

PRIVACY POLICY

Policy number		Version	2
Drafted by	Bill Mithen	Approved by Board	October 2016
Responsible person	Audit & Risk & Committee / Board	Scheduled review date	October 2018

POLICY STATEMENT

Give Where You Live respects every individual’s legal right to privacy. This policy sets out Give Where You Live’s procedures relating to the collection, holding, use and disclosure by Give Where You Live of personal information and sensitive information relating to an individual, as required by the Privacy Amendment (Enhancing Privacy Protection) Act 2013 (Cth) (Law).

The policy is intended to let you know what the procedures are. Give Where You Live’s legal obligations are set out in full in the Australian Privacy Principles contained in the Act. You can find these on the Privacy Commissioner’s website at www.oaic.gov.au.

SCOPE

This policy applies to all Give Where You Live employees, volunteers, contractors and members who are engaged in Give Where You Live activities.

RESPONSIBILITIES

It is the responsibility of every person in scope to ensure he or she complies with this policy. Where a person is unsure of his or her obligations under this policy clarification should be sought.

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1 MEANING OF WORDS

Anonymity is where an individual is not required to and does not identify him or herself when engaging with Give Where You Live.

Consent is a voluntary and informed agreement by an individual to something Give Where You Live does. Where Give Where You Live considers that a person is unable to give this consent to the use of his or her personal information for a particular purpose, Give Where You Live will ask that person’s parent or guardian to provide the consent.

Direct marketing is the promotion of Give Where You Live fundraising, appeals, wills and bequests activities, to individuals and informing individuals of issues of general significance.

Health records are part of personal information and sensitive information, and include information or an opinion about a person’s health or disability.

Personal information is information, or an opinion, about an individual who is reasonably identifiable, whether or not that information or opinion is recorded in some way, and whether or not the information or opinion is true. Personal information collected by Give Where You Live includes

contact details, educational qualifications, personal history, personal financial information or information about complaints made by that individual.

Primary purpose – there are a large number of Give Where You Live activities that are primary purposes for which Give Where You Live collects information. Some examples are:

- providing program services to individuals;
- assessing, placing and engaging with Give Where You Live volunteers;
- providing training services;
- connecting with our members and supporters;
- conducting assessments and reference checks such as police checks through Crimtrac;
- soliciting donations from the public; and
- collecting personal histories and images for Give Where You Live archives and publication.

Pseudonym is a pet name or nickname that is used by an individual engaging with Give Where You Live where Give Where You Live is not obliged to collect that individual's true name.

Secondary purpose is, in the case of personal information, a purpose that is related to the primary purpose and, in the case of sensitive information, a purpose that is directly related to the primary purpose.

Sensitive information is part of personal information and includes information Give Where You Live may collect such as racial or ethnic origin, religious beliefs, membership of a professional or trade association, criminal record, or health information.

Solicited information is personal information that Give Where You Live takes active steps to collect.

Unsolicited information is personal information about an individual that Give Where You Live has not asked for but receives in some other way. An example is where misdirected mail is received by Give Where You Live.

2 OPEN AND TRANSPARENT MANAGEMENT OF INFORMATION

2.1 Give Where You Live will make this policy publicly available on its website at www.givewhereyoulive.com.au and will take reasonable steps to provide a copy of this policy, free of charge, to anyone who asks for it. A person may request a copy of the policy by contacting Give Where You Live:

Tel: 5229 4364

Email: admin@givewhereyoulive.com.au

2.2 When asked to do so by an individual, Give Where You Live will take reasonable steps (subject to the Law) to let the person know, generally, what sort of personal information Give Where You Live holds about that person, for what purposes, and how it collects, holds, uses and discloses that information.

2.3 Give Where You Live has put in place procedures, including this policy, to ensure that it complies with the Australian Privacy Principles, and that individuals may approach Give Where You Live with any questions or complaints about Give Where You Live compliance with the Law.

3 ANONYMITY AND PSEUDONYMITY

3.1 Where it is not unlawful or impracticable, individuals dealing with Give Where You Live will be given the option of not identifying themselves, or of using a nickname, when dealing with Give Where You Live.

4 COLLECTION

Personal Information

4.1 Give Where You Live has diverse operations. Because of that, Give Where You Live collects personal and sensitive information from individuals for many different purposes. This means that, each time Give Where You Live collects personal information, it will give the individual tailored advice that complies with paragraph 4.4.

4.2 Give Where You Live will only collect personal information (other than sensitive information) when the information is reasonably necessary for or directly related to one or more of the Give Where You Live functions or activities and it will only collect personal information by lawful and fair means.

