

ACF PRIVACY POLICY

INCORPORATING LEGISLATIVE AMENDMENTS WHICH TAKE EFFECT AS AT 12 MARCH 2014

The purpose of this document is to set out the policies of the Australian Conservation Foundation Inc (**ACF**) in relation to the collection, holding, use and disclosure by ACF of personal information relating to an individual as required by the *Privacy Act 1988* (Cth) (**Act**).

For these purposes, "personal information" means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

The types of personal information that ACF collects includes personal information regarding ACF members, ACF supporters, ACF volunteers, ACF donors, ACF personnel or other persons with whom ACF or a third party has contact in connection with ACF's activities.

1 Collection

1.1 ACF collects personal information about individuals where that information is necessary for any of the following **primary purposes**:

- (a) fulfilling ACF's role in educating the community about issues of environmental significance and sustainability;
- (b) assisting ACF to participate in relevant civic and political debates, and assisting ACF supporters in also doing so;
- (c) identifying environmental breaches and highlighting environmental and sustainability concerns;
- (d) notifying individuals of ACF's activities and campaigns and inviting participation in initiatives;
- (e) forging corporate and professional alliances, and supporting likeminded organisations to achieve environmental and sustainability outcomes, including by sharing information with them;
- (f) seeking new members and donors, including through marketing activities, and processing, renewing and maintaining ACF memberships and subscription services, including the use of third parties;
- (g) increasing ACF's financial support, through various fundraising activities, in order to maintain and enhance ACF's campaigning capacity;
- (h) (f) and (g) above include building a comprehensive understanding of individual interests and habits to enable effective engagement with members, supporters and future supporters;
- (i) recruiting Climate leaders and presenters and otherwise operating the Climate Reality Project program
- (j) operating the Climate Reality Project program;
- (k) recruiting staff, Board and Council members and volunteers; and
- (l) receiving feedback or complaints on any of the above functions or activities.
- (m) responding to your comments or questions and receiving feedback or complaints on any of the above functions or activities
- (n) improving our website

1.2 ACF will only collect personal information (other than sensitive information) when the information is reasonably necessary for one of more of ACF's functions or activities set out in paragraph 1.1.

- 1.3 ACF will only collect personal information by lawful and fair means.
- 1.4 At or before the time ACF collects personal information about an individual from an individual, or as soon as practicable after, ACF will take such steps as are reasonable to ensure that the individual is aware of:
- (a) the identity of ACF and how to contact ACF;
 - (b) the fact that he or she is able to gain access to and seek correction of the information;
 - (c) the purposes for which the information is collected;
 - (d) organisations (or the types of organisations) to which ACF usually discloses information of the kind collected, and if practicable the countries in which any overseas recipients are located;
 - (e) if the collection of the information is required or authorised by or under any Australian law or a court/tribunal order - the fact that collection is so required and relevant details of that requirement; and
 - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.5 If it is reasonable and practicable to do so, ACF will collect personal information about an individual only from that individual. ACF will, from time to time, collect personal information from third parties, social media and via the use of cookies on ACF's website.
- 1.6 If ACF collects personal information about an individual from someone else, or the personal information is unsolicited, it will take reasonable steps to ensure that the individual is or has been made aware that the information has been collected, the information and the circumstances of the collection.
- 1.7 ACF will determine within a reasonable period of time whether personal information about an individual which was collected from someone else or personal information which was unsolicited could not have been lawfully collected by the ACF, and:
- (a) if so, the information will be dealt with in accordance with this privacy policy; or
 - (b) if not, and the information is not contained in a Commonwealth record, ACF will, as soon as practicable but only if lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

Sensitive information

- 1.8 ACF will not collect sensitive information about an individual, including information about that individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record unless:
- (a) the individual has consented to the collection of that information and the information is reasonably necessary for one or more of ACF's functions or activities; or
 - (b) the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - (c) a "permitted general situation" as defined in subsection 16A of the Act) exists in relation to the use or disclosure of the information, including:
 - (i) where it is unreasonable or impracticable to obtain consent and ACF reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety; or

- (ii) ACF has reason to suspect an unlawful activity or misconduct of a serious nature that relates to ACF's functions or activities has been or may be engaged in and reasonably believes the use or disclosure is necessary in order for ACF to take appropriate action; or
 - (iii) ACF reasonably believes that the use or disclosure is reasonably necessary to assist anyone to locate a person reported as missing and the use or disclosure complies with any rules made under s16(A)(2) of the Act; or
 - (iv) the use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim or a confidential alternative dispute resolution process; or
- (d) the information relates to the activities of ACF and the information relates solely to the members of ACF, or to individuals who have regular contact with ACF in connection with its activities.

2 Use and disclosure

2.1 ACF may sometimes use or disclose personal information about an individual for a purpose (the **secondary purpose**) other than the primary purpose. However, ACF will only use or disclose personal information about an individual for a secondary purpose in limited circumstances.

