

## ANGLICAN DIOCESE OF BUNBURY

**POLICY:     PRIVACY**

**For Distribution: 17 December 2018**

### **POLICY**

This Diocese encourages sensitivity and appropriate respect for individuals in the collection and use of information for Church purposes in line with the *Privacy Act 1988 (C'wlth)* which incorporates the *Privacy Amendment (Private Sector) Act 2000 (C'wlth)* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 [Amending Act]* and including the Australian Privacy Principles 12 March 2012.

### **EXPLANATION**

The Bunbury Diocesan Trustees as the legal entity for the Anglican Diocese of Bunbury is the organisation bound by the Privacy Act and the 13 Australian Privacy Principles (APP). Entities related to the Bunbury Diocesan Trustees are also subject to the requirements of the Privacy Act and the Amending Act. These include all parishes and any Anglican organisations, Missionary agencies, parish entities and schools associated with the Diocese.

Unless specified, the obligations and approach to privacy and how personal and sensitive information will be dealt with, apply to each of us equally.

#### **The Amending Act**

A key component of the Amending Act is the mandatory requirement to comply with the Australian Privacy Principles. These set minimum standards which relate to the collection, security, storage, use, correction and disclosure of personal information.

The Amending Act includes processes enabling individuals to:

- Access personal information held about them
- Request corrections be made to the information
- Make complaints about the handling of their personal information; and
- Receive compensation for interferences to their privacy.

This Policy and its Practices explains how we will respect your privacy and how we will collect, use, store and disclose your personal information.

## PRACTICES

### 1. Collection (APP 3,4,5)

We collect a range of information that may fall into one of three categories affected by the Privacy Act.

- i) Personal information which is about you specifically, and from which your identity can be reasonably determined. This includes your name, address, gender, date of birth, financial details, marital status, next of kin, education or employment history and photographic images. Personal information also includes sensitive and health information, your telephone contact details, email addresses.

Some of this material may be included for example in the Diocesan Directory, distributed to Bishops across Australia, clergy, parishes, and may be on the website.

- ii) Sensitive Information which is personal information or opinion about your racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of professional or trade association, membership of a union, sexual preferences or practices, family court orders, criminal record or health information.

We may collect sensitive information from you which may include health information or any of the type of information described for example when you discuss certain matters with your Priest.

- iii) Health Information is personal information about your physical or mental health or a disability, past, present or future. It may also include information relating to specific nutritional and dietary requirements which you may disclose. It may include information about a health service provided or to be provided to you and your wishes about health services in the future.

For example, health information may be collected if you are receiving counselling from a Priest or you are a recipient of care from an Anglican care agency.

It may also include information for job applicants, staff members or contractors in terms of medical conditions which may affect your ability to perform work.

We will only collect health information from you if the information is necessary for us to provide a health service to you and we collect what is required by law and in accordance with the rules established by competent health or medical bodies that deal with obligations for professional confidentiality which would bind us.

We will only collect specific dietary information from you in order to provide a safe food delivery.

We will only collect personal information that is necessary for one or more of our functions or activities, for example where you wish to join a Parish or receive religious services such as baptisms, confirmation, weddings or funeral services.

It is usual for Parish Councils and the Diocese to collect some of the above information on a range of occasions. This is also collected from service providers, contractors and agents. The collection of information that is personal is fair, lawful and not intrusive. A person must be told the name of our organisation, the purpose of the collection, and how to get access to their information and what happens if the person chooses not to give the information.

If information is to be used for a secondary purpose, the person would reasonably expect to be advised about the use and disclosure. This might be for communication about our activities, funding needs and philosophies.

## **2. How we use your personal information and who we can disclose it to (APP6)**

The Amending Act introduces an overriding principle that we will manage your personal information in an open and transparent way. Subject to certain exceptions, we will only use your information for the purpose for which it was collected.

For example, when we collect information from you to put your name on the parish roll, we will only use that information to process your membership, communicate parish related information to you and create a parish directory.

