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*This Regulation was approved by the Permanent Council of the German Bishops' Conference on 18 November 2019 in Würzburg.*

## **Regulation**

### **for dealing with sexual abuse of minors and of vulnerable adults by clergy and other church staff**

#### **A. Introduction**

##### **Preamble**

The German bishops have agreed the following Regulation in their responsibility to protect the dignity and integrity of minors and vulnerable adults. It therefore constitutes a continuation of the 2002, 2010 and 2013 Guidelines and takes account of the instructions given by the Congregation for the Doctrine of the Faith in its Circular Letter to the Episcopal Conferences of 3 May 2011.<sup>1</sup>

This Regulation shall ensure a uniform and legally secure procedure in the domain of the German Bishops' Conference.

The suffering of the victims of sexual abuse is recognized and they are entitled to special attention and assistance.

They must be protected against further sexual violence and they and their relatives, as well as persons close to them and the bereaved must be offered support and guidance in dealing with experiences of abuse. Sexual abuse, above all of minors and vulnerable adults, is a crime.<sup>2</sup>

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<sup>1</sup> The Congregation for the Doctrine of the Faith stated on 5 April 2013, that Pope Francis had tasked the Congregation with pursuing the course taken by Benedict XVI and with proceeding in a decisive manner with regard to the cases of sexual abuse; this means, above all, the measures to protect minors, help for those who have been victims of such attacks in the past, taking suitable action against the guilty parties and the contribution of the Episcopal Conferences in formulating and implementing the necessary instructions in this field, which is so important for the witness and credibility of the Church.

<sup>2</sup> "Sexual abuse is a crime", said Cardinal Reinhard Marx, President of the German Bishops' Conference, in his Statement on the presentation of the study "Sexual abuse of minors by Catholic priests, deacons and male members of orders in the domain of the German Bishops' Conference" on 25 September 2018 in Fulda.

Especially if church employees commit such acts<sup>3</sup>, this frequently shakes the victims' and their families' fundamental trust in God and in their fellow humans at the same time as having the potential to cause serious psychological damage. It is the duty of the offenders<sup>4</sup>, to face up to their responsibility and to the consequences of their offence.<sup>5</sup>

## Fundamentals

1. Employees in the service of the Church within the meaning of this Regulation are in particular
  - clerics and candidates for the office of consecration,
  - religious,
  - church officials,
  - employees,
  - persons engaged in their vocational training,
  - persons working according to the Federal Volunteer Service Act or the Youth Volunteer Service Act or in comparable services as well as interns,
  - temporary workers and other workers employed by third enterprises.

Bishops, Cardinals and other clergy who temporarily direct or have directed a diocese shall be subject to special provisions for offences committed during their term of office, both with regard to the handling of suspected cases of sexual abuse and with regard to acts and omissions aimed at influencing or circumventing governmental or ecclesiastical investigations of an administrative or criminal nature against a cleric or religious for offences of sexual abuse.<sup>6</sup>

For employees in the service of the Church, this Regulation, to the extent that it affects the employment relationship, shall have legal effect only if it has been adopted by the competent labour-law commissions within the meaning of Article 7 of the Basic Rules of the church service within the framework of church employment relationships.

Church institutions which are not subject to episcopal legislative power are only to be recognized by the (Arch)diocese and the Association of German Dioceses as eligible for

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<sup>3</sup> Cf. Declaration by the German Bishops' Conference at its Spring Plenary Assembly held in Freiburg from 22 to 25 February 2010 on the occasion of the discovery of cases of sexual abuse of minors within the Church.

<sup>4</sup> In the interest of better readability, no explicit distinction is made between gender-specific personal designations. The chosen form includes all sexes.

<sup>5</sup> Cf. Pope Benedict XVI, *Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland* of 19 March 2010, No. 7: "You (who have abused children) betrayed the trust that was placed in you by innocent young people and their parents, and you must answer for it before Almighty God and before properly constituted tribunals. ... I urge you to examine your conscience, take responsibility for the sins you have committed, and humbly express your sorrow. ... God's justice summons us to give an account of our actions and to conceal nothing. Openly acknowledge your guilt, submit yourselves to the demands of justice, but do not despair of God's mercy."