2.2 ACF may use personal information about an individual for a secondary purpose if:

- (a) the individual has consented to the use or disclosure; or
- (b) the individual would reasonably expect ACF to use or disclose the information for the secondary purpose and the secondary purpose is;
 - (i) if the information is sensitive information — directly related to the primary purpose; or
 - (ii) if the information is not sensitive information — related to the primary purpose; or
- (c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (d) a “permitted general situation” (as defined in subsection 16A of the Act) exists in relation to the use or disclosure of the information, including:
 - (i) where it is unreasonable or impracticable to obtain consent and ACF reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety; or
 - (ii) ACF has reason to suspect an unlawful activity or misconduct of a serious nature that relates to ACF's functions or activities has been or may be engaged in and reasonably believes the use or disclosure is necessary in order for ACF to take appropriate action; or
 - (iii) ACF reasonably believes that the use or disclosure is reasonably necessary to assist anyone to locate a person reported as missing and the use or disclosure complies with any rules made under s16(A)(2) of the Act; or
 - (iv) the use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim or a confidential ADR process; or
- (e) ACF reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body (and will make a written note about such use).

2.3 In this Policy:

consent means voluntary and informed agreement to some act, practice or purpose. ACF will, wherever possible, seek consent from individuals before using their personal information for a secondary purpose. Where ACF deems that a child or young person is unable to give sufficient consent to the use of his or her personal information for a particular purpose, ACF will seek such consent from his or her parent or guardian.

- 2.4 ACF may use personal information about an individual for the secondary purpose of promoting ACF products, marketing of products or services of third parties with whom ACF has an association, activities, materials, educational resources and competitions to the individual and to inform the individual of issues of environmental significance or sustainability generally (**direct marketing**).
- 2.5 ACF may use personal information (other than sensitive information) about an individual for direct marketing if:
- (a) ACF collected the information from:
- (i) the individual and the individual would reasonably expect ACF to use or disclose the information for that purpose; and
 - (ii) ACF has provided a simple means by which the individual may easily request not to receive direct marketing communications from ACF; and
 - (iii) the individual has not made a request to ACF to not receive direct marketing communications from ACF; or
- (b) ACF collected the information from someone other than the individual and:
- (i) it is impracticable to obtain the individual's consent; and
 - (ii) the individual would not reasonably expect that use; and
 - (iii) in each direct marketing communication with the individual ACF includes a prominent statement that the individual may make such a request; or
 - (iv) ACF otherwise draws the individual's attention to the fact that the individual may make such a request; and
 - (v) the individual has not made a request to ACF to not receive direct marketing communications from ACF.
- 2.6 ACF may only use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.
- 2.7 ACF may use or disclose personal or sensitive information for the testing of ACF security systems and database performance;
- 2.8 If ACF uses or discloses personal information about an individual for:
- (a) direct marketing an individual may request not to receive direct marketing communications from ACF and ACF must give effect to the request within a reasonable period of time; or
 - (b) the purposes of facilitating direct marketing by other organisations an individual may request ACF not to use or disclose the individual's information for the purpose of facilitating direct marketing by other organisations and ACF must give effect to the request within a reasonable period of time,
- and the individual may request ACF to be provided with the source of the information and ACF must within a reasonable period of time after the request was made, provide details of the source unless it is impractical or unreasonable to do so.
- 2.9 ACF will not charge any individual for the making of, or to give effect to, such requests.

3 Data quality

ACF will take such steps as are reasonable in the circumstances to ensure that the personal information it collects is accurate, complete and up-to-date and, having regard to the purposes of the use or disclosure of the personal information that is collected, relevant.

4 Data security

4.1 ACF will take such steps as are reasonable in the circumstances to protect the personal information it holds from misuse, interference (which may include measures to protect against computer attacks) and loss and from unauthorised access, modification or disclosure.

4.2 ACF will take such steps as are reasonable in the circumstances to destroy or permanently de-identify personal information about an individual that it holds if it is no longer needed for any purpose for which the information may be used or disclosed, and is not required to be retained by law or a court/tribunal order.

5 Open and transparent management

5.1 ACF has set out in this document, in an open and transparent way, its policies on the management of personal information. ACF will make this document publicly available on its website at www.acfonline.org.au and will take reasonable steps to provide a copy of this policy, free of charge, to anyone who asks for it (see section 11 of this Policy for contact details).

5.2 On request by a person, ACF will take reasonable steps to let the person know, generally, what sort of personal information ACF holds in relation to that person, for what purposes, and how it collects, holds, uses and discloses that information.

6 Access and correction

6.1 If ACF holds personal information about an individual, ACF will provide the individual with access to the information on request by the individual unless any of the following exceptions apply:

- (a) ACF reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- (b) giving access would have an unreasonable impact upon the privacy of other individuals; or
- (c) the request for access is frivolous or vexatious; or
- (d) the information relates to existing or anticipated legal proceedings between ACF and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- (e) providing access would reveal the intentions of ACF in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (f) providing access would be unlawful; or
- (g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- (h) both of the following apply:
 - (i) ACF has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to ACF functions or activities has been or 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; or

- (i) providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (j) giving access would reveal evaluative information generated within ACF in connection with a commercially sensitive decision-making process.