We may use the information for another purpose if it is related to the primary purpose, for example a Parish may disclose your personal information on a Parish enrolment form to the Diocese, which may include that information its role of members.

If we use your personal information or disclose for another purpose, we will where possible, obtain your consent before we do so. For example, where we are working with a third party such as a valuer who is looking at parish property and we need to provide them with the name and contact details for that purpose.

## **3. How we keep your personal information accurate and secure**

### **Accuracy (APP 10)**

We will take reasonable steps to make sure your personal information we have collected, used or disclosed is accurate, complete and up to date.

You can assist us by ensuring your personal information we collect from you is accurate at the time you provide it to us.

You are entitled to view and if necessary correct any personal information we hold about you.

We aim to ensure your personal information is collected, used or disclosed in accordance with this policy and is protected from potential misuse, loss or unauthorised access modification or disclosure.

To do this we will make sure we have procedures to protect and comply with our obligations to take reasonable steps to protect and manage your personal information.

Unless you provide us with your consent, only our authorised employees or agents will have access to your personal information.

## **Storage (APP11)**

Your personal information may be stored in documentary or electronic form and we will exercise physical security on those documents and electronic versions of your personal information.

We will take reasonable steps to destroy or permanently de-identify any personal information no longer needed for the purpose for which it was collected or for legal purposes.

Documents will be kept in secure cabinets, and electronic versions will be kept in secure computers protected by password access.

## **4. When we can provide your personal information to you (APP12)**

When we receive a request from you, you will be able to access your personal information except where:

- a) Your access to it (other than your health information) poses a serious or imminent threat to you or someone else's life or health
- b) Your access to your health information poses a serious or imminent threat to you or someone else's life or health
- c) Your access to it will have an unreasonable impact on the privacy of someone else
- d) Your request for access is frivolous or vexatious
- e) Your request for access relates to existing or anticipated legal proceedings between us and you and your access to that information would ordinarily not be allowed through the legal process of discovery in those proceedings.
- f) Your access to the information would reveal our intentions in relation to negotiations between you in a way that would prejudice the negotiations
- g) Providing you with access would be unlawful
- h) Denying you access is authorised by, or under law
- i) Providing you with access would be likely to prejudice and investigation of unlawful activity or certain other criminal or improper conduct
- j) We are requested not to allow you access for national security reasons; and
- k) Revealing it to you will also reveal evaluative information generated by us in connection with a commercially sensitive decision making process. In this situation, we will give you an explanation for the commercially sensitive decision rather than give you access to your personal information.

## **5. Accessing your personal information**

An individual has the right to access personal information held by the Diocese or the Parish about them. Any request should come through the Diocesan Office on 08 9721 21000.

If you ask us, we will let you know the type of personal information we hold, the purposes for which we hold it and how we collect, use, correct and disclose that personal information.

If you would to access your personal information, please contact the Diocesan Office on 08 9721 2100 and speak to the Diocesan Secretary.

An application may be made by you to access your personal information by completing and sending in a 'request for information – content only'.

Denying you access to your personal information

If we deny you access, you will be provided with reasons for the denial and will reasonably consider whether an intermediary acceptable to both you and us would allow us sufficient access to meet both our needs.

### **Correcting your personal information (APP13)**

If you can demonstrate the personal information about you is not accurate, complete and up to date, we will take reasonable steps to do so. If we disagree with your assessment of the information, we will associate your records with a statement from you making this claim, for the record if you choose to do so.

If we refuse to correct your personal information, we will give you reasons why we haven't done so.

We may charge you for providing you with access to your personal information, to cover any costs and you will be advised of any charges at the time you make your request. You will not be charged for making the request or for us to provide you with the assessment of the response to that request.

## **6. Identifiers (APP 9)**

In the Act, an 'identifier' includes a number assigned by the Diocese to an individual to identify uniquely the individual for the purposes of the Diocese's operations. An individual's name or ABN is not an identifier. *See A New Tax System (Australian Business Number) Act 1999*.