<sup>6</sup> Cf. Pope Francis, Apostolic Letter *motu proprio datae Vos estis lux mundi* (VeL) of 7 May 2019, Art. 1 § 1b) and Art. 6 and Pope Francis, Apostolic Letter *motu proprio datae Come una madre amorevole* of 4 June 2016.

promotion, if they have either bindingly incorporated this Regulation into their Statute or if they have issued their own equivalent regulations for dealing with sexual abuse. The change of the statute and/or the submission of equivalent own regulations must take place at the latest to 30 June 2021. Equivalence is determined by the German Bishops' Conference.

2. This Regulation shall take into account the provisions of ecclesiastical and state law. The term "sexualized violence" within the meaning of this Regulation shall encompass both criminal and non-criminal sexual acts and instances in which boundaries are overstepped.

The Regulation thus refers to

- a) acts in accordance with par. 13 of the Special Part of the German Criminal Code (*StGB*) as well as to further sexual criminal offences,
- b) those acts in accordance with canon 1395 § 2 CIC in conjunction with Art. 6 § 1 SST<sup>7</sup>, and in accordance with canon 1387 CIC in conjunction with Art. 4 § 1 n. 4 SST and in accordance with Art. 4 § 1 n. 1 SST in conjunction with canon 1378 § 1 CIC, insofar as they are committed on minors or individuals who habitually lack the use of reason,
- c) acts in accordance with Art. 1 § 1a) VeL.
- d) In addition, and taking into account the particularities of the individual case, it shall apply to facts falling below the threshold of punishability which constitute overstepping a line or another sexual attack in pastoral or teaching work, as well as in care, advisory work or nursing when dealing with minors and vulnerable adults.

It shall relate to all forms of conduct and to the handling of matters (within or outside the church service) with a sexual connection vis-à-vis minors and vulnerable adults which take place with their alleged consent, without their consent or against their explicit will.

This also includes all acts to prepare, implement and keep secret sexualized violence. When dealing with cases of sexual abuse within the meaning of this Regulation, all those responsible must observe both church and state legal provisions. This can lead to different approaches and assessments (e.g. with regard to the group of individuals concerned, the age of the victim, the limitation period).

The procedural rules which apply to the Church's actions shall be those which are applicable at the start of the investigation, regardless of how long ago the sexual abuse took place.

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<sup>7</sup> Pope John Paul II, Apostolic Letter motu proprio datae *Sacramentorum sanctitatis tutela* (SST) of 30 April 2001. The normative part announced in this letter is available in its current form as *Normae de gravioribus delictis* of 21 May 2010. (These *normae*/standards are quoted by mentioning the corresponding article and adding the abbreviation for the reference document: SST.)

3. Vulnerable adults are persons subject to protection in the sense of § 225 para. 1 of the German Criminal Code (*StGB*)<sup>8</sup>. Employees in the service of the Church have a special responsibility towards these persons, either because they are entrusted to their care and custody or because they are particularly at risk within the meaning of this Regulation solely because of their need for protection or assistance.

It also includes persons who are subject to a special relationship of power and/or dependence. Such relationship can also exist or arise in a pastoral context.

## **B. Responsibilities**

### **Contact persons and establishment of a staff of advisers**

4. The diocesan bishop shall commission professionally qualified and personally suitable persons as contact persons to provide information regarding suspected cases of sexual abuse of minors as well as vulnerable adults by church employees.  
The assignment is for a maximum of three years and can be repeated.  
At least two persons, both a woman and a man, should be appointed.  
In addition, at least one non-church specialist counselling centre should be designated as an independent contact point.
5. The commissioned contact persons are independent of instructions. They must not be subject to an employment relationship with the diocesan bishop that is based on instructions.
6. The name, contact details and the profession of the contact persons and the independent extern counselling centres shall be made public in a suitable manner, in particular in the Official Gazette and on the (Arch)diocese's Internet page.
7. The diocesan bishop shall establish a standing staff of advisers to provide advice on questions relating to dealing with sexual abuse of minors and vulnerable adults. This shall include: the commissioned contact persons, the diocesan prevention commissioner and persons with psychiatric-psychotherapeutic, pastoral, legal expertise<sup>9</sup> as well as expertise in ecclesial law and well-founded specialist experience and skills in working with victims of sexual abuse. Victims of sexual abuse shall also be included in the advisory staff. Individuals who are employed in the service of the Church may also belong to the advisory staff.

