



**Diocese of Toowoomba**  
**SAFEGUARDING RECORD-KEEPING and**  
**INFORMATION-SHARING GUIDE**  
**14 April 2023**

The Catholic Diocese of Toowoomba is committed to ensuring the safety and well-being of all people who engage with the Catholic Church in our region of southern and south-west Queensland. This often occurs through contact with Parish communities embedded in town, city or rural settings. The Church reaches out to people through ministries of service and prayer, education and social services. In all of its activities the Catholic Diocese of Toowoomba takes a zero tolerance approach to all forms of abuse.

In the course of its immersion in the wider community, the Diocese, through its many personnel, engages with people who have experienced abuse and harm, whether current or historical. This engagement involves being entrusted with privileged and confidential personal information.

This *Safeguarding Record-Keeping and Information-Sharing Guide* addresses the rights of those who share personal information and the responsibilities of those who receive this information. In all matters, the best interests of the child, young person or adult at risk who has experienced abuse, come first.

The Diocesan Safeguarding Ministry Office, within the Bishop's Office building, in Toowoomba, is the primary site of secure storage of personal information of persons who have experienced abuse, current or historical, and who engage with the Diocese. Personal information may come to the Diocesan Ministry Office from several sources:

- A) through personal disclosure of abuse or harm, current or historical, to a person in Parish or Diocesan Ministry leadership (appointed, employed or volunteer) or to a member of the Parish or Ministry community; or directly to the Bishop;
- B) through personal disclosure or allegation of child abuse, current or historical, where Church personnel are the alleged offenders: these matters are addressed through the National Response Protocol (and Framework), approved by Australian Catholic Church Leaders in May 2022;
- C) through the National Redress Scheme, when a Request for Information (RFI) is directed to the Diocese by the NRS after accepting a Redress Application lodged by a person who claims to have been abused in a Parish, School or Diocesan setting;
- D) through a Personal Injury legal matter (civil action), when a lawyer representing a client serves a Notice of Claim on the Diocese, in which their client states that he or she was abused by a person who worked in the name of the Diocese, Parish or School (appointed, employed or volunteer) in their local community at the time of their abuse;
- E) through a Court matter (criminal action), when a person associated with the Diocese (Parish, Ministry or Agency) has been arrested by Police for a sexual abuse offence against another person, child or adult, and is brought to appear before a Court to answer the criminal charges.

All personal information is recorded and stored securely, in both paper and digital forms. All personal information is held confidentially within the Diocesan Safeguarding Ministry Office unless required by law in both civil and criminal processes or by the person who initially provided their information.

## **A+B) PERSONAL DISCLOSURE matters:**

**The first two sources of information [(a),(b)] involve personal disclosure to another person in the Diocese.** The responsible commitment by Diocesan personnel in these matters extends to:

- a) receiving a disclosure or allegation, with respect and concern for the person sharing their experience of abuse or harm, current or historical;
- b) recording this personal information, in a manner that is truthful, accurate and timely;
- c) keeping (storage of) this information, in a place that is secure and protected;
- d) sharing this personal information when required for the immediate safety of the person involved or another person:
  - i) appropriate and urgent sharing of this information with Police where there is immediate risk of current or ongoing abuse of a child, young person or adult at risk;
  - ii) appropriate sharing of this information with Child Safety Services where there is reasonable suspicion of current or ongoing abuse of a child or young person and there is no parent able or willing to protect the child;
- e) sharing this personal information, where it is required by law in the course of a Police Investigation or by a Court in the course of a judicial process;
- f) ensuring the person who provides their personal information is able to access their information.

### **a) Receiving a Disclosure or Allegation of abuse or harm:**

Leadership personnel and Staff in Parishes and Diocesan Ministries, and employed personnel in Diocesan Agencies (in education and social services), have been provided with formation and guidance on the initial reception of a personal disclosure or allegation. Given the specific contexts of education and social services sectors, this formation is provided through internal teams or persons, appropriately skilled and experienced. In Parishes and Diocesan Ministries, this formation and guidance is provided at a local level through regular Parish and Ministry meetings with the Diocesan Safeguarding Ministry Office personnel.

### **b) Recording a Disclosure or Allegation of abuse or harm:**

Parishes, Diocesan Ministries and Diocesan Agencies have been provided with Recording Forms relevant to their area of involvement with people. For Parishes and Diocesan Ministries this is covered with the following Form, available in the *Safeguarding Ministry Resources Folder*:

***Receiving and Recording a Disclosure Form (14 April 23)***

### **c) Keeping (storage of) personal information: secure and protected:**

The completed *Receiving and Recording a Disclosure Form* (in paper or digital form) is given to the local Parish or Ministry Leader (unless that person is named in the Disclosure), who forwards the *Disclosure Form* to the Diocesan Ministry Office in Toowoomba, where it is securely stored (in paper or digital form).

### **d) Sharing personal information where required for the immediate safety of the person involved or another person:**

- i) with Police: where there is immediate risk of current or ongoing abuse of a child, young person or adult at risk;
- ii) with Child Safety Services: where there is reasonable suspicion of current or ongoing abuse of a child or young person and there is no parent able or willing to protect the child.

