

# PROTOCOL FOR ACCESS TO AND DISCLOSURE OF INFORMATION IN THE NATIONAL REGISTER

## Part 1 General

### *Title*

- 1 The Protocol may be cited as the "Protocol for access to and disclosure of Information in the National Register 2007".

## Part 2 Access by authorised persons

### *Acknowledgment and agreement of authorised persons*

- 2 The General Secretary must not allow an authorised person other than himself or herself to have any access to Information in the National Register unless he or she has received a signed document in the form of the acknowledgement and agreement at the end of this Schedule from the authorised person. The General Secretary must sign this form of acknowledgement and agreement before undertaking any responsibility under this Canon. The acknowledgment and agreement will remain in force unless withdrawn or the signatory ceases to be an authorised person.

### *Register of authorised persons*

- 3 The General Secretary must maintain a register of the name, contact details, and the period of access to the National Register, of each authorised person.

### *Record of reason for access*

- 4 Each time an authorised person has access to Information in the National Register relating to a member of the clergy or lay person (other than the General Secretary, or any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register), he or she must declare to the General Secretary the reason for the access, and the Church authority to which the Information will be disclosed.

### *Log of access by authorised persons*

- 5 The General Secretary must maintain a log of each access recording the name of the authorised person and the member of the clergy or lay person, the details on the declaration relating to the access, and the date of access.

### *Access by and disclosure to third parties under compulsion of law*

- 6 Subject to this Protocol, an authorised person may only give access to, and disclose, Information in the National Register relating to a member of the clergy or lay person to a person if compelled by law to do so.

*Non- disclosure of information where there is a police request*

- 6A<sup>1</sup> An authorised person who has access to Information in the National Register in respect of which there is a notation of a police request must not disclose the existence or substance of the Information to the person to whom the Information relates.

**Part 3 Access and disclosure by a Diocesan Representative**

*Ordination, the issue of a licence or appointment to a position within the diocese*

- 7 Where a Church authority proposes to ordain, or issue a licence to, or to appoint to a position within the diocese, a member of the clergy or lay person, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

*Application for ordination, the issue of a licence or appointment to a position within the diocese*

- 8 Where a member of the clergy or lay person applies for ordination, or the issue of a licence, or appointment to a position within the diocese, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

*Invitation to apply for ordination, the issue of a licence or appointment to a position within the diocese*

- 9 Where a Church authority invites a member of the clergy or lay person to apply for ordination, or the issue of a licence, or appointment to a position within the diocese, and the member of the clergy or lay person expresses interest in making an application, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

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<sup>1</sup> Inserted by the Sixteenth Session of General Synod 1 July 2014.

#### **Part 4 Access and disclosure by the Defence Force Representative**

- 10 The Defence Force Representative, where required to by the Primate or the Bishop to the Defence Force, is authorised to have access to and disclose any Information in the National Register relating to a member of the clergy or lay person in the same circumstances as a Diocesan Representative.

#### **Part 5 Access and disclosure by a Director of Professional Standards**

##### *Abuse and allegations of abuse*

- 11 Where a Director of Professional Standards receives information relating to sexual misconduct or child abuse or alleged sexual misconduct or child abuse by a member of the clergy or a lay person, he or she is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to an Investigator, Determiner or other applicable Church authority.

##### *Appointment of persons to professional standards roles*

- 12 Where a Church authority proposes to appoint a member of the clergy or lay person to or in a professional standards role, and the member of the clergy or lay person has expressed interest in accepting the appointment, the Director of Professional Standards, where required by the relevant procedures for the appointment of persons to professional standards roles, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person expressing interest in the appointment, and the Church authority.

##### *Election of bishop*

- 13<sup>2</sup> Where a member of the clergy accepts nomination, or expresses interest in accepting nomination, for appointment as a bishop, or has been so nominated and consents to a search of the National Register for Information relating to the nominee, the Director of Professional Standards, where required to by the procedures of the diocese for the election of a bishop, is authorised to have access to any Information in the National Register relating to the member of the clergy. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to each member of the clergy accepting nomination or expressing interest in accepting nomination, and the Church authority or nomination committee.

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<sup>2</sup> Amended by Resolution SC2010/1/54 of the Standing Committee of General Synod on 16-18 April 2010.

### *Election of persons by a Church authority*

- 14 Where a Church authority holds an election for which members of the clergy or lay persons are candidates, the Director of Professional Standards, where required to by the procedures of the diocese for the conduct of elections, is authorised to have access to any Information in the National Register relating to the candidates. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the candidates, and the Church authority.

