



## PRIVACY POLICY

**Key Point:** Protecting people's private data is important. Livingston SDA Church does not warrant or indemnify members and other affiliated persons, whether as individuals or in groups, who act beyond the scope of either the law or this policy.

### Introduction

1. This privacy policy concerns the collection, use and disclosure of two main types of private data:
  - a. **'personal information'** means information or an opinion about an individual where you can tell or reasonably work out who the information or opinion is about. Personal information usually includes, but is not limited to, a person's name, their email address, contact details and computer IP address.
  - b. **'sensitive information'** is a subset of personal information, and generally afforded a higher degree of privacy protection due to its sensitive nature. This usually includes, but is not limited to, data about a person's race or ethnic origins, political opinions, or membership of a professional or trade association. Relevant to the running of a church, sensitive information also includes a person's religious affiliations or philosophical beliefs, as well as criminal record.
2. This policy applies to Livingston SDA Church as an organisation, as well as individuals and groups who act on the Church's behalf. Most would expect their private data to be collected, used and disclosed responsibly and in accordance with the purposes for which it was collected.

### Legal framework

3. The collection, use and disclosure of private data, including personal and sensitive information, is governed by the *Privacy Act 1998 (Cth)* ('the Act') and associated Australian Privacy Principles ('AP Principles').
4. Concerning personal information, sections 3.1 and 3.2 of the Act prevent any organisation from collecting personal information unless that information is reasonably necessary for, or directly related to, one or more of the entity's functions or activities.
5. Moreover, personal information can be collected, used and disclosed under section 16A of the Act for a range of **'permitted general situations'**, including where:
  - a. it is **'unreasonable or impracticable'** to obtain the individual's consent; or
  - b. lessens or prevents a **'serious threat to the life, health or safety'** (e.g. a criminal record as a sex offender, relevant to the Church's legal and moral duties under the Safe Place policies).
6. Concerning sensitive information, section 3.4 of the Act permits a **'non-profit'** organisation to collect sensitive information, but only where the information relates to **'activities of the organisation'** and the information solely relates to:
  - a. **'members'** of the organisation; or
  - b. **'non-members'** who have **'regular contact'** with the organisation in connection with its activities.
7. The Act defines a non-profit organisation to include one that is a non-profit organisation that engages in activities for religious, philosophical, cultural and recreational purposes, which would include Livingston.

### Further practical guidelines concerning the collection, use and disclosure of private information

8. Livingston commits to applying the spirit of the AP Principles, even to the extent they may not strictly apply.
9. Moreover, some common sense principles and scenarios, derived from the AP Principles, that might guide readers, members and those concerned about privacy matters, include the following:

- a. **Have a privacy policy (like this one) and actually apply it – and apply it consistently:** It is also important that people whose information is collected know policies exist and know where to access them.
- b. **Take reasonable steps to ensure people know their data is being collected:** All reasonable steps should be taken to ensure people know their data is being collected. For example, the use of disclaimers and notices is encouraged. However, take note of the ‘permitted general situation’ where it is ‘unreasonable or impracticable’ to obtain the individual’s consent.
- c. **Only collect, use and disclose information for “Church-related purposes”:** Livingston gathers information for the purpose related to its function as a Church, which includes activities of a religious, philosophical, cultural and recreational nature. Members should, therefore, not access and use private information for non-Church-related purposes. For example, it would not be reasonable for a member to use an email contact list to solicit for a private commercial business, or to request involvement in a political cause.
- d. **Ensure only relevant people have access to relevant information:** Access to information should be reasonably restricted. Some people, such as the Pastoral, Clerical and Finance teams might have access to all information. However, most members and ministry leaders should have more limited access. For example, a leader of Junior Sabbath School would likely have reasonable grounds to access information about children in that class, as well as information about their parents. However, that same leader may not have reasonable grounds to access information concerning Teen Sabbath School, or the Craft Group.
- e. **Be extra careful with sensitive information:** Sensitive information is generally given a higher standard of protection. Obviously, a Church can reasonably be expected to collect information relating to Church-related matters, such as a person’s religious beliefs and practices. For example, this might reasonably include information or opinions about a person’s level of involvement as “core”, “crowd” or “community”. By contrast, it would not be reasonable to collect information for a non-Church-related purpose, such as a person’s political views, race or possible membership of a trade union.
- f. **Be extra careful with collecting information from non-members and third parties:** The information of non-members is generally given a higher standard of protection. For example, avoid collecting information about a relative of a member unless that relative has regular contact with the Church, its members and activities in some tangible way.
- g. **Be extra careful with using information from non-members and third parties:** Some non-members and third parties might have regular connection with the Church, but primarily for non-religious purposes, such as being a member of the Church’s Craft Group or Table Tennis Club. Be cautious of using personal and sensitive information in inappropriate ways, such as sending overtly proselytising material.
- h. **Be extra careful when collecting from those who are not yet in ‘regular’ contact:** There can also be issues with collecting data on those who have only just begun visiting the Church, and who may not yet meet the threshold of being in ‘regular’ contact with the Church and its activities. Admittedly, this can pose a challenge, especially when records are kept precisely to keep track of new visitors. Where information of new visitors is kept, keep it to a minimum – personal information but not sensitive information.
- i. **Take reasonable steps to ensure personal information collected is accurate, up-to-date and complete:** However, the difficulties of this are recognised, especially for a large, voluntary organisation such as Livingston with a large number of transient members and attendees.
- j. **Use the management systems provided:** Livingston now uses the “Infoodle” church management system, which includes safeguards as to collection, use and disclosure of information. Importantly, the system restricts who can edit and view data. It also grants individuals a degree of control over their own personal data. Other informal or private systems, such as *ad hoc* email lists, should be avoided.