Identifiers assigned by a Commonwealth Government Agency such as a Tax File Number, Medicare Number, Pension Number etc., should not be obtained, used or disclosed except where required by law (such as in the case of a Contractor – ABN No., or where funds are invested with the Diocese – TFN No.)

You may choose to give us an identifier which has been assigned to you elsewhere. We will not disclose the identifier unless:

- a) The use or disclosure is necessary to fulfill obligations to the agency
- b) We reasonably believe the use or disclosure is necessary to prevent a serious or imminent threat to an individual's life, public health or public safety; or
- c) The use and disclosure is necessary for law enforcement.

## 7. Anonymity (APP8)

We may transfer personal information about you to someone overseas only if:

- a) We reasonably believe the person receiving the information would be subject to a legal or other scheme or arrangement that will affect that person in a substantially similar way to how the 13 Australian Privacy Principles affect us;
- b) You consent to, or request we transfer your personal information
- c) The transfer is for your benefit and it is not practical to obtain your consent or if it is practical, you would be likely to give your consent;
- d) Or we take reasonable steps to ensure your personal information to be transferred will not be held, used or disclosed by the person receiving it in a way which is inconsistent with the 13 Australian Privacy Principles. For example, we may transfer personal information to other Anglican organisations overseas via email, fax or by other means.

## 8. Complaints and queries

### Complaints

If you feel we have interfered with your privacy as a result of our practices, collection, use, disclosure or storage, you are entitled to make a complaint to us.

If you believe we have breached one of the 13 Australian Privacy Principles (APP) you may also make a complaint to us.

### Process:

- i) Please contact the Diocesan Secretary on 08 9721 2100 to make the complaint.
- ii) The Diocesan Secretary is responsible for investigating and responding to your complaint. If other entities of the Diocese are involved, they will be contacted and ensure the complaint is resolved.
- iii) We will work promptly and respond as soon as possible, within five working days.
- iv) If you are not satisfied, you can complain to the Privacy Commissioner who may investigate our processes and the substance of your complaint.

If you have any queries, please contact the Diocesan Office on 08 9721 2100. Please keep us up to date with your details so we can keep our records appropriately informed.

We will update this Policy as required, either by changes to legislation or because our practices are updated or amended.

### For Parishes

**\*\*\*Attached to this document is a model privacy policy for each parish to adopt and make available to those who have dealings with the Parish including Church Members. The document should only require modification where shown to become Parish specific.**

**ANGLICAN DIOCESE OF BUNBURY**

**THE ANGLICAN PARISH OF.....**

**POLICY:      PRIVACY**

**17 December 2018**

**Approved by: Parish Council: XXXX**

**POLICY**

The Parish Council of the Anglican Parish of XXXX in the Anglican Diocese of Bunbury (Parish Council) commits to protecting the privacy of personal information regarding potential Church members, Church members, service providers, contractors and agents.

**1.      Collection (APP 3,4,5)**

We collect a range of information that may fall into one of three categories affected by the Privacy Act.

- iv)      Personal information which is about you specifically, and from which your identity can be reasonably determined. This includes your name, address, gender, date of birth, financial details, marital status, next of kin, education or employment history and photographic images. Personal information also includes sensitive and health information, your telephone contact details, email addresses.

Some of this material may be included for example in the Diocesan Directory, distributed to Bishops across Australia, clergy, parishes, and maybe on the website.

- v)      Sensitive Information which is personal information or opinion about your racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of professional or trade association, membership of a union, sexual preferences or practices, family court orders, criminal record or health information.

We may collect sensitive information from you which may include health information or any of the type of information described for example when you discuss certain matters with your Priest.

- vi)      Health Information is personal information about your physical or mental health or a disability, past, present or future. It may also include information relating to specific nutritional and dietary requirements which you may disclose. It may include information about a health service provided or to be provided to you and your wishes about health services in the future.

