

**PRIVACY POLICY**  
**for**  
**THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST**  
**AS TRUSTEES FOR**  
**PRESBYTERIAN CHURCH OF AUSTRALIA IN THE STATE OF NEW SOUTH WALES**  
**(the “Property Trust”)**

**1. Introduction:**

The Presbyterian Church of Australia in the State of New South Wales Church (“the Church”) is an unincorporated association. The Church and its Property Trust collect data from users of Church and Property Trust services, and from persons and businesses that provide services to the Church and/or to the Property Trust.

The data collected by the Church and the Property Trust includes information which can identify you as a person such as your name, your address and other details about you. This information is referred to in Australian legislation as “personally identifiable information”.

The Church and its Property Trust may also collect Sensitive Information about or related to you from time to time. Sensitive Information may not personally identify you, but is related to a person’s:

- Health
- Financial status
- 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 preferences or practices; or
- Criminal record

The collection and management of Personally Identifiable and Sensitive Information is regulated in Australia and in other countries.

The Church and the Property Trust are committed to protecting your privacy and any personally identifiable and Sensitive data you supply to us. This Privacy Policy sets out:

- how and why we collect data including personally identifiable and sensitive data;
- what we do with data we collect;
- how we manage collected data; and
- with whom we share that data.

If you have any questions about this policy please contact us. Our details are found at the end of this document.

**2. Scope of this Privacy Policy:**

As required by government registration or accreditation obligations, certain organisations and activities operated by the Church and the Property Trust, such as Church affiliated schools and aged care facilities, have separate Privacy Policies in place.

This Privacy Policy for the Property Trust will apply to the collection of data by the Property Trust or the Church where no other Church Privacy Policy applies.

### **3. Collection and use of personal information:**

The Church and the Property Trust will use collected data including Personally Identifiable and Sensitive information in furtherance of the mission and activities of the Church and the Property Trust. The Church and the Property Trust will include some of the information it collects in the Church's permanent Archival Records.

The Church and the Property Trust will review information not included in the Church Archival Records, and delete information no longer required for Church or Property Trust activities.

The Church and the Property Trust will use data it collects to promote all of the spiritual, pastoral, social, educational, administrative, legal and historical functions of the Church and for the business requirements of the Property Trust including property management and obtaining services for and by the Property Trust.

These Church and Property Trust purposes include but are not limited to administration and communication throughout the Church and the Property Trust, analysing the role of the Church and the Property Trust in society, recording the histories of Church members, adherents, and persons in regular contact with the Church, and maintaining records in the public interest, including baptism rolls, wedding registers and other related purposes.

Data collected by the Church and Property Trust will be shared with third parties such as persons studying aspects of the life and work of the Church and society and of people who are or who have been associated with the Church, and the Property Trust, and with other third parties who provide services to or receive services from the Church and or the Property Trust.

Whenever we share your information with third parties, both the Church and the Property Trust will take all reasonable efforts to make sure that these third parties keep your information in the same manner as it is kept by the Church and the Property Trust.

Most third party service providers used by the Church and the Property Trust are based in Australia. However, the Church and the Property Trust may from time to time work with service providers such as charities, or other Church related bodies who are located outside of Australia. The Church and the Property Trust may also share information with technology and financial support services that are located outside of Australia.

### **4. Security and disclosure of information:**

The Church will take all reasonable steps to keep personal, sensitive and all other confidential or restricted information secure and to prevent its unlawful use and/or inappropriate disclosure.

The Church and the Property Trust will, as far as practicable, develop and implement practices and procedures in respect to Church archival records. These policies will address:

- (a) Requiring researchers seeking access to archival records to acknowledge prior to access being granted to the archival records, that:-
  - (i) The Archival Records made available to them are subject to the Privacy Policy and all applicable legislation;
  - (ii) The researcher is solely responsible for obtaining any further consent required if the information is to be used outside of the purposes for which it was collected;
  - (iii) The researcher will be responsible for any breach this Privacy Policy and/or relevant legislation caused by the use of information made available by the Church; and
  - (iv) The researcher will be required to indemnify the Church and the Property Trust, the Assembly, and/or its agencies in respect of liability for such breach.

- (b) Requiring all applicants/researchers seeking personal and sensitive information from registers of baptisms and/or marriage prior to the provision of such information to:
  - (i) Produce evidence that he/she is subject of the record concerned, or holds the consent of the subject(s) of the record to obtain the information; or
  - (ii) Establish that the subject(s) of the record are deceased, or can reasonably be presumed to be deceased.

