g. schools and aged care facilities). If there are questions or concerns as to the terms of this policy, or which church policy might apply to your situation, please contact the Privacy Officer whose details are at the end of this document.

Personally identifiable information includes information which can identify you as a person - such as your name, your address and other specific details about you. This information is referred to as 'personally identifiable information' and the collection and use of personally identifiable information is regulated in Australia and in other countries by specific legislation.

Sensitive information is similarly regulated by legislation and the church's privacy policy. Sensitive information includes information about a person's:

- health;
- financial status;
- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices; or
- criminal record.

The church's privacy policy applies to both personal and sensitive information collected by the church where no other privacy policy applies.

2. Adoption of the Church's Privacy Policy

Sessions, boards of management, presbyteries, and members of other church committees should familiarise themselves with the privacy policy and minute their adoption of it.

3. General Rule

Personal information must only be used or disclosed for the purposes allowed in the privacy policy. If there is reason to believe that collected information may be used for purposes not included in this privacy policy, further permission may be required from the person whose information has been collected.

Personally identifiable information and sensitive information are both defined in the privacy policy. All personally identifiable information and sensitive information collected by the church should be held securely and used only as allowed by the policy.

4. Types of Personally Identifiable and sensitive information collected include:

- Lists and records identifying individuals (including congregation members, adherents, attendees of church activities, committee members and elders, baptismal and wedding registers).
- Directories or newsletters identifying individuals and their contact or other personal details.
- Sensitive information collected during pastoral duties.
- Oral information provided at public meetings (e.g. church service) identifying an individual.
- Other information collected as part of the operations of the church's usual activities.

In respect of these common circumstances a consistent and thoughtful approach should be applied to let persons whose data we are collecting know how and why we collect their information and how we use it.

5. Notice to use when information is collected

Whenever practical, as personally identifiable and sensitive information is collected for the church a reference to the privacy policy should be made.

As an example, a paragraph included on any form used to collect information could read:

'Personal and sensitive information collected by the church will be used in conformity with our privacy policy (which can be found at www.pcvic.org.au or mailed to you on request). If you do not want your information to be used by us, please do not provide it to us.'

6. Notice to include when information is published

The following statement should be included in church directories, newsletters or notice sheets distributed which identify individuals:

‘The information in this document has been collected and published in conformity with the privacy policy of the Presbyterian Church of Victoria (which can be found at www.pcvic.org.au or mailed to you on request). If you would like to update any information in this document please contact us at (provide contact address and email)’

7. Confidential Pastoral duties

If a minister, other church staff or another body of the church intends to record personal and sensitive information arising from deputations or counselling sessions, any person whose data will be collected should be informed of this and advised that:

- a) the records will be kept pursuant to the church’s privacy policy;
- b) the purposes for which the collected information will be used; and
- c) information collected will **not** be disclosed to any third party and securely destroyed when the purpose for collection is no longer relevant or it is no longer appropriate to maintain the record(s). For example, the minister has moved parishes or retired.

An example of such advice is:

‘Any personal and sensitive information collected will be kept confidential and used only as allowed by the privacy policy of the Presbyterian Church of Victoria for purposes relating to the (insert reason for collecting information). If you do not consent to my retention and use of your information for this purpose, please tell me. A copy of the church’s privacy policy can be found at www.pcvic.org.au or mailed to you on request.’

8. Conclusion

All church staff and volunteers should be regularly reminded that both personal information and sensitive information such as health, financial status, and marital status is regulated by law and by the church’s privacy policy. Consent from persons disclosing the personal information and the sensitive information should be gained before providing that information to others.