4.3 Where it is reasonable and practicable to do so, Give Where You Live will only collect personal information from the individual it relates to.

4.4 At or before the time Give Where You Live collects personal information from an individual, or as soon as practicable after that, Give Where You Live will advise the individual of matters specifically related to the personal information being collected, and will take reasonable steps to ensure that the individual is aware of the following:

- 4.4.1 that Give Where You Live is the collector, and how to contact Give Where You Live;
- 4.4.2 the facts and circumstances of the collection – for example, whether the information is collected by phone, by software applications (eg cookies), or from a third party;
- 4.4.3 that the individual is able to access that information and ask for it to be corrected;
- 4.4.4 the purposes for which the information is collected, both the primary purpose, and where there is a related purpose, that secondary purpose;
- 4.4.5 organisations (or the types of organisations) to which Give Where You Live usually discloses information of the kind being collected;
- 4.4.6 details of any Australian law or a court/tribunal order that requires the information to be collected;
- 4.4.7 whether or not that information will be transferred overseas (including information stored in the cloud) and to what countries (if known); and
- 4.4.8 the main consequences (if any) for the individual if all or part of the information is not provided by that individual.

4.5 If Give Where You Live collects solicited information about an individual from a third party, Give Where You Live will take reasonable steps to ensure that the individual is or has been made aware that the information has been collected, how it was collected, and from whom, and will comply with the requirements of paragraph 4.4.

4.6 Where it receives unsolicited personal information, Give Where You Live must decide within a reasonable period of time whether that personal information about an individual could have been lawfully collected by the Give Where You Live itself, and:

- 4.6.1 If so, the information will be dealt with in accordance with this privacy policy and paragraph 4.4 will be complied with in relation to that information; or
- 4.6.2 if not, and the information is not contained in a Commonwealth record, Give Where You Live will, as soon as practicable, but only if lawful and reasonable to do so, destroy the information or ensure that the information is de-identified, unless the information must be dealt with differently by law.

Sensitive Information

4.7 Give Where You Live will not collect sensitive information about an individual unless:

- 4.7.1 the individual has consented to the collection of that information and the information is reasonably necessary for Give Where You Live to carry out one or more of its functions or activities; or
- 4.7.2 the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- 4.7.3 there are some special situations under the Law that allow the use or disclosure of sensitive information without consent.

In each case, if it does this, Give Where You Live will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner about this use of disclosure. Some of these special situations are:

- (a) where Give Where You Live reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;
- (b) Give Where You Live has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Give Where You Live functions or activities, and Give Where You Live needs to disclose the information so that it can take appropriate action; or
- (c) Give Where You Live reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing.

The complete list of these special situations is contained in the Law.

5 USE AND DISCLOSURE

Primary purpose

- 5.1 Give Where You Live may use personal information collected from an individual for a primary purpose notified to that individual.
- 5.2 Where the information is sensitive information, Give Where You Live may only use that information for a primary purpose or a directly related purpose the individual has consented to.

Secondary Purpose

- 5.3 Give Where You Live may sometimes use or disclose personal information about an individual for a secondary purpose. However, Give Where You Live will only use or disclose personal information about an individual for a secondary purpose in limited circumstances. Give Where You Live will, wherever reasonably possible, seek consent from individuals before using their personal information for a secondary purpose.
- 5.4 Give Where You Live may use personal information about an individual for a secondary purpose if:

- 5.5.1 the individual has consented to the use or disclosure; or
- 5.5.2 the individual would reasonably expect Give Where You Live to use or disclose the information for the secondary purpose and the secondary purpose is:
 - (a) if the information is sensitive information, it is directly related to the primary purpose; or
 - (b) if the information is not sensitive information, it is related to the primary purpose; or
 - (c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - (d) some special situations set out in the Law allow the use or disclosure of personal information without consent. In each case, if it does this, Give Where You Live will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner. Some of these special situations are:
 - (i) where Give Where You Live reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;
 - (ii) Give Where You Live has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Give Where You Live functions or activities, and Give Where You Live needs to disclose the information so that it can take appropriate action; or
 - (iii) Give Where You Live reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing, or
 - (iv) Give Where You Live reasonably believes that the use or disclosure of the information is reasonably necessary for an enforcement body's enforcement related activities (and Give Where You Live will make a written note that Give Where You Live has used the information for that purpose).

The complete list of these special situations is contained in the Law.

