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| <b>APPLICABLE TO</b>      | Catholic Diocese of Maitland-Newcastle (CDMN) workers, including workers of all Agencies and members of the community that engage with CDMN and its Agencies.       |
| <b>DOCUMENT OWNER</b>     | Head of Governance  |
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| <b>RELATED DOCUMENTS</b>  | <p>Policy Management Policy</p> <p>Delegations of Authority Policy</p> <p><a href="#">Privacy Act 1988</a></p> <p><a href="#">Australian Privacy Principles</a></p> |

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## 1. Purpose

- 1.1. This policy sets out key points about how the Catholic Diocese of Maitland Newcastle (CDMN), including its Agencies handles personal information.
- 1.2. CDMN collects, holds, gives access to, uses and discloses, and corrects personal information to carry out its many functions and activities and in doing so is bound by the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs).
- 1.3. CDMN also collects, holds, uses and discloses health information and is bound by the Health Records and Information Privacy Act 2002 (NSW)(HRIPA), the Health Privacy Principles (HPPs) MyHealth Records Act 2012 (Cth)(MHR) and Healthcare Identifiers Act 2010(Cth)(HI) when handling personal information which is health information.
- 1.4. CDMN complies with the Privacy and Personal Information Protection Act 1998 (NSW)(PIIPA) and the Government Information (Public Access) Act 2009 (NSW)(GIPA) where required under state government contracts. CDMN will comply with any direction from the NSW government agency from which it received funding in respect to compliance with the Privacy Laws.
- 1.5. This Policy and its related Policy Documents establish, implement, and maintain privacy processes and provide the steps required to meet these ongoing compliance obligations.

## 2. Policy Statement

- 2.1. CDMN respects and values the personal information and health information that it is entrusted with.
- 2.2. CDMN is committed to:
  - 2.2.1. practicing good privacy governance and meeting its ongoing compliance obligations.
  - 2.2.2. ensuring that personal information is managed in an open and transparent way by implementing practices, procedures and systems that will ensure compliance with the APPs.

## 3. Scope

- 3.1. All personal information and health information collected, held, and used by CDMN must be managed in accordance with this Policy and the related Policy Documents.
- 3.2. This Policy applies to all workers of the CDMN including its Agencies, and Parishes if decreed by the Bishop.
- 3.3. This Policy also applies to other persons conducting services for CDMN who have access to information held by CDMN.

- 3.4. Everyone in CDMN who manages records and information are accountable for ensuring privacy is respected and protected.
- 3.5. This Policy should be read in conjunction with privacy procedures applicable to the Agencies operations.

## 4. Definitions

- 4.1. Common terms and definitions are defined in the CDMN Dictionary
- 4.2. Terms and definitions in the table below are specific to this Policy and critical to its effectiveness:

| TERM                    | DEFINITIONS   |
|-------------------------|---|
| Direct Marketing        | Is communicating with a person to promote goods and services and can include fundraising.   |
| Health Information      | Means personal information that is information or an opinion about the physical or mental health or a disability (at any time) of a person, or a person's express wishes about the future provision of health services to him or her, or a health service provided, or to be provided, to a person, or other personal information collected to provide, or in providing, a health service.<br><br>For a full definition see section 6 of the HRIPA. |
| Personal Information    | Means information or an opinion about a person who is identified, or who can reasonably be identified, from the information, whether or not the information or opinion is true or recorded in a material form and includes sensitive information.   |
| Sensitive Information   | Means information or an opinion that is also personal information, about a person's racial or ethnic origin, political opinions, memberships of political, professional and trade associations and unions, religious and philosophical beliefs, sexual orientation or practices, criminal history, health information, and genetic and biometric information.   |
| Unsolicited Information | Is personal, sensitive or health information that you have received that you took no active steps to collect.   |

## 5. Policy Principles

- 5.1. [Types of Personal Information Collected and How it is Collected](#)
- 5.2. CDMN carries out a multitude of functions, services, and activities. Through its Parishes and Agencies, CDMN provides faith, spiritual, pastoral, educational, social welfare, housing and community development.

