

## Privacy Policy Essential Knowledge

### **Policy Description**

This policy outlines the handling of personal information by Carclew. It assists in enhancing transparency and providing a clear understanding of what information Carclew holds and the way we handle it.

### **Who must comply?**

Staff employed by Carclew on a full/part time, casual, contract, agent, unpaid and voluntary basis. (staff, Board members, artists, tutors, agents, volunteers and residents).

### **What do I need to know?**

- Carclew respects your personal information and your right to privacy.
- Your personal information will be used for the purpose consistent with the reason it was provided.
- Carclew will not share your personal information with a third party or other Government agency without your permission unless it:
  - is necessary to provide you with the service that you have requested;
  - is required to by authorised law;
  - will prevent or lessen a serious or imminent threat to an individual's health.
- You have the right to request access to your personal information and to correct, update and remove your details from our communications.

### **Contact**

Carclew  
P 61 8 8267 5111 | E [info@carclew.org.au](mailto:info@carclew.org.au)



## Privacy Policy

### 1. Background

Carclew is committed to respecting your personal information and your right to privacy. The *Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)* regulates the handling of an individual's personal information. This includes the collection, storage, use, disclosure, security and disposal of an individual's personal information.

### 2. Purpose

This policy outlines the handling of personal information by Carclew. It assists in enhancing transparency and providing a clear understanding of what information Carclew holds and the way we handle it.

### 3. Scope

This policy applies to the personal information collected by Carclew. It does not cover personal information about our employees.

### 4. Definitions

**APP:** the Australian Privacy Principles, a single set of principles that apply to both Government agencies and the private sector. These principles replace the existing Information Privacy Principles (IPP) and the National Privacy Principles (NPP).

**Personal information:** 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 is recorded in a material form or not.

**Sensitive Information:** a sub-set of personal information that includes racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, membership of a professional or trade association or union, criminal records or health and genetic information about an individual.

**Directly related purpose:** disclosing your information where necessary to provide you with the service that you have requested.

**Implied consent:** consent that is inferred from signs, actions, facts or by inaction or silence.

**Expressed consent:** clearly and unmistakably stated.

**Reasonably identifiable:** when information combined with other information (which may or may not be controlled by the same entity), identifies an individual or renders the individual as reasonably identifiable. The cost, difficulty, practicality and likelihood that the information will be linked in a way to identify the individual are to be considered when defining as reasonable identifiable.

### 5. Policy Statement

Personal information is the information that you provide to Carclew about yourself from which your identity is either apparent or can be reasonably identified. For example, an individual's name, address and contact number.

All personal information collected by Carclew is collected and stored in accordance with the *Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, *Privacy Regulations 2013*, the *Australian Privacy Principles* and the *Freedom of Information Act 1991*.

## 5.1 Collection of your personal information

Carclew will only collect the personal information that you provide for the purpose consistent with the reason why you supplied it, or a directly related purpose. Carclew will only collect personal information by lawful and fair means and will not collect unnecessarily or in an intrusive manner. Individuals may interact with us anonymously or by pseudonym where it is lawful and practicable to do so.

When Carclew collects personal information directly from you, we will take reasonable steps to ensure that you are aware of the purpose for which we are collecting the information. In addition, you may provide your personal information to Carclew for a range of different reasons including:

- general enquiry via email, telephone or facsimile;
- contacting Carclew in person or in writing;
- capturing images or video footage for reporting and/or promotional purposes;
- completing an electronic or written contact form such as a workshop registration or grant application form; or,
- recording visits to Carclew website pages for statistical purposes.

### Kind of information

Commonly, the kind of information Carclew collects includes an individual and/or participant's name, and contact details.

Occasionally photographs/sound or image recordings maybe captured for a specified purpose, such as reporting, continuous improvement and/or promotional purposes. Notice will be given before images/recordings are taken and will be used for the purpose they were taken or consent will be obtained prior to use.

On the occasions where Carclew intends to take photographs/recordings at a large event, we will consider giving notice to the people attending the function that photographs/recordings may be taken and used for a specified purpose. However, individuals are, at any time, able to request to have their image removed.

Prior consent will be obtained from the child's parent or legal guardian before any image, sound and/or video footage is taken of that child.

## 5.2 Disclosure of personal information

Carclew will not share information with a third party or other Government agency without your permission unless it:

- is necessary to provide the service that was requested;
- is required to by Australian authorised law or Court Tribunal order;
- will prevent or lessen a serious or imminent threat to an individual's health or,
- the individual has consented the use for other than one of the reasons above.

In such a case, that personal information is disclosed in accordance with the paragraph above, the details of disclosure will be recorded.

Carclew will not disclose (sell or share) your personal information to any overseas recipient.

