



We seek to engage personally with everyone in our community to help them start following Jesus, connect with his people, grow in knowing Jesus and serve in love.

Privacy Policy

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Relevant Legislation:

The Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

Health Records and Information Privacy Act 2002 (NSW)

Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)

Other References:

Office of the Australian Information Commissioner www.oaic.gov.au – further information

Australian Privacy Principles Guidelines, OAIC, 31 March 2015 Ed., *check website for latest information*

1. INTRODUCTION

In Australia privacy legislation is designed to protect an individual's personal information. Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable¹.

The Privacy Act 1988² regulates the handling of personal information. In general the Privacy Act applies to:

- all businesses and not-for-profit organisations with an annual turnover more than \$3 million
- all Australian Government agencies
- private sector health service providers, child care centres, private schools and universities
- businesses covered by an approved privacy code
- businesses that sell or purchase personal information, credit providers that handle personal credit file information³.

For more detailed information on who the Act applies to visit the Office of the Australian Information Commissioner (<http://www.oaic.gov.au/privacy/who-is-covered-by-privacy>).

Reflecting on the above information The Lakes Church is not subject to the Privacy Act 1988 or the amendments that came into effect in 2014. However we recognised these principles represent good practice in relation to privacy and have been used to develop our privacy policy and procedures.

2. CHRISTIAN RATIONALE

The Lakes Church acknowledges its responsibility before God to care for and protect the children, families and others who trust The Lakes to carry out its responsibilities and obligations with love and respect. *(Love) always protects, always trusts, always hopes, always perseveres.* (1 Corinthians 13:7)

The Lakes respects the privacy of individuals and families and places a high priority on integrity in its handling of information provided to The Lakes. It seeks to protect the rights of all people who provide information to The Lakes, in accordance with relevant legislation.

The Lakes honours the Commonwealth and State laws which circumscribe the collection, storage and dissemination of information provided to it.

3. PURPOSE OF THIS DOCUMENT

This document sets out the policies and procedures of The Lakes Church in relation to how The Lakes uses and manages the personal information provided to, or collected by, it for the well-being of members and associates in its care and for the reasonable functions of The Lakes.

¹ <http://www.oaic.gov.au/privacy/about-privacy>

² The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act) and Privacy Regulation 2013 introduced significant changes to the *Privacy Act 1988* (Privacy Act) commencing March 2014.

³ Office of the Australian Information Commissioner <http://www.oaic.gov.au/privacy/about-privacy>

4. TABLE OF RESPONSIBILITIES

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
Admin Committee	
Ensure the implementation of this policy within The Lakes	Privacy Procedures
Ensure procedures are maintained for the proper collection, storage and use of information	Privacy Procedures
Ensure procedures are maintained for complaints, access & enquiries regarding Personal Information held by The Lakes	Privacy Procedures
Senior Pastor	
Procedures for collection, storage, disclosure of Personal Information and Sensitive Information	Privacy Procedures PD Program & Calendar
Authorisation of staff to access records	IT Access Records
Maintenance of cybersecurity measures	Security protocols/ software
Staff training in information handling	Records of staff PD
Investigation of data breaches	Privacy Breach Register; Records of investigation
Notification re: Eligible Data Breaches	Records of notification/ communications
Investigation of complaints about privacy matters	Complaint Register
Ensure review of privacy procedures & PI held by Church	Records of review/ audit
All staff and volunteers	
Compliance with policy and procedures for collection, storage, access and disclosure of Personal Information and Sensitive Information	Annual PD Register Breach of Compliance Register
Each new staff member must, as part of their contract of employment, agree to the terms of this policy.	Staff Employment Files
Ministry Event Leader	
Consider 'privacy by design' principles when considering what information needs to be collected to operate an event	Information Forms, Website
Use the Standard Collection Notice to advise individuals about our Privacy obligations	Information Forms, Website

5. DEFINITIONS

Australian Privacy Principles (APPs) – legally binding principles which are the cornerstone of the privacy protection framework in the Privacy Act.

The APPs are structured to reflect the personal information lifecycle:

- Part 1 – Consideration of personal information privacy (APP 1,2)
- Part 2 – Collection of personal information (APP 3,4,5)
- Part 3 – Dealing with personal information (APP 6,7,8,9)
- Part 4 – Integrity of personal information (APP 10,11)
- Part 5 – Access to, and correction of, personal information (APP 12,13)

Eligible Data Breach – Under the Notifiable Data Breach Scheme an Eligible Data Breach occurs when 3 criteria are met:

- there is unauthorized access to, or unauthorized disclosure of, personal information, or a loss of personal information, that an entity holds
- this is likely to result in serious harm to one or more individuals, and
- the entity has not been able to prevent that likely risk of serious harm with remedial action. (Also referred to as ‘Notifiable Data Breach’)

Health Information – information or an opinion about: the health or disability (at any time) of an individual; an individual’s expressed wishes about the future provision of health services to him/ her; a health service provided, or to be provided, to an individual.