Where the subject of data collected by the Church or the Property Trust seeks to access his or her personal information or sensitive information collected, it is the policy of both the Church and the Property Trust to grant access, subject to the production of identification.

## **5. Archival Records to be held at Ferguson Memorial Library:**

It is current policy of the Church and its Property Trust that in order to assure the preservation of data collected by the Church and the Property Trust, this Church will transfer Church and Property Trust registers, minute books, correspondence, photographs and other images, and all other records containing personal and sensitive information to the Ferguson Memorial Library and Archives of the Presbyterian Church of Australia in NSW.

## **6. Data Breaches**

In February, 2018, The Australian Government introduced the Notifiable Data Breaches (NDB) Scheme which applies to all agencies and organisations with existing personal information security obligations under the Australian *Privacy Act 1988* (Privacy Act).

As a Church, we must comply with the NDB Scheme.

The NDB scheme sets out obligations for notifying affected individuals and the Australian Information Commissioner if a data breach occurs which is likely to result in serious harm. Only data breaches which involve personal information that are likely to result in serious harm to any individual affected requires notification to the Australian Information Commissioner. These are referred to as 'eligible data breaches'.

- (a) When to Notify of a Data Breach.

An eligible data breach occurs when three criteria are met:

- i. Unauthorised access is gained, or disclosure of personal information is made without authorisation, or personal information which is held by the Church is lost; **and**
- ii. Such unauthorized access, disclosure of information or loss is likely to result in serious harm (can be psychological, emotional, physical, reputational or other forms of harm); **and**
- iii. The Church has not been able to prevent the likely risk of serious harm with remedial action (if remedial action is taken that prevents the likelihood of serious harm occurring, then the breach is not an eligible data breach and in that event, no further action would need to be taken).

- (b) Assessing Suspected Data Breaches.

The Session, Committee of Management, Presbytery or other Church Committee (whichever body is nearest to the suspected breach) must undertake an assessment when suspecting that a data breach may have occurred which meets the criteria of 'likely to result in serious harm'. This assessment must be reasonable and expeditious. There is a maximum of 30 days to conduct this assessment. The assessment should cover the following three stages:

- i. Initiate: decide whether an assessment is necessary and decide which person(s) will be responsible for completing it;
- ii. Investigate: quickly gather information including what personal information is affected, who may have had access and the likely impacts; and
- iii. Evaluate: make a decision about whether or not the identified breach is an eligible data breach.

(c) Who to Notify.

If the Session, Committee of Management, Presbytery or other Church Committee, having undertaken an assessment of the data breach, determine that it is likely to cause serious harm, then the following notifications need to be made:

- i. Notify all individuals involved; **or**
- ii. Notify only the individuals who are at likely risk of serious harm; **or**
- iii. Publish your notification on your Church website to bring it to the attention of all individuals at likely risk of serious harm; **and**
- iv. Complete the “Notify the OAIC of a Data Breach” form on the Office of the Australian Information Commissioner’s website at [www.oaic.gov.au](http://www.oaic.gov.au)

**7. Complaints procedure, designation of Privacy Officer and contact information:**

Enquiries concerning this Privacy Policy and complaints concerning failure of the Church to comply with this Policy, or relevant legislation should be addressed in the first instance to the Church’s designated Privacy Officer, who can be contacted on 1300 773 774, or PO Box 2196, Strawberry Hills, NSW 2012 or [general@pcnsw.org.au](mailto:general@pcnsw.org.au).

If any complaints not readily resolved to the satisfaction of the complainant the matter will be referred to the General Manager, who can also be contacted on 1300 773 774 or PO Box 2196, Strawberry Hills, NSW 2012 or [general@pcnsw.org.au](mailto:general@pcnsw.org.au). The Complaint Resolution process will include but not be limited to:

- (a) the matter being handled in a proficient and confidential manner at executive level, and/or
- (b) referred to the Courts of the Church under the provisions of The Code of the Church, and/or
- (c) independent arbitration initiated depending on the most suitable action necessary in an attempt to best resolve the matter.

## PRIVACY POLICY GUIDELINES

For  
**THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST  
AS TRUSTEES FOR  
PRESBYTERIAN CHURCH OF AUSTRALIA IN THE STATE OF NEW SOUTH WALES  
(the “Property Trust”) and for other associated organisations or bodies within the  
Presbyterian Church of Australia in the State of New South Wales**

### Scope:

The Church, the Property Trust and any person or organisation affiliated with the Church are bound by privacy and data protection legislation in Australia. As a result, anyone who deals with the collection, management and transfer of personally identifiable data on behalf of the Church and/or the Property Trust will need to understand and comply by the terms of the Church’s Privacy Policy. These guidelines are specifically for the Privacy Policy applicable to the Church and its Property Trust. However, there may be other Church privacy policies in use for various church activities, (schools, hospitals, Aged Care Facilities, or interstate activities). If there are questions or concerns as to terms of this policy, or which Church policy might apply to your situation, please contact the privacy officer whose details are at the end of this document.

