

## PRIVACY POLICY AND ADMINISTRATIVE GUIDELINES

### INTRODUCTION

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The Australian and New Zealand Diocese of the Russian Orthodox Church Outside of Russia (ANZ Diocese of ROCOR), and each of its Church entities, are bound by the Privacy Act No 119<sup>1</sup>, 1998 as amended, which became effective from 12 March 2014.

The Act governs how organisations, like the Diocese and its entities, should collect, use, disclose, store and dispose personal information.

Noncompliance has the potential to cause significant damage to the reputation of the Diocese as well as incur financial penalties.

This Privacy Policy of ANZ Diocese of ROCOR commits the Diocese and all of its Church entities to comply with the requirements of the Privacy Act.

Certain personal information about employees, volunteers and members of the Diocese and its Church entities and, in some circumstances, of worshipers, is collected or entrusted to the Diocese and its Church entities in the course of their spiritual, pastoral, social, educational and administrative work.

The Diocese and its Church entities are committed to protecting this personal information in compliance with all applicable privacy legislation.

### PURPOSE

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The purpose of the Diocesan Policy is to:

- I. Commit the Diocese and its Church entities (parishes, monasteries, convents, missions, communities and chapels) to "take reasonable steps to protect personal information they hold from misuse, interference and loss, and from unauthorized access, modification or disclosure" in line with the Australian Privacy Principles described in the Act.
- II. Provide a template for a **Privacy Statement** for use by the Diocese and each of its Church entities to complete and provide assistance with the compliance requirements.

The purpose of the Privacy Administrative Guidelines is to:

- III. Explain why the Diocese and its Church entities need to collect personal information, and
- IV. Show how this information is managed to meet the legal obligations and protect the privacy of the affected individuals.

### POLICY BACKGROUND & GUIDELINES

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- I. Personal information has a wide meaning. It can be "information or an opinion... whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion".
- II. Sensitive information (or an opinion) includes racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or union, sexual preferences or practices, criminal record or health/genetic information.
- III. Privacy codes mean written codes regulating acts and practices that affect privacy, as contained in the Privacy Statement and Privacy Administrative Guidelines.
- IV. Records mean documents, databases (in whatever form), photographs or any pictorial representation of a person.

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- V. Personal information should only be "collected for a purpose that is a lawful purpose directly related to a function or activity" of the Diocese and/or its Church entities. Collection of such information must be "necessary for or directly related to that purpose".
- VI. Individuals should be made aware of the purpose for which personal information is being collected.
- VII. Record keepers in possession or control of records containing personal information shall ensure that the records are "protected, by such security safeguards as is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse".
- VIII. Where "a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record", unless it is unlawful to do so or is prohibited in the Privacy codes.

### POLICY PRINCIPLES

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- I. We will ensure that personal information will be dealt with openly and in a transparent manner that complies with the Privacy Act.
- II. Personal information will be collected by lawful and fair means directly from individuals concerned, unless the individuals consent to other means.
- III. Collection of sensitive information will only be done with the individual's consent and knowledge. Such information must be necessary to provide a specific service to the individual, required by Australian law or is specifically required by a Diocesan Policy or Ukase.

### RESPONSIBILITIES

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The Diocesan Council, Parish Councils and their equivalents in other Church entities are responsible for ensuring appropriate practices, procedures and systems are in place to comply with the Privacy Act and with the approved privacy codes.

### WHAT SORT OF INFORMATION DO WE COLLECT OR ARE ENTRUSTED WITH

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The personal information that we hold includes

- I. names,
- II. addresses,
- III. dates of birth,
- IV. telephone numbers and e-mail addresses,
- V. details relating to baptisms, weddings and funerals, marriage dissolutions,
- VI. details of next of kin and emergency contact numbers,
- VII. under the category of sensitive information:
  - a. details of illnesses or other personal circumstances,
  - b. employee ATO tax file numbers,
  - c. details of national criminal history checks,
  - d. details of Working With Children Checks clearances
- VIII. for those individuals affected by Australian Federal, State and Territory laws or by Diocesan policies and Ukases,
- IX. and any other information deemed necessary or required by the Diocese or its Church entities.

### WHY DO WE COLLECT OR ARE ENTRUSTED WITH PERSONAL INFORMATION

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Personal and/or sensitive information is collected:

- I. to comply with legal obligations, and

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- II. to enable individuals to participate in and benefit from the work of the Diocese or one of its Church entities.

Personal and/or sensitive information is collected and held strictly for this purpose and for related secondary purposes.

The Diocese and its Church entities are often entrusted with personal and sensitive information by people seeking pastoral care or assistance.