- 5.3. CDMN will only collect relevant personal information for a lawful purpose and by lawful means, where it is reasonably necessary to enable CDMN to carry out its mission, activities, functions and ministries or to assist persons should they have an enquiry.
- 5.4. CDMN endeavours to ensure that information collected will be accurate, up-to-date, complete and not excessive.
- 5.5. CDMN collects and holds personal information, which may include sensitive and health information about:
  - 5.5.1. Children, which may be related to children receiving sacraments or pastoral care, a child's enrolment at a diocesan school, after school care facility or sporting association.
  - 5.5.2. Adults receiving sacraments or pastoral care and witnesses to sacraments.
  - 5.5.3. People we support in community programs, counselling and clinical support, NDIS Services, Child, Youth and Family Services and Social Enterprises.
  - 5.5.4. Applicants for and people living in housing owned and / or managed by CDMN or its Agencies.
  - 5.5.5. Employees, workers and clergy.
  - 5.5.6. Job applicants, volunteers, contractors, and suppliers.
  - 5.5.7. People who are involved in fundraising and relationship building, including banking or other payment details.
  - 5.5.8. People we communicate with or who attend Mass, liturgies, seminars or events.
  - 5.5.9. People who are members of groups, organisations, societies, institutes of apostolic life or the Church community.
  - 5.5.10. People who have access to and use of CDNN's websites and other electronic media and communications.
  - 5.5.11. Parents or guardians of those we hold personal information about.
  - 5.5.12. Other persons related to these activities e.g. carers, grandparents etc.
- 5.6. Information collected may include (but is not limited to) a person's name, contact details, date of birth, email address, medical information, applications for employment and supporting documents, employment contracts, records relating to payment of wages, employment benefits and leave, training and development information, information about an employee's performance, occupation, family background, religion, citizenship and visa information, school results, conduct, complaint or behaviour records, counselling reports, Family Court orders, information about referrals to government agencies, photos and videos at events, and in some cases, financial records.

- 5.7. CDMN will take steps to make sure the person is aware the information is being collected, why it's being collected and who will be using it and storing it. This may include by provision of a Privacy Collection Notice or by providing a copy or an electronic link to this Policy.
- 5.8. Personal information is generally collected from a person or their authorised representative by way of forms filled out either by the person or their guardian/responsible person, face-to-face meetings, interviews, telephone calls and website or other electronic data.
- 5.9. In some circumstances, a third party including other parishes or schools, may provide CDMN with personal information, e.g., a reference about an applicant for a position, personal information from a student's previous school to facilitate the transfer of a student to a CDMN school, information we collect from people we help or educate, information from third party information providers or people responding to our inquiries.
- 5.10. We may also collect personal information through surveillance activities (such as CCTV security cameras) and monitoring of email and social media accounts managed within the CDMN's information networks.
- 5.11. In some cases, where a person does not provide the personal information CDMN requests, we may not be able to help, employ, engage with, educate or minister to that person in some or any of the CDMN's activities.
- 5.12. A person may also choose to deal with CDMN on an anonymous basis or using a pseudonym (where lawful and practical). However, CDMN will need to identify a person in many circumstances, e.g., to administer certain sacraments, to provide care for children or to process a job or volunteer application.

5.13. [Unsolicited Personal Information](#)

- 5.14. Where CDMN receives unsolicited personal information, it will determine within a reasonable period whether that personal information could have been collected separately under the APPs.
- 5.15. If it is determined that the personal information could have been collected lawfully then the rest of the APPs apply as if the information had been collected in that manner.
- 5.16. If it is determined that the information could not have been collected lawfully, the information will be destroyed or de-identified where it is otherwise lawful to do so.

5.17. [Use and Disclosure of Personal Information](#)

- 5.18. CDMN uses personal information it collects to:
  - 5.18.1. Administer the sacraments and pastoral care.
  - 5.18.2. Keep people informed about matters relating to spiritual life through correspondence and newsletters.

