



# CATHOLIC DIOCESE OF PORT PIRIE

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CHILD PROTECTION COUNCIL

105 Gertrude Street, PORT PIRIE SA 5540 | PO Box 1206 PORT PIRIE SA 5540

## **Catholic Diocese of Port Pirie**

# **Privacy and Confidentiality Policy and Procedures**

## **Scope**

This policy and procedure describe the ways in which the Diocese of Port Pirie collects, stores, uses, discloses and disposes of personal and private information in the delivery of services. This policy and the procedures apply to all Clergy, Religious, employees and volunteers of the Diocese.

This policy and the procedures apply to the Diocesan office, all parishes and all ministry and service providers of the Diocese. It does not apply to the Catholic Education Office or Catholic schools, or to Centacare and its services; these entities have their own privacy policies that can be accessed by contacting them directly.

## **POLICY**

The Catholic Diocese of Port Pirie adheres to the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs) and subsequent amendments, as well as the guidelines provided by the Privacy Committee of South Australia.

## **Aims**

This policy aims to ensure reasonable steps are taken to protect personal and sensitive information provided to, collected by, used, stored and disposed of, by the Diocese of Port Pirie in its service delivery, including all ministry and pastoral support. The Diocese of Port Pirie is committed to protecting personal and sensitive information provided to and collected by the Diocese, and in the monitoring of its use and maintenance of its integrity.

## **Purpose**

In accordance with the Australian Privacy Principles (Section 3), the Catholic Diocese of Port Pirie will collect and record personal and sensitive information only when it is reasonably necessary for the functions and activities of the Diocese. Except where otherwise required by law, all personal and sensitive information held by Diocese of Port Pirie is used for the primary purpose for which it was provided, and within the scope of consent authorised by the person or institution providing the information or the person or institution the information is about.

These purposes are primarily:

- The provision of spiritual and pastoral care and guidance for the individual who has provided their information and, in some cases, their immediate family,
- The oversight of parishes in the Diocese of Port Pirie, including all Clergy and Religious who operate in these parishes.
- Any other services the Diocese may provide that may use or require personal information.

It also includes other purposes that are authorised or required by law, including the Australian Privacy Principles and mandatory notification laws.

The Diocese of Port Pirie may review and update this policy to comply with legal obligations, to reflect changes in technology and to our operations and practices, and to ensure it remains relevant to our service.

## **Mandatory Reporting and Child Protection**

The Catholic Diocese of Port Pirie requires that all personnel comply with legal mandatory reporting requirements under the South Australian Children and Young People (Safety) Act 2017. In accordance with this act, any concern of child abuse or risk thereof, formed on reasonable grounds, must be reported to the Department of Child Protection and/or SA Police. The Diocese is also legally required to provide information relevant to a person's history that may impact on their suitability to work with children and young people, to the South Australian Department of Humans Services as part of the DHS child related clearance process. These legal requirements override any conflicting requirements set out within the Privacy Policy and Procedures. Please see Appendix 1 & 2 for more detail.

The Catholic Diocese of Port Pirie Child Protection Policy and relevant related documents include further guidance regarding recording and sharing information about children and young people under the age of 18, including taking and sharing photographs. Relevant documents include the 'Best Practice Guidelines for Interacting with Children and Young People', the Diocesan policy for the Taking and Use of Photographs, and the Diocesan Photograph Permission Form. The Privacy Policy and Procedures and related documents should be implemented in conjunction with the Child Protection Policy.

## **Responsibilities**

### **1 Collection of Personal and Sensitive Information**

Personal and sensitive information collected by this Diocese is primarily and directly from individuals who provide information about themselves. It may also be information about children provided by their parents, guardians or other family members (e.g. for the purposes of Sacraments or permission forms).

It may also include information disclosed by third parties, such as friends of family members of the individual, in formal or informal ways.

Information provided by third parties will only be recorded if there is a clear purpose to this, primarily the safety and/or wellbeing of the individual to whom the information pertains or other involved persons, and with consent as required by law.

If, for the purposes of an individual's safety or wellbeing, there is a need to collect or request information from a third party, consent of the individual concerned will be sought wherever possible. If this consent cannot be obtained, the Diocese of Port Pirie will have regard to the requirements and exceptions in the Privacy Act (or other Acts which might apply) before making such a collection.