For example, health information may be collected if you are receiving counselling from a Priest or you are a recipient of care from an Anglican care agency.

It may also include information for job applicants, staff members or contractors in terms of medical conditions which may affect your ability to perform work.

We will only collect health information from you if the information is necessary for us to provide a health service to you and we collect what is required by law and in accordance with the rules established by competent health or medical bodies that deal with obligations for professional confidentiality which would bind us.

We will only collect specific dietary information from you in order to provide a safe food delivery.

We will only collect personal information that is necessary for one or more of our functions or activities, for example where you wish to join a Parish or receive religious services such as baptisms, confirmation, weddings or funeral services.

It is usual for Parish Councils and the Diocese to collect some of the above information on a range of occasions. This is also collected from service providers, contractors and agents. The collection of information that is personal is fair, lawful and not intrusive. A person must be told the name of our organization, the purpose of the collection, and how to get access to their information and what happens if the person chooses not to give the information.

If information is to be used for a secondary purpose, the person would reasonably expect to be advised about the use and disclosure. This might be for communication about our activities, funding needs and philosophies.

## **2. How we use your personal information and who we can disclose it to (APP6)**

The Amending Act introduces an overriding principle that we will manage your personal information in an open and transparent way. Subject to certain exceptions, we will only use your information for the purpose for which it was collected.

For example, when we collect information from you to put your name on the parish roll, we will only use that information to process your membership, communicate parish related information to you and create a parish directory.

We may use the information for another purpose if it is related to the primary purpose, for example a Parish may disclose your personal information on a Parish enrolment form to the Diocese, which may include that information its role of members.

If we use your personal information or disclose for another purpose, we will where possible, obtain your consent before we do so. For example, where we are working with a third party such as a valuer who is looking at parish property and we need to provide them with the name and contact details for that purpose.

## **3. How we keep your personal information accurate and secure**

### **Accuracy (APP 10)**

We will take reasonable steps to make sure your personal information we have collected, used or disclosed is accurate, complete and up to date.

You can assist us by ensuring your personal information we collect from you is accurate at the time you provide it to us.

You are entitled to view and if necessary correct any personal information we hold about you.

We aim to ensure your personal information is collected, used or disclosed in accordance with this policy and is protected from potential misuse, loss or unauthorized access modification or disclosure.

To do this we will make sure we have procedures to protect and comply with our obligations to take reasonable steps to protect and manage your personal information.

Unless you provide us with your consent, only our authorised employees or agents will have access to your personal information.

### **Storage (APP11)**

Your personal information may be stored in documentary or electronic form and we will exercise physical security on those documents and electronic versions of your personal information.

We will take reasonable steps to destroy or permanently de-identify any personal information no longer needed for the purpose for which it was collected or for legal purposes.

Documents will be kept in secure cabinets, and electronic versions will be kept in secure computers protected by password access.

### **4. When we can provide your personal information to you (APP12)**

When we receive a request from you, you will be able to access your personal information except where:

- a) Your access to it (other than your health information) poses a serious or imminent threat to you or someone else's life or health
- b) Your access to your health information poses a serious or imminent threat to you or someone else's life or health
- c) Your access to it will have an unreasonable impact on the privacy of someone else
- d) Your request for access is frivolous or vexatious
- e) Your request for access relates to existing or anticipated legal proceedings between us and you and your access to that information would ordinarily not be allowed through the legal process of discovery in those proceedings.
- f) Your access to the information would reveal our intentions in relation to negotiations between you in a way that would prejudice the negotiations
- g) Providing you with access would be unlawful
- h) Denying you access is authorised by, or under law

- i) Providing you with access would be likely to prejudice and investigation of unlawful activity or certain other criminal or improper conduct.
- j) We are requested not to allow you access for national security reasons; and
- k) Revealing it to you will also reveal evaluative information generated by us in connection with a commercially sensitive decision making process. In this situation, we will give you an explanation for the commercially sensitive decision rather than give you access to your personal information.