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<sup>8</sup> Whosoever tortures or seriously abuses or by maliciously neglecting his duty of care for a person, damages the health of a person under eighteen years of age or a person who is defenceless due to frailty or illness and who 1. is in his care or custody; 2. belongs to his household; 3. has been placed under his control by the person obliged to provide care; or 4. is subordinated to him within a relationship of employment, (...). (*StGB* § 225, para 1).

<sup>9</sup> In the event that a church employee is affected, labour law expertise must be guaranteed.

In addition, external expert advice shall be consulted.

Further individuals with suitable specialist areas may be involved in individual cases.

8. Several diocesan bishops together may establish an inter-diocesan staff of advisers.
9. The responsibility of the diocesan bishop shall remain unaffected.

### **Receipt of reports and information to the Ordinary**

10. The commissioned contact persons shall accept information regarding sexual abuse of minors and vulnerable adults in accordance with this Regulation.
11. All staff who are in the service of the Church shall inform the responsible individual at management level of the institution in which they are employed or the commissioned contact persons without delay of suspicions regarding acts in accordance with no. 2 of this Regulation coming to their notice in the context of their work.

The same shall apply if they become aware of the opening or outcome of an ongoing investigation or of a conviction in the context of the employment. Having received the respective information, the responsible individual at management level without delay informs the commissioned contact person.

Taking account of the provisions on the sacramental seal (cf. canons 983 and 984 CIC<sup>10</sup>), the obligation shall always exist in the context of pastoral discussions to report to the responsible individual at management level or one of the commissioned contact persons when there is a risk to life and limb, as well as when other affected individuals may be concerned. The provisions contained in section 203 of the Criminal Code (*StGB*) shall be complied with in so doing. All and any statutory or church obligations of confidentiality or obligations to notify with regard to church or state agencies (for instance Federal youth welfare office, school supervision), as well as towards service superiors shall remain unaffected thereby.

12. Anonymous reports or rumours shall be heeded if they contain factual indications for investigations.
13. Irrespective of plausibility considerations, the Ordinary or the Head of the ecclesial legal entity where the accused person is employed is immediately informed by the commissioned contact persons or by the responsible person at management level of the suspicion of actions within the meaning of no. 2 of this Regulation or of the initiation or result of an ongoing investigation or of a conviction occurred.

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<sup>10</sup> Cf. also canon 1388 § 1 CIC in conjunction with Art. 4 § 1 n. 5 SST.

The Ordinary or the Head of the ecclesial legal entity where the accused individual is employed shall ensure that others who bear a particular responsibility for the accused individual are informed about a suspected sexual abuse in the sense of this Regulation as well as about the initiation or the result of an ongoing investigation or about a conviction occurred. In particular, the incardination Ordinary shall be informed in the case of clergy belonging to another diocese or another incardination association, the competent higher superior of the Order in the case of members of the Order, the employing authority in the case of church officials and employees who are employed elsewhere than in the area of responsibility of their employing authority and, in the case of volunteers, the church authority which is to be regarded as the contracting authority.

### **Forwarding of information to other ecclesial and non-ecclesial agencies**

14. Strong suspicion of sexual abuse in the sense of this Regulation may only be passed on by the Ordinary or the Head of the ecclesial legal entity where the accused is employed, by a third party only in agreement with the latter and only to other ecclesial or non-ecclesial authorities if this appears to be urgently necessary in individual cases for the protection of minors and vulnerable adults and if protection cannot be achieved in any other way. The passing on of information to the prosecution authorities remains unaffected by this (cf. no. 33 ff.).

