

MARY WARD INTERNATIONAL AUSTRALIA PRIVACY POLICY



1. Purpose of Policy

This policy is to provide a framework for Mary Ward International Australia Limited (ACN 117 502 477), in dealing with the privacy, confidentiality and data security considerations of employees, volunteers, donors and any other individuals about whom the organisation processes personal information.

2. Scope of Policy

Mary Ward International Australia (MWIA) is committed to ensuring that individual's right to privacy, dignity and confidentiality is recognised and respected, and that the personal information MWIA holds is managed in accordance with the *Privacy Act 1988* (Cth), ("Privacy Act") and with the Australian Privacy Principles in the Privacy Act.

This policy sets out how MWIA collects, uses, discloses and otherwise manages personal information about employees, volunteers, donors and any other individuals who are associated with MWIA's activities.

Paragraph 11 of this policy deals specifically with employees. Where there is an inconsistency between paragraph 11 of this policy and other paragraphs, paragraph 11 prevails (with respect to employees).

3. Background

MWIA is part of the international network supporting the Loreto Sisters' justice and development work. MWIA has a focus on education as a means to achieve poverty reduction, access to health care, empowerment of communities and protection against human trafficking. Promoting the dignity of the human person, as safeguarded by internationally recognised human rights conventions, is a core value of MWIA.

MWIA is a Full Member of the Australian Council for International Development (ACFID), the peak Council for Australian not-for-profit aid and development organisations. As a member, MWIA is committed to fully adhering to the ACFID Code of Conduct, which is a voluntary, self-regulatory sector code of good practice and underpins MWIA's commitment to work with transparency, accountability and integrity.

4. Definitions

Personal information - is information or an opinion that identifies or could reasonably identify an individual, such as a name, contact details and records of dealings with MWIA. Information or an opinion may be personal information regardless of whether it is true. Information or an opinion may or may not be recorded in a material form; so long as it satisfies the above definition it is personal information.

Health information means:

- personal information about an individual's physical, mental or psychological health (at any time)
- personal information about an individual's disability (whether current, pre-existing or future)
- personal information about an individual's expressed wishes about the future provision of health services
- personal information about a health service provided, or to be provided to the individual
- other personal information collected to provide, or in providing, a health service
- other personal information about an individual in relation to organ donation or donation of body parts or substances
- other personal information that is genetic information about an individual in a form which is or could predict their health or the health of their descendants but does not include information that is exempt under legislation.

Sensitive Information - is a type of personal information which includes, amongst other things, details about racial or ethnic origin, religious beliefs, criminal history, or health and medical information.

Australian Privacy Principles - outlines how most Australian Government agencies, all private sector and not-for-profit organisations with an annual turnover of more than \$3 million, all private health service providers and some small businesses (collectively called 'APP entities') must handle, use and manage personal information.

Employee record in relation to an employee, means a record of personal information relating to the employment of the employee. Some examples of employee records are health information about the employee and personal information about:

- the engagement, training, disciplining or resignation of the employee
- the termination of the employment of the employee
- the terms and conditions of employment of the employee
- the employee's personal and emergency contact details
- the employee's performance or conduct
- the employee's hours of employment
- the employee's salary or wages
- the employee's membership of a professional or trade association
- the employee's trade union membership
- the employee's recreation, long service, sick, personal, maternity, paternity or other leave
- the employee's taxation, banking or superannuation affairs

MWIA's COMMITMENT

5. Collection of information

5.1 Types of information collected

MWIA may collect and hold personal information about individuals, that is, information that can identify individuals. The kinds of information MWIA typically collects includes name, address, contact details such as phone numbers, and email address as well as financial information (bank account or credit card details) when donations are made. When an individual applies for a job or volunteering opportunity at MWIA, MWIA may also collect employment and educational history, and related information which may include health information such as information about past or current injuries, illnesses or disabilities.

In most cases MWIA will collect personal information directly from an individual, unless it is unreasonable or impracticable to do so.

