



MARONITE EPARCHY OF AUSTRALIA, NEW ZEALAND AND OCEANIA

Privacy Policy



Manual

For the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney

Revision Date: June 2023

To whom does this policy apply?

This policy applies to all members of the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney AKA Maronite Eparchy of Australia, New Zealand and Oceania in its parishes, committees and diocesan organisations. This would include, but not limited to any persons who are in contact with children and vulnerable persons, such as:

- *Members of the clergy and religious*
- *Paid employees*
- *Volunteer employees*

Any member who is in direct employment of the Church.

1. Contents

| | |
|---|----|
| 1. Contents | 3 |
| 2. Preamble | 4 |
| 3. The Privacy Act | 4 |
| 4. Information Covered by the Privacy Act | 5 |
| 5. Employee Records | 5 |
| 6. The Australian Privacy Principles (App)..... | 5 |
| 7. How Does the Privacy Act Affect the Church? | 6 |
| 8. Compliance with 2014 Changes to the Privacy Act..... | 6 |
| 9. Privacy Commitment Statement..... | 7 |
| 10. Australian Privacy Principles | 7 |
| 11. Your Consent | 8 |
| 12. Special Issues for the Church | 8 |
| 13. Notification of Data Breaches Scheme | 9 |
| 14. Concerns or Queries..... | 10 |
| 15. Changes to this Policy..... | 10 |

2. Preamble

The Maronite Eparchy of Australia, New Zealand and Oceania collects personal information, including names, contact details, demographics and other information so that we are able to keep you informed regarding any activities we may hold or to provide you with any information that may be of interest to you. We may even contact you to obtain information from you.

This information is collected from you directly, but it can be through your enquiry via our website, phone calls, parish registers, surveys, committees, and others. We may use this information to send you marketing information, conduct surveys or any other reasons.

We may disclose your personal information to our related entities, contractors providing services to us and to other third party service providers (such as mailing houses) we use in conducting our business. We may also disclose your personal information where we are required or authorised by Australian law to do so (including the Income Tax Assessment Act 1997 (Cth)).

Further information about how we handle your personal information, including details about how you can access your information and how you can complain about a breach of the Australian Privacy Principles (as well as how the Maronite Eparchy will deal with any complaint) can be found in our Privacy Policy.

3. The Privacy Act

The *Privacy Act 1988 (Privacy Act)* is an Australian law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal and sensitive information, and access to and correction of that information. It applies to entities with an annual turnover of \$3 million.

The *Privacy Act* gives the right to individuals to know what's written about them by entities they deal with.

4. Information Covered by the Privacy Act

The *Privacy Act* regulates any type of information that is personal, regardless of its source, which is collected for inclusion in a record or a generally available publication.

Personal information Personal information is information that identifies a person. There are some obvious examples of personal information such as a person's name or address. Personal information can also include photos, credit history information, tax file numbers, bank account details and even information about what a person likes, their opinions and where they work.

Sensitive information – this is given extra protection in the *Privacy Act* through the *Australian Privacy Principles (APPs)* and must be treated with additional care.

It includes **health information** and also any information or opinion about an individual's 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 orientation or practices, or criminal record. This could include details about a person's parents and their sacraments.

5. Employee Records

Employee records are exempt from the *Privacy Act* where the church body is an **employer of an individual or a former employer**. Privacy in the workplace is covered by separate laws.

Workplace laws require a range of information to be made and kept for each employee and enable requests to be made for access to those records. For further information about accessing employee records under workplace laws contact the *Fair Work Ombudsman*.

However, **the exemption does not apply to job applicants, referees, volunteers, contractors or employee records** in the hands of another church **body that is not the individual's** current or former employer. These categories of individuals may still seek access to their personal information which a church body held about them. Church bodies should be mindful of this when collecting personal information about these individuals (e.g. job references, applications, interview notes and reports).

It is important to have a policy in place for managing this information and for destroying or de-identifying after an appropriate period some or all of its job applicant records once the position is filled.

6. The Australian Privacy Principles (App)

A key component of the *Privacy Act* is the requirement for organisations to comply with a set of private principles. These were formerly the 10 (National Privacy Principles) NPPs which have now been repealed and replaced by a set of 13 APPs (Australian Privacy Principles).

