

What is meant by Privacy?

Under Commonwealth Privacy Law, privacy is considered a personal right of individuals to keep details about their identity protected.

This right extends to organisations keeping information and details about a person's home, body, and communications from being made public knowledge. Basically, it is about protecting people's identities and private life.

It is important to remember that people will all have different scales of importance for what they consider "private" information. What one person will consider private may not be so for another. This means that groups and organisations need to handle information about people in a way that does not reflect the personal values of the person collecting that information.

Most Australian States have now enacted specific information privacy legislation which regulates how organisations collect, store and handle personal information. This legislation also provides a way for individuals to make a complaint to an independent Privacy Commissioner if they feel their privacy has been breached in any way.

The Privacy Act 1988 outlines how personal information must be handled by large businesses and health service providers of any size. The Privacy Act also applies to some small businesses including those in the Not-for-profit sector.

Does our group need to comply with the Privacy Act?

Not necessarily. Most small groups do not need to comply with the act except in the following instances. If your group has an annual turnover of \$3 million or less AND:

- Provides health services and holds health information other than in an employee record.
- Trades in personal information about people in order to provide a benefit or service
- Is related to a larger auspice or other business that is subject to the Act
- Is a contracted business or service by the Commonwealth Government.

- Reports to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006
- Is an operator of a residential tenancy database

If any of the above is true for your group, no matter how small you are, then you may need to comply with the Privacy Act. For other groups and organisations not covered by the Privacy Act, it is worth considering having good privacy protocols in place. It is good business practise to ensure that people's right to privacy is protected so groups and organisations are encouraged to follow the Act as appropriate.

Your group or organisation can, as a part of a marketing plan (*see information sheet*), promote the fact that you have a privacy policy and that you will take care of the information people provide about themselves. This builds trust for your group and can have a positive impact on how the community responds to your activities.

How should our group or organisation handle personal information?

Within the act there are ten National Privacy Principles. These principles provide the fundamental requirements for the collection, storage, use and exchange of personal information about people in any group or organisation in both the Public and Private sectors.

Essentially, the following basic guidelines are good practise for **all** groups and organisations regardless of whether they need to comply with the Privacy Act.

- Only collect people's personal details if this information is necessary for your group or organisation to carry out its work.
- Personal information must be kept strictly confidential and must not be given to any other organisation or entity unless it is proper to do so under privacy legislation.
- Only use and disclose personal information about people if:
 - I. You have their permission to do so.

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- II. You need the information in order to operate your service or conduct your work.
 - III. If the information is directly related to the work your group or organisation does.
 - IV. If the information is required by certain laws relating to disclosure (see information sheet).
- When collecting the information, ensure the person knows:
 - I. Who is collecting it,
 - II. What the information is being used for.
 - III. Whether the collection is required by law including laws related to disclosure (see information sheet).
 - IV. How people can access their own information.
 - V. Who will have access to it.
 - VI. What will happen if they don't provide their personal information?

Remember: to limit the collection of personal information to what is required for the volunteer role. Keep this information secured at all times.

- Keep the information accurate and up-to-date. Remember that even a miss-spelled name can cause problems for some individuals so be careful about accuracy and currency when managing personal information. Provide a clear and transparent procedure or process for updating and correcting personal information.
- Take reasonable steps to ensure that you store the information to protect it from loss, damage, manipulation, theft, or scrutiny by unauthorised persons. Identity theft is a growing world-wide concern and it is important that all information of a personal or sensitive nature is kept secure. Regularly update secure digital storage devices as these can deteriorate quickly.
- Give people the option to remain anonymous. If the information is necessary to your group in order to provide them a service you will need

- to tell people this, however they still have a choice as to whether or not they provide you with that information.
- Do not collect identifier numbers from people such as Medicare, passport or licence numbers *unless* these are directly related to and necessary for the type of service your group or organisation provides.
- Provide clearly written policies on how your group or organisation will collect, manage, handle and use the personal information of members (and clients if applicable). Ensure these policies are openly available for anyone to read if they ask for them. Review these policies regularly and keep them current, informing people promptly about updates and changes.

In conclusion:

The right of all people to protect their personal and sensitive information is a serious concern. All organisations, regardless of whether they are covered by the Privacy Act, need to consider how they collect, manage, store, and use personal and sensitive information when conducting their activities. It is, however, good business practise for groups to reassure the public that personal information will be kept private and secure and won't be used for any other purpose than the one it was originally collected for.

Disclaimer:

The information in this sheet is of a generic nature and is not comprehensive. Groups and organisations are encouraged to seek out further information from the Office of the Privacy Commissioner or from their solicitor.

Useful weblinks for Privacy legislation:

Office of the Privacy Commissioner
(www.privacy.gov.au),

Office of the Victorian Privacy Commissioner
(www.privacy.vic.gov.au/).

Public Interest Law Clearing House (VIC) Inc.
(**PILCH**) (www.pilch.org.au/).