Member – Partner in Mission or regular attendee.

Partner in Mission – a member who is eligible for membership under clause 5 of the Lakes Church constitution, completed an application and been accepted as Partner in Mission in the normal process.

Personal Information – information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be inferred from, the information or opinion, whether the information is recorded in a material form or not. It includes all personal information, regardless of its source.

Records – The Privacy Act regulates personal information contained in a ‘record’. It includes a ‘document’ or an ‘electronic or other device’. It covers a wide variety of material. A ‘document’ includes anything on which there is any writing, anything from which sounds, images or writings can be reproduced, drawings or photographs.

It excludes a generally available publication (e.g. a telephone directory); or anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

Remedial action – action taken to prevent unauthorized access or disclosure of personal information

- if remedial action prevents the likelihood of serious harm occurring, the breach is not an eligible data breach
- for breaches where personal information is lost, remedial action is adequate if it prevents the unauthorized access or disclosure of personal information.

Sensitive Information – personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, membership of a professional or trade association, philosophical beliefs, membership of a trade union, sexual orientation or practices, or criminal record. It also includes health information.

Serious harm – can be psychological, emotional, physical, reputational or other forms of harm

The Lakes Church – The Lakes Evangelical Church

6. AUSTRALIAN PRIVACY PRINCIPLES

The Act includes thirteen Australian Privacy Principles that set out standards, rights and obligations for the handling, holding, accessing and correction of personal information as summarised below:

Principle 1 — personal information is managed in an open and transparent way

- will have practices, procedures and systems to enable the entity to deal with inquiries or complaints
- have a clearly expressed and current privacy policy

Principle 2 — anonymity and pseudonymity

- no direct application to The Lakes Church

Principle 3 — collection of solicited personal information

- information collected should be reasonably necessary for, or directly related to, the organisation's functions or activities
- should not collect sensitive information about an individual without consent

Principle 4 — dealing with unsolicited personal information

- no direct application to The Lakes Church

Principle 5 — notification of the collection of personal information

- no additional application to The Lakes Church other than that already outlined by Principle 1

Principle 6 — use or disclosure of personal information

- personal information collected for a particular purpose will not be used for another purpose unless the person provides consent

Principle 7 — direct marketing

- personal information held will not be used for direct marketing unless the organisation collected the information from the person, the person would reasonably expect the organisation to use/disclose information for that purpose and a way is provided by which the person can easily request not to receive direct marketing communications

Principle 8 — cross-border disclosure of personal information

- no direct application to The Lakes Church

Principle 9 — must not adopt or use a person's government related identifier as our own identifier of the person

- no direct application to The Lakes Church

Principle 10 — quality of personal information

- take reasonable steps to ensure personal information collected, used or disclosed is accurate, up-to-date, complete and relevant

Principle 11 — security of personal information

- take reasonable steps to protect information from misuse, interference, loss, unauthorised access, modification or disclosure
- in disposing of personal information take reasonable steps to destroy or de-identify information

Principle 12 — access to personal information

- must, on request by the person, provide access to personal information held within a reasonable period (exemptions apply)

Principle 13 — correction of personal information

- must take reasonable steps to ensure personal information held is accurate, up to date, complete, relevant and not misleading
- personal information should be corrected if the organisation identifies the need, or the person requests correction.

7. PRIVACY POLICY

We are committed to ensuring personal information provided and maintained by The Lakes Church is managed carefully and respectfully. For this purpose, while The Lakes Church is not subject to the Privacy Act 1988, our privacy policy has been developed with reference to the Australian Privacy Principles⁴.

7.1. Information we collect

The Lakes Church collects and holds information including (but not limited to) personal information, including health and other sensitive information, about:

- Members and other adherents, including children and parents/guardians as a consequence of their participation in Church life;
- Job applicants, staff members and their families, volunteers and contractors;
- Visitors and other people who come into contact with The Lakes Church.

The collection of this personal information may occur when you complete the welcome slip in church, the Partner in Mission application form and/or information consent form, Ministry and Me conversations and any activity or event registration form.

Before information is collected, or as soon as practicable afterwards, The Lakes will make reasonable efforts to advise the individual to whom the information relates aware of the purpose of collection. This information is outlined in the 'Standard Collection Notice', available on The Lakes Church website.