The APPs set out minimum standards for how organisations must manage personal information in an open and transparent way across all stages of the life cycle of the information – when they collect, use, disclose and store personal information, disclose the information overseas, use and disclose the information for direct marketing, give access to and correct the information and adopt, use and disclose government-related identifiers.

The APPs only apply to personal information that has been collected and held in a:

1. **record** – which includes a document or an electronic or other device and covers a wide range of material that may constitute a record; or
2. **generally available publication** – but it excludes publications such as a phone directory and anything kept in a library, gallery or museum for the purposes of reference, study or exhibition.

7. How Does the Privacy Act Affect the Church?

The interdependent nature of church organisations requires the adoption of common understandings about protecting private information. It is important that all in the Church develop and maintain a culture which respects and values personal information. This can be achieved by compliance with the *Privacy Act*.

8. Compliance with 2014 Changes to the Privacy Act

The Maronite Eparchy of Australia aims to:

1. review their practices, procedures and systems to ensure that they can comply with the APPs, including complaint handling and dealing with access and correction requests;
2. ensure they have an up-to-date privacy policy or policies consistent with the template policy that is generally available for free;
3. review and update and use/distribute their privacy collection statements;
4. inform their staff, volunteers, priests etc. and train them where necessary on relevant privacy compliance;
5. appoint a person responsible for privacy;
6. review the security of all the personal information they hold and ensure, having regard to the nature of the information, it is kept secure from unauthorised access, misuse and disclosure;
7. review any contracts they have with service providers who access personal information they hold (e.g. cloud storage services) to ensure they include appropriate privacy clauses;
8. before disclosing any personal information overseas, ensure that the overseas recipient, if it is not the individual whose personal information is being disclosed or part of the same church body, complies with the APPs or an exception applies;
9. not adopt government-related identifiers (which now include state and territory government agency identifiers such as a driver's licence) and only use or disclose identifiers in very limited circumstances, such as if reasonably necessary to identify the individuals;
10. if any personal information is going to be used for direct marketing purposes, they comply with APP7 or the Spam Act and ensure they have a functional mechanism

available for opting out of receiving direct marketing communications from the church body; and

11. be aware of the new obligations in relation to dealing with unsolicited personal information the church body receives – whether it should be destroyed or returned or whether it can be held and handled in accordance with the APPs.

9. Privacy Commitment Statement

The Maronite Eparchy of Australia New Zealand and Oceania is committed to protecting the privacy of individuals who provide their personal details directly or indirectly.

We are committed to complying with the Privacy Act 1988 (Cth) and all applicable principles governing the handling of personal information. This Privacy Policy is designed to inform you about our practices related to collection, use, disclosure and storage of personal information.

10. Australian Privacy Principles

The Australian Privacy Principles are:

1. Open and transparent management of personal information: ensure information is accurate and made available to the relevant person upon request.
2. Anonymity and pseudonymity: if someone is reporting an incident, they have the right to remain anonymous. They can be invited to provide their name but not pressured.
3. Collection of solicited personal information: making sure data collected is relevant to the purpose for which they are collected.
4. Dealing with unsolicited personal information: cull out unsolicited / irrelevant information.
5. Notification of the collection of personal information: when collecting data from anyone, ensure to inform them that, if they don't mind, this information will be kept for future reference. They can also be asked if they don't mind hearing from us on future occasions.
6. Use or disclosure of personal information: ensure to seek permission to disclose this personal information. For example: if a bank officer calls up and asks for a members' information, even if the information is within reach, we cannot volunteer it without consent from the concerned party.
7. Direct marketing: any collected data cannot be provided, sold or volunteered for direct marketing without prior consent.
8. Cross-border disclosure of personal information: when using information collected by inter entities, we must ensure that this entity have the same principles. This also applies to overseas entities or agencies.
9. Adoption, use or disclosure of government related identifiers
10. Quality of personal information: ensure that collected personal information is of good quality.
11. Security of personal information: ensure that personal information is securely stored.
12. Access to personal information: we must be able to provide personal information to relevant persons, about themselves, upon request.