Personal and sensitive information is required to be collected in a lawful, reasonable and fair manner that is open and transparent. This information can be provided via:

- Face-to-face meetings
- Interviews
- Telephone conversations
- Emails
- Forms or documents completed by an individual or third party
- Text messages
- Social media
- Any other means

1.1 For Church personnel information collected may include, but is not limited to:

- Name, date of birth, contact details, email, address, position within the Church and Church Authority,
- Tax File Number,
- Details of Working with Children Checks, National Police Checks, or other state or territory equivalent checks,
- Financial information such as bank details for salary or stipend payment,
- Any other information regarding an individual's fitness to carry out ministry or apostolate, including criminal records or any canonical suspension or disciplinary action taken against a member of clergy or church personnel,
- Photographs, for instance for staff identification cards, email signatures or publications such as Diocesan or parish newspapers/bulletins,
- Details of any declarations made by an individual about the fitness of another priest or religious to carry out ministry or apostolate.

1.2 For parishioners, information collected may include but is not limited to:

- Name, date of birth, contact details including telephone numbers, email and address,
- Gender, marital status and occupation,
- Health information, if/as sometimes required to ensure the safety and wellbeing of people participating in church activities (e.g. health information for children going on camps etc.),
- Financial information, such as donation history and credit card details, (e.g. provide such details directly to the Diocese or on a parish collection envelope, online donation form, etc).
- Personal details and history as relevant to the particular sacrament, program or activity.
- Photographs (eg for Diocesan or parish newspapers/bulletins, social media etc).
- Information regarding allegations or concerns about historical abuse, including where someone discloses abuse or makes an allegation of abuse.
- Information relevant to current child protection concerns, including any information that may indicate someone is a risk to children and young people.

1.3 For Contractors information collected may include but is not limited to:

- Name, date of birth, contact details, Australian Business Number (ABN) and Tax File Number (TFN),
- Details of Working with Children Checks, National Police Checks, or other state or territory equivalent checks
- Employment history

## **2 Storage and distribution**

Any personal information collected in relation to contracting duties will be held in a locked cabinet or secure electronic file for the duration of their service for the Diocese and will then be archived.

Information obtained by the Diocese of Port Pirie may also be legally required to be provided to a third party including for another purpose, such as Mandatory Notification, Police notification, Royal Commissions, Court subpoena or police search warrants. In some cases, non-identifying personal information may be distributed where the office is legally required to do so, or for aggregated statistical reporting purposes.

When private, sensitive or privileged information lawfully leaves the Diocese, the legal obligations to ensure Privacy and Confidentiality rests with that individual or body in possession of this information.

### **Other Supporting and Reference Documents and Forms**

- Catholic Diocese of Port Pirie policies and procedures
- Australian Catholic Bishops Conference Privacy Compliance Manual; October 2014
- Australian Catholic Bishops Conference and Australian conference of leaders of religious institutes 'Individual Collection Notice' and 'Employment or Contractor Collection Notice' (**Appendix 4 and Appendix 5**)
- Australian Privacy Principles 2014 (APPs) and all amendments
- Australian Privacy Act 1988 (Cth) (Privacy Act)
- Freedom of Information Act 1991
- Information Sharing Guidelines for promoting safety and wellbeing (ISG) 2013  
<http://www.ombudsman.sa.gov.au/isg/>
- Integrity in the Ministry. A document of Principles and Standards for Catholic Clergy and Religious in Australia, June 2004 (reprinted April 2010)
- Children and Young People (Safety) Act (2017)
- Children Safety (Prohibited Person's) Act (2016)
- Privacy Committee of South Australia (Privacy committee)  
<http://www.archives.sa.gov.au/content/privacy-committee-sa>
- The Professional Standards Office of South Australia policies and procedures.

## **PROCEDURES**

### **1. Management, Storage, Security and sharing of Personal Information**

The Diocese of Port Pirie takes seriously the rights of a person to privacy and confidentiality. As such, all reasonable steps are taken to protect and secure personal information held in hard copy, electronic, database or other forms, from misuse, interference and loss, from unauthorised access, modification or disclosure. These steps include:

- Locked filing cabinets,
- Restricted, limited and password protected access to electronic systems,
- If required to provide sensitive information consent will be sought wherever possible

In the event that personal and private information is no longer actively required by the Diocese, reasonable steps are taken to protect and secure this information in formal archiving procedures within the Diocese.