### **Responsibilities within the further procedure**

15. The following persons may be responsible for the further procedure with regard to clergy: the local Ordinary of the domicile of the accused person (cf. canon 1408 CIC) or the local Ordinary of the place where the criminal offence was committed (cf. canon 1412 CIC) or the Ordinary presiding over the accused person's diocese of incardination. The Ordinary, who is informed first, shall ensure that a decision is taken without delay on the responsibility for further proceedings.
16. In cases of religious who act on an episcopal mandate, the diocesan bishop who has issued this mandate shall be responsible, regardless of the responsibility of the higher superior. Where the religious no longer act on an episcopal mandate, the diocesan bishop shall support the higher superior.
17. In other cases, responsibility shall lie with the respective higher superiors. The latter shall be strongly advised to inform the diocesan bishop with local responsibility of actual indications of sexual abuse of minors or vulnerable adults in their area of responsibility, as well as of any steps which have been taken (cf. no. 33).
18. In the case of church officials and employees, the responsibility lies with the superiors responsible under employment law, in the case of volunteers with the person commissioning the work.

19. In the case of deceased accused persons or offenders, the last employer or client is responsible. If the latter no longer exist, the legal successor or the diocesan bishop of the local diocese is responsible.

**C. Method to be followed on information coming to notice**

20. After information coming to notice, an initial assessment of plausibility is carried out by the contact persons commissioned. The personal rights of all parties involved, the special need for protection of minors and the requirements of any criminal proceedings must be taken into account both in this process and in the further course of action. This plausibility assessment can also be carried out within the framework of the advisory staff.

**Discussion with the victim**

21. Should a victim or his legal representative wish to provide information regarding sexual abuse, one of the commissioned contact persons shall arrange a discussion in which the person affected is informed about the possible further procedure, assistance and support possibilities. This includes, in particular, the possibility of using an external specialist counselling centre, which can provide anonymous and independent advice. If this is desired, the concrete submission of the case can be discussed afterwards or in another discussion.

The contact person commissioned must call in another person for this interview. The victim or his legal representative may bring to the discussion a person enjoying his confidence. This must be expressly pointed out.

At the beginning of the discussion, the victim must be informed that, as a rule, actual indications are to be forwarded to the prosecution authorities and other competent authorities in accordance with the provisions of nos. 33 and 34. Likewise, the further procedural steps must be pointed out in an appropriate manner.

22. The protection of all parties concerned from the public disclosure of information which is given in confidence shall be ensured: This refers in particular to the victim, the accused (cf. no. 32) and the person reporting the offence.
23. Minutes shall be taken of the talks, in which the complete personal details shall be included. The minutes shall be signed by the keeper of the minutes and the victim or his legal representative. A copy of the minutes shall be given to the victim.
24. The victim or his legal representative shall be encouraged to make his own report to the criminal prosecution authorities. If needed, the necessary support shall be given in an appropriate manner.

25. The Ordinary or the Head of the ecclesial legal entity shall be informed about the outcome of the discussion.

### **Interview with the accused person**

26. Insofar as the clarification of the facts is not placed at risk and the investigative work of the criminal prosecution authorities is not hindered thereby, a representative or commissioned person of the Ordinary or of the employer with the consultation of a lawyer – possible in the presence of the commissioned contact person – shall interview the accused person with regard to the accusations. The protection of the victim must always be ensured before the discussion takes place.

If the accused is a cleric and there is at least a probable criminal offence under no. 2b) or c) of this Regulation, the hearing shall not take place immediately according to nos. 26 to 32, but in accordance with nos. 36 to 39.

27. The accused person shall be informed of the possibility to bring a person enjoying his confidence or a lawyer, if desired.
28. The accused person shall be informed of the possibility to refuse to make a statement (cf. canon 1728 § 2 CIC). If priests are accused, they shall be informed that they are absolutely obliged to keep the sacramental seal (cf. canon 983 and 984 CIC<sup>11</sup>).
29. Information shall be provided on the obligation to forward factual evidence to law enforcement and other competent authorities in accordance with the provisions of no. 33. The accused person shall be informed of the possibility to report himself to the criminal prosecution authorities.
30. Minutes shall be taken of the talks. The minutes shall be signed by the keeper of the minutes, the accused or his legal representative. If an agreement cannot be reached, there shall be a right of reply. A copy of the minutes shall be given to the accused.
31. The Ordinary or the Head of the ecclesial legal entity shall be informed of the outcome of the talks.
32. The obligation of welfare shall also exist towards the accused person. He shall be presumed innocent until proven otherwise – regardless of any direct measures which are required.  
If the accused is already deceased, the duty to preserve his personal rights continues to exist.

