

The Centre for Volunteering

Privacy Policy and Procedure: HR.05

Policy

The Centre for Volunteering (The Centre) will adhere to the requirements of legislative bodies and guidelines, including all amendments to the Privacy Act 1988 (the Act) and the Australian Privacy Principles (APP) included in the Act. It has adopted the APP as minimum standards in relation to handling personal information.

The Centre collects and holds information for the purposes of performing its functions of promoting and supporting volunteering and community participation. As the peak body for volunteering in NSW The Centre helps people to get involved in their communities, and enhance the capacity and skills of not-for-profit organisations, corporations and government to become involved in the community.

The Centre is bound by laws which impose specific obligations under the Act for it to protect the confidentiality and privacy of personal information collected, held and administered. It will take such steps as are reasonable in the circumstances to implement procedures and practices, relating to its functions or activities that will enable individuals to:

- know why their personal information is being collected, how it will be used and who it will be disclosed to;
- have the option of not identifying themselves, or of using a pseudonym in certain circumstances;
- ask for access to their personal information (including health information);
- stop receiving unwanted direct marketing;
- ask for their personal information that is incorrect to be corrected;
- make a complaint about the organisation, if they think it has mishandled their personal information.

This policy applies to all staff¹ and Non-executive Directors (Board members). The disclosure, distribution, electronic transmission or copying of The Centre's confidential information is prohibited. Any staff member who discloses confidential information will be subject to disciplinary action, even if he or she does not actually benefit from the disclosure of such information.

The Centre may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to its operations and practices and to make sure it remains appropriate to the changing environment.

This policy should be read in conjunction with The Centre's Code of Conduct, Disciplinary Action and Data and Information Security policies.

Principles

The Centre recognises the right of all staff, Board members and stake holders to have their information administered in ways which they would reasonably expect – to be protected on one hand and made accessible to them on the other.

The Centre will:

- Only collect information which the organisation requires for its primary functions;

¹ Staff includes managers; supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, contractors, sub-contractors and volunteers.

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- ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- store personal information securely, taking all reasonable steps, including technical and organisational measures, to protect it from unauthorised access; and
- provide stakeholders with access to their own information, and the right to seek its correction.

Procedure

The Code of Conduct Policy will be distributed to and discussed with new staff and Board members during their induction and orientation. In relation to privacy and confidentiality requirements they are made aware of:

- the importance of protecting The Centre's personal² (including sensitive³) information assets against unauthorised access, theft, modification or destruction; and
- their legal and corporate responsibilities concerning the inappropriate use, sharing or releasing of data and information to another party.

Staff may not disclose confidential information to anyone who is not employed by The Centre or to other persons employed by The Centre who do not need to know such information to assist in rendering services.

Confidential information is any information that staff learn about The Centre, its members or clients, or other staff as a result of working for this organisation and which is not otherwise publicly available,

All individuals who enter into employment or engagement with The Centre must comply with the organisation's Code of Conduct Policy (Code). In signing the *Code of Conduct Statement* staff and Board Members agree to support The Centre's core values which include a commitment to privacy values and to maintaining confidentiality.

This procedure is based on the thirteen Australian Privacy Principles and sets out how The Centre manages confidentiality and the privacy of personal information.

Principal 1: Open and transparent management of personal information

The Centre will:

- ensure stakeholders are aware of the organisations Privacy Policy and its purposes;
- make this information freely available in relevant publications and on The Centre's website;
- on request by a person, take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

² *Personal information* is currently defined under section 6(1) of the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not or recorded in material form or not.

³ *Sensitive information* is defined under the Act as information or an opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation, or criminal record, provided the information or opinion otherwise meets the definition of personal information.

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Principal 2: Anonymity and pseudonymity

When dealing with The Centre in relation to a particular matter, individuals from whom personal information is being collected will have the option of not identifying themselves, or of using a pseudonym, unless:

- The Centre is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves in relation to that matter; or
- it is impracticable for The Centre to deal with individuals who have not identified themselves or who have used a pseudonym in relation to that matter.

Principal 3: Collection of solicited personal information

If The Centre collects information during the course of its activities as a non-profit organisation the following conditions will be satisfied:

- the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its function and activities;
- at or before the time of collecting the information, the CEO or person(s) authorised by the CEO (delegate) inform the individual whom the information concerns that it will not disclose the information without the individual's consent;
- the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim.

The Centre will only collect and hold information that directly or indirectly identifies a person (personal information):

- that is necessary for its performance and primary function;
- only by lawful and fair means and not in an unreasonably intrusive way;
- from the person themselves wherever possible.

If personal information is collected from a third party, the person whom the information concerns will be advised their personal information has been collected and informed from whom.

The Centre collects sensitive information:

- only with the person's consent or if required by law;
- about an individual, if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection.

The Centre will collect health information about an individual if the information is:

- necessary to provide a health service to the individual; and
- collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

Any required information unavailable at the time the information is collected, may be submitted by the individual via an alternative written medium.

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Principal 4: Dealing with unsolicited personal information.

Where unsolicited information is received, it will be determined whether the personal information could have been collected in the usual way. If it could have, it will be treated in the same way as information collected directly from the person themselves.

If the unsolicited information could not have been collected in the usual way, it will be destroyed. The individual whose personal information has been destroyed will be notified of the receipt and destruction of this personal information.

Principal 5: Notification of the collection of personal information

At the time that personal information (including sensitive and/or health information) is collected the individual will be informed why the information is collected, how it is administered, and that this information is accessible to them.

Principal 6: Use and disclosure of personal information

The Centre will:

- only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose;
- for other uses, obtain consent from the affected person.