7.2. How your information is stored

Personal information is stored and accessed through our online church community membership database (Elvanto). If you are a member of The Lakes Church and have completed an information consent form you will be given a personal login allowing you to access Elvanto. Elvanto has privacy functions that are set as defaults by the system administrator.

You can use your personal login at any time to change the privacy settings on your personal profile.

If hard copy forms are retained the forms will be stored in lockable filing cabinets in The Lakes Church office. When this information is no longer required it will be shredded prior to disposal.

The Lakes Church will not send personal information about an individual outside Australia without:

- In the instance of an individual's personal information, obtaining the consent of the individual (unless this consent is already implied) e.g. for the purpose of arranging an overseas mission trip
- In the instance of collected storage of information, ensuring that the recipient agency/ service provider complies with the Australian Privacy Principles, or other applicable privacy legislation e.g. data stored in the 'cloud'

7.3. How your information is used or disclosed

The primary purpose of collecting this information is to enable The Lakes Church to support your participation in the ministry activities and events of The Lakes Church and to enable members, adherents and guests to participate in these activities. Your personal information will not be disclosed to any other entity outside church unless it relates directly to the functions and activities of church, and your consent has been obtained or is implied by your initiation of, or involvement in, a particular process or activity eg external provider of safe ministry training.

Access to a newcomer's personal information is limited to the pastoral team and those involved in following up the person.

⁴ Office of the Australian Information Commissioner <http://www.oaic.gov.au/privacy/about-privacy>

7.4. Updating your information

An individual has the right under the Privacy Act to obtain access to any personal information which The Lakes Church holds about them; and to advise The Lakes Church (in writing) of any perceived inaccuracy and to seek correction to their information.

We recognise the importance of ensuring your information is current, accurate, complete and relevant. Members and adherents who have a login to Elvanto can view and update personal information at any time.

When personal information is no longer needed for the purpose for which it was collected, we will destroy it (or de-identify it).

7.5. Protecting your information

We have developed privacy procedures to ensure your personal information is protected from misuse, unauthorised access, alteration, disclosure or loss. Our privacy procedures include the following information:

- practices and expectations of staff and volunteer administrators relating to privacy and information management
- practices and expectations of members and adherents in relation to privacy matters
- a response plan relating to a breach of privacy or information security.

8. PRIVACY AND INFORMATION MANAGEMENT PROCEDURES

8.1. Collection of personal information

Personal information is only used for the purposes of, and use by, The Lakes Church.

Newcomers are invited to record the information they are comfortable providing on the welcome slip. Slips are collected in bags at the end of the meeting. Pastors and the follow up team are the only people who read information provided on the back of the slips. Contact details are entered into the Elvanto for the purpose of following up where appropriate. Welcome slips are then shredded.

People who wish to become a formal member (Partner in Mission) of The Lakes Church complete an information consent form as part of the membership process. This information is also entered into Elvanto. Information consent forms are usually scanned and securely saved as a soft copy for record keeping purposes. Hard copy forms are shredded before disposal.

Other information that may be collected and stored includes incident report forms, working with children clearances and evidence of completion of safe ministry training, permission forms, limited banking information provided by members for the purpose of giving to church (generally this is only viewed by a limited number of staff dealing with Church finances and the Treasurer).

8.2. Elvanto Database

Elvanto is the preferred method of locating and utilising the contact details of our members and adherents. This ensures contact information is up to date, and privacy features of the program assist in ensuring people's contact information is protected and used appropriately and wisely.

Elvanto allows varying degrees of access privileges to be set according to authorised/allocated roles in church:

- pastors and system administrators are able to view all information on Elvanto
- growth group and ministry leaders can view the details of members in the groups they lead
- formal members who sign an information consent form are given a personal login to access Elvanto as a 'basic user'.
- privacy settings for people who are not formal members or who are children/youth are set to 'unlisted'
- group members with a personal login can see who is in their group and 'send a message' by email to group members.

Members can change their own personal information, privacy and communication settings at any time. If members leave The Lakes Church their login is made inactive as part of the membership deactivation process.

In relation to email correspondence sent to all formal members:

- only the pastoral team and system administrators are authorised to do this
- content must be relevant to the majority of formal members and relate to church functions and activities
- will not be used to advise of changes to member contact details, circulate personal prayer requests (see established prayer email process), or to convey or promote personal opinions of individuals in church
- Ministry leaders wanting to send email correspondence to all formal members should send the draft message to the ministry pastor for approval before sending to office@thelakes.net.au for distribution via the **Prayer and News** email.