13. Correction of personal information: ensure personal information is used properly and updated regularly.

11. Your Consent

14. In most cases, we require your consent specifically to any collection, use or disclosure of your personal information. Your consent may be explicit, such as in writing or verbally, or may be implied by conduct.

15. By using the Maronite Eparchy of Australia website (www.maronite.org.au), you agree to be bound by this Privacy Policy. Whenever you submit personal information to the Maronite Eparchy of Australia, you consent to:

- 11.1. the collection, use, disclosure and storage of that information in accordance with this Privacy Policy;
- 11.2. your personal information being used to improve the Site; and
- 11.3. the receipt of emails or other communications about the Maronite Eparchy and our activities (including information about marketing, promotional, and research purposes), along with communications about Catholic Church-related activities, functions, issues and initiatives from time-to-time.

16. In addition, if you provide personal information to the Maronite Eparchy of Australia via our website, you agree that we may combine such information with other actively collected information unless we specify otherwise at the point of collection.

We will take reasonable measures to prevent personal information from being combined with passively collected information, unless you consent otherwise.

12. Special Issues for the Church

1. Capacity to Consent

- 1.1. Capacity – a person who consents to release information must have capacity to do so. This means that they understand the nature of decision.
- 1.2. This person must not be: a minor, intoxicated, mentally challenged, ill, limited understanding, etc.
- 1.3. If seeking information from a person regarding a minor, we must be mindful to seek this information from a person who is legally able to speak on their behalf.

2. Duty of Care and Obligations of Confidence

- 2.1. We can only release information with proper consent of the person concerned or if obligated by law.
- 2.2. If a person does not consent to give information, one can only try to convince them to do so, reminding them that it is for the better.

3. Personal Information and the Church

- 3.1. Passing information in the Church Community requires consent from the relevant parties, even if all parties concerned know each other.

- 3.2. Non sensitive information can be passed on between related entities; however, if religious information is to be circulated, consent must be obtained prior to passing on this information.

4. Church Body Publications

- 4.1. Consent must be obtained when publishing personal information of a person, printed or online; this could even be as simple as a name, photo, date of birth, etc.
- 4.2. Only generally available information can be published.
- 4.3. Ideally this information should be collected from the concerned parties, and they should give consent to provide this information for publishing.
- 4.4. A copy of the publication or a link, if online, must be given to the concerned parties.

5. Health Information

- 5.1. This relates to health organisations and physical and mental health service providers (including ageing services). These entities must refer to health privacy acts under their states and territories.
- 5.2. In these cases, if information is being passed from one person to another, they must have the right capacity and must need it to perform their duties.
- 5.3. Only relevant information must be obtained from the concerned parties.
- 5.4. Consent to obtain health information must be obtained from the person or, if invalid, from their legal guardian or next of kin.

6. Employee Records

- 6.1. Employee records are identified to be personal records related to employment. This information cannot be passed from one employer to another without proper consent.
- 6.2. Employee records exemption does not extend to prospective employees, contractors, consultants or volunteers.
- 6.3. If the church bodies are related entities, we must refer to APP 12 "Access to personal information: we must be able to provide personal information to relevant persons, about themselves, upon request."
- 6.4. No personal employee information is to be passed on to external entities without prior consent of the employee. For example, if a bank officer calls requesting pay information or tax file number about a member, we must seek their consent prior to releasing such information.

13. Notification of Data Breaches Scheme

In the event of any loss or unauthorised access or disclosure of any personal information that is likely to result in serious harm to any person on our databases, the Maronite Eparchy of Australia endeavours to investigate and notify you and the Australian Information Commissioner as soon as practicable in accordance with the Privacy Act 1988. More information can be obtained from the Data Breach Response Plan.

14. Concerns or Queries

You may contact the Maronite Chancery for more information regarding this privacy policy on 02 8831 0000 or via email to governance@maronite.org.au.

15. Changes to this Policy

The Maronite Eparchy will update the privacy in the workplace policy, as recommended by the privacy compliance manual provided by the Australian Catholic Bishops' Conference.