In relation to a secondary purpose, The Centre will use or disclose the personal information only where:

- a secondary purpose is related to the primary purpose and the individual would reasonably have expected it to be used for the purpose; or
- the person has consented; or
- certain other legal reasons exist, or
- disclosure is required to prevent serious and imminent threat to life, health or safety.

The Centre may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:

- the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
- the enforcement of laws relating to the confiscation of the proceeds of crime;
- the protection of the public revenue;
- the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

In the event of such disclosure The Centre will maintain a written record of the use or disclosure of the personal information.

The Centre may make a disclosure of sensitive information if such disclosure is necessary for:

- research, or the compilation or analysis of statistics, relevant to public health or public safety; and
- it is impracticable for The Centre to seek the individual's consent before the use or disclosure; and

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- the use or disclosure is conducted in accordance with guidelines approved by the Privacy Commissioner under section 95A of the Act.

The Centre may make disclosures of personal information if it has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities.

Principal 7: Direct marketing

The Centre may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- it has been collected from the person, and that person would reasonably expect it to be used for this purpose; and
- the provided opt-out has not been taken up.

The Centre will:

- not use or disclose sensitive information about an individual for the purpose of facilitating direct marketing by other organisations;
- only use personal information which has been collected from a person other than themselves for direct marketing with the consent of the individual whose personal information has been collected (and they have not taken up the opt-out).

In each direct marketing communication with the individual, The Centre will:

- draw the persons attention to the fact, or prominently displays a notice that provides a simple means by which the individual may easily request not to receive direct marketing communications from the organization;
- set out The Centre's business address and telephone number and, if the communication with the individual is made by electronic means, a number or address at which the organisation can be directly contacted electronically.

Principal 8: Cross-border disclosure of personal information

In the event that The Centre discloses any personal information to an Australian interstate or overseas recipient including a provider of Information Technology (IT) services, it will establish that they are privacy compliant. The Centre will have systems in place which provide sufficient security. Refer to the *Data and Information Security Policy and Procedure*.

The Centre may use online or 'cloud' service providers to store personal information and to provide services to The Centre that involve the use of personal information, such as services relating to email, instant messaging and applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

Principal 9: Adoption, use or disclosure of government related identifiers

Individuals are not required to disclose their unique identifier unless this is one of the purposes for which the unique identifier was set up (or is directly related to those purposes).

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The Centre:

- does not adopt its own an identifier of an individual instead of their name;
- cannot assign a unique identifier to a person if that unique identifier has already been given to that person by another agency;
- will not use any government related identifiers unless they are reasonably necessary for its functions;
- will not use or disclose an identifier assigned to an individual unless the identifier is:
 - necessary for the organisation to fulfil its obligations to a government agency;
 - required or authorised by or under an Australian law or a court/tribunal order; or
 - reasonably believed by The Centre to be necessary for law enforcement purposes or court proceedings.

Principals 10 and 11: Quality and security of personal information

The Centre will take reasonable steps to ensure that the personal information collected and held is:

- accurate, complete, up to date, and relevant to the functions it performs;
- protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure by use of various methods including, but not limited to, the secure locked storage of paper records and password access rights to electronic records.

Any suspected breaches of information security are to be reported immediately to the CEO and/or Information Technology (IT) Administrator so that the appropriate processes can be put in place to correct, contain and mitigate data and information loss.

The Centre will take reasonable steps to destroy and/or de-identify personal information once it is not required to be kept for any purpose for which it was collected, or any purpose for which it may be used or disclosed.

The Centre will only destroy records of personal information in accordance with the *Records Management Policy*.

In some situations, The Centre may use or share information that has been appropriately de-identified so that there is no reasonable likelihood of re-identification occurring.

Principals 12 & 13: Access to, and correction of, personal information

The Centre will ensure individuals have the right to seek access to information held about them. If a person is able to establish it is inaccurate, incomplete, misleading or not up to date The centre will take steps to correct the information.

if the individual and The Centre disagree about the accuracy, completeness and currency of the individual's information The Centre may allow a person to attach a statement to their information claiming that the information is not accurate, complete or up to date.

The Centre can withhold the access of an individual to their information. Reasons for denial of access or a refusal to correct personal information include that:

- the request for access is frivolous or vexatious;
- or
- the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings;

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or that

- providing access would:
 - have an unreasonable impact upon the privacy of other individuals; or
 - pose a serious and imminent threat to the life or health of any individual; or
 - reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - be unlawful; or
 - be likely to prejudice an investigation of possible unlawful activity or an enforcement body performing a lawful security function asks The Centre not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

Where providing access would reveal information generated within the organisation in connection with a commercially sensitive decision-making process, The Centre may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

Where for a legal or other reason The Centre is not required to provide a person with access to the information, it will consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.

The Centre:

- may charge for providing access to personal information, however, the charges will be nominal;
- makes no charge for lodging a request to access personal information, correcting the information or associating a statement regarding accuracy with the personal information.

The Centre can if required by the person whose information The Centre holds:

- release information to third parties;
- change information to a pseudonym or treat it anonymously.

Enquiries and complaints

If you would like further information about the way The Centre manages the personal information it holds, please refer to our website (www.volunteering.com.au/privacy-policy) or The Centre for Volunteering by telephone on (02) 9261 3600 or email at info@volunteering.com.au

Should you have concerns, complaints or think that there has been a breach of privacy please contact the Chief Executive Officer (CEO) in writing by email. The complaint to the CEO may be submitted via the CEO's secure, confidential email at: grygate@volunteering.com.au

The CEO will within five (5) business days and acknowledge in writing the receipt of the complaint. A full investigation of the complaint will be conducted by the CEO, or where appropriate a delegate authorised by the CEO, and you will be notified as soon as is practicable after a decision has been made.

Data Breaches

Where a data breach, or allegation of a breach, is identified, the *Data Breach Response Procedure RM.04* will be followed by Centre staff.