Insofar as it is able, the Diocese of Port Pirie will always take measures to protect confidentiality and privacy. Where required by law, there may be some circumstances where doing so is out of its control.

## **2. Information technology and personal information**

The Diocese may use online or cloud service providers to store personal information and sensitive information or to communicate personal or sensitive information. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

## **3. Sharing of personal information**

Personal information may be shared when the sharing of information is consistent with the purpose for which the information was provided. Information will be shared on a 'need to know' basis.

Information may also be shared if this is required by civil or Canon law, or if required to ensure the safety of children or vulnerable adults (see also Appendix 1).

## **4. Sensitive information**

Sensitive information includes information about a person's racial or ethnic origin, political opinions, sexual orientation, history or practices, criminal record, religion, or beliefs. It also includes health information or financial information.

Such information will only be shared in a way that is consistent with the purposes for which the information is required or on a 'need to know' basis. Where possible, permission will be sought from the individual concerned prior to sharing the information. As per 2.2, such

information may be shared if required by civil or Canon law, or if required to ensure the safety of children or vulnerable adults.

## **5. Sending information overseas**

Some circumstances may require that information be shared with parties outside Australia, (e.g. mission trips, overseas conferences, etc.). Prior to sharing information with parties outside Australia, the Diocese will, wherever possible, seek the consent of the individual or their parent/guardian. Information may be provided without such consent when this is required by civil or Canon law.

## **6. Photographs or digital recordings**

Photographs may be taken in the course of Diocesan or parish activities, or as part of an individual's role in the Diocese or parish, for example photographs of clergy, religious, parish employees or volunteers for use on noticeboards, newsletters, websites or social media.

Permission will be sought before photographs or any other digital recordings that identify an individual (e.g. voice recording) are shared in a public manner. Individuals have the right to request that their photograph or other identifiable recording not be taken or shared. An individual has the right to know how their photograph or other identifiable recording will be used prior to giving permission for that photograph or recording to be taken.

## **7. Access to Personal Information Held by the Diocese of Port Pirie**

Personnel and parishioners of the Diocese are entitled to access personal information held by the office except:

7.1 In circumstances provided for in the Australian Privacy Principles (section 12) including;

- Giving access would have an unreasonable impact on the privacy of other individuals
- Giving access would pose a serious threat to the life, health or safety of an individual and or the public.
- The information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings, or
- Giving access would be unlawful

7.2 Other legal exemptions including;

- Information or communications subject to professional legal privilege

7.3 All requests for access to personal information must be made to the Diocesan authority or relevant Parochial authority depending on the nature of the information requested.

## **8. Correction of Personal Information**

The Diocese will take reasonable steps to update or correct any personal information we hold about an individual to ensure it is accurate, complete, up-to-date, relevant and not misleading. Individuals can contact the Diocese to request this if required. Request to update or correct information should be made in writing to the Chancery office or parish office where the records are held, detailing the information that needs to be changed, and the reasons for this. Proof of identity will need to be provided with a request.

## **9. Consent and Right of Access to the Personal Information**

This Diocese will consider requests to access personal/sensitive information by individuals on a case by case basis, taking into account the requirements and exemptions outlined in section 7 above, the Australian Privacy Principles (Section 12) and any other legal requirements or exemptions.

## **10. Unsolicited personal information**

Information may sometimes be provided to or received by the Diocese from a third party, unsolicited or anonymously. The Diocese, via the relevant Diocesan or Parochial authority, will exercise discretion about how to process such information including by addressing whether the information will be used at all. This information is subject to the same privacy and confidentiality as other information provided to this office.

## **11. Privacy by Design**

The Diocese of Port Pirie will ensure as far as practicable that privacy and data protection compliance is included in the design of information systems from their inception.

## **12. Special provisions**

See Appendix 1 for special provisions regarding disclosures of current or historical child abuse.

## **13. Enquires and Complaints**

If Clergy, Religious, employees, volunteers, contractors or parishioners require further information or wish to make a complaint about their privacy they are encouraged to contact the Diocese of Port Pirie.