### *Consecration of bishop*

- 15 Where a person in priest's orders is to be consecrated bishop:
- (a) the Director of Professional Standards of the diocese for or in respect of which the consecration is to take place; or
  - (b) the Director of Episcopal Standards in any other case; is authorised to have access to any Information in the National Register relating to the person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person to be consecrated and the Metropolitan, Primate or other bishop as the case requires.

### *Disclosure to third parties where there is consent*

- 16 A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose in writing whether there is any such, and if so what, Information to a third party, where he or she has received the consent in writing of the member of the clergy or lay person. The Director of Professional Standards must take reasonable steps to check the postal or electronic address of the third party before sending a letter containing the disclosure to the third party at that address.

### *Disclosure to third parties where necessary to protect persons from the risk of abuse*

- 17 A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose that Information to a third party, where he or she reasonably believes that disclosure is necessary to protect the third party or any other person from the risk of abuse by the member of the clergy or lay person.

## **Part 6 Access and disclosure by the General Secretary**

### *Election of the Primate*

- 18 When an election is held for the Primate, each of the General Secretary and the Director of Episcopal Standards, where required to by the Primate Canon 1985, is authorised to have access to any Information in the National Register relating to the candidates and disclose whether there is any such, and if so what, Information to the candidates, and the Board of Electors.

### *Election and appointment of persons by the General Synod*

- 19 Where the General Synod holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the General Synod for the conduct of elections and making appointments, is authorized to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the General Synod.

### *Election and appointment of persons by the Standing Committee*

- 20 Where the Standing Committee holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for the conduct of elections and making appointments, is authorised to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the Standing Committee.

### *Advice by the Standing Committee to the Primate regarding the appointment of members of the Professional Standards Commission*

- 20A<sup>3</sup> Where the Primate seeks the advice of the Standing Committee regarding the appointment of a member of the Professional Standards Commission under s 14 of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998, and a person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for giving advice regarding such an appointment, is authorized to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.
- 20B<sup>4</sup> The General Secretary is authorised to have access to Information relating to child abuse and to disclose it in de-identified form to the Royal Commission Working Group and to any lawyer or other person retained on behalf of the General Synod for any purpose in connection with providing advice to the Primate, Dioceses and Anglican organisations with the preparation of material for and submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse.

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<sup>3</sup> Inserted by Resolution SC2009/3/036 of the General Synod Standing Committee 16-18 October 2009.

<sup>4</sup> Inserted by Resolution SC2013/1/22 of the General Synod Standing Committee 25-28 April 2013.

### *Certificate as to Information in the National Register*

- 21 The General Secretary will provide to a member of the clergy or lay person, at his or her request, a certificate stating whether there is any, and if so what, Information in the National Register relating to the member of the clergy or lay person.

### **Part 6A Access and Disclosure by the Primate**

#### *Appointment of the General Secretary*

- 21A<sup>5</sup> Where the Standing Committee proposes to appoint the General Secretary (whether in a permanent or acting capacity), and a person expresses interest in the appointment, the Primate, where required to by the procedures of the Standing Committee for making such an appointment, is authorized to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

### **Part 7 Access by staff of the General Synod Office**

- 22<sup>6</sup> Any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register is authorised to have access to any Information in the National Register for the purposes of:
- (a) providing assistance to another authorised person and carrying out any maintenance or enhancement of the National Register; and
  - (b) disclosing to a person duly authorised by the Bishop of a diocese to conduct an audit or other formal review of compliance by personnel of that diocese with duties under the National Register Canon 2007 and the protocols made thereunder.

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<sup>5</sup> Inserted by Resolution SC2009/3/036 of the General Synod Standing Committee 16-18 October 2009.

<sup>6</sup> Amended by Resolution SC2014/3/2 of the General Synod Standing Committee 21-23 November 2014.

### **Acknowledgment and agreement**

I (insert name), the (insert position and diocese if applicable) acknowledge that I have read the protocols approved under the National Register Canon 2007:

- (a) Protocol for provision of Information for inclusion in the National Register 2007;
- (b) Protocol for access to and disclosure of Information in the National Register 2007;
- (c) Protocol to ascertain the details of any Information and access to that Information in the National Register 2007;
- (d) Protocol for amendment of Information in the National Register 2007.

I agree to abide by these protocols, and not to disclose my password to any other person.

(Date)

(Signature)