MWIA will generally only collect sensitive information about an individual if the individual consents to the collection of the information and the information is reasonably necessary for one or more of MWIA's functions or activities. However, MWIA may also collect sensitive information in some other limited circumstances including when authorised by law.

5.2 Personal information

MWIA handles the personal information of many individuals, including those:

- who assist MWIA in its provision of services, including potential employees, volunteers and contractors
- those who may provide support to MWIA
- donors

MWIA collects, holds, uses, discloses and otherwise handles personal information where it is reasonably necessary for the purposes of carrying out its business and operations as a charity. This includes:

- when an inquiry is made to MWIA to subscribe to an occasional publication
- maintaining accurate fundraising and donor records, including for the purposes of processing donations and issuing tax receipts
- when an individual provides MWIA with a resume or application for employment, or engagement or to volunteer with MWIA
- to process applications for employment and volunteer roles including considering an individual's capacity to fulfil the inherent requirements of the job for which they have applied
- to liaise with Project Partners to facilitate volunteer placements
- conduct, and seek support for, fundraising activities
- acknowledging support and providing information to educate and raise awareness of MWIA's activities and the projects and programs it supports

- to respond to comments and suggestions
- to investigate a complaint
- identifying and informing interested individuals of resources, services and/or issues that may be of interest or relevance
- maintaining business records for accounting, billing and other internal administrative purposes
- as disclosed to and to which consent has been provided by an individual
- as would otherwise reasonably be expected
- as required or permitted by law

Where personal information is used and disclosed, MWIA first takes steps reasonable in the circumstances to ensure the personal information is relevant to the purposes for which it is to be used or disclosed.

5.3 Method of collection

5.3.1 MWIA collects personal information about individuals it deals with by lawful and fair means and will only do so to the extent necessary for the organisation to carry out its associated functions and activities. MWIA only collects personal information for the purposes set out in this Privacy Policy, unless notified at the time of collection.

5.3.2 Personal information will generally be collected directly from individuals using any of MWIA's standard forms, over the internet, via email, or through a telephone conversation. MWIA may collect personal information about individuals from application forms, registration forms and from third parties who assist the organisation with carrying out its functions and activities.

There may, however, be some instances where personal information about individuals will be collected indirectly because it is unreasonable or impracticable to collect it directly. MWIA also collects personal information from other sources such as an information services provider or a publicly maintained record. Generally, MWIA will only collect personal information from sources other than from individuals directly if it is unreasonable or impracticable to collect the personal information from individuals.

MWIA also uses data collection devices such as "cookies" to monitor usage of its online resources. Cookies are small files placed on an individual's computer hard drive when they access MWIA's online resources. Cookies provide MWIA with information about an individual's computer IP address, the date and time of visits and the resources or information accessed. As with any information MWIA collects about individuals, any personal information obtained using cookies will only be used for the purposes set out in this policy.

MWIA often uses social media platforms and other interactive online forums through which to communicate and provide its services. Information disclosed to MWIA through such forums may be read, collected and used by MWIA.

6. Using and disclosing personal information

Information MWIA has collected about individuals will not be traded, sold or rented to other organisations for marketing or solicitation purposes. In most cases, MWIA will disclose and use an individual's personal information for the primary purpose for which it is collected. That is, generally MWIA will only disclose personal information for a purpose set out in paragraph 5.2. This may include disclosing personal information to third parties engaged to perform administrative, promotional, research, information technology or other services if this was the primary purpose of collecting the personal information.

However, there may be times where MWIA might use or disclose the personal information for a secondary purpose, where it is lawful to do so. For example, where:

- the individual gives consent for MWIA to do so
- the secondary purpose is related to the primary purpose of collection and the individual would reasonably expect MWIA to use or disclose the personal information for the secondary purpose
- MWIA needs to take action in relation to suspected unlawful activity or serious misconduct
- the use is required or authorised by law

MWIA may also disclose personal information to the organisation's affiliates the Institute of the Blessed Virgin Mary (Loreto Sisters) and Loreto Ministries Limited (LML) for the purposes set out in this policy. These disclosures are on a confidential basis and subject to agreements prohibiting misuse of the personal information in line with the protections set out in this policy.

