

**ANGLICAN CHURCH
DIOCESE OF THE MURRAY**

Privacy

In compliance with the Privacy Act 1988 (Cth) which incorporates the amendments made to it by the Privacy Amendment (Private Sector) Act 2000 (Cth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 [Amending Act].

Approved by: Diocesan Council

10 December 2016

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1. Introduction

From 12 March 2014, amendments to the *Privacy Act 1988 (Cth)* in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 [Amending Act]* imposed additional obligations on how certain organisations collect, use, store and disclose personal information. Amongst those amendments, certain organisations are required to comply with 13 Australian Privacy Principles (**APPs**) in the *Amending Act*, with an aim to ensure open and transparent management of personal information.

The Synod of the Diocese of The Murray in the Anglican Church of Australia (“the Synod”), as the legal entity for the Anglican Diocese of The Murray, is an organisation bound by the *Privacy Act* and the 13 Australian Privacy Principles. Entities related to The Synod of the Diocese of The Murray) are also subject to the requirements of the *Privacy Act* and the *Amending Act*. Such entities include all Parishes and Pastoral Districts within the Diocese of The Murray, as well as any Anglican Organisations, Missionary Agencies, Youth Organisations, Colleges and Schools in the Diocese associated with the Synod.

1.1 Who this policy affects

This policy applies to the Anglican Diocese of The Murray being the Synod, the Parishes and Pastoral Districts, together with any bodies or organisations related to the Synod (“Us”, “We” or “Our”).

Some of these organisations, which are related to the Synod and which are subject to the requirements of the *Privacy Act and the Amending Act*, may have developed specific Privacy Policies that relate to their roles and functions and in this situation, both this Privacy Policy and the organisation’s own Privacy Policy will be followed.

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

1.2 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 mechanisms enabling individuals to:

- a. Access personal information held about them
- b. Request corrections be made to that information
- c. Make complaints about the handling of their personal information, and
- d. Receive compensation for interferences to their privacy

1.3 What this policy is about

This policy explains how We will respect your privacy (“You” or “Your”) and how We will collect, use, store and disclose Your personal information.

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2. Your Personal Information collected by Us [APP 3, 4, 5]

2.1 What personal information We collect

We collect various types of information from You for a variety of purposes.

Information We collect may fall into one or more of three categories of information that is affected by the *Privacy Act*.

Those types of information include:

- (a) **Personal information** – this is information which discloses information about You specifically, or is information from which Your identity can reasonably be ascertained. Personal information 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 encompasses sensitive and health information.

The types of personal information We may collect from You include Your name, age, date of birth, address, telephone contact details, and e-mail addresses.

For example, the names, addresses and telephone numbers of parish priests, parish secretaries and treasurers are published in the Diocesan Year Book which is distributed to Bishops (Australia wide), clergy, parishes etc and may be published on the Diocesan website.

- (b) **Sensitive information** – this 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.

The types of sensitive information We may collect from You may include health information or any of the types of information described above.

For example, sensitive information may be collected when You discuss certain matters with Your Priest.

- (c) **Health information** – this is personal information about Your physical or mental health or a disability, past, present or future. This may also include information relating to specific nutritional and dietary requirements which you may disclose.

It may also include information about a health service provided (or to be provided) to You, or Your wishes about future health services.

For example, health information may be collected if You are receiving counselling from a Priest, or 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 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, confirmations, weddings or funeral services.

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Any personal information will be collected by Us in a lawful, fair, and unobtrusive manner.

Whenever We collect personal information about You, We will take whatever reasonable steps We can to inform You of:

- (a) the purpose for which We are collecting Your personal information;
- (b) to whom We would usually disclose Your personal information;
- (c) the name of the organisation that is collecting Your personal information;
- (d) how You can contact the organisation should You wish to gain access to Your personal information that has been collected;
- (e) whether there are any legal reasons why We are collecting Your personal information; or
- (f) other consequences for You (if any) if the personal information We have sought from You was not provided.

We will still take reasonable steps to do these things if We have collected personal information about You from someone else, unless advising You from whom We have collected Your personal information poses a serious threat to the life or health of someone.

Where it is reasonable and practicable to do so, We will at all times endeavour to collect Your personal information from You.

2.2 Collection of Sensitive Information with Your consent

We will only collect sensitive information from You with Your consent, or if, as a matter of law, We are required to collect it.

We will only collect sensitive information from You if:

- (a) we have Your consent to the collection;
- (b) as a matter of law we are required to collect it;
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to an individual who is physically or legally incapable of giving consent to the collection or cannot physically communicate consent to the collection; or
- (d) the collection is necessary to establish, exercise or defend a legal or equitable claim.

Our not for profit organisations may collect sensitive information from You if You are a member of that organisation, or have regular contact with that organisation in connection with its activities, and at the time we collect the sensitive information We undertake not to disclose it without Your consent or the consent of anyone to which that information relates.