8.3. Photographs

Guidelines for taking photos

When taking photographs at The Lakes Church events for church purposes the following guidelines should be considered:

- ask permission - if someone declines or expresses discomfort do not take their photograph;
- photographs of children or youth should focus on the activity and the group, rather than an individual;
- avoid taking photos of people that may cause embarrassment or discomfort;
- avoid using photos of people who have left church - withdrawal of membership should be considered a withdrawal of consent to use images for promotional purposes;
- if in doubt don't take or use the photo.

Guidelines for using photos

Where possible use photos of formal members as they are given the opportunity to 'opt out' of photos used to promote The Lakes Church on the information consent form completed as part of the membership process. A few formal members have not provided consent to use photographs of them in promotional material for The Lakes Church. Anyone involved in producing promotional material for The Lakes Church should ensure photos selected for use do not include people on this list (contact the office for further advice).

For children and youth general permission to have photos taken is gained on the information consent form (for children of formal members) and on registration forms.

Photos of visitors or non-members should not be used for promotional purposes or in any public media without seeking permission. It is suggested permission is sought by email. This allows an explanation of the intended use of the photo, and a copy of the photo you wish to use can be attached. An email reply also provides evidence of consent for record keeping purposes. It is also preferable members are asked about using a specific photo for external promotional purposes, particularly if the photo focuses on them as an individual or is of a child or young person. In the case of youth, permission should be sought from both parents and the young person themselves. See 'Facebook' below for information regarding use of photos on Facebook.

In NSW it is an offence to publish identifiable material of a child who is involved in the Children's Court or a non-court child protection proceeding under the Children and Young Persons Act 1998. Where known, do not use photographs of children or youth who are in out-of-home foster care, or have ever been involved in child protection, family court or criminal proceedings. If in doubt, don't use the photo.

Members can advise of concerns about use of any image relevant to them or their family and/or can withdraw their consent for use of photographs relevant to them or their family used in promoting The Lakes Church by email: office@thelakes.net.au

8.4. Prayer requests

Members who have completed an information consent form can choose to be involved in receiving and notifying of prayer requests via email. Members can opt out by ticking the relevant box on the information consent form or by notifying the office.

Prayer requests should generally be limited to requests for The Lakes Church attendees and their immediate family. Prayer requests relating to friends or other family can be raised via growth groups.

8.5. Prayer in church

Prayer in church regularly includes prayer for the needs of specific individuals. The pastoral team will ensure those identified have confirmed they are happy to be prayed for during the church meeting.

8.6. Facebook social networking site

The Lakes Church has a public Facebook page to communicate information of interest to members, attendees and the wider community. People can sign up to follow the page as a 'fan' if they want to participate by 'liking' the page.

The page is located at: <https://www.facebook.com/thelakes.net.au/>.

Public Facebook pages may be used for youth activities for communication purposes. No photos are to be posted on Facebook unless parents have given written consent (eg via a Children & Youth Ministry Registration Form).

9. BREACH OF PRIVACY

A breach of privacy may result from mishandling information according to the Australian Privacy Principles.

A data breach concerns the security of personal information: and involves the actual unauthorised access to, or disclosure of, personal information; or the loss of personal information where the loss is likely to result in unauthorised access or disclosure.

Causes may be malicious acts of third parties; human error; systems failure; or failure to follow information handling or data security measures resulting in accidental loss, access or disclosure.

- If a data breach is suspected, or confirmed, The Lakes shall take remedial action as soon as is practicable to contain and limit the data loss or access; and to minimise the chance of serious harm to any individual affected by the breach.
- The Lakes shall assess all suspected, or confirmed, data breaches to determine whether it is an Eligible Data Breach. (see 10.2)
- The Lakes shall investigate the circumstances, and take steps to address any issues and increase data security.

10. COMPLAINTS

Any concerns about the way The Lakes has handled the personal information it holds should be made in writing and directed to the Senior Pastor.

The Lakes will investigate the complaint and will notify you of the decision in relation to your complaint as soon as practicable after it has been made.

If The Lakes is unable to resolve the complaint to your satisfaction, the matter may be referred to the Information Commissioner.

11. ENQUIRIES

For further information about the way The Lakes manages the personal information it holds, please contact The Lakes.

Secretary, Administration Committee
The Lakes Church
6 Pioneer Avenue
TUGGERAH NSW 2259
02 4353 0977

12. POLICY REVIEW

This policy and its procedures will be reviewed biannually by the Secretary and changes tabled with the Administration Committee for approval.

13. POLICY DISTRIBUTION METHOD

Staff are advised of all policies by email when approved by the Administration Committee.

This policy will be made available on The Lakes website and Policies Team Drive.