MWIA may disclose personal information to overseas recipients for administrative or other business management purposes. Before disclosing any personal information to an overseas recipient, MWIA takes steps reasonable in the circumstances to ensure the overseas recipient complies with the Australian Privacy Principles or is bound by a substantially similar privacy scheme.

Where an overseas recipient does not comply with the Australian Privacy Principles and is not bound by a substantially similar privacy scheme, MWIA will not disclose personal information to the overseas recipient unless the individual consents to the overseas disclosure, or it is otherwise required or permitted by law. Overseas recipients are likely to be located in the following countries: Vietnam, Timor Leste and the Philippines, India, Kenya, Peru, South Sudan and Zambia.

7. Direct Marketing

In some instances, MWIA may use and disclose an individual's personal information to provide them with information and updates about the organisation's services, including via email, SMS, post, or by telephone. In most cases this will only occur where the personal information has been collected from the individual. If an individual no longer wishes to receive these types of communications from MWIA, they should contact MWIA's Privacy Officer on the details provided below or through any opt out mechanism contained in a communication.

8. Security

- 8.1 MWIA holds personal information in both paper-based and electronic files. Electronic information is stored on secure servers that are located on MWIA's premises. MWIA takes all steps as are reasonable in the circumstances to ensure all personal information it holds is protected from misuse, interference, loss, unauthorised access, modification or disclosure. MWIA's employees, volunteers and contractors who have access to MWIA's records are obliged to treat all personal information confidentially.
- 8.2 No personal data transmission over the internet can be guaranteed to be 100% secure. Whilst MWIA strives to protect an individual's personal information from misuse, loss or unauthorised access, the organisation cannot guarantee the security of any information an individual transmits or receives from MWIA's online services. These activities are conducted at an individual's own risk. As soon as MWIA receives a transmission, the organisation makes its best efforts to ensure its security.
- 8.3 MWIA will destroy or de-identify personal information in circumstances where it is no longer required for the purposes for which it was collected or for any secondary purpose permitted under the Australian Privacy Principles and the Privacy Act, unless MWIA is otherwise required or authorised by law to retain the information.

9. Accessing and correcting personal or health information

- 9.1 MWIA endeavors to ensure the personal information collected, held, used and disclosed is accurate, complete, relevant, current and not misleading. If an individual believes the personal information MWIA holds on them requires correction they can contact MWIA on the details provided below. An individual may also request access to their personal information for any other reason.

MWIA aims to respond to requests for access within 30 days.

There are instances where MWIA will not provide an individual with access to their personal information. Examples of when MWIA may refuse an individual's request for access include:

- the personal information is part of an employee record (see paragraph 11)
- the personal information relates to legal proceedings and the requested information would not be discoverable
- providing access would reveal the intentions of MWIA in relation to negotiations with the individual, and would prejudice those negotiations
- giving access would unreasonably impact on the privacy of others
- the request is frivolous or vexatious

MWIA is not obliged to correct personal information if it does not agree that it requires correction and may refuse to do so.

If an access or correction request is refused, a written notice stating the reasons for refusal and complaint mechanisms available will be provided.

MWIA may seek to recover reasonable costs incurred for providing access to personal information.

9.2. If an individual requests access to their health information, this request must be in writing, dated and contain the following:

- the individual's name and address
- details of the specific health information that the individual wishes to access
- information about the way in which the individual wishes to have access (for example inspection or receipt of a copy)

If an individual makes a verbal request for access, MWIA will ask the individual to make the request in writing. Before providing access to health information, MWIA may require evidence of an individual's identity or authority.

When an individual requests a correction to health information held by MWIA, and MWIA is satisfied that health information is inaccurate, out of date, incomplete or misleading, then MWIA will take steps to correct it. MWIA will deal with any requests for correction to health information within 30 days.

