

Section 27 - Privacy Policy

27.1 Scope	<p>Diversitat is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.</p> <p>Diversitat collects and administers a range of personal information for the purposes of welfare, training, aged care, immigration, employment and payroll.</p> <p>The organisation is committed to protecting the privacy of personal information it collects, holds, and administers.</p>
27.2 Purpose	<p>This policy is to ensure Diversitat complies with the Privacy Act established for the handling of personal information by organisations. Diversitat is required to ensure that it complies with the thirteen Australian Privacy Principles (APPs) set out by the Privacy Act.</p>
27.3 Responsibility	<p>Diversitat's Executive Committee is responsible for adopting this policy.</p> <p>The organisation's executive committee, management, employees, contractors and volunteers are responsible for compliance with this policy.</p>

27.4 Privacy Policy

Diversitat is bound by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) (Privacy Act) which updates the Privacy Act 1988 (Cth) and is intended to establish a comprehensive national scheme for the collection, holding, use, correction, disclosure and transfer of personal information by organisations

The Australian Privacy Principles (APPs) regulate the way Diversitat can collect, use, disclose, amend and pass on personal information.

27.5 Consideration of Personal Information Privacy

APP 1: OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

Personal information will only be collected to the extent necessary by lawful and fair means and not in an unreasonably intrusive way for one or more of Diversitat's functions or activities.

At the time of collection (or as soon as practicable afterwards) Diversitat will take reasonable steps to ensure personal information is managed in an open and transparent way. Under the Privacy Act an individual is entitled to:

- know the kind of information the entity collects and holds
- how the entity collects and holds personal information
- the purposes for collecting, holding and disclosing personal information
- how they can access and seek correction of such information
- how an individual may complain about a breach of the Australian Privacy Principles, and how the entity would deal with such a complaint
- whether the entity is likely to disclose personal information to overseas recipients
- if the entity is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to do so

Diversitat will provide upon request from an individual or body free access to Diversitat's privacy policy in such form as appropriate.

APP 2: ANONYMITY AND PSEUDONYMITY

Whenever it is lawful and practicable, an individual will have the option of not identifying themselves or of using a pseudonym in relation to a particular matter.

27.6 Collection of Personal Information

APP 3: COLLECTION OF SOLICITED PERSONAL INFORMATION

27.6.1 Personal Information other than Sensitive Information

Diversitat will only collect personal information (other than sensitive information) if it is reasonably necessary for one or more of Diversitat's functions or activities.

27.6.2 Sensitive Information

Diversitat will not collect sensitive information about an individual unless:

- the individual has consented and the information is reasonably necessary for one or more functions or activities;
- the collection is required or authorised by law; or
- a permitted general situation exists in relation to the collection of information by Diversitat
- a permitted health situation exists in relation to the collection of information by Diversitat
- the information relates to the activities of the organisation; and
- the information relates solely to the members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities

27.6.2.1 Permitted general situations:

- lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety
- taking appropriate action in relation to suspected unlawful activity or serious misconduct
- locating a person reported as missing
- asserting a legal or equitable claim
- conducting an alternative dispute resolution process

27.6.2.2 Permitted health situation:

- the collection of health information to provide a health service
- the collection of health information for certain research and other purposes
- the use or disclosure of health information for certain research and other purposes
- the use or disclosure of genetic information
- the disclosure of health information for a secondary purpose to a responsible person for an individual

27.6.2.3 Definitions

Personal Information: means information or an opinion about an identified individual, or an individual who is reasonably identifiable

- Whether the information or opinion is true or not; and
- Whether the information or opinion is recorded in a material form or not.

Sensitive Information: means:

information or an opinion about an individual's:

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual preferences or practices; or
- criminal record;

that is also personal information; or

health information about an individual; or

genetic information about an individual that is not otherwise health information.

27.6.3 Means of Collection

Diversitat will only collect personal information by lawful and fair means. Diversitat can only collect personal information about an individual from that individual unless it is unreasonable or impractical to do so.

APP 4: DEALING WITH UNSOLICITED PERSONAL INFORMATION

Where Diversitat receives personal information in a manner that is not compliant with APP3, that information will be destroyed and/or de-identified. If unsolicited personal information is contained in a Commonwealth record, Diversitat is not required to destroy or de-identify that information.

APP 5: NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

At the time of collection (or as soon as practicable afterwards) Diversitat will take reasonable steps to ensure that the individual is notified:

- The identity and contact details of Diversitat
- That Diversitat is or has collected information, and the circumstances of that collection
- Diversitat will state when the collection of personal information is required and/or authorised by law, and provide details of the relevant law or order.
- The purpose for which the personal information is collected
- The main consequences (if any) for the individual if some/all of the personal information is not collected
- Of any disclosures of personal information that Diversitat will make to any other entity, body or person.
- How the individual can access and seek the correction of personal information
- How the individual can lodge a complaint of a breach of the Australian Privacy Principles or a registered APP code that binds Diversitat, and how Diversitat will deal with complaints.
- Whether Diversitat is likely to disclose personal information to overseas recipients, and if applicable, which countries.