### WHEN DO WE COLLECT PERSONAL INFORMATION

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Personal information is collected when a person, who has some affiliation with the Diocese or one of its Church entities, fits into one or more of the following categories:

- I. is a member of the clergy,
- II. undertakes pastoral work,
- III. is a volunteer,
- IV. accepts employment,
- V. becomes a member,
- VI. becomes an office bearer,
- VII. is a conductor of the church choir,
- VIII. participates in certain sacraments, such as baptisms or marriage,
- IX. requests or agrees to be placed on the Diocesan or a Church entity mailing list.

Lastly, personal information is collected and recorded of deceased whose funeral services are held in any of the Diocesan Church entities.

### HOW DO WE COLLECT PERSONAL INFORMATION

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Personal information is collected or entrusted by completion and submission of forms such as membership, e-mail messages, telephone conversations and in person.

### HOW IS THE PERSONAL INFORMATION USED

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Personal information relating to clergy, employees, hobbyists, anyone undertaking pastoral work or teaching in a parish school, and any Diocesan and Church entities' office bearers or volunteers is obtained in order to:

- I. satisfy legal requirements,
- II. Diocesan policy requirements,
- III. administer contracts,
- IV. provide insurance cover.

Personal information relating to Diocesan and its Church entities' members and those who worship there is used by the Diocese and its Church entities in the course of their spiritual, pastoral, social, educational and administrative work.

Personal information that was obtained for a particular purpose shall not be used for any other purpose unless:

- I. the individual concerned has consented to use the information for that other purpose, or
- II. there are reasonable grounds for the use of the information for that other purpose to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person, or
- III. use of the information for that other purpose is required or authorised by law, or is reasonably necessary for enforcement of the criminal law, or for the protection of the public revenue, or
- IV. the purpose for which the information is used is directly related to the purpose for which the information was obtained.

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## **DISCLOSURE OF PERSONAL INFORMATION**

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Personal information may be disclosed to

- I. the person who provided it, or to a person with legal authority to act on behalf of that person,
- II. the ecclesiastical authorities of ROCOR,
- III. other Diocesan and its Church entities' members, those who worship there and recipients of a Diocesan or Church entity newsletter where it exists (see note below),
- IV. civil authorities , such as the registry of Births, Deaths and Marriages, which is obligatory by law,
- V. Federal, State and Territory authorities providing National Criminal History checks and/or Working With Children Checks for those requiring clearances to function/work in child related areas as specified by law or Diocesan policies, and
- VI. anyone else authorised to receive it by the provider of the information.

Note: The disclosure of certain personal information to other parish members and worshipers of the Diocese and its Church entities occurs only in a general sense, insofar as it contributes to the life of the Diocese. Examples of this are the inclusion of names in prayers for the sick, those travelling or preparing for baptism or marriage. News of baptisms, marriages and deaths may be published in parish newsletters, where they exist.

## **ACCURACY AND SECURITY OF INFORMATION**

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The Diocese and its Church entities will take all reasonable steps to ensure accuracy and currency of personal information being held.

All personal information will be stored safely and securely.

Some of the personal information collected could be sensitive in nature. All reasonable steps will be taken to ensure its security.

Personal information will be held only for the time necessary to fulfill the purpose for which it was collected and, if necessary, for any related purposes.

## **ACCESS TO INFORMATION**

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The Diocese and its Church entities will consider providing access to personal information held in their records upon request. Requests need to include details of the information being sought and the reason for the request.

## **PRIVACY OFFICER**

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The Diocese and each of its Church entities will have a Privacy Officer appointed to ensure that the collection, use and storage of personal information collected by them is consistent with the aforementioned administrative guidelines.

In each case, the Privacy Officer will be the first point of contact for any enquiries.

The role of Privacy Officers will include:

- I. answering any questions related to privacy,
- II. providing assistance to people seeking access to their personal information being collected,
- III. responding to any complaints about the manner in which personal information is handled, and, if necessary
- IV. escalating the complaint to the attention of a member of the Diocesan Council or the Rector or equivalent of a Church Entity, whichever is appropriate.

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### PRIVACY STATEMENT

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The Diocese and each of its Church entities will issue a Privacy Statement (using a template provided by the Diocese) explaining why personal information is being collected and how it is managed to ensure both compliance with legal obligations and, at the same time, provides protection for the privacy of our members and all who worship here.

### NON COMPLIANCE

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Noncompliance is not acceptable under any circumstances.

Noncompliance can lead to dissention among members of the ROCOR community, litigation, financial penalties ranging from \$0.370m to \$1.700m and damage to the Diocesan reputation.

### RELATED DOCUMENTS

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- I. **Privacy Act No 119, 1998 as amended:** <http://www.comlaw.gov.au/Details/C2015C00089>
- II. **Privacy Statement.**
- III. **Privacy Statement Template.**

### Authorisation



**Auxiliary Bishop**  
**Administrator of the Australian and New Zealand Diocese**  
**of the Russian Orthodox Church Outside of Russia**

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