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<sup>11</sup> Cf. also Art. 24 § 3 SST; canon 1388 CIC in conjunction with Art. 4 § 1 n. 5 SST.



**Cooperation with the state criminal prosecution authorities and other responsible authorities**

33. As soon as factual indications are available for the suspicion of a criminal offence in accordance with Chapter 13 or other criminal offences of the Criminal Code (*StGB*) against minors or vulnerable adults, a representative of the Ordinary or the ecclesial legal entity shall forward the information to the state criminal prosecution authority and – insofar as legally required – to other responsible authorities e.g. (Federal) youth welfare office, school supervision. Legal obligations incumbent on other ecclesial bodies shall remain unaffected thereby.
34. The obligation to forward the information to the criminal prosecution authority shall only cease to apply exceptionally, if this is the explicit will of the victim or of his legal representative and the waiver of a notification is legally permissible. In each case, the criminal prosecution authorities shall be involved if further dangers are to be feared or further putative victims might have an interest in the criminal prosecution of the offences.
35. The reasons for the waiver of a notification in accordance with no. 34 shall require precise documentation by the contact person leading the conversation. The documentation shall be signed by the victim or his legal representative in the presence of an employee of an external counselling centre.

**Special features in the case of accused clerics and members of religious orders – Preliminary Investigation in accordance with canon 1717 § 1 CIC**

36. In the event of a criminal offence having at least probably been committed by a member of the clergy, the Ordinary, in accordance with canon 1717 § 1 CIC, shall decree the initiation of a Preliminary Investigation, and shall nominate the person to carry out the Preliminary Investigation. The person who is to carry out the Preliminary Investigation shall hold the hearing of the accused person, complying with nos. 26 to 32. If there is a risk of the investigation work of the criminal prosecution authorities being hampered, the Preliminary Investigation must be suspended.
37. The person who is to carry out the Preliminary Investigation shall summarize the outcome of said Investigation in a report to the Ordinary.  
The Preliminary Investigation is concluded with a decree and the appropriate files shall be kept in accordance with canon 1719 CIC.
38. If the Preliminary Investigation confirms the suspicion of sexual abuse, the Ordinary shall inform the Congregation for the Doctrine of the Faith in accordance with Art. 16 SST in all cases which have been reported since 30 April 2001, and where the accused person is still alive, regardless of whether or not the Canonical criminal charge has lapsed. This information shall be furnished by completing a form provided by the Congregation, sending a copy of the Preliminary investigation files, and enclosing a

vote of the Ordinary, as well as a statement on the part of the accused. It shall be solely a matter for the Congregation to decide what further action is to be taken: whether it might derogate from prescription (Art. 7 § 1 SST), whether it takes on the case itself (cf. Art. 21 § 2 n. 2 SST), and whether the decision is to be taken in a judicial process (Art. 21 § 1 SST) or by extrajudicial decree (Art. 21 § 2 n. 1 SST).

39. If, in the case of a religious, the competent superior is of the opinion that a dismissal from the religious order may be necessary according to canon 695 § 1 CIC, he shall proceed in accordance with canon 695 § 2 CIC.

### **Measures to clarify the case**

40. If there are factual indications of the suspicion of sexual abuse of minors or vulnerable adults, the Ordinary, the higher superior of the order or the employer decides on the further procedure under consideration of the provisions of church law, labour law, service law and contract law. The obligation from no. 33 to forward the information to the criminal prosecution authorities remains unaffected by this.

In the case of clergy, in accordance with Art. 19 SST the Ordinary can order concrete measures listed in canon 1722 CIC (for instance exclusion from function; exclusion from the territory or place of work; exclusion from activities in which minors could be placed at risk).

In the case of other church employees, the employer may order the suspected person to be temporarily released from his duties until the facts of the case have been clarified. He shall take appropriate and proportionate measures to ensure that the alleged offence cannot be repeated.