Correspondence should be directed to:

Port Pirie Diocesan Office



O'Reily House  
PO Box 1206  
Port Pirie, SA, 5540

If any person requesting such information is not be satisfied with the response, they are encouraged to contact the Office of the Australian Information Commissioner (OAIC) on 1300 363 992 or visit [www.oaic.gov.au](http://www.oaic.gov.au) for more information to lodge their complaint. The OAIC has the power to investigate the matter and make a determination.

Privacy Commissioners contact details are:  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Telephone: 1300 363 992

This Privacy Policy was last updated \_\_\_\_\_

## APPENDIX 1: Disclosures or admissions of historical abuse

The Diocese of Port Pirie may become aware of complaints of historical abuse. This information is highly sensitive and must be managed appropriately. Such information includes:

- The name and contact details of alleged adult survivors of historical abuse
- The name and any other details of alleged offenders
- The name and any other details of the person who provided the information (who may or may not be the alleged survivor)
- Names and any other details of other individuals who were aware of the alleged abuse or any information relevant to the alleged abuse
- Any other information relevant to the alleged abuse

The Catholic Church in Australia has a process for managing historical allegations of abuse - 'Toward Healing'. Information about historical abuse often comes about through the formal Toward Healing process or via other work carried out by Professional Standards offices, but occasionally also comes about via informal means. Examples of such means of receiving information are outlined below:

### Formal provision of information

Formal provision of information regarding alleged historical abuse may come in the form of:

- A formal complaint made by a survivor of alleged historical abuse or their immediate family;
- Provision of information regarding a matter of historical abuse provided by the SA&NT Professional Standards Office; or
- Provision of information provided by an interstate Professional Standards Office of another State, Territory or Order.

### Informal provision of information

Any information regarding alleged historical abuse that is communicated informally is to be treated the same way as information communicated formally and should be shared *only* with the SA&NT Professional Standards Office and others who have direct involvement in the matter – even if the matter appears to be common knowledge or has been widely shared by others.

Informal communication may include:

- Conversation during which a disclosure or admission occurs,
- Conversation with a third party who is aware of alleged abuse of or by another person,
- Social media posts that contain allegations, disclosures, or any other information relevant to alleged historical abuse.

Any information regarding historical abuse must be provided, in full, to the South Australia & Northern Territory (SA&NT) Professional Standards Office.

**All allegations of historical sexual abuse must also be reported to SA Police.** This can occur via the SA&NT Professional Standards Office or directly. If the alleged offender is still living and in contact with children or young people under the age of 18 a notification must also be made to the Department of Child Protection (see below). Record of any such notifications must be kept.

*All such information is highly sensitive and should be kept securely (see section 3) and accessed only by those who have a direct involvement in the matter.*

## APPENDIX 2: Concerns about current child abuse or risk thereof

The Diocese of Port Pirie may become aware of concerns, allegations or disclosures of current child abuse or neglect via formal or informal provision of information or via observation of a child, family or other relevant individual. This information is highly sensitive and must be managed appropriately. Such information includes:

- The name of the child or children,
- The name of the child's parents, siblings or other family members, including extended family,
- The name and other details of the alleged perpetrator (who may or may not be a family member of the child/ren in question),
- The name and other details of any third party who has alleged or otherwise provided information about the abuse or neglect or risk thereof,
- The nature of the abuse or neglect or the risk of abuse or neglect.

Information about alleged current child abuse or neglect may come about via a number of ways including:

- Disclosure by the child or a sibling of the child,
- Information provided by another family member or someone else who knows the child or family,
- Observation of a child or family.

Such information may pertain to familial abuse (abuse by members of a child's family) or extra-familial abuse (abuse by someone outside the child's family).

There is a legislative requirement to report all concerns of child abuse or risk thereof as per the South Australian Children and Young People (Safety) Act 2017. The Diocesan procedure for mandatory reporting should be followed. All concerns about current child abuse should be reported to either the Department for Child Protection (familial abuse) or SA Police (for extra-familial abuse). Record should be kept of any such notifications.

The Diocese of Port Pirie Child Protection Office must be informed of any concerns of current child abuse, including any mandatory notification made, for the purposes of risk management and oversight. Concerns relating to Clergy, Religious or Diocesan employees or volunteers must also be reported to the Director, SA & NT Professional Standards Office.

Any information pertaining to current child abuse or risk thereof should be recorded kept securely in the relevant parish office or the Chancery office.

*All such information is highly sensitive and should be kept securely (see section 3) and accessed only by those who have a direct involvement in the matter.*