

LUTHERAN CHURCH OF AUSTRALIA INC.

PRIVACY POLICY

The Privacy Act

The Privacy Amendment Act 2000 (Commonwealth) amends the Privacy Act 1988 to include the regulation of private sector organisations and the systems used by these organisations to handle 'personal information'.

The Act details how businesses and organisations must manage personal information of customers. It regulates what personal information can be kept, in addition to how businesses collect, use, secure and disclose that information.

Individuals will have the right to know **why** an organisation is collecting their personal information, **what** information it holds about them, how it will **use** the information, and who else will **get** the information.

Individuals will also have the right to verify that personal information held by an organisation is accurate and may complain to the Privacy Officer and/or Privacy Commissioner if they think their information is not being handled correctly.

The Privacy Act and the LCA

Under the Privacy Act, a company that is related to another company will be able to share and transfer personal information. However, the related companies must still comply with the National Privacy Principles (NPP) in relation to the shared personal information. This means that **all congregations must comply with the Privacy Act from 21 December 2001, in order that movement of information within the LCA can take place. This is particularly important for movement of membership details and for the release of pastors' details in the call process.**

Information held by the Lutheran Church of Australia

Personal information which is held by the Lutheran Church of Australia includes personal and sensitive information about:

- members of congregations,
- pastors, staff, job applicants, volunteers and contractors.

Personal and sensitive information may be gathered by way of forms, email, telephone, face to face meetings and interviews.

What is Personal and Sensitive Information?

Personal information is basically information or an opinion that allows someone to identify the individual that the information or opinion is about. Within the Church, *personal information* is likely to be collected on members, employees, volunteers, and board and committee members. This information could include:

- name
- address
- date of birth and age
- country of birth and nationality
- telephone numbers and email addresses
- details of next of kin
- emergency contact numbers

The use of personal information refers to the handling of personal information within an organisation including 'the inclusion of information in a publication'.

Sensitive Information is personal information about an individual's race or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, criminal record or health information.

Sensitive information must be treated with additional care.

Within the Church, sensitive information relates to information such as personal crises of members, illnesses, baptismal, wedding and funeral details. This information is to be treated with care. It may be advisable to obtain permission from the appropriate person prior to publishing or announcing information about them in prayer lists, church bulletins and newsletters etc.

Sensitive information is used only for the purpose for which it is provided, unless the disclosure of such information is allowed by law.

Use of Information

The Church uses personal information it collects for the primary purpose for which it is collected, and for secondary purposes reasonably expected to be related to the primary purpose. The information may also be used for purposes for which consent has been gained.

The primary purposes for the collection of information are that:

- the Church may contact people, interact with them, and provide spiritual guidance and support;
- appropriate administrative sections within the Church (Boards and Committees) can be contacted;
- the Church can effectively and efficiently administer its human resources (call processes and appraisals).

Information which is collected about volunteers assists the Church to coordinate volunteers and staff and to help it to meet duty of care requirements.

Personal information which is obtained in relation to pastors, staff, job applicants, and contractors is used to:

- satisfy legal requirements;
- administer contracts;
- provide insurance cover.

Disclosure of personal information

Personal information may be disclosed to:

- Boards and Committees of the Church;
- congregations;
- recipients of Church publications;
- anyone the provider authorises to receive it
- government departments eg marriage details required by law.

The Privacy Officer

The Privacy Officer will be the Administrator of each District and the LCA Privacy Officer will be the LCA Secretary. This person is the first point of contact in the District or LCA when privacy issues arise. The Privacy Officer is responsible for ensuring the Church's privacy policy and procedures are fully implemented and working effectively.

The duties of the Privacy Officer are to:

- promote the privacy plan to all relevant parties within the Church;
- familiarise members of the Church with the NPP;
- coordinate and implement the privacy policy; and
- ensure a privacy audit is conducted in all bodies within the Church;

Update of Personal Information

The Church endeavours to maintain personal information so that it is kept up-to-date, complete and accurate. A person may update personal information by contacting the body of the Lutheran Church of Australia which holds the information, during office hours.

Complaints Process

The Privacy Officer will:

- identify (and address) any systemic or ongoing compliance problems;
- increase consumer confidence in the organisation's privacy procedures;
- build a good reputation of the organisation; and
- address complaints quickly and effectively.

Any member of the Church who believes their personal information has been inappropriately handled by the Church may lodge a complaint with the Privacy Officer. This complaint must be in written form and clearly identify the circumstances surrounding the alleged inappropriate handling and any remedy sought. There is no prescribed form for this purpose.

If that member is dissatisfied with the handling of the complaint by the Privacy Officer or if, due to the sensitive nature of the complaint, it is inappropriate to submit the complaint to the Privacy Officer in the first instance, the matter may be referred directly to the Privacy Commissioner. The Privacy Commissioner may then investigate the complaint.

The Privacy Commissioner has discretion to instigate an investigation into any interference with privacy even if no complaint has been lodged by any party involved.

The Privacy Commissioner is empowered to order that the Church redress any loss or damages to the aggrieved member. As a legal process, failure to comply with these directions may result in the matter being referred to the Federal Courts.

Although court action may be an end result, the complaints process emphasises a preference to resolution through mediation and conciliation.

Accessing personal information

Members are entitled to access and examine personal information relating to them that is held by the Church. Requests to access personal information must be addressed to the Privacy Officer, or in the local situation, the chairperson of the congregation.

If, upon examination of the personal information, any member identifies information that is inaccurate, incomplete or out-of-date, that member should contact the Privacy Officer with a request that the information be corrected. If the inaccuracy is established, the Church must take reasonable steps to correct and/or update that information.

If the member or the Church disagrees as to the accuracy of the personal information, the member can request that a statement outlining the perceived discrepancies be associated and kept with the relevant information. The Church must take reasonable steps to comply with any such request.

Security of Personal Information

The LCA has put in place measures to protect personal information held by the Church from modification, loss, unauthorised access and misuse or disclosure to unauthorised persons. Personal information is stored in locked filing cabinets and computers require password access.

Training

Staff are trained in the correct methods of dealing with personal information to ensure privacy/confidentiality. Knowledge of this policy is a critical element of that training.

Further Information

If you would like further information about the way the Church manages personal information, please contact the Administrator of your District or the LCA Secretary.

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