Personally identifiable information includes information which can identify you as a person such as your name, your address and other specific details about you. This information is referred to as “personally identifiable information” and the collection and use of personally identifiable information is regulated in Australia and in other countries.

Sensitive Information is similarly regulated by legislation and the Church’s Privacy Policy. Sensitive Information includes information about a person’s:

- Health;
- Financial Status;
- 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 preferences or practices; or
- Criminal record

All Church executives who receive any request regarding personal or sensitive information collected by the Church or its associated entities should promptly forward that request to PO Box 2196, Strawberry Hills, NSW 2012 or [general@pcnsw.org.au](mailto:general@pcnsw.org.au).

This privacy policy applies to Personal and Sensitive information collected by the Property Trust and the Church where no other Privacy Policy applies.

### Adoption of this Privacy Policy:

Sessions, Committees of Management, Presbyteries and members of other Church Committees should familiarise themselves with this Policy and minute their adoption of it.

### General Rule:

Personal information must only be used or disclosed for the purposes allowed in the Privacy Policy.

If there is reason to believe that collected information may be used for purposes not included in this Privacy Policy, further permission may be required from the person whose information has been collected.

Personally Identifiable information and Sensitive information are both defined in the Privacy Policy. All Personally Identifiable information and Sensitive Information collected by the Property Trust and by the Church should be held securely and used only as allowed by the policy.

If a data breach occurs, identify those involved and seek to limit or remove any harm which may be caused as a result of the breach. If serious harm is a likely result of the breach, notify the individuals affected and the Office of the Australian Information Commissioner.

**Notice to use when information is collected:**

Whenever practical as Personally Identifiable and Sensitive Information is collected for the Church or the Property Trust, a reference to the Privacy Policy should be made.

As an example, a paragraph included on any form used to collect information should read:

- “Personal and Sensitive Information collected by the Church and its Property Trust will be used in conformity with our Privacy Policy (which can be found at [www.pcns.org.au](http://www.pcns.org.au) or mailed to you on request). If you do not want your information to be used by us, please do not provide it to us.”

**Notice to include when information is published:**

The following statement should be included in Church directories, newsletters or notice sheets distributed which identifies individuals;

- “The information in this document has been collected and published in conformity with our Privacy Policy (which can be found at [www.pcns.org.au](http://www.pcns.org.au) or mailed to you on request). If you would like to update any information in this document please contact us at *[insert contact details]*.”

**Types of Personally Identifiable and sensitive information collected include:**

- Lists and records identifying individuals (including congregation members, adherents, attendees of Church activities, committee members and elders, baptismal and wedding registers)
- Directories or newsletters identifying individuals and their contact or other personal details
- Sensitive information collected during pastoral duties.

**Confidential Pastoral duties**

If a Minister, other church staff or another forum of the Church intends to record personal and Sensitive Information arising from deputations or counselling sessions, any person whose data will be collected should be provided with a written notice confirming that records that will be kept pursuant to Church’s privacy Policy and the purposes for which the collected information will be used, if those purposes are not included in the standard Privacy Policy. An example of such a notice is:

“Any personal and sensitive information collected will be kept confidential and used only as allowed by our Privacy Policy for purposes relating to the spiritual, pastoral, social, educational, administrative, legal and historical functions of the Church in accordance with the Church’s Privacy Policy. If you do not consent to our retention and use of your information for these purposes, please let us know right away (insert contact details). A copy of the Church’s Privacy Policy is available on request”.

In respect of these common circumstances a consistent and thoughtful approach should be applied to let a person’s whose data we are collecting know, how and why we collect their information, and how we use it.

All Church and Property Trust staff should be regularly reminded that both personal information and sensitive information such as health, financial status, and marital status is regulated by law and by the Church’s Privacy Policy. Consent from persons disclosing the personal information and sensitive information should be gained before providing that information to others.

**Concerns or complaints:**

Enquiries or issues related to the Privacy Policy or these Guidelines should be addressed in the first instance to the Church’s designated Privacy Officer, who can be contacted on 1300 773 774, or PO Box 2196, Strawberry Hills, NSW 2012 or at [general@pcns.org.au](mailto:general@pcns.org.au).