

WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

25 Columbia Heights, Brooklyn, NY 11201-2483 • Tel. 718 560-5000

GAJ:LPX August 19, 2008 No. 542S

Via E-Mail

TIME-SENSITIVE

Branch Committee
AUSTRALIA

Re: Privacy Laws and Proposed Revision of S-77 Form

Dear Brothers:

We have at hand your letter dated AB:LLA July 15, 2008, No. 322, regarding Australia's *Privacy Amendment (Private Sector) Act, 2000*, and your proposed adjustments to the S-77 form. We apologize for our delay in replying, but we are happy to do so now. You say that organizations subject to the privacy law must on request provide individuals with any personal information held about them and that organizations may retain "sensitive" information (which includes information about religious, ethnic or sexual practices) only with the individual's consent.

To avoid the inclusion of sensitive information that would be viewed as undesirable under the privacy law, you propose that:

- the S-77 form include a series of check-off boxes without Scriptural references of the disfellowshipping offense(s) instead of the current form's request for a summation and explanation of the offense(s);
- the S-77 form include a statement of the primary purposes for retaining the form as well as statements from the branch and the judicial committee chairman that all other records have been destroyed;
- a S-77 form instruction sheet be provided separate from the S-77 form itself because separate instructions would not be subject to disclosure as they would not contain personal information;
- the judicial committee prepare a detailed summary of the case on a separate sheet that would be sent to the Service Desk but would be discarded after the matter has been considered and finalized by the Service Desk.

While we agree in general with your recommendations, we think it would be better to show the series of disfellowshipping offenses (now shown as check-off boxes) in the separate instruction sheet instead of listing these as check-off boxes on the S-77 form itself. In the instruction sheet, we wish for you to show the appropriate Scriptural citations next to each offense. The judicial committee can be instructed to copy the appropriate wording (along with the corresponding Scriptural citation) from the instruction sheet to the S-77 form. Furthermore, the point on "Lying" should be adjusted to say "Malicious lying." We look forward to reviewing the adjusted form and instruction sheet.

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We also wonder how you propose to track those who have been accused of, and/or disfel-lowshipped for, child molestation and other abuse to protect against their being appointed to po-sitions of responsibility in the future. Please let us know how you will be tracking such persons.

Also, in view of the privacy law's express exemption of 'small businesses' (i.e., those with less than \$3,000,000 (Australian) in annual turnover), we wonder if the formation of a new legal entity that would supervise religious activities only, but would receive little if any income, might come within the statutory exemption with respect to any judicial or other personal records it would keep. (Mark 12:17; Romans 13:1, 7) We would appreciate your thoughts on the possi-ble formation of such a new legal entity.—Proverbs 15:22.

We appreciate your hard work on behalf of the brothers in Australia and send our warm Christian love and best wishes.

Your brothers,

Service Committee

c: U.S. Legal Department

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