41. Insofar as regulations apply beyond this for the state area, those regulations shall apply accordingly.

### **Steps to be taken in unsolved cases in accordance with state law**

42. If the suspicion of sexual abuse is not clarified in accordance with state law, for instance because it has become statute-barred, but factual indications exist justifying the presumption of sexual abuse of minors or vulnerable adults, the responsible church agencies themselves should endeavour to bring about clarification.

If the accused has died, the responsible church authorities are still obliged to process the case.

No. 40 and 45 shall apply correspondingly with clergy up to a decision of the Congregation for the Doctrine of the Faith.

43. In doing so, a forensic-psychiatric expert report on the accused person, and where appropriate also a plausibility report on the statement of the victim can be commissioned.

The necessity to obtain such expert reports shall be carefully examined and documented.

#### **Measures in the event of a false accusation**

44. If an accusation or suspicion of a cleric proves to be ill-founded, this shall be recorded by the Ordinary in the final decree of the Preliminary Investigation. This decree shall be kept together with the investigation files in accordance with canon 1719 CIC. In the case of another employee in church service, the unfoundedness of an accusation or suspicion must be recorded in writing.

If an accusation or suspicion turns out to be unfounded after thorough examination, the Ordinary, the higher superior of the Order, the employer or the principal, in agreement with the person concerned, shall do everything to restore the good name of the person wrongly accused or suspected and to protect him.

#### **D. Assistance**

##### **Duty to provide information and assistance to victims**

45. Unless the Ordinary appoints another suitable person, he shall inform the commissioned contact person of the decided measures and the current state of implementation so that he can inform the person concerned or his legal representative thereof.
46. Assistance shall be offered or arranged for the victim, his relatives, persons close to the victim or the bereaved. The offers of assistance shall be oriented in line with the respective individual case and they shall include pastoral and therapeutic assistance in particular.

If there is a desire to talk to a responsible executive, this must be taken into account. Assistance from non-church institutions is also available. This possibility shall also exist if the case has become statute-barred or the accused is deceased. This notwithstanding, victims may apply for “benefits in recognition of the suffering imposed on the victims of sexual abuse”.

47. The Ordinary shall be responsible for the decision on the granting of concrete assistance; with regard to independent ecclesial institutions, the legal entity shall be responsible.
48. When granting assistance for a victim of abuse, there should be close cooperation with the competent youth welfare office or with other specialist agencies. For this purpose, the Ordinary provides these offices with all the necessary information.

### **Assistance for church institutions, deaneries and parishes concerned**

49. The competent individuals of the church institutions, deaneries and parishes concerned shall be informed by the Ordinary regarding the state of any ongoing proceedings while respecting the rights of the parties concerned. They and their institutions and/or deaneries and parishes may receive support in order to be able to cope with the strains connected with the proceedings and their management.

### **E. Consequences for the offender**

50. Action shall be taken against those acting in the service of the Church who have sexually abused minors or vulnerable adults or for whom there is actual evidence of sexual abuse, in accordance with the relevant provisions of state and church service or labour law.
51. Offenders convicted under 2a), 2b) or 2c) are not assigned to work with minors and vulnerable adults within the Church.  
In the case of offenders who have been proven to have acted in accordance with no. 2d), a decision will be made on further deployment in each individual case.
52. The deployment of an offender, who has committed acts in accordance with 2a), 2b) or 2c), in the pastoral service is generally excluded. Taking into account, in particular, the seriousness of the offence and the consequences for the person affected, the assignment of a pastoral service may be considered in exceptional cases only if the service in question does not present a danger to minors or to vulnerable adults and does not give rise to nuisance. The person affected must be given the opportunity to comment on this. A forensic-psychiatric expert report shall be commissioned in order to carry out a risk assessment on the person in question. In his decision, the Ordinary will also consider whether the offender has actively assumed responsibility.

In the case of proven acts in accordance with no. 2d), a pastoral service may be assigned or continued if the particular service does not present a danger to minors or vulnerable adults and the assignment does not cause a nuisance. The person affected must be given the opportunity to comment on this. A forensic-psychiatric expert report may be commissioned in order to carry out a risk assessment on the person in question. In his decision, the Ordinary will also consider whether the offender has actively assumed responsibility. In the case of these measures, it is irrelevant whether the act is time-barred or not. Offenders who have a treatable psychological disturbance should undergo therapy.

