

The Order of Australia Association

The Privacy Act 1988 (amended 2014)

Amendments to the Australian Government Privacy Act 1988 came into effect on the 12th March 2014. The original Privacy Act was meant to apply to the Government and its agencies but extended to those in credit business and dealing in “personal information.” However many private entities, individuals and NFPs voluntarily applied the Privacy Principles to their operations. The amended Privacy Act now applies more widely to any organisation but with the exception most small businesses and not-for-profit organisations that have an annual turnover of \$3 million or less and that are not health service providers or do not trade in personal information for benefit, service or advantage are not covered by the Act. Thus the amended Privacy Act does not apply to the Order of Australia Association. however Section 6EA of the Privacy Act allows small businesses/not-for-profits, who would otherwise not be covered by the Privacy Act, to choose to be treated as an organisation for the purposes of the Privacy Act and therefore subject to the Australian Privacy Principles and any relevant APP code. **Small businesses/NFPs opting-in to be covered by the Privacy Act are making a public commitment to good privacy practice. This option has been made available in order to provide small businesses/NFPs with the opportunity to benefit from any increase in consumer confidence and trust that may be derived from operating under the Privacy Act.** Associations which are required to comply will need specific advice in relation to the information which they collect, a “Privacy Policy”, and a “Compliance Program” which addresses how information is collected, stored and disposed of, particularly if to third parties, and if transmitted outside of Australia.

While the Order of Australia Association does not fall within the provisions of the Privacy Act it would seem a wise move to adopt the Privacy Principles and to generally operate in parallel with the provisions of the Act without formally opting-in. Such an approach makes sense as more and more people in the community express concerns about their privacy and the way their personal information may be used. Adoption of policy based on the Australian Privacy Principles will provide an increased level of trust with our members

Australian Privacy Principles

APP 1 — Open and transparent management of personal information. Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity.

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of ‘sensitive’ information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

It is proposed that the Order of Australia Association adopt a policy and approach to Privacy consistent with the Privacy Act

Privacy Compliance

1. The Association must have practices, procedures and systems to ensure it complies with the Privacy Act and enable it to handle inquiries or complaints from individuals about its practices.
2. Information management practices must be transparent and the Association must make information about its policies and practices relating to the handling of personal information available to customers.
3. It must only collect personal information necessary for one or more of its functions or activities.

4. The information given to consumers about the entity's privacy practices should include such matters as:
 - the purpose for collecting the personal information at, or before, the time personal information is collected,
 - to whom the information might be disclosed,
 - whether it is likely to be disclosed overseas,
5. If the Association uses or discloses personal information for a purpose other than the primary purpose for which the information was collected, it must get customer consent or rely upon some other exemption to the requirements of the Privacy Act.
6. The Association must give individuals a chance to opt-out of receiving direct marketing material.
7. If the Association intends to disclose information overseas, it must take the necessary steps to protect it from privacy breaches.
8. The Association must implement controls to ensure the personal information it holds and discloses is accurate, complete and up-to-date.
9. The security safeguards for protecting personal information needs to be appropriate for the sensitivity level of the information.
10. The Association needs to have well-developed processes for customers to gain access and seek corrections to their own personal information.

The Order of Australia Association **Privacy Compliance**

The Order of Australia Association respects the right of members to privacy consistent with the *Privacy Act 1988* (Commonwealth of Australia) as amended and expanded.

The Association seeks to comply with the Australian Privacy Principles in respect to the collection of personal information from individuals. Such information will be kept securely and is not disclosed to others.

The Order of Australia Association does not collect personally identifiable information about individuals except when such individuals specifically provide or update such information during application for membership in the Association. For example, such personally identifiable information may be gathered from the registration process for membership and in connection with those activities we conduct, for content submissions to our website, postings (e.g., forums).

Personally identifiable information on individual users will be provided to Branches and Regional Groups for the purpose of facilitating the provision of services to members of the appropriate Branch or Regional Group and will not be provided to third parties.

Further, notwithstanding any opt out of promotional information by the user, the Association reserve the right to contact members regarding account status, administrative and operational changes affecting membership and other matters relevant to the underlying service and/or the information collected.

The Association will use the website to regularly communicate with members and others interested in receiving information via this medium. Upon request, any member may "opt out" of contacts at any time. Additionally members have the right to access the database and update or correct their personal information at any time via the web. Also, upon a user's request, we will use reasonable efforts to functionally delete the user and his or her personal information from its database; however, it may be impossible to delete a user's

entry without some residual information because of backups and records of deletions, and because of government-imposed requirements to maintain a record of membership.

Access to the database containing personal information is restricted authorised staff and Officers of the Association who are not allowed to pass on information about members to non-authorised staff or Members of the Association without the express permission of the National Secretary.

The Order of Australia Association reserves the right to change this policy at any time by notifying users of the existence of a new privacy statement. This statement and the policies outlined herein are not intended to and do not create any contractual or other legal rights in or on behalf of any party.

Choice/Opt-Out

The Order of Australia Association website provides users the opportunity to opt-out of receiving communications. This site gives users the following options for removing their information from the Association database to not receive future communications or to no longer receive our service:

1. Access the Web site <https://foxtrotweb.com.au/oa> and enter the members portal
2. You can send email to oaasecretariat@ozemail.com.au
3. You can call the following telephone number: 02 6273 0322

If you have any questions about this privacy statement, the practices of this site, or your dealings with this Web site, you can contact us on the above email address and phone number.

Personal information

- The Order of Australia Association keeps all personal information provided to us in the strictest confidence.
- The Association does not rent, sell or commercially use your personal information with any third party under any circumstances.
- With the exception (Branches and Regional Groups) we do not otherwise share your personal information with any third party, in Australia or overseas. However, we must fully co-operate should a situation arise where we are required by law to provide information to a duly authorised Australian government law enforcement agency.

Nature of information recorded

Information on individuals is recorded electronically in our membership databases. In the case of members the information we hold may include the following contact and organisation management details:

- Name (Family & given)
- Title
- Addresses (for delivery of mail)
- Post-nominals (if any)
- Email address(es)
- Telephone numbers
- Branch or Regional Group affiliation
- Date of joining
- Category of membership
- Status of payment of membership information

Verification of information

If at any time you wish to know what membership information we might hold about you, wish to amend that information, or have a complaint about how we comply with the Australian Privacy Principles, then please email us at the address above so we can advise you of such detail, correct it if necessary or otherwise discuss the matter.

Email address protection

We will record the email address(es) of members of The Order of Australia Association because due to the geographic spread of members our preferred method of contact is email. This may include electronic distribution of Information Circulars and other documents.

- It is your responsibility to ensure the Association has your current email address in order to receive electronic communications from the Association.
- The Association will not use your email address(es) for any other purpose and we will not disclose your email address(es) to a third party without your express consent.
- Recipients of our email messages may choose to unsubscribe from our distribution lists by advising us by email, telephone or hard-copy correspondence.