



## **PROBUS SOUTH PACIFIC LIMITED**

### **PRIVACY POLICY (NEW ZEALAND)**

#### **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 2020* (NZ) regulates the way agencies, 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 assistances of Clubs, to provide individuals with at least the 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 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 2020 (NZ)*, as amended from time to time.
- 3.3. **“Health Information”** in relation to an identifiable individual, means:
- (a) information about the health of that individual, including their medical history; or
  - (b) information about any disabilities that individual has, or has had; or
  - (c) information about any health services or disability services that are being provided, or have been provided, to that individual; or
  - (d) information provided by that individual in connection with the donation, by that individual, of any body part, or any bodily substance, of that individual or derived from the testing or examination of any body part, or any bodily substance of that individual; or
  - (e) information about that individual which is collected before or in the course of, and incidental to, the provision of any health service or disability service to that 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”**:
- (a) means information about an identifiable individual; and
  - (f) includes information relating to a death that is maintained by the Registrar-General under the Births, Deaths, Marriages, and Relationships Registration Act 1995 or any former Act (as defined in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995).

- 3.7. **“Privacy Principles”** means the Information Privacy Principles in 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.

#### **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 the PSPL collect it?**

- 5.1. PSPL collects and holds information including (but not limited to) Personal 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 fact that the information is being collected; and
- 7.2. the purposes for which the information is being collected; and
- 7.3. the intended recipients of the information; and
- 7.4. the name and address of PSPL; and
- 7.5. if the collection of the information is authorised or required by law:
  - (a) the particular law by or under which the collection of the information is authorised or required; and
  - (b) whether the supply of the information by that individual is voluntary or mandatory; and
- 7.6. the main consequences (if any) for the individual if all or any part of the requested information is not collected by PSPL;
- 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; and
- 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 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 purpose 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 authorisation of the individual after the individual is expressly informed that the foreign person or entity may not be required to protect the information in a way that, overall, provides comparable safeguards to those in the Act; or

- (b) otherwise complying with the Privacy Principles.

## **10. Management and security of Personal Information**

- 10.1. PSPL, its employees, contractors and Local Representatives are required to respect the confidentiality of Members' Personal Information and the privacy of individuals.
- 10.2. 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.
- 10.3. 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.
- 10.4. 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 a New Zealand 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.

## **11. 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.

## **12. What happens if there is a notifiable privacy breach?**

If a "notifiable privacy breach" occurs then PSPL will notify both the Privacy Commissioner and any individuals affected by the breach as soon as practicable and in conformity with the requirements of the Act.

*What is a “notifiable privacy breach”?*

A notifiable privacy breach:

- (a) is a privacy breach that it is reasonable to believe has caused serious harm to an affected individual or individuals or is likely to do so;
- (b) does not include a privacy breach if the personal information that is the subject of the breach is held by an agency who is an individual and the information is held solely for the purposes of, or in connection with, the individual’s personal or domestic affairs.

*What is “serious harm”?*

When PSPL is assessing whether a privacy breach is likely to cause serious harm in order to decide whether the breach is a notifiable privacy breach, PSPL must consider the following:

- (a) any action taken by PSPL to reduce the risk of harm following the breach:
- (b) whether the personal information is sensitive in nature:
- (c) the nature of the harm that may be caused to affected individuals:
- (d) the person or body that has obtained or may obtain personal information as a result of the breach (if known):
- (e) whether the personal information is protected by a security measure:
- (f) any other relevant matters.

### **13. The right to access and correct the Personal Information held by PSPL**

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

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

13.3. 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.

13.4. A person will not be given access to his or her 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.

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

13.6. 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
- (j) 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.

#### **14. Website Links**

PSPL' 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.

#### **15. 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 any 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 Privacy Commissioner:

Street Address: Level 11, 215 Lambton Quay, Wellington 6011 or Level 13, WHK Tower, 51-53 Shortland Street, Auckland 1140  
Mailing address: PO Box 10094, The Terrace, Wellington 6143  
Telephone: 0800 803 909  
Email: [enquiries@privacy.org.nz](mailto:enquiries@privacy.org.nz)  
Website: [www.privacy.org.nz/about-us/contact/](http://www.privacy.org.nz/about-us/contact/)

#### **16. Enquiries**

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

Probus South Pacific Limited  
PO Box 1294  
Parramatta NSW 2124  
Tel: +61 2 9689 0200 or 0800 1477 6287  
E: [admin@probussouthpacific.org](mailto:admin@probussouthpacific.org)