- 6.2 ACF will respond to an access request within a reasonable period after the request is made and will give access to the personal information in the manner requested by the individual, if it is reasonable and practicable to do so. ACF may, in appropriate circumstances, charge the individual for giving access to the personal information. Such a charge will not be excessive.
- 6.3 If ACF refuses to give access to personal information in the manner requested by the individual or because one or more of the exceptions apply ACF will take such steps as are reasonable in the circumstances to give access in a way that meets the needs of ACF and the individual.
- 6.4 If ACF refuses to give access to personal information in the manner requested by the individual or because one or more of the exceptions referred to in paragraph 6.1 of this policy apply, ACF will give the individual a written notice that sets out the reasons for the refusal, except to the extent that, having regard to the grounds of refusal it would be unreasonable to do so and the mechanisms available to complain about the refusal (and such other matters prescribed by the regulations). If the reason for refusal is the exception referred to in paragraph 6.1(j) of this policy, the reasons for refusal may include an explanation for the commercially sensitive decision.
- 6.5 An individual can request ACF to correct personal information held by ACF. ACF will respond to the request within a reasonable period of time after the request is made and will take such steps as are reasonable in the circumstances to correct the information to ensure that, having regard to the purpose for which it is held, it is accurate, up to date, complete, relevant and not misleading. ACF may also take such steps on its own initiative, if ACF is satisfied, having regard to the purpose for which personal information about an individual is held, it is inaccurate, out of date, incomplete, irrelevant or misleading.
- 6.6 If ACF refuses to correct the personal information as requested by the individual, ACF will give the individual a written notice that sets out the reasons for the refusal, except to the extent that, having regard to the grounds of refusal it would be unreasonable to do so, and the mechanisms available to complain about the refusal (and such other matters prescribed by the regulations).
- 6.7 An individual can request ACF to notify another Australian Privacy Principles entity to whom ACF has previously disclosed personal information about the individual, of corrections made to their personal information. ACF will take such steps as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.
- 6.8 An individual can request ACF to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading. ACF will respond to a request within a reasonable period after the request is made and will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to the users of the information.

7 Government Related Identifiers

- 7.1 ACF will not adopt a government related identifier of an individual as its own identifier of the individual unless:
- (a) the adoption of the government related identifier is required or authorised by law or a court/tribunal order; or
 - (b) ACF is a prescribed organisation, the identifier is prescribed and the adoption, use or disclosure occurs in prescribed circumstances.
- 7.2 ACF will not use or disclose a government related identifier of an individual unless:

- (a) the use or disclosure of the identifier is reasonably necessary for ACF to verify the identity of the individual for the purposes of the ACF's activities or functions; or
- (b) the use or disclosure of the identifier is reasonably necessary for ACF to fulfil its obligations to an agency or a State or Territory authority; or
- (c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- (d) a "permitted general situation" as defined in subsection 16A of the Act exists (excluding items 4 & 5) in relation to the use or disclosure of the identifier, including:
 - (i) where it is unreasonable or impracticable to obtain consent and ACF reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety; or
 - (ii) ACF has reason to suspect an unlawful activity or misconduct of a serious nature that relates to ACF's functions or activities has been or may be engaged in and reasonably believes the use or disclosure is necessary in order for ACF to take appropriate action; or
 - (iii) ACF reasonably believes that the use or disclosure is reasonably necessary to assist anyone to locate a person reported as missing and the use or disclosure complies with any rules made under s16(A)(2) of the Act; or
- (e) ACF reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (f) subclause 7.1(b) applies in relation to the use or disclosure.

7.3 In this section 7:

identifier includes a number assigned by ACF to an individual to identify uniquely the individual for the purposes of ACF's operations. However, an individual's name or ABN (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an **identifier**.

8 Anonymity and Pseudonymity

Wherever it is not unlawful or impracticable, individuals will have the option of not identifying themselves, or of using a pseudonym, when dealing with ACF.

For example, donations made to ACF can be made anonymously or by use of a pseudonym.

9 Cross-border disclosure of personal information

ACF often liaises with international environmental organisations in an effort to strengthen links within the international environmental movement. Occasionally, ACF may transfer personal information about an individual to someone (other than ACF or the individual) who is in a foreign country. ACF will only do so if ACF has taken reasonable steps to ensure that the information, which it has transferred, will not be held, used or disclosed by the recipient of the information inconsistently with the Australian Privacy Principles, unless:

- (a) ACF reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Australian Privacy Principles and there are mechanisms an individual can access to enforce the protection of the law or binding scheme; or
- (b) the individual consents to the transfer after having been informed that ACF will not be required to take reasonable steps to ensure that the information, which it has transferred, will not be held, used or disclosed by the recipient of the information inconsistently with the Australian Privacy Principles; or

- (c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (d) a “permitted general situation” as defined in subsection 16A of the Act) exists (excluding items 4 & 5) in relation to the use or disclosure of the information, including:
 - (i) where it is unreasonable or impracticable to obtain consent and ACF reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety; or
 - (ii) ACF has reason to suspect an unlawful activity or misconduct of a serious nature that relