PROBUS SOUTH PACIFIC LIMITED

PRIVACY POLICY (AUSTRALIA)

1. What is a Privacy Policy?

Privacy protects the principle that individuals have rights to their Personal Information. Probus South Pacific Limited ("PSPL") is committed to the preservation and promotion of these rights. The *Privacy Act 1988* (Cwth) regulates the way private sector organisations, including PSPL, handle and store Personal Information.

PSPL is mindful of its association with Clubs in other countries and that those countries may have their own privacy obligations. Although PSPL may not be bound by such obligations, PSPL seeks, with the assistance of these Clubs, to provide individuals with at least the same protection afforded under the laws of their country.

The *Privacy Act* sets out a number of principles with which PSPL must comply when handling Personal Information. These principles are known as Privacy Principles and apply to Personal Information and Sensitive Information collected and held by PSPL in any form.

Members authorise PSPL, directly or through an Accredited Entity, to collect, use, and disclose their Personal Information in accordance with this Privacy Policy and also to the extent not prohibited by applicable privacy legislation.

This policy outlines how PSPL uses and manages Personal Information provided to, or collected by, it. PSPL may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to its operations and practices and to ensure it remains relevant to the business environment in which PSPL operates.

2. What does the Privacy Policy cover?

The Privacy Policy covers the following:

- Collection of Personal Information
- Use of Personal Information
- Disclosure of Personal Information
- Rights and control of Personal Information
- Storage and security of Personal Information

3. Definitions

3.1 **"Accredited Entity"** includes a Probus Club or Probus Association accredited by PSPL.

3.2 **"Act"** means the *Privacy Act 1988* (Cth), as amended from time to time.

3.3 **"Health Information"** means:

(a) information or an opinion about:

(i) the health, including an illness, disability or injury (at any time) of an individual; or

(ii) an individual's expressed wishes about the future provision of health services to the individual; or

(iii) a health service provided, or to be provided, to an individual;

that is also Personal Information; or

(b) other Personal Information collected to provide, or in providing, a health service to an individual; or

(c) other Personal Information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or

(d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

3.4 "**Local Representatives"** includes Rotary District Probus Chairmen, Probus District Chairmen and Ambassadors.

3.5 **"Member"** means a member of an Accredited Entity.

3.6 **"Personal Information"** is information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in material form or not.

Personal Information includes photographs and images of individuals.

3.7 **"Privacy Principles"** means the Australian Privacy Principles in Schedule 1 of the Act, as amended from time to time.

3.8 **"Records"** include documents (including electronic documents), databases, photographs and other pictorial representations. However, it does not include a generally available publication or anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

3.9 **"Sensitive Information"** is a type of Personal Information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, membership of a profession or trade association, philosophical beliefs, membership of a trade union, sexual orientation or practices, criminal record, biometric information that is to be used for the purpose of automated biometric verification or biometric identification, biometric templates and Health Information or genetic information about an individual that is not otherwise Health Information.

4. Publication and Distribution

4.1. Each new staff member must, as a part of their contract of employment, agree to the terms of this Policy.

4.2. This Policy is available on the PSPL website and copies of the Policy can be made available on written request.

5. What kind of Personal Information does PSPL collect and how does PSPL collect it?

5.1. PSPL collects and holds information including (but not limited to) Personal Information which may be Sensitive Information about:

(a) Members before, during and after the Members' affiliation;

(b) job applicants, staff members, advertisers, guest speakers, Local Representatives and contractors; and

(c) other persons who come into contact with PSPL.

5.2. PSPL will generally collect the name, date of birth and contact information of Members.

5.3. PSPL will sometimes be provided with Personal Information about a Member through sources which include:

(a) Membership Application Forms;

(b) membership listings; and

(c) email correspondence.

5.4 In the case of a prospective Member, PSPL will usually be provided with name, gender and contact information through sources which include:

(a) the website;

(b) responses to PSPL promotions; and

(c) Membership Application Forms.

5.5. PSPL will generally collect more information, including contact information, from Members who serve on an Accredited Entity's Management Committee.

5.6. PSPL will sometimes be provided with Health Information by Members.

5.7 PSPL will take such steps (if any) as are reasonable in the circumstances to ensure that the Personal Information it collects is accurate, up-to-date, complete and secure.

6. Unsolicited Information

If PSPL receives any unsolicited Personal Information, it must, if lawful and reasonable to do so, destroy or de-identify the information unless PSPL determines it could have collected the information under the Privacy Principles.

7. Need to Advise (Collection Notice)

Before information is collected or as soon as practicable after collection, PSPL will take all reasonable steps to make the individual to whom the information relates aware of the following:

7.1. the identity and contact details of PSPL;

7.2. if:

(a) PSPL collects the Personal Information from someone other than the individual; or

(b) the individual may not be aware that PSPL has collected the Personal Information;

the fact that PSPL so collects, or has collected, the information and the circumstances of that collection;

7.3. the purposes for which the information is being collected;

7.4. the intended recipients of the information;

7.5. the main consequences (if any) for the individual if all or some of the Personal Information is not collected by PSPL;

7.6. if the collection of the Personal Information is required or authorised by or under an Australian law or a court/tribunal order - the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);

7.7. that this policy contains information about how the individual may access the Personal Information about the individual that is held by PSPL and seek the correction of such information;

7.8. that this policy contains information about how the individual may complain about a breach of the Privacy Principles and how PSPL will deal with such a complaint;

7.9. whether PSPL is likely to disclose the Personal Information to overseas recipients;

7.10. if PSPL is likely to disclose the Personal Information to overseas recipients - the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

Those reasonable steps include the provision of a Membership Application Form for use by Clubs. This form includes reference to this Privacy Policy through the provision of a link to the policy and the PSPL website address.

8. How will PSPL use the Personal Information it collects?

8.1. PSPL will use Personal Information it collects for its primary purpose of collection, namely, to provide services to Accredited Entities and their Members, and for such other secondary purposes as are related to this primary purpose. The purposes for which PSPL may use Personal Information of Members include:

(a) to keep Accredited Entities and Members informed about matters related to Probus through correspondence and publications;

(b) for day to day administration;

(c) to facilitate communication with and between Accredited Entities;

(d) to manage insurance for Accredited Entities;

(e) to invite participation in focus groups and surveys undertaken by PSPL;

(f) to inform individuals of opportunities, services, events and offers; and

(g) to satisfy PSPL's legal obligations.

8.2. PSPL may also use Personal Information it collects for the purposes for which it has obtained consent or is otherwise authorised or required to do by law.

8.3. PSPL will only use or disclose Personal Information lawfully and will not sell any Personal Information it holds.

9. To whom might PSPL disclose Personal Information?

9.1. PSPL may disclose Personal Information, including Sensitive Information, held about an individual if the circumstances are appropriate and the disclosure is not prohibited by the Act, to:

(a) government departments;

(b) medical practitioners;

(c) Local Representatives;

(d) persons or businesses for the purposes of providing services to PSPL;

(e) Accredited Entities;

(f) a person authorised to receive the information by the individual about whom the information was collected; and

(g) a person authorised by law to receive the information.

9.2. It is common practice for organisations to store or host Personal Information located on servers overseas. PSPL may from time-to-time store or host data on servers located in Australia or overseas. In hosting or storing Personal Information, service providers act as agents for PSPL.

9.3 PSPL may disclose Personal Information to service providers located in Australia or overseas, in order for PSPL to provide services to Accredited Entities. While PSPL takes steps to ensure that all reasonable safeguards are in place to prevent loss, misuse or disclosure of Personal Information, some service providers may not be subject to laws that provide comparable safeguards to those in the Act. PSPL is unlikely to send Personal Information overseas other than for the purposes of storing or hosting such information.

9.4 Other than as described in clauses 9.2 and 9.3, PSPL will not send Personal Information about an individual overseas without:

(a) obtaining the consent of the individual (in some cases, this consent will be implied); or

(b) otherwise complying with the Privacy Principles.

10. How does PSPL treat "Sensitive Information"?

"Sensitive Information" will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the person from whom the information was collected has requested otherwise, or the use or disclosure is required by law.

11. Management and security of Personal Information

11.1. PSPL, its employees,contractors and Local Representatives are required to respect the confidentiality of Members' Personal Information and the privacy of individuals.

11.2. PSPL stores Personal Information in various forms in order to provide services to Accredited Entities, their Members and any other persons entitled to receive such services.

11.3. PSPL has in place steps to protect the Personal Information it holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including secure storage of paper records and password protected access rights to electronic records that limit access to authorised persons only in areas where Personal Information is stored.

11.4. If:

(a) PSPL holds Personal Information about an individual; and

(b) PSPL no longer needs the information for any purpose for which the information may be used or disclosed by it under the Privacy Principles; and

(c) PSPL is not required by or under an Australian law, or a court/tribunal order, to retain the information;

PSPL must take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

12. Updating Personal Information

PSPL must take such steps as are reasonable in the circumstances to ensure that Personal Information it uses or discloses is accurate, up-to-date, complete and relevant. A person may seek to update their Personal Information held by PSPL by contacting PSPL at any time.

13. What happens if there is a data breach?

If an "eligible data breach" occurs then PSPL will notify both the Office of the Australian Information Commissioner and any individuals affected by the breach as soon as practicable and in conformity with the requirements of the Act.

What is an "eligible data breach"?

An eligible data breach happens if:

(a) either:

(i) there is unauthorised access to, or unauthorised disclosure of, Personal Information held by PSPL; or

(ii) Personal Information is lost in circumstances where there is likely to be unauthorised access to or unauthorised disclosure of the information; and

(b) a reasonable person would conclude that the access or disclosure would be likely to result in "serious harm" to any of the individuals to whom the information relates.

Remedial action

If PSPL takes remedial action:

(a) prior to any serious harm occurring (from unauthorised access or disclosure) and, as a result of the remedial action, a reasonable person would conclude that the access or disclosure would not be likely to result in serious harm to any of those individuals;

(b) prior to any loss of information resulting in unauthorised access to or disclosure of information; or

(c) after the loss of information results in unauthorised access to or disclosure of that information but before the access or disclosure results in any serious harm to an individual and, as a result of the remedial action, a reasonable person would conclude that the subsequent access or disclosure would not be likely to result in serious harm to the individual,

the access, disclosure, or loss is not, and is never taken to have been, an eligible data breach.

What is "serious harm"?

For a data breach to constitute an "eligible data breach", a reasonable person would need to conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates. The Act does not define the term "serious harm". However, "serious harm" is a concept referred to in the Commissioner's Data Breach Guide which suggests that "serious harm" could include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation and other forms of serious harm that a reasonable person in PSPL's position would identify as a possible outcome of the data breach. Though individuals may be distressed or otherwise upset at unauthorised access to, or unauthorised disclosure or loss of, their Personal Information this would not itself be sufficient to require notification unless a reasonable person in PSPL's position would consider that the likely consequences for those individuals would constitute a form of serious harm.

When assessing whether "serious harm" is likely to occur, PSPL will apply a reasonableness test to the circumstances. In accordance with the Act, PSPL will consider the following criteria when determining whether a data breach would likely result in "serious harm":

(a) the kind of information and its sensitivity;

(b) whether the information is protected by any security measures and, if so, whether those security measures could be overcome;

(c) the person or kinds of persons who have obtained, or could obtain, the information (Recipients");

(d) if a security technology or methodology was used in order to make the information unintelligible or meaningless to unauthorised Recipients (e.g. it was encrypted) the likelihood that the Recipient or kinds of Recipient have, or are likely to have, the intention of causing harm to any of the individuals to whom the information relates, have obtained or could obtain, information or knowledge required to circumvent the security technology or methodology;

(e) the nature of the harm; and

(f) other relevant matters.

14. The right to access and correct the Personal Information held by PSPL

14.1. Under the Act, an individual normally has the right to access any Personal Information which PSPL holds about them and to advise PSPL of any perceived inaccuracy.

14.2. To make a request to access any information PSPL holds, an individual should contact PSPL in writing.

14.3. PSPL may require those seeking information to verify their identity and to specify what information they require. PSPL may charge a fee to cover the cost of verifying applications and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, PSPL will advise the likely cost in advance.

14.4. A person will not be given access to his or her own Personal Information in all cases including where:

(a) access would pose a serious or imminent threat to the life or health of an individual;

(b) access would have an unreasonable impact on the privacy of other individuals;

(c) providing access is likely to prejudice investigatory or enforcement activities conducted by, or on behalf of, a law enforcement agency;

(d) the request is frivolous or vexatious;

(e) the information relates to existing or anticipated legal proceedings between the parties, and the information would not be accessible through legal procedures;

(f) giving access would reveal the intentions of PSPL in relation to negotiations with the individual in such a way as to prejudice those negotiations;

(g) giving access would reveal evaluative information generated within PSPL in connection with a commercially sensitive decision-making process;

(h) both of the following apply:

(i) PSPL has reason to suspect that unlawful activity or misconduct of a serious nature that relates to PSPL's functions or activities has been, is being, or may be engaged in; and

(ii) giving access would be likely to prejudice the taking of appropriate action in relation to the matter;

(i) providing access would be unlawful;

(j) denying access is required or authorised by or under law.

14.5. Written reasons must be given where access is denied or PSPL refuses to correct the information.

14.6. If:

(a) PSPL holds Personal Information about an individual; and

(b) either:

(i) PSPL is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or

(ii) the individual requests PSPL to correct the information;

PSPL must take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

15. Website Links

PSPL's website contains links to other websites, which are not necessarily otherwise associated with PSPL. Any privacy issues relating to these websites should be referred to the organisation managing the relevant site.

16. Handling of Complaints and Privacy

Any concerns about the way PSPL has handled Personal Information should be directed in writing to PSPL. PSPL takes all complaints seriously and responds by taking all reasonable steps it considers necessary. PSPL will notify the complainant of its response. If the complainant is unsatisfied with PSPL's response, he or she may complain to the Office of the Australian Information Commissioner:

Street Address: Level 3, 175 Pitt Street, Sydney 2000
Mailing address: GPO Box 5218, Sydney NSW 2001
Phone: 1300 363 992
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

17. Employment Records

Employee records and acts done by PSPL as the employer of staff if directly related to a current or former employment relationship are exempt from the application of the Act. Examples of this type of information include the terms and conditions of employment, personal contact details, performance and conduct and salary details. Accordingly, PSPL may access and use Personal Information about employees when appropriate.

18. Enquiries

For further information about the way PSPL manages the Personal Information it holds, please contact PSPL at:

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