The Amending Act also requires Us to inform You when We collect personal information, whether that information is likely to be disclosed to overseas recipients, for example mission agency partners, and how You may complain about a breach of the APPs by that entity should such a breach occur.

2.3 Collection of Health Information

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 the health information as required by law and in accordance with the rules established by competent health or medical bodies that deal with obligations of professional confidentiality which would bind Us.

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

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3. How We use Your personal information and who We can disclose it to [APP 6]

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 personal information that We have collected for the purpose for which We have collected it.

- For example, when We collect personal information from You in order to place Your name on the Parish roll, We will only use that information to process Your membership, communicate parish-related information to You, and to create a Parish Directory.

We may use Your personal information for another purpose if that other purpose is related to the original purpose for which We collected Your personal information (or, in the case of sensitive information, directly related) and You reasonably expect Us to use or disclose that information for that other purpose.

- For example, a Parish may disclose Your personal information on a Parish enrolment form to the Diocese, which may include that information in its role of members.

We may disclose Your personal information for a purpose other than for which We collected it, but will, wherever possible, obtain Your consent before We do so.

Your personal information may, however, be shared between Our various organisations where the sharing of that information is necessary for Our purposes.

Your personal information may be disclosed to third parties to provide goods or services to Us which would enable Us to provide Our services to You.

- For example, the Diocese may engage a valuer to value a parish property and provide the valuer with the name and contact telephone number of the parish secretary for that purpose.

Your personal information may however be disclosed to prevent a serious and imminent threat to someone's life or health, where authorised or required by law, if it poses a serious threat to public health or safety, or if it is reasonably necessary to investigate a suspected unlawful activity.

Where We provide a health service to You, We may disclose health information about You to someone responsible for You, such as Your parents, children, spouse, relatives, guardian, attorney, personal partner or other person nominated by You that may be contacted by Us in the case of an emergency.

- For example, if You are receiving counselling or pastoral care from a parish priest, the priest may disclose health information about You to Your children who are responsible for You if You are physically or legally incapable of consenting to disclosure of that health information relevant to You, or where You cannot physically communicate Your consent to that disclosure. That disclosure is, however, subject to other requirements.

We will not, however, disclose Your health information to a person responsible for You if You tell Us not to before You become unable to give Your consent, or where Your carer would reasonably be expected to be aware that You would not wish for Us to disclose that health information to a person responsible for You.

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4. How We keep Your personal information accurate and secure

4.1 Accuracy of Information [APP 10]

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

You can assist Us in ensuring that Your personal information We collect from You is accurate at the time You provide it to Us.

You are also entitled under the Amending Act to view and if necessary correct any personal information held by Us relating to You.

We aim to ensure that, at all times, Your personal information is collected, used or disclosed in accordance with this policy, and that it is protected from any potential misuse, loss or unauthorised access modification or disclosure.

To do this, We will at all times follow the procedures in this policy to comply with Our obligations in taking reasonable steps to protect and manage Your personal information from any unauthorised access, modification or disclosure.

Unless You otherwise provide Us with Your consent, only Our authorised employees or agents will have access to Your personal information.

4.2 Storage of Your personal information [APP 11]

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 also take reasonable steps to destroy or permanently de-identify any personal information that is no longer needed for the purpose for which We collected it or for the purpose of meeting legal requirements.

Documents will be kept secure in locked filing cabinets or in locked offices and electronic versions of personal information will be kept secure in computers protected by password access.

5. When We can provide Your personal information to You [APP 12]

Following the receipt by Us from You of a request, We will allow You access to 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 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 to it is frivolous or vexatious;
- (e) Your request for access to it 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;

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- (f) Your access to that information would reveal Our intentions in relation to negotiations between You in a way that would prejudice those negotiations.
- (g) providing You with access to it would be unlawful;
- (h) denying You access to it is authorised by, or under law;
- (i) providing You with access to that information would be likely to prejudice an investigation of unlawful activity or certain other criminal or improper conduct;
- (j) We are requested to not allow You access to Your personal information 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.

5.1 Accessing Your personal information

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

If You would like to access Your personal information, please contact the relevant organisation You have been dealing with or the Diocesan Privacy Officer on (08) 8532 2270.

An application may be made by You to access Your personal information by completing and sending to Us a 'Request for Information Form - Content Only'. Copies of this form may be obtained by contacting Us in the manner outlined in Section 12 of this Policy.

5.2 Denying You access to Your personal information

If We deny You access to Your personal information, You will be provided with the reasons for Our denial of access to Your personal information. We will also, where reasonable, consider whether an intermediary acceptable to both You and Us would allow sufficient access to meet each of Our needs.

5.3 Correcting Your personal information [APP 13]

If You can demonstrate that the personal information held about You is not accurate, complete and up to date, We will take reasonable steps to correct Your personal information so that it is accurate, complete and up to date.

If We disagree with You whether Your personal information collected by Us is accurate, complete and up to date, We will take reasonable steps to associate with Our records a statement from You claiming that the information is not accurate, complete or up to date should You issue Us with one.

