



PRIVACY POLICY

1. Purpose

The purpose of this policy is to ensure and protect the privacy of the individuals who have provided personal and sensitive information to the Lutheran Church of Australia and the Lutheran Church of New Zealand ('LCANZ' or 'the church').

2. Policy Statement

The church encourages strict standards of privacy and takes all reasonable measures to ensure that personal and sensitive information is used and cared for in an appropriate, respectful manner and in accordance with the Australian Privacy Principles and the New Zealand Privacy Principles.

1. Types of personal information

The types of personal information collected, used and disclosed by the church include:

- names, occupation, contact and address details
- date of birth and gender
- information on identification documents, eg passport, driver's licence, working with children type check, tax file number
- bank account details
- details of superannuation and insurance arrangements
- educational qualifications and courses
- employment and volunteer details, history and entitlements
- visa or work permit status
- personal information about a spouse or dependants
- details of any products, services, information or assistance obtained from the church or enquiries about products and services, together with any additional information necessary to deliver that product or those services, information or assistance or to respond to inquiries
- other information provided to the church
- commentary or opinion
- photographs or videos (images) where a person's identity is clear or can reasonably be deduced from an image.

2. Reasons for collecting personal information

2.1. The church collects, holds and uses personal information that is reasonably required to enact the objectives of the church, including but not limited to the following purposes:

- to further the ministry and mission of the church

- to provide products, services and information or assistance
- to respond to requests or queries
- to maintain contact with members of the church and other stakeholders
- to keep people informed of the church's services, developments, events, activities and opportunities
- to update the church's records and keep contact details up to date
- to process or respond to complaints
- to carry out actions relating to the calling of pastors and lay workers
- to carry out actions relating to the engagement of employees and volunteers
- to manage conflicts of interest
- to conduct surveys
- to permit interaction with the church's websites, social media and other online platforms and to provide and manage access to protected areas of these platforms
- to meet any regulatory or compliance obligations.

2.2. Impact of non-provision of personal information

If an individual does not provide the church with the personal information it requests, it may not be able to offer to that individual the products, services, information, access or assistance it provides to others.

3. Collecting personal information

3.1 The church collects personal information only from the relevant individual unless it is unreasonable or impracticable to do so.

3.2 From time to time, it may be necessary for the church to collect and sometimes archive personal information directly or indirectly through interactions with a church website, use of social media platforms or church email accounts, engagement in surveys or otherwise.

3.3 The church may also collect personal information from other parties, including credit reporting agencies, law enforcement agencies, social media platforms, other websites, government entities, previous employers and other organisations and bodies within the church, such as districts, boards, councils and separately incorporated entities.

3.4 Another party may provide personal information about an individual to the church if the other party has the relevant individual's authority or permission. The church should advise the relevant individual that personal information has been provided to the church. It should also provide a copy of the personal information to the individual together with a copy of this policy.

3.5 As appropriate, the church will ask an individual who is providing personal information to sign a declaration providing express consent to the church dealing with the personal information in the way prescribed by this policy. At the time of asking an individual to sign such a declaration, the church will clearly state the purposes for which the information is being collected.

3.6 When a person accesses some church websites, the church may use software embedded in its website and place small data files (or 'cookies') on that person's device to collect their personal information or information about which pages they view and how they reach them, what they do when they visit a page, the length of time they remain on the page, and how the church performs in providing content to them. This enables the church or its third-party hosting service provider to recognise their device and greet them each time they visit without requiring them to register.

- Cookies may also enable the church to keep track of products, services or information they view so that, if they consent, the church can send information about those products or services. The church may also use cookies to measure traffic patterns to determine which areas of the church's websites or social media platforms have been visited and to measure transaction patterns in the aggregate.
- The church uses this information to research users' habits in order to improve its products and services. Browsers can be set so that the device does not accept cookies.

3.7 The church may gather IP addresses (the electronic addresses of devices connected to the internet) to analyse trends, administer the website, track users' movements and gather broad demographic information. This information does not identify a person.

4. Accessing and updating personal information

- 4.1 A person may contact the church at any time to request access to any personal information the church holds about them. The church will endeavour to provide a suitable means of providing the information they are entitled to access. In some circumstances, the church may charge a fee to cover reasonable administrative costs. The church will generally not charge a fee to a person for simply making a request or making corrections to their personal information.
- 4.2 In some circumstances, the church may not be able to grant access to the personal information; for example, if this would negatively impact the privacy of others, would result in a breach of confidentiality, is contrary to natural justice or is prohibited by law. If this is the case, the person requesting the information will be advised. If a person believes that the information the church holds is incorrect, incomplete or inaccurate, they may request the church to amend it. The church will consider the request and will amend the information as appropriate. If the church does not agree with the request, the church will advise them of this decision and add this information and material to their personal information.

5. Disclosing personal information

- 5.1 If personal information is sensitive information, the church will always require the express consent of the relevant individual before dealing with it unless the church reasonably believes this personal information is:
- necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety
 - necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct
 - reasonably necessary to assist in the location of a person who has been reported as missing
 - reasonably necessary to establish, exercise or defend a legal or equitable claim
 - reasonably necessary for the purposes of a confidential alternative dispute resolution process.
- 5.2 In accordance with all of the above, the church may disclose personal information to:
- contractors
 - third-party service providers, including web hosting providers, IT systems administrators, mailing houses, couriers, payment processors, data entry service providers, electronic network administrators, debt collectors, and research and marketing agencies and consultants
 - professional advisors and experts, such as accountants, solicitors and business advisors contracted as part of an engagement
 - government or regulatory bodies.