## 5.3 Use of personal information

Generally, Carclew will only use your personal information for the purpose for which you provided it. However, we may use your personal information if permitted by law or with your expressed or implied consent.

Carclew may use your personal information to send you material directly or electronically, with your consent. You might give consent by ticking a box on

electronic form requesting information and/or marketing information or by an existing business relationship where you have previously provided your address and/or electronic address. However, at any time, the individual may request in writing to cease future communication.

Carclew may make contact with you in a variety of ways including by post, email, telephone call or facsimile.

#### **5.4 Sensitive information**

Carclew does not collect and/or share sensitive information unless:

- the individual has consented the use and provided the information;
- it is necessary to provide the service that was requested;
- it is required to by Australian authorised law or Court Tribunal order or;
- it will prevent or lessen a serious or imminent threat to an individual's health.

If Carclew receives unsolicited information, it will be destroyed or de-identified as soon as practicable.

#### **5.5 Children's Privacy**

Carclew ensures the protection of personal information of children and young people. Parental consent is obtained prior to children participating in workshops or activities held by Carclew, and prior to any image or recording being captured. When collecting information about children we only ask for the necessary information to deliver and evaluate the program. The information obtained by Carclew's Health Safety and Wellbeing Participation Declaration and Release Forms are kept for a maximum of 12 months, and are stored securely.

#### **5.6 Website security and privacy**

Carclew ensures that all online communications are secure by using industry standard encryption software. All credit card details are passed through an approved encryption connection to eWay. No credit card details are stored on the Carclew website, internal electronic systems or in hard copy.

#### Social media

Carclew participates in social media sites such as facebook, twitter, instagram, etc that have their own privacy policies. Carclew ensures that participants' are aware of and have completed a Release Form prior to comments, images or work samples being published.

#### **5.7 Information quality, storage and security**

Carclew is committed to the collection of accurate information for clearly defined purposes; and will ensure that the information that is stored is accurate, up to date, relevant and complete. Carclew will take reasonable steps to ensure that personal information in its possession, or under its control, is securely stored and not misused, interfered with or lost. Reasonable steps will also be taken to ensure that personal information is protected from unauthorised access, modification or disclosure.

#### **5.8 Access & correction to personal information**

Individuals at any time may request in writing to Carclew to access, update, correct or remove personal information from our communications, in accordance with the *Freedom of Information Act 1991* and *State Records General Disposal Schedule No.30*.

Any personal information that is no longer required Carclew will destroy or un-identify, except where the personal information is contained in a commonwealth

record, or the organisation is required under Australian law or a court/tribunal order to retain the information. Personal information is kept only for as long as it is required for business purposes or by the Australian law.

### **5.9 Feedback and complaints**

Queries, feedback or concerns about your privacy or personal information that Carclew holds, or the way it is handled, can be made in writing to the organisation. If you are unsatisfied with Carclew's response to your concerns that we have interfered with your privacy you can contact the Office of the Australian Information Commissioner.

## **6. Procedures Title**

Privacy Procedures

## **7. Responsibility for implementation**

- The Chief Executive will advise staff members of the new policy and procedures immediately.
- The Policy Administration Officer will advise all Carclew staff members that the Privacy Policy and Procedure will be available to view on the Carclew Server. The policy and procedure will be listed on the Carclew Policy webpage.
- The Privacy Policy and Procedure will be included in the Carclew Staff, Board Member, Artist and Volunteer Induction process.

## **8. Policy Status**

*Created: 31 January 2014*

*Endorsed: 2 May 2014*

*Reviewed: 25 October 2017*

*Review Date: 25 October 2019*

## **9. Key Stakeholders**

*Carclew Board, staff and clients.*

## **10. Approval Body**

Strategic Team Meeting: 2 April 2014

## **11. Endorsement Body**

Carclew Board

*Meeting Date: 2 May 2014*

## **12. Legislation**

*The South Australian Public Sector Act 2009*

*Privacy Act 1988*

*Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*

*State Records Act 1997*

*Freedom of Information Act 1991*

*Children's Protection Act 1993*

## **13. Related Policies / documents**

*Australian Privacy Principles*

*Privacy Regulations 2013*

*State Records General Disposal Schedule No. 15 (8<sup>th</sup> Edition)*

## **14. Date Effective**

This Policy is effective as of 2 May 2014

**15. Next Review Date**

This Policy is due for review *25 October 2019*

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

**16. Policy Author**

Policy Administration Officer, Carclew

**17. Contact**

Policy Administration Officer, Carclew

***Acknowledgment***

*In developing this policy Carclew has drawn on resources prepared by the Office of the Australian Information Commissioner, Australian Institute of Company Directors and Minter Ellison Lawyers.*

***Disclaimer***

*This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.*