If We refuse to correct Your personal information, We will provide You with Our reasons for not doing so.

We may charge You for providing You with access to Your personal information. Those charges will not be excessive, and You will be informed of those charges at the time of Your request for Your personal information.

We will not, however, charge You for requesting access to Your personal information or for Our assessment whether We will provide You with that personal information.

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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 (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an identifier.

If it becomes necessary for Us to adopt an identifier for You, We will not adopt an agency’s identifier as our identifier.

An agency includes a Minister’s department or a governmental agency within the meaning of the Act. An agency’s identifier may include a Medicare number, drivers licence or a tax file number.

We may request that You provide to us an identifier which has been assigned to You by an agency or an agent of that agency.

If We request that You provide us with that identifier or if an identifier for You has been provided to Us, We will not use or disclose the identifier unless:

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

7. How We will deal with Your personal information that may be sent to other people overseas [APP 8]

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

- (a) We reasonably believe that the person receiving Your personal 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 affects Us;
- (b) You consent to, or request that 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 to obtain Your consent, You would be likely to give consent; or
- (d) We take reasonable steps to ensure that 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 about You to other Anglican organisations overseas via e-mail, facsimile or by some other means.

8. Complaints and Queries

8.1 Complaints

If You feel that We have interfered with Your privacy as a result of Our collection, use, disclosure or storage of Your personal, health or sensitive information, You are entitled to make a complaint to us.

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If You believe that We may have breached one of the 13 Australian Privacy Principles, You may also make a complaint to Us.

8.2 Receiving Your complaint

Should You have a complaint regarding the possible infringement of Your privacy, You should contact the Diocesan Privacy Officer on (08) 8532 2270 or the relevant organisation You have been dealing with directly.

8.3 Managing Your complaint

The Diocesan Privacy Officer will be responsible for investigating the nature of Your complaint, and will inform You what efforts will be taken to try and resolve the issues raised in Your complaint.

If Your complaint relates to a matter involving some other organisation related to the Synod, and therefore the Diocese, the Diocesan Privacy Officer will facilitate the investigation of Your complaint by the other related organisation and ensure that the issues raised by You are adequately resolved.

8.4 When We will respond

We will respond to Your complaint as soon as possible, but in any event, within five working days.

If You are not satisfied with Our resolution of Your complaint, You can complain to the Federal Privacy Commissioner who may investigate whether an act or practice by Us is an interference with Your privacy.

8.5 Queries

Should You have any other queries regarding how Your personal, sensitive or health information is collected, used, disclosed or stored, please contact the Diocesan Privacy Officer or the relevant organisation You have been dealing with.

9. How You can help protect Your privacy

You can help Us to protect Your privacy by contacting Us should You change Your contact details.

This will enable Us to update Our records to avoid any correspondence being sent to Your incorrect personal or electronic address, or to avoid someone other than You being contacted by Us.

10. Changes to Our privacy policy

Should Our circumstances, or changes to the law require, We may change Our approach to how We collect, use, disclose or store Your personal information as detailed in this policy.

Any changes will be included in an updated version of this policy which will be placed on Our website and made available on request from the Diocese.

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11. More information and FAQ's

11.1 What happens to Your personal information collected from You before 21 December 2001?

Our obligations regarding the collection, use and disclosure of Your personal information only apply to information collected by Us and after 21 December 2001. We will, however, endeavour to comply with the 13 Australian Privacy Principles in relation to information collected before 21 December 2001.

11.2 Can Personal Information collected about Your relatives be disclosed to You?

Personal information collected from Your relatives before 21 December 2001 may be disclosed to You as the 10 National Privacy Principles did not apply to personal information collected before that date.

The 13 Australian Privacy Principles state that We may only disclose personal information about Your relatives to You if We have Your relatives' consent, or the purpose for which You are seeking the personal information from Us is related to the reason that We collected it, and Your relative would reasonably expect Us to disclose their personal information to You.

11.3 Can Your personal information be included in public prayers during Church services or in Parish Newsletters?

Generally, Your personal information, such as Your name and age may be used by Parishes in public prayers if it is within Your reasonable expectations that We would do so. Our Parishes will, wherever possible, endeavour to ascertain whether You would reasonably expect Us to use Your personal information in public prayers.

As a general statement, Our Parishes suggest that You actively inform them whether You do not wish for Your personal information to be included in public prayers or Church newsletters. This is because Our Parishes normally consider that it would be within Your reasonable expectation that You would wish to be included in public prayers or Church newsletters.

11.4 Can You deal with Us anonymously? [APP 2]

Wherever it is lawful and practicable, You have the option of not identifying Yourself when entering into a transaction with Us.

12. Contacting Us

For further information about Our privacy policy, please contact the Diocesan Privacy Officer on (08) 8532 2270.

For further information about Your rights to privacy, You may wish to visit the Federal Privacy Commissioner's website at www.privacy.gov.au, or contact the Privacy Hotline on 1300 363 992.