- 5.3 In accordance with all of the above, any part of the church may also combine or share any information collected with information collected by any other congregation, agency or ministry of the church.
- 5.4 As appropriate, the church will ask an external recipient of personal information to sign a declaration to confirm they understand that personal information provided by the church must only be dealt with in the way prescribed under this policy due to the relevant individuals' rights to privacy.
- 5.5 The church will only use or disclose personal information in accordance with all of the above; however, the church may share de-identified information for research or promotional purposes.
6. Third parties
- 6.1 Social media and other online platforms
The church cannot be held responsible if any person shares personal information on the church's social media or other online platforms that is subsequently used, misused or otherwise appropriated by a user or third party.
- 6.2 Links to third parties
The websites and social media platforms of the church may contain links to other websites and platforms operated by third parties. The church makes no representations or warranties in relation to the privacy practices of third parties or any damages (including viruses) that might occur as a result of using third-party websites, social media or other online platforms accessed via links from the church's platforms.
- 6.3 International service providers
Some parts of the church use data hosting facilities and third-party service providers to assist with its functions and activities. As a result, personal information may be transferred to, stored at, processed or backed up at a destination outside Australia. These destinations outside Australia and New Zealand include, but are not limited to, Singapore, the Philippines, the USA and the UK.
7. Security
- 7.1 The church holds information in both electronic and paper forms. The church takes all reasonable steps to ensure that personal information is securely stored and protected from misuse and loss from unauthorised access, modification or disclosure.
- 7.2 The church's websites, social media and other online platforms are linked to the internet, which is inherently insecure. The church cannot guarantee that personal information supplied will be safely transmitted over the internet without interception. Accordingly, any information transmitted to the church online is at the person's own risk.
8. Notifiable data breaches
- 8.1 The church must report privacy breaches to the affected individual and the Australian Information Commissioner or the New Zealand Privacy Commissioner, in accordance with requirements under the Privacy Act (Cth) or the Privacy Act (NZ), respectively, as applicable. Examples of breaches of privacy, which need to be reported, may include the hacking of a database containing personal information and the mistaken provision of personal information to the wrong person.

9. Complaints

9.1 The church has an obligation to appoint a privacy officer.

9.2 Complaints about a breach of privacy should be sent to:

The Privacy Officer
197 Archer Street
North Adelaide SA 5006

The Privacy Officer
Level 1, Molesworth House
101 Molesworth St
Thorndon, Wellington, NZ 6011

Or by phone
1800 644 628 (Australia)

0800 356 887 (New Zealand)

Or by email to psd@lca.org.au

9.3 Complaints will be handled in accordance with the church's Complaints Handling Policy and Procedure. If a person is dissatisfied with the response of the church, they may refer their complaint to the Office of the Australian Information Commissioner or the New Zealand Privacy Commissioner (*Te Mana Matapono Matatapu*).

3. Application

This policy applies to:

- agencies of the church
- Lutheran-related entities
- church workers
- employees
- office-bearers and other volunteers
- LCANZ members and visitors.

4. Responsibilities

Communication and Compliance

1. General Church Board (GCB) is responsible for the communication of this policy to churchwide agencies, districts and congregations. GCB is responsible for compliance with this policy within churchwide agencies and Lutheran-related entities.
2. District church councils/boards (DCC/DCB) are responsible for the communication of this policy to their respective district agencies. DCC/DCB are responsible for compliance with this policy within their respective District agencies and Lutheran-related entities.
3. Congregation/parish councils are responsible for compliance with this policy within their congregation/parish and their agencies, Lutheran-related entities, and activities.
4. Pastors, employees, contractors, office-bearers and volunteers are personally responsible for complying with their agency's procedural applications of this policy.

Implementation

Governance bodies of agencies, Lutheran-related entities, parishes and congregations are responsible for:

- developing and implementing related policies and procedures that meet their particular requirements and contexts
- ensuring that such policies and procedures are consistent with this policy

- communication, induction and training procedures that create awareness of and promote understanding of this policy and its procedures.

5. Definitions

Common definitions

- **'agencies'**: a board, commission, committee, council, department or tribunal of the church; a board, committee, council or department of a district of the church; and a member congregation or parish of the church
- **'church'**: the Lutheran Church of Australia, including its districts as defined in the LCA Constitution
- **'church worker'**: includes pastor and lay worker serving in any agency or entity of the church
- **'employee'**: a non-ordained (lay) person serving in a paid capacity in any entity of the church, including a lay worker listed on the roll of lay workers
- **'governance body'**: the elected or appointed committee, board, council or other group that governs the LCA agency or Lutheran-related entity on behalf of its members or shareholders to ensure accountability, transparency, responsiveness, legal compliance, stability, equity and inclusiveness, empowerment and participation
- **'Lutheran-related entities'**: includes schools that are members of the Lutheran Education system, aged-care or community-services organisations, youth camps, outdoor education centres, bookshops and op-shops operating under the auspices of a Lutheran organisation
- **'volunteer'**: any person serving in an unpaid capacity in an entity of the church, including in ministry, worship, leadership and governance roles

Specific to this policy:

- **'personal information'**: information or an opinion about an identified individual or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not
- **'sensitive information'**: information or an opinion about an individual's racial or ethnic origin, or political opinions, or membership of a political association, or religious beliefs or affiliations, including worship details, philosophical beliefs, or membership of a professional or trade association, or membership of a trade union, or sexual orientation or practices, or criminal record, that is also personal information; or health information about an individual, or genetic information about an individual that is not otherwise health information, or biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or biometric templates

Reference Documentation/Legislation

- Privacy Act 1988 (Cth)
- Australian Privacy Principles
- Privacy Act 2020 (NZ)
- New Zealand Privacy Principles

Relevant LCA Policies and Procedures

- Privacy Guidelines www.lca.org.au/policies
- Standards of Ethical Behaviour www.lca.org.au/seb
- Complaints Handling Policy and Procedure www.lca.org.au/complaints

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