## **5. Accessing your personal information**

An individual has the right to access personal information held by the Diocese or parish about them. Any request should come either through the Diocesan Office on 08 9721 21000 or initially at your **local parish office on xxxxxx**.

If you ask us, we will let you know the type of personal information we hold, the purposes for which we hold it and how we collect, use, correct and disclose that personal information.

If you would to access your personal information, please contact the Diocesan Office on 08 9721 2100 and speak to the Diocesan Secretary **or contact your local parish office on xxxxxx**.

An application may be made by you to access your personal information by completing and sending in a 'request for information – content only'.

## **Denying you access to your personal information**

If we deny you access, you will be provided with reasons for the denial and will reasonably consider whether an intermediary acceptable to both you and us would allow sufficient access to meet both our needs.

## **Correcting your personal information (APP13)**

If you can demonstrate the personal information about you is not accurate, complete and up to date, we will take reasonable steps to do so. If we disagree with your assessment of the information, we will associate your records with a statement from you making this claim, for the record if you choose to do so.

If we refuse to correct your personal information, we will give you reasons why we haven't done so.

We may charge you for providing you with access to your personal information, to cover any costs and you will be advised of any charges at the time you make your request. You will not be charged for making the request or for us to provide you with the assessment of the response to that request.

## **6. Identifiers (APP 9)**

In the Act, an 'identifier' includes a number assigned by the Diocese to an individual to identify uniquely the individual for the purposes of the Diocese's operations. An individual's name or ABN is not an identifier. See *A New Tax System (Australian Business Number) Act 1999*.

Identifiers assigned by a Commonwealth Government Agency such as a Tax File Number, Medicare Number, Pension Number etc., should not be obtained, used or disclosed except where required by law (such as in the case of a Contractor – ABN No., or where funds are invested with the Diocese – TFN No.)

You may choose to give us an identifier which has been assigned to you elsewhere. We will not disclose the identifier unless:

- d) The use or disclosure is necessary to fulfill obligations to the agency
- e) We reasonably believe the use or disclosure is necessary to prevent a serious or imminent threat to an individual's life, public health or public safety; or
- f) The use and disclosure is necessary for law enforcement.

## 7. **Anonymity (APP8)**

We may transfer personal information about you to someone overseas only if:

- e) We reasonably believe the person receiving the information would be subject to a legal or other scheme or arrangement that will affect that person in a substantially similar way to how the 13 Australian Privacy Principles affect us;
- f) You consent to, or request we transfer your personal information;
- g) The transfer is for your benefit and it is not practical to obtain your consent or if it is practical, you would be likely to give your consent;
- h) Or we take reasonable steps to ensure your personal information to be transferred will not be held, used or disclosed by the person receiving it in a way which is inconsistent with the 13 Australian Privacy Principles. For example, we may transfer personal information to other Anglican organisations overseas via email, fax or by other means.

## 8. **Complaints and queries**

### **Complaints**

If you feel we have interfered with your privacy as a result of our practices, collection, use, disclosure or storage, you are entitled to make a complaint to us.

If you believe we have breached one of the 13 Australian Privacy Principles (APP) you may also make a complaint to us.

### **Process:**

- i) Please contact the Diocesan Secretary on 08 9721 2100 to make the complaint.

- ii) The Diocesan Secretary is responsible for investigating and responding to your complaint. If other entities of the Diocese are involved, they will be contacted and ensure the complaint is resolved.
- iii) We will work promptly and respond as soon as possible, within five working days.
- iv) If you are not satisfied, you can complain to the Privacy Commissioner who may investigate our processes and the substance of your complaint.

If you have any queries, please contact the Diocesan Office on 08 9721 2100. Please keep us up to date at the Parish office with your details so we can keep our records appropriately informed.

We will update this Policy as required, either by changes to legislation or because our practices are updated or amended.