27.6.4 Procedure for making a complaint

A person may make a complaint if they feel their personal information has been handled inappropriately in breach of Diversitat's privacy obligations under the Privacy Act.

In the first instance, complaints must be directed to Diversitat in writing. Diversitat will investigate the complaint and prepare a response to the complainant in writing within a reasonable period of time.

If the complainant is not satisfied with Diversitat's response or the manner in which Diversitat has dealt with the complaint, the individual may make a formal complaint to the Office of the Australian Information Commissioner (OAIC). The OAIC may investigate, resolve or close complaints based on information found during preliminary inquiries. If the OAIC believes there is enough evidence to support the complaint, it will try to conciliate the matter.

If conciliation does not resolve the complaint, depending on the circumstances, the Australian Information Commissioner may make a determination. A determination could include a requirement that Diversitat issue an apology, improve practices to reduce likelihood of a breach of the Privacy Act, or compensation is to be paid to the complainant. A complainant may withdraw their complaint at any time.

Where OAIC has made a decision, a complainant may request OAIC to review it by a new officer. If the OAIC closes the file or the Information Commissioner makes a determination that is not legally correct, the complainant may apply to the Federal Court or the Federal Magistrates Court by way of appeal. Either party may also appeal to the Administrative Appeal Tribunal within 28 days of a final OAIC decision for a review of any compensation amount ordered by the Information Commissioner.

Diversitat may amend and vary this policy from time to time.

27.7 Dealing with Personal Information

APP 6: USE OR DISCLOSURE OF PERSONAL INFORMATION

Diversitat will not use personal information for another purpose (secondary purpose) unless:

- the individual has consented; or
- the secondary purpose is related to the primary purpose and the individual would reasonably expect Diversitat to use or disclose the information for the secondary purpose.
- The use/disclosure of the information is required by law
- A permitted general/health situation exists in relation to the disclosure. Health situation information will be de-identified before Diversitat discloses it.
- Diversitat believes that the use/disclosure of information is reasonably necessary for one or more enforcement related activities conducted by/on behalf of an enforcement body.

27.7.1 Written Note of Use or Disclosure

Diversitat will make a written note of all uses and disclosures of personal information.

27.7.2 Related Bodies Corporate

Where Diversitat collects personal information from a body corporate, it will treat personal information in the same manner as stated above.

27.7.3 Exceptions

Where personal information is used or disclosed for the purpose of direct marketing or government related identifiers, the above principles do not apply.

APP 7: DIRECT MARKETING

27.7.4 Direct Marketing

Direct marketing concerns the use/disclosure of personal information to communicate directly with an individual to promote goods and services. Diversitat will not use or disclose personal information held about an individual for the purposes of direct marketing unless one of the exceptions outlined below apply.

27.7.5 Exceptions - Personal Information other than Sensitive Information

Diversitat will not use or disclose personal information for the purposes of direct marketing unless:

- Diversitat has collected the information from the individual and the individual would reasonably expect Diversitat to use/disclose the information for this purpose
- Diversitat has provided a simple means where the individual may easily request not to receive direct marketing communications, and the individual has not made such a request

Where Diversitat has collected the personal information from a third party or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing, Diversitat will seek consent from an individual for each direct marketing communication.

27.7.6 Exception – Sensitive Information

Diversitat will not use or disclose sensitive information about an individual for the purposes of direct marketing without the consent of the individual.

27.7.7 Exception – Contracted Service Providers

Diversitat may use or disclose personal information for the purpose of direct marketing where:

- Diversitat is a contracted service provider for a Commonwealth contract
- Diversitat collected the information for the purpose of meeting (directly or indirectly) an obligation under the contract
- The use or disclosure is necessary to meet (directly or indirectly) such an obligation.

27.7.8 Individual may request not to receive direct marketing communications

Where an individual has requested for Diversitat not to use or disclose their personal information for the purpose of direct marketing, or for the purpose of facilitating direct marketing by other organisations, Diversitat will give effect to any such request by an individual within a reasonable period of time and without cost to the individual.

Diversitat will, on request, notify an individual of its source of the individual's personal information that it has used or disclosed for the purpose of direct marketing unless this is unreasonable or impracticable to do so.

This does not apply to the extent that the *Do Not Call Register Act 2006*, the *Spam Act 2003* or any other legislation prescribed by the regulations apply.

APP 8: CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

Diversitat will not disclose personal information to a person overseas unless reasonable steps have been taken to ensure that the recipient does not breach the Australian Privacy Principles.