- 5.18.3. Look after a person’s spiritual and physical wellbeing.
  - 5.18.4. Keep people informed about matters relating to their child's schooling through correspondence and newsletters.
  - 5.18.5. Provide care for child(ren) while under the CDMN’s supervision (including education, social, spiritual, and medical wellbeing).
  - 5.18.6. Fundraise, seek, and administer donations.
  - 5.18.7. Tell people about events, services and developments in the Church and our community.
  - 5.18.8. Assess a job or volunteer application.
  - 5.18.9. Assess eligibility for housing services.
  - 5.18.10. Manage staff and volunteers.
  - 5.18.11. Ensure appropriate provision of services.
  - 5.18.12. Satisfy CDMN’s legal obligations and allow CDMN to discharge its duty of care.
- 5.19. CDMN normally only uses or discloses personal information for the reason CDMN collected it, unless disclosure is permitted under other circumstances, including if required by law.
- 5.20. In particular circumstances, CDMN may disclose personal information, including sensitive information held about a person, including as follows:
- 5.20.1. With consent from the person for a purpose other than the purpose it was collected.
  - 5.20.2. For a secondary purpose that is related to the primary purpose, which would be reasonably expected by the person.
  - 5.20.3. Where it is reasonably believed that the disclosure is necessary for an enforcement related purpose.
  - 5.20.4. If the information is needed to deal with a serious risk of harm.
  - 5.20.5. For educational, care and administrative purposes and to seek support and advice.
  - 5.20.6. To assessment and educational authorities.
  - 5.20.7. To agencies and organisations to whom we are required to disclose personal information for education, funding and research purposes.
  - 5.20.8. To government departments, including for policy and funding purposes and to:
    - a) The applicable NSW government agency for agency audits or assessments of the organisation’s compliance with the Human Services Agreement.
    - b) The applicable NSW government agency if the agency requests information so that it can comply with its obligations under the GIPA.
  - 5.20.9. To medical practitioners.
  - 5.20.10. Within CDMN.

- 5.20.11. To people providing services to CDMN, including volunteers and third-party service providers.
- 5.20.12. To recipients of CDMN publications.
- 5.20.13. To parents and/or guardians.
- 5.20.14. To providers of information management and storage systems and other information technology services.
- 5.20.15. If required or authorised by an Australian law or court/tribunal order including child protection laws.
- 5.20.16. To anyone to whom the person authorises CDMN to disclose information.
- 5.20.17. Where the use or disclosure is permitted by an exception under APP 6.2 or 6.3.
- 5.21. If personal information is disclosed for enforcement related activities by an enforcement body (e.g., the police), a written record of that disclosure will be made.
- 5.22. Any request for personal information made by an enforcement body must:
  - 5.22.1. be made in writing as evidence to justify that disclosure is required, and
  - 5.22.2. be approved by the CDMN Governance Team.
- 5.23. In situations where CDMN has entered into contracts or agreements with any external parties or has outsourced any function or activity, appropriate clauses must be added to comply with the relevant Privacy laws.
- 5.24. [Overseas Disclosures](#)
- 5.25. CDMN may disclose personal information to third party suppliers and service providers located overseas, including data hosting and IT cloud service providers such as Microsoft365 to enable use authentication and provide technical support. We will take reasonable steps to ensure that the overseas recipients of personal information do not breach the privacy obligations relating to the personal information.
- 5.26. CDMN will disclose personal information about a person or their child outside Australia where they have requested this. When making a request, it is agreed and acknowledged that CDMN will have no control over the information that it discloses, and that CDMN will not be able to ensure that the overseas recipient handles that information in accordance with the Privacy Act, the APPs, and any other applicable Australian laws.
- 5.27. If consent is given for the disclosure and the overseas recipient handles the personal information in breach of the APPs:
  - 5.27.1. CDMN will not be accountable under the Privacy Act.
  - 5.27.2. The person will not be able to seek redress under the Privacy Act.



5.28. Examples relevant to 5.27 include:

- 5.28.1. The publication on the internet of material which may contain personal information such as photographs, video and audio recordings, and posts and comments on CDMN's social media platforms.
- 5.28.2. The provision of personal information to facilitate educational outcomes e.g., School exchange.
- 5.28.3. The provision of personal information to recipients using a web-based email account where data is stored on an overseas server; and
- 5.28.4. The provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law).

5.29. If CDMN outsources data services to a third-party provider based overseas (such as a server provider in another country), CDMN will:

- 5.29.1. Take reasonable steps to make sure that the third-party provider does not breach the APPs.
- 5.29.2. State in which countries the personal information is likely to be stored.