6 DIRECT MARKETING

- 6.1 Give Where You Live may only use personal information about an individual for direct marketing where an exception applies under the Law. In every situation where Give Where You Live is permitted to use or disclose personal information for direct marketing, Give Where You Live will allow the individual to 'opt out' and will act on the individual's request to 'opt out'.
- 6.2 Give Where You Live may use personal information (other than sensitive information) about an individual for direct marketing if:
 - 6.2.1 Give Where You Live collected the information from the individual:
 - (a) and the individual would reasonably expect Give Where You Live to use or disclose the information for direct marketing; and
 - (b) Give Where You Live has provided a simple means so that the individual can easily request not to receive direct marketing communications from Give Where You Live; and
 - (c) the individual has not made a prior request to Give Where You Live to not receive direct marketing communications from Give Where You Live;
 - 6.2.2 Give Where You Live collected the information from someone other than the individual and:
 - (a) either the individual has consented to the use or disclosure for the purpose, or it is impracticable to obtain the individual's consent; and
 - (b) in each direct marketing communication with the individual, Give Where You Live includes a prominent statement that the individual can ask not to receive further direct marketing communications from Give Where You Live; or
 - (c) Give Where You Live otherwise draws the individual's attention in some other way to the fact that the individual may make that request; and

- (d) the individual has not made a request asking Give Where You Live to stop sending direct marketing communications;
- 6.3 If Give Where You Live uses or discloses personal information about an individual for:
- 6.3.1 direct marketing, an individual may ask Give Where You Live to stop sending direct marketing communications from Give Where You Live and Give Where You Live must do that within 14 days after receiving the request unless exceptional circumstances apply; or
 - 6.3.2 where the personal information is used for the purpose of facilitating direct marketing by other organisations on behalf of Give Where You Live, an individual may request Give Where You Live not to use or disclose the individual's information for direct marketing by other organisations and Give Where You Live must act on that request within 14 days after receiving the request (unless exceptional circumstances apply).
- 6.4 The individual may request Give Where You Live provide details of where his or her personal information came from (eg which other organisation) and Give Where You Live must do so within 14 days after receiving the request (except in exceptional circumstances) unless it is impractical or unreasonable to do so.
- 6.5 Give Where You Live will not charge any individual for the making of, or to give effect to, these requests.

7 GOVERNMENT RELATED IDENTIFIERS

- 7.1 Give Where You Live will not adopt a government related identifier of an individual as its own identifier of the individual unless the adoption of the government related identifier is required or authorised by law or a court/tribunal order.
- 7.2 Give Where You Live will not use or disclose a government related identifier of an individual unless:
- 7.2.1 the use or disclosure of the identifier is reasonably necessary for Give Where You Live to verify the identity of the individual for the purposes of the Give Where You Live's activities or functions; or
 - 7.2.2 the use or disclosure of the identifier is reasonably necessary for Give Where You Live to fulfil its obligations to an agency or a State or Territory authority; or
 - 7.2.3 the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
 - 7.2.4 Some of the special situations under the Law allows the use or disclosure. In each case, if it does this, Give Where You Live will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner. Some of these special situations are:
 - (a) where Give Where You Live reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;
 - (b) Give Where You Live has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Give Where You Live functions or activities, and Give Where You Live needs to disclose the information so that it can take appropriate action; or
 - (c) Give Where You Live reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing; or
 - (d) Give Where You Live reasonably believes that the use or disclosure of the information is reasonably necessary for an enforcement body's enforcement related activities (and Give Where You Live will make a written note that Give Where You Live has used the information for that purpose).

7.3 The complete list of these special situations is contained in the Law.

8 CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

- 8.1 Occasionally, Give Where You Live may transfer personal information to an organisation (other than Give Where You Live or the individual concerned) that is in a foreign country or, Give Where You Live may store some personal information on databases that are in the cloud. Give Where You Live databases are currently stored on servers in Japan, Singapore and the United States.
- 8.2 Give Where You Live will only send information overseas if it has taken reasonable steps to ensure that the transferred information, will not be held, used or disclosed by the recipient organisation inconsistently with the Australian Privacy Principles. Give Where You Live will assess this by asking, amongst other things:
- 8.2.1 Is the organisation receiving the information subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Australian Privacy Principles, and are there ways an individual can enforce the privacy right?;
 - 8.2.2 Has the individual concerned consented to the information transfer after having been advised that Give Where You Live will not be taking reasonable steps to ensure that the transferred information is held, used or disclosed by the recipient consistently with the Australian Privacy Principles?;
 - 8.2.3 Is the use or disclosure of the information required or authorised by or under an Australian law or a court/tribunal order?; and
 - 8.2.4 Are there special situations set out in the Act that permit the transborder transfer of personal information?
 - 8.2.5 In each case, if it transfers information because of a special situation, Give Where You Live will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner.