53. It shall be incumbent on the Ordinary to ensure that the restrictions or conditions ordered by him are adhered to. With regard to clergy, this shall also apply for the period of retirement.

54. A member of a religious order who has been convicted of sexual abuse in accordance with canon 1395 § 2 CIC shall be treated in accordance with no. 39.
55. If an offender who has committed acts in accordance with 2a), 2b) or 2c) changes to a new employer or a new hierarchical superior, the former employer or hierarchical superior shall inform the new employer or superior in writing of the particular problem and any conditions in compliance with the statutory provisions. In the event of a transfer or move of place of residence to another diocese, the diocesan bishop or superior of the order in whose jurisdiction the offender is to be in future shall be informed in accordance with the above regulation. The same shall apply towards a new church employer or hierarchical superior, even if the sexual abuse becomes known after the transfer or move of place of residence, as well as after retirement. The receipt of the information must be confirmed in writing by the new employer and documented accordingly. The church authority obliged to provide information must furnish proof of the information received.

An obligation to provide information in the above sense may also exist in individual cases, in compliance with the principle of proportionality, if an employee has committed acts in accordance with no. 2d).

#### **F. PUBLICITY**

56. The public shall be informed in a suitable manner, respecting the protection of the privacy of those concerned.

#### **G. Steps to be taken in case of sexual abuse of minors or vulnerable adults by persons working on a volunteer basis**

57. This Regulation shall apply accordingly to reports of the sexual abuse of minors or vulnerable adults by persons working on a voluntary basis in the domain of the Church with regard to the necessary procedural steps, offers of assistance and other consequences. For the forwarding of information, the data protection regulations for employees in the service of the Church apply accordingly.
58. The provisions of the Federal Child Protection Act (*Bundeskinderschutzgesetz*) and the Federal Participation Act (*Bundesteilhabegesetz*) shall apply when volunteers work with minors or vulnerable adults. Persons who have been guilty of sexual abuse of minors or vulnerable adults shall not be deployed in voluntary work with minors or vulnerable adults in the area of the Church (cf. for instance § 72a subs. 4 of Book VIII of the Social Code (*SGB VIII*)).

**H. Data protection, information and inspection of files**

- 59. Insofar as this Regulation as well as legal provisions issued by the diocesan bishop to supplement and specify personal data, including their publication, are to be applied, they shall take precedence over the provisions of the Act on the Protection of Data of the Church (*Gesetz über den kirchlichen Datenschutz - KDG*) and the Church Archive Directive (*Kirchliche Archivordnung - KAO*), provided that they do not fall below their level of data protection. In all other respects, the Act on the Protection of Data of the Church (*KDG*), the regulation issued for its implementation (*KDG-DVO*) and the Church Archive Directive (*KAO*)<sup>12</sup> apply.
  
- 60. The periods for the retention of documents shall depend on the respective regulations on the retention periods for personnel files, Preliminary Investigation files, etc. For the period of retention, the documents must be protected to a special extent against unauthorized access. In addition, the proper archiving of documents to be offered and handed over in accordance with § 6 subs. 5 clause 1 of the Church Archive Directive (*KAO*) replaces the deletions required under the Act on the Protection of Data of the Church (*KDG*) or other church or state legislation if the archiving is carried out in such a way that the personal rights of the person affected or of third parties are not impaired.
  
- 61. Persons involved in proceedings under this Regulation shall have the right to obtain information concerning them personally.  
Rights to information and inspection of files shall be governed by the applicable legal provisions.

**I. Coming into effect and validity period**

- 62. The above Regulation shall come into effect on 1 January 2020. This regulation is to be evaluated within five years of its coming into effect.

..... (Place), ..... (Date)

..... (Signature)  
Name of (Arch)bishop

(Arch)bishop of .....

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<sup>12</sup> Note: The diocesan bishop or the labour law commissions may issue more detailed regulations on the handling of personal data in minutes and other documents.