If an access or correction request is refused, a written notice stating the reasons for refusal will be provided.

10. Children

10.1. The safety of children is very important to MWIA. MWIA asks that children under the age of 18 have a parent or guardian verify their contact with the organisation. Whilst MWIA will make every reasonable effort to ensure that children's privacy and other rights are not compromised, it is ultimately the responsibility of parents to monitor their children's internet usage.

11. Employees

11.1. This paragraph only relates to employees of MWIA or employees of Loreto Sisters or LML. This paragraph explains how MWIA deals with employee records of current and former employees.

11.2. Upon commencement of an individual's employment at MWIA, MWIA will collect certain personal information from the individual which will form part of their employee records. MWIA will usually request that this information is provided in writing.

- 11.3. While employee records are exempt from the Privacy Act 1988 (Cth), MWIA will nevertheless, where appropriate, deal with an employee record in a manner that is respectful, that is consistent with its employer obligations and that protects the security of personal information. MWIA will take reasonable steps to protect employee records from loss, unauthorised access or other forms of misuse. This includes storing employee records in secure filing cabinets in restricted access areas, and on computer systems that are password protected.
- 11.4. MWIA will generally not provide an individual or any other person with access to the individual's employee records simply on request. MWIA will only provide access if required to do so by law, for example under a subpoena, in compliance with a notice by a law enforcement agency or as required by legislation or court order. However, if an employee or former employee requests health information held by MWIA, this will be dealt with in accordance with paragraph 9.2.
- 11.5. It is important that employee records are current and accurate. If an individual's personal information becomes outdated or requires correcting, they should contact the MWIA and provide it with the correct information.

MWIA's EVALUATION AND IMPROVEMENT

12. Policy Implementation and Review

Procedures:

1. MWIA will review this policy on a regular basis at least every three years
2. Confirmation of internal compliance with this policy will be undertaken at least once annually
3. Introduction of the policy is included in the induction process and read by all new staff, volunteers and contractors
4. A workshop is regularly organised to present the policy to staff and volunteers to keep them updated on any changes
5. Any issues that may arise in relation to this Policy shall initially be discussed by the Executive Officer in consultation with the Chief Executive Officer and Audit and Risk Committee

13. Updates to this Privacy Policy

MWIA may change this Privacy Policy to ensure compliance with the Privacy Act. When changes are made, the updated Privacy Policy will be posted on MWIA's website at <http://www.mwia.org.au/privacy-policy/>

14. Questions and Complaints

If an individual has a question in relation to this Privacy Policy, a complaint about the way in which MWIA has handled their personal information, or wishes to make a request for access to, or correction of, their personal information please contact: MWIA's Privacy Officer on (03) 9813 4023 or email mwiaustralia@loreto.org.au

At all times, privacy complaints will be treated seriously, dealt with promptly and dealt with in a confidential manner. MWIA's Privacy Officer will inform individuals of the outcome of their complaint.

If an individual is dissatisfied with the outcome of their complaint, they may refer the complaint to the Office of the Australian Information Commissioner (www.oaic.gov.au).

MWIA INTERNAL REFERENCES

15. Related Policies and Procedures

The following internal documents relate to this policy:

- Child Protection Policy
- Conflict of Interest Policy
- Code of Conduct
- External Complaints Policy
- Record Management Policy
- Risk Management Policy
- Website and Social Media Platforms

Legislation and Standards

MWIA's management of privacy will comply with the following:

- Privacy Act 1988
- Do Not Call Register Act 2006
- Spam Act 2003
- Service level accreditation standards and non-accreditation standards

Responsible Person	Date Created	Scheduled Review date
MWIA Board	25/01/2018	25/01/2021
Contact	Version	Status
Kirstin Del Beato (Programs Manager)	1.1	Approved
Authorisation name	Authorisation signature	Date of Authorisation
Elizabeth Rogerson (Chair)		