



## PRIVACY POLICY

Policy number	009	Version	001
Drafted by	John Fordyce	Approved by Board on	09 December 2019
Responsible person	General Manager	Scheduled review date	23 November 2020

### INTRODUCTION

The Board of RCOE 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.

### PURPOSE

The purpose of this document is to provide a framework for RCOE in dealing with privacy considerations.

### POLICY

RCOE collects and administers a range of personal information for the purposes of training, education and research. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

RCOE recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in our Privacy Policy, which is compliant with the Privacy Act 1988 (Cth).

RCOE is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

RCOE will:

- collect only information which the organisation requires for its primary function
- 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, protecting it from unauthorised access
- provide stakeholders with access to their own information, and the right to seek its correction

## PRIVACY PROCEDURE

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### RESPONSIBILITIES

RCOE's Board is responsible for developing, adopting and reviewing this policy.

RCOE's General Manager is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

### PROCESSES

#### Collection

RCOE will:

- only collect information that is necessary for the performance and primary function of RCOE
- notify stakeholders about why we collect the information and how it is administered
- notify stakeholders that this information is accessible to them
- collect personal information from the person themselves wherever possible
- if collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected
- collect sensitive information only with the person's consent. (Sensitive information includes health information and information about religious beliefs, race, gender and others)
- determine, where unsolicited information is received, whether the personal information could have collected it in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information)

#### Use and Disclosure

RCOE will:

- only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose
- for other uses, RCOE will obtain consent from the affected person
- in relation to a secondary purpose, use or disclose the personal information only where:

- a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes;
- 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.
- in relation to personal information which has been collected from a person, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and RCOE has provided an opt out and the opt out has not been taken up
- in relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out)
- state in RCOE's Privacy Policy whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as RCOE is required to be
- provide all individuals access to personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the personal information is not accurate, then RCOE must take steps to correct it. RCOE may allow a person to attach a statement to their information if RCOE disagrees it is inaccurate
- where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties
- make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information

## **Storage**

RCOE will:

- implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure
- before RCOE discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. RCOE will have systems which provide sufficient security
- ensure that RCOE's data is up to date, accurate and complete

## **Destruction and De-identification**

RCOE will:

- destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones
- change information to a pseudonym or treat it anonymously if required by the person whose information RCOE holds and will not use any government related identifiers unless they are reasonably necessary for our functions

## **Data Quality**

RCOE will:

- take reasonable steps to ensure the information RCOE collects is accurate, complete, up to date, and relevant to the functions we perform

**Policies** can be established or altered only by the Board; **Procedures** may be altered by the General Manager.

## **Data Security and Retention**

RCOE will:

- only destroy records in accordance with the organisation's Records Management Policy

## **Openness**

RCOE will:

- ensure stakeholders are aware of RCOE's Privacy Policy and its purposes
- make this information freely available in relevant publications and on the organisation's website

## **Access and Correction**

RCOE will:

- ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date

## **Anonymity**

RCOE will:

- allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis

## **Making information available to other organisations**

RCOE can:

- release information to third parties where it is requested by the person concerned

## **RELATED DOCUMENTS**

- Records Management Policy
- Confidentiality Policy
- Employment References Policy

# PRIVACY POLICY – FOR EXTERNAL USE/PRIVACY ACT COMPLIANCE

## PRIVACY POLICY

### *Your privacy is important*

This statement outlines the RCOE's policy on how the RCOE uses and manages personal information provided to or collected by it.

The RCOE is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and is compliant with the Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, the RCOE is also bound by the Victorian Health Privacy Principles which are contained in the Health Records Act 2001.

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

### *What kind of personal information does RCOE collect and how does RCOE collect it?*

The type of information the RCOE collects and holds includes (but is not limited to) personal information, including sensitive information, about:

- Name
- Address
- Contact details
- Date of birth
- Salary
- Bank and credit details

### *Personal information you provide*

The RCOE will generally collect personal information held about an individual by way of phone calls, forms, meetings etc. You do have the right to seek to deal with us anonymously or using a pseudonym, but in almost every circumstance it will not be practicable for us to deal with you or provide any services to you except for the most general responses to general enquiries, unless you identify yourself.

### *Personal information provided by other people*

In some circumstances the RCOE may be provided with personal information about an individual from a third party.