This does not apply when:

- Diversitat reasonably believes that the recipient is subject to a law or scheme that is overall similar to the APP, and the individual can access mechanisms to enforce the protection of that law or scheme.
- Diversitat seeks the consent of the individual to disclose the personal information, expressly stating that they will not take reasonable steps to ensure the recipient does not breach the APP.
- The disclosure of information is required/authorised by an Australian law or court/tribunal order
- A permitted general situation exists in relation to the disclosure of the information Diversitat

APP 9: ADOPTION, USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

27.7.9 Adoption of Government Related Identifiers

Diversitat will not adopt as its own identifier an identifier that has been authorised under Australian law. Examples are an individual's Medicare or tax file number.

27.7.10 Use or Disclosure of Government Related Identifiers

Diversitat will not use or disclose an identifier unless:

- It is to verify the identity of the individual for the purposes of their activities/functions
- It is necessary for Diversitat to fulfil its obligations to an agency or a State/Territory
- It is required/authorised by law
- A permitted general situation exists in relation to the use/disclosure of the identifier
- Diversitat reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by or on behalf of an enforcement body.

27.7.11 Regulations about Adoption, Use or Disclosure

Diversitat may use/adopt or disclose a government related identifier of an individual if:

- The identifier is prescribed by regulations
- Diversitat is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations
- The adoption, use or disclosure is prescribed by the regulations.

APP 10: QUALITY OF PERSONAL INFORMATION

Diversitat will take reasonable steps to ensure that personal data collected, used or disclosed is accurate, up to date and complete.

APP 11: SECURITY OF PERSONAL INFORMATION

Diversitat will take reasonable steps to protect personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Diversitat will also take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for

which the information may be used or disclosed under Principle 3.

APP 12: ACCESS TO PERSONAL INFORMATION

27.7.12 Access

Where Diversitat holds personal information about an individual, it will provide the individual with access to the information on request.

27.7.13 Exceptions to access

Diversitat is not required to give the individual access to the personal information where:

- Diversitat reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual/to public health/public safety
- Giving access would have an unreasonable impact on the privacy of other individuals
- The request for access is frivolous or vexatious
- The information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings
- Giving access would reveal the intentions of the entity in relation to negotiations with that individual, and would prejudice those negotiations
- Giving access would be unlawful
- Denying access is required/authorised by or under Australian Law or a court/tribunal order
- Diversitat has reason to suspect that unlawful activity or serious misconduct relating to Diversitat has been engaged in, and giving access is likely to prejudice the taking of appropriate action
- Giving access would be likely to prejudice one or more enforcement related activities conducted by/on behalf of an enforcement body
- Giving access would reveal evaluative information generated within Diversitat in connection with a commercially sensitive decision-making process

27.7.14 Dealing with requests for access

Diversitat must respond to requests for access to personal information within 30 days of a request by an agency, or within a reasonable time period after the request is made by an organisation.

Access to information should be given in the manner requested by the individual if it is reasonable and practicable to do so.

27.7.15 Other means of access

Where Diversitat refuses to give access to personal information on a permitted ground or refuses to give access in the manner requested by the individual, Diversitat must take reasonable steps to give access in a way that meets the needs of the individual and Diversitat (e.g. deleting personal information for which there is a ground for refusing access and giving the redacted version to the individual, or giving a summary of the requested personal information to the individual).

Access may be given through the use of a mutually agreed intermediary.

27.7.16 Access Charges

Diversitat may impose a charge for giving access to personal information (such as copying costs, postage costs, costs associated with using an intermediary). This charge must not be used to

discourage an individual from requesting access to personal information, and cannot be applied to the making of the request.

27.7.17 Refusal to give access

Refusals by Diversitat to give access to personal information will be in writing and will state:

- The reasons for the refusal
- The mechanisms available to complain about the refusal
- Any other matter prescribed by the regulations

Where Diversitat refused access due to evaluative information in connection with a commercially sensitive decision-making process, Diversitat may include an explanation for the commercially sensitive decision.

APP 13: CORRECTION OF PERSONAL INFORMATION

27.7.18 Correction

Where Diversitat or an individual believes that personal information is inaccurate, out of date, incomplete, irrelevant or misleading, Diversitat will take reasonable steps to correct that information.

27.7.19 Notification of Correction to Third Parties

Diversitat will take reasonable steps to ensure that all third parties privy to personal information have been notified of a correction unless it is unlawful or unreasonable to notify.

27.7.20 Refusal to Correct Information

If Diversitat refuses to correct personal information as requested by the individual, a written notice will be provided that contains:

- The reasons for refusal
- The mechanisms available to complain about the refusal
- Any other matter prescribed by regulations

27.7.21 Request to Associate a Statement

Where Diversitat has refused to correct personal information and the individual has requested for an associated statement that the information is out of date, inaccurate, incomplete, irrelevant or misleading, Diversitat will take reasonable steps to associate the statement in such a way that will make the statement apparent to users of the information.

27.7.22 Dealing with Requests

Diversitat will respond to requests to associate a statement:

- Within 30 days (if request is from an agency)
- Within a reasonable period after the request is made

Diversitat will not charge an individual for making a request, for correcting information or associating a statement with the personal information.