9 DATA QUALITY

- 9.1 Give Where You Live will take all reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date and relevant, having regard to the purposes of the use or disclosure of the personal information that is collected.

10 DATA SECURITY AND HANDLING

- 10.1 Give Where You Live will take all reasonable steps to protect the personal information it holds from misuse, interference (which may include measures to protect against computer attacks), loss and unauthorised access, modification or disclosure.
- 10.2 Give Where You Live data handling practices are regularly reviewed. All sensitive information is separately stored and shared among employees on a need to know basis only.
- 10.3 Training and guidance to Give Where You Live personnel has been established to support this privacy policy.
- 10.4 Give Where You Live will take all reasonable steps to destroy or permanently de-identify personal information about an individual that it holds, if the information is no longer needed for any purpose for which it is able to be used or disclosed, and where there is no law or court/tribunal that requires Give Where You Live to keep the information.

11 ACCESS AND CORRECTION

- 11.1 If Give Where You Live holds personal information about an individual, and the individual wants access to that information, Give Where You Live will provide the individual with access to that information unless any of the following exceptions apply:
- 11.1.1 Give Where You Live reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - 11.1.2 giving access would have an unreasonable impact upon the privacy of other individuals; or
 - 11.1.3 the request for access is frivolous or vexatious; or
 - 11.1.4 the information relates to existing or anticipated legal proceedings between Give Where You Live and the individual, and the information would not be provided by the process of discovery in those proceedings; or
 - 11.1.5 providing access would reveal the intentions of Give Where You Live in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - 11.1.6 providing access would be unlawful; or
 - 11.1.7 denying access is required or authorised by or under an Australian law or a court/tribunal order; or
 - 11.1.8 any of the following apply:
 - (a) Give Where You Live has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates the Give Where You Live functions or activities has been or is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (b) providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - (c) giving access would reveal evaluative information generated within Give Where You Live in connection with a commercially sensitive decision-making process.
- 11.2 Give Where You Live will respond to an access request within a reasonable period after the request is made and will give access to the personal information in the manner requested by the individual, if it is reasonable and practicable to do so.
- 11.3 If Give Where You Live refuses to give access to personal information in the manner requested by the individual or because one or more of the exceptions referred to in paragraph 11.1 of this policy apply, Give Where You Live will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.
- 11.4 An individual can ask Give Where You Live to correct personal information held by Give Where You Live. Give Where You Live will respond to the request within a reasonable period of time after the request is made and will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading. Give Where You Live may also take steps itself, if Give Where You Live finds personal information it holds about an individual is inaccurate, out of date, incomplete, irrelevant or misleading.
- 11.5 If Give Where You Live refuses to correct the personal information when requested to do so by an individual, Give Where You Live will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.

- 11.6 Where Give Where You Live has previously disclosed personal information about the individual to another entity, an individual can request Give Where You Live to notify that entity of corrections made to their personal information. Give Where You Live will take all reasonable steps to give that notification unless it is impracticable or unlawful to do so.
- 11.7 An individual can request Give Where You Live to attach a statement to information saying that the information is inaccurate, out of date, incomplete, irrelevant or misleading. Give Where You Live will answer that request within a reasonable period after it is made and will take reasonable steps to ensure the statement is able to be seen by the users of the information.

12 COMPLAINTS

- 12.1 Give Where You Live will consider complaints made by an individual in relation to:
- 12.1.1 a decision by Give Where You Live to refuse access to personal information requested by the individual; or
 - 12.1.2 a decision not to correct an individual's personal information.
- 12.2 Give Where You Live will respond within a reasonable period after the complaint is received.
- 12.3 Give Where You Live's response to a complaint is final.
- 12.4 Any individual may make a complaint about how Give Where You Live handles an individual's personal information to the Office of the Australian Information Commissioner (OAIC). Further information is available on the OAIC website: www.oaic.gov.au/privacy/privacy-complaints.

13 CONTACT DETAILS

- 13.1 All queries or complaints regarding this Privacy Policy, or requests for access to, or correction of, personal information should be directed to Give Where You Live.
Tel: (03) 5229 4364
Email: admin@givewhereyoulive.com.au

14 REVIEW

- 14.1 This Privacy Policy will be reviewed annually, when there are any changes to the Law, and updated as required.