### *In relation to employee records*

Under the Privacy Act the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the RCOE's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the RCOE and employee. However, the RCOE must provide access and ensure compliance with the Health Privacy Principles under the Victorian Health Records Act 2001.

**Policies** can be established or altered only by the Board: **Procedures** may be altered by the General Manager.

### *How will the RCOE use the personal information you provide?*

The RCOE will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

In relation to direct marketing, the RCOE will use your personal information for direct marketing where you have provided that information, and you are likely to expect direct marketing: only then you will be sent direct marketing containing an opt out. If we use your personal information obtained from elsewhere, we will still send you direct marketing information where you have consented, and which will also contain an opt out. We will always obtain your consent to use sensitive information as the basis for any of our direct marketing.

We may use video surveillance for security purposes and the footage will be used only by the RCOE and by the providers of our security services for security purposes. Surveillance videos are not used by the RCOE for other purposes and the footage is not publicly available. Surveillance cameras are not located in any bathrooms or change room facilities.

### *Job applicants, staff members and contractors*

In relation to personal information of job applicants, staff members and contractors, the RCOE's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the RCOE uses personal information of job applicants, staff members and contractors include:

- insurance purposes
- emergency contact
- superannuation
- to satisfy the RCOE's legal obligations

Where RCOE receives unsolicited job applications these will usually be dealt with in accordance with the unsolicited personal information requirements of the Privacy Act.

### *Volunteers*

The RCOE also obtains personal information about volunteers who assist the RCOE in its functions or conduct associated activities, such as to enable the RCOE and the volunteers to work together.

### *Marketing and fundraising*

The RCOE treats marketing and seeking donations for the future growth and development of the RCOE as important. Personal information held by the RCOE may be disclosed to an organisation that assists in the RCOE's fundraising.

### *Who might the RCOE disclose personal information to?*

The RCOE may disclose personal information, including sensitive information, held about an individual to:

- government departments
- people providing services to the RCOE
- anyone you authorise the RCOE to disclose information to

### *Sending information overseas*

The RCOE will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

We do use overseas providers of its services including servers and cloud services.

### *How does the RCOE treat sensitive information?*

In referring to ‘sensitive information’, the RCOE means:

“information relating to a person’s racial ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual”

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

### *Management and security of personal information*

The RCOE’s staff are required to respect the confidentiality of personal information and the privacy of individuals.

The RCOE has in place steps to protect the personal information the RCOE holds from misuse, loss, unauthorised access, modification, interference or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.

When you use our website, having your cookies enabled will allow us to maintain the continuity of your browsing session and remember your details when you return. We may also use web beacons, Flash local stored objects and JavaScript. If you adjust your browser settings to block, reject or delete these functions, the webpage may not function in an optimal manner. We may also collect information about your IP address, although this may not identify you.

### *Updating personal information*

The RCOE endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the RCOE by contacting the Privacy Officer of the RCOE at any time.

The Australian Privacy Principles and the Health Privacy Principles require the RCOE not to store personal information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored.

You have the right to check what personal information the RCOE holds about you.

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information which the RCOE holds about them and to advise the RCOE of any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. To make a request to access any information the RCOE holds about you, please contact the Privacy Officer in writing.

The RCOE may require you to verify your identity and specify what information you require. Although no fee will be charged for accessing your personal information or making a correction, the RCOE may charge a fee to retrieve and copy any material. RCOE If the information sought is extensive, the RCOE will advise the likely cost in advance.

#### *How long will the RCOE keep my information?*

Under our destruction and de-identification policies, your personal information that is no longer required will be de-identified or destroyed. In many circumstances, however it will be kept for marketing purposes, as you will have consented to that in writing with us.

#### *Enquiries and privacy complaints*

If you would like further information about the way the RCOE manages the personal information it holds, please contact the Privacy Officer. If you have any concerns, complaints or you think there has been a breach of privacy, then also please contact the Privacy Officer who will first deal with you usually over the phone. If we then have not dealt satisfactorily with your concerns, we will meet with you to discuss further. If you are not satisfied with our response to your complaint within 30 days from this meeting, then you can refer your complaint to the Office of the Australian Information Commissioner via:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Phone: 1300 363 992

Fax: +61 2 9284 9666