For Parishes and Diocesan Ministries this is covered with the following Form, available in the *Safeguarding Ministry Resources Folder*:

***Reporting a Disclosure or Allegation to Authorities Form (14 April 23)***

**e) Sharing personal information, where it is required by law in the course of a Police Investigation or by a Court in the course of a judicial process.**

Parishes and Diocesan Ministries comply with Police and Court requirements, with assistance from the Diocesan Safeguarding Ministry Office. Diocesan Agencies in education and social services areas are assisted in this compliance by their internal Professional Standards Teams or persons.

**f) Ensuring the person who provides personal information is able to access their information, on request.**

The *Privacy Policy of the Catholic Diocese of Toowoomba* (02 December 2014) states:

“You may request access to personal information that is held about you. Access to your personal information must be provided to you, except in specific circumstances as identified by the Privacy Act 1988 (Cth) and the Privacy Principles.

*[ACSL Privacy Policy (10 April 2021) notes two such special circumstances: a) if giving access would unreasonably affect someone’s else’s privacy; and b) if giving access poses a serious threat to someone’s life, health or safety.]*

To access your personal information, you must make a written request to the senior position holder within the relevant parish, agency or school entity within the Diocese. In the event we decline a request to personal information in circumstances prescribed by the Privacy Act 1988 (Cth), we will provide you with a written notice that sets out the reasons for the refusal (unless it would be unreasonable to provide those reasons).”

**C) NATIONAL REDRESS SCHEME (NRS):**

The Diocese adheres to the clear guidelines provided by the NRS on possession and storage of personal records and the confidentiality required of personal information received through the Request for Information (RFI) Process. All access to NRS material is through the protected PRODA process. Only authorised Diocesan personnel have access. A Register of Authorised PRODA personnel is held by the Diocesan Safeguarding Ministry Office.

Where paper copies of NRS personal information and notifications are held in the Office, these are stored in secure and locked cabinets, with access restricted to Office personnel. Where RFI and NRS records are held online these are held in password protected Files and Folders on the Office computer, with password restricted to Office personnel. As NRS matters are completed, related Files and Folders are transferred to the ‘cloud’ in a secure Drive which only the Executive Officer can access. This provides permanent and secure storage for 50 years.

**D) PERSONAL INJURY Proceedings Act (PIPA) matters:**

The Diocese holds records on Civil matters in both paper and digital forms. All matters are held confidentially with restricted access to Files and Folders. Paper records are stored in secure and locked cabinets, with access restricted to Office personnel. Digital records and information are held in password protected Files in the Office computer. While in process and when completed all PIPA information is covered by legal privilege of lawyers representing the Diocese. Within the PIPA process, diocesan and personal information is shared with lawyers acting on our behalf. Otherwise Office personnel exercise strict confidentiality on all matters, in process or completed. When completed, these PIPA Files are transferred to the ‘cloud’ for long-term storage in a secure Drive, with access restricted to the Executive Officer.

## **E) COURT matters:**

The Diocese complies with all requirements of Police in processes of criminal investigation and with all requirements of the Court in judicial processes.

The Diocese holds records and personal information on Criminal matters that involved Diocesan personnel. These records are held in both paper and digital forms. All paper Files are stored in secure and locked cabinets. All digital Files are held initially on the password protected Office computer, then when completed, transferred to the secure Drive in the 'cloud'. Until recently, these Files were held securely in the Office Server but this has now been replaced with direct access to the 'cloud'. Confidential information on Criminal, Civil and NRS matters are all now held in the secure drive in the cloud, with password access restricted to the Diocesan Safeguarding Ministry Executive Officer.

## **SAFEGUARDING BRIEFING to Diocesan bodies:**

### **Diocesan Safeguarding Ministry Committee:**

In quarterly meetings of the Diocesan Safeguarding Ministry Committee, the Executive Officer provides summary information on all five areas (noted A-E), without personal identification, to ensure that the Committee is informed on the extent and nature of disclosures and allegations of abuse within the Diocese and is better able to discern areas of emerging risk. The Bishop is present and presides at these meetings.

Similar de-identified information is provided to **Diocesan Leadership bodies** in the course of their regular meetings:

- a) Diocesan Pastoral Council;
- b) Diocesan Council of Priests;
- c) Diocesan College of Consulters;
- d) Diocesan Finance Council.

Members of the Diocesan Safeguarding Ministry Office and the Toowoomba Catholic Schools Student Protection Team meet regularly for discussion and review of safeguarding matters and cases that involve both bodies. These Case Summary Meetings are strictly confidential. They contribute significantly to the effective operation of both Diocesan safeguarding bodies.

The Diocese of Toowoomba and all its Parishes, Diocesan Ministries, and Diocesan Agencies in education and social services, commit to a zero tolerance approach to all forms of abuse. In our view and practice, as we engage with all people with whom we come in contact in our communities, the best interests of the child, young person or adult at risk, come first. Information that we receive and records that we hold, are treated with respect and security, mindful of the trust that has been given.