#### 5.30. [Access and Correcting Personal Information](#)

5.31. CDMN endeavours to ensure that the personal information held is accurate, complete, up-to-date and not misleading.

5.32. CDMN will also take reasonable steps to correct information it holds if it considers the information incorrect.

5.33. A person may access any personal information that is held about them. Parents can generally make such a request on behalf of their children. Guardians can generally make such a request on behalf of a person under their guardianship. A request for access should be put in writing and sent to CDMN on the details in 7.2 below.

5.34. CDMN will respond within a reasonable period after a request for access is made by either agreeing to or refusing to give access.

5.35. CDMN may require a person making a request to verify their identity and specify what information is required before providing access. In some circumstances as provided for by APP 12, CDMN may be unable to provide access, in which case the person will be notified in writing with an explanation of why and how they can take the matter further.

5.36. CDMN will not charge a person for making a request; however, CDMN may charge reasonable costs for providing access to any information requested.

5.37. A person may seek to update the personal information held about them by contacting CDMN at any time on the details below. If CDMN is unable to correct the information, we will give notice in writing and explain why and how the matter can be taken further. A statement that is associated with the information believed to be inaccurate, out-of-date, incomplete, irrelevant or misleading can be requested.

#### 5.38. Deletion of personal information

5.39. CDMN will take reasonable steps to destroy or de-identify information it holds where it no longer needs the information for any purpose for which it was used or disclosed and it is not required under another law, court or tribunal order.

#### 5.40. Consent and Right of Access to the Personal Information of Children

5.41. CDMN will assess whether a child has the capacity to make their own privacy decisions on a case-by-case basis, having regard to matters such as their age and circumstances. Generally, persons over 15 years will have the capacity to make their own privacy decisions.

5.42. For children under 15 years or who otherwise do not have capacity to make these decisions for themselves, CDMN will refer any requests for consent and notices in relation to personal information to the parent and/or guardian. We will treat consent given by a parent and/or guardian as consent given on behalf of the child or person subject to guardianship and notices to parent and/or guardians will act as notice given to the child or person subject to guardianship.

5.43. CDMN respects the rights of parents and / or guardians to make decisions concerning their child's education.

5.44. Parents may seek access to personal information held by a CDMN school about them or their child by contacting the School Principal in writing. However, there may be occasions when access is denied. Such occasions may include (but are not limited to) where a School believes that the student has capacity to consent and the School is not permitted to disclose information to the parent without the student's consent, where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the School's duty of care to the student.

5.45. A CDMN School may, at its discretion, on the request of a student grant the student access to information held by the school about them, or allow a student to give or withhold consent to use of their personal information, independently of their parents and / or guardians. This would normally be done only when the maturity of the student and / or the student's personal circumstances warrant it.

#### 5.46. Out of home care

- 5.47. CDMN will allow access, free of charge, to personal information for a child or person who is leaving or has left out-of-home care, to any records kept by the Agency or authorised carer.
- 5.48. The Agency must provide an appropriate person to support and assist the person seeking access to information at the time when access to the information occurs. The information is to be provided orally or in writing, as requested by the child or person concerned.
- 5.49. Child and young people in out-of-home care also have the right to request, access, read and add to information that is being kept about them.

#### 5.50. Direct Marketing

- 5.51. CDMN may, from time to time, engage in direct marketing activities for various purposes, such as fundraising and providing information about our services that we consider may be of interest.
- 5.52. CDMN will not provide personal information to other organisations for the purposes of direct marketing.
- 5.53. CDMN will only use or disclose sensitive information (including health information) for direct marketing if a person has consented to that use or disclosure.
- 5.54. CDMN may use or disclose non-sensitive personal information for direct marketing if the following conditions are met:
- 5.54.1. The information was collected directly from the person.
  - 5.54.2. The person whose information is disclosed would reasonably expect it to be used for direct marketing.
  - 5.54.3. An easy 'opt-out' option is provided for anyone who doesn't want to receive direct marketing and the person has not chosen to opt out.
- 5.55. These communications may be sent in various forms e.g., mail, SMS, and email, in accordance with applicable marketing laws, such as the Spam Act 2003(Cth).
- 5.56. If a preference for a certain method of communication is indicated, CDMN will endeavour to use that method whenever practical to do so. In addition, at any time a person may opt-out of receiving marketing communications from CDMN by contacting CDMN using the details in 7.2 below or by using the opt-out facilities provided in the marketing communications and we will then ensure that their name is removed from the mailing list.

#### 5.57. Security of Personal Information

- 5.58. Users of CDMN information and communication technology (ICT) systems are required to respect the confidentiality of personal information and privacy of persons.

- 5.59. Access to personal information in CDMN is restricted to those who require access.
- 5.60. CDMN has processes in place to protect the personal information held from misuse, interference, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password restricted access rights to computerised records.
- 5.61. CDMN has ICT security systems, policies, procedures, processes and controls, designed to protect personal information storage on our computer networks.
- 5.62. Where CDMN uses internet (or cloud) based storage systems, it will take reasonable steps to make sure third-party storage providers comply with the Privacy Laws.
- 5.63. Where CDMN no longer requires personal information for a purpose required under the Privacy Act, CDMN will take reasonable action to destroy or de-identify that information, unless it would be unlawful for us to do so.
- 5.64. CDMN has policies and procedures inclusive of email and internet usage, confidentiality and document security policies designed to ensure ICT users follow correct protocols when handling personal information.
- 5.65. ICT users receive training on the uses of CDMN ICT systems about data security and ensuring users are aware of their obligations in relation to privacy and ICT systems.
- 5.66. Due diligence with respect to third party service providers who may have access to personal information is undertaken, including cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principals or a similar privacy regime.
- 5.67. Where personal information is stored in hard copy records these records are stored in lockable filing cabinets in lockable rooms. Access to these records is restricted to staff on a need-to-know basis.
- 5.68. Physical security measures are implemented around buildings and grounds to prevent break-ins.

5.69. [Data Breach and Breach of Privacy Laws](#)

- 5.70. CDMN has a Data Breach Response Plan that sets out the steps to take and the people responsible for responding to a data breach.
- 5.71. If it is suspected that an ‘eligible data breach’ has occurred and there is a real risk of serious harm to a person/s as a result of the breach, CDMN is required to notify both the person affected and the Office of the Australian Information Commissioner as soon as possible by completing a Data Breach Notification Statement.
- 5.72. CDMN is obliged to notify the applicable NSW government agency immediately if it has reasonable grounds to believe there has been a breach of the Privacy Laws in connection with the delivery of Services under a Human Services Agreement.

### 5.73. Health Record Linkage Systems

5.74. CDMN will only use health records linkage systems (such MyHealth Record) with consent.

## 6. Enquiries and Complaints

- 6.1. For further information about the way CDMN manages personal information, please contact CDMN on the details in 7.2.
- 6.2. If it is believed that CDMN has acted contrary to this Policy or the Privacy Laws, please lodge a complaint in writing using the Submit feedback or complaint link or email provided in 7.2.
- 6.3. If a person makes a complaint about privacy, CDMN will acknowledge receipt of the complaint undertake inquiries and provide a response to the person within 30 days.
- 6.4. If not satisfied with the response, the person can contact the Office of the Australian Information Commissioner (OAIC) on 1300 363 992 to make a query about privacy rights or visit [www.oaic.gov.au](http://www.oaic.gov.au) for more information about how to lodge a complaint. The OAIC has the power to investigate the matter and make a determination.

## 7. Contact Details

- 7.1. Diocesan Complaints Management Services
- 7.2. 841 Hunter Street, Newcastle West 2302  
[Submit feedback or complaint](#)  
 P | 1300 461 831  
 E | [feedback@mn.catholic.org.au](mailto:feedback@mn.catholic.org.au)

## 8. Consequences of Breaching this Policy

- 8.1. Any worker found to be in breach of this Policy may be subject to disciplinary action, including where a serious breach occurs, dismissal.

## 9. Notations

- 9.1. If there is any inconsistency between a Policy Document in existence before the commencement of this Policy, and a Policy Document developed after the commencement of this Policy, the later applies to the extent of the inconsistency.

## 10. Document Review

10.1. This Policy will be reviewed when there is a legislative change, organisational change, delegations change, technology change or at least every 3 years to ensure it continues to be current and effective.

| REVISION NO. | PREPARED/REVISED BY AND DATE             | AMENDED SECTION(S) | AMENDMENT DESCRIPTION | APPROVED BY AND DATE |
|--------------|--|--------------------|-----------------------|----------------------|
| 1.           | Senior Policy Advisor,<br>September 2023 | New Document       |                       |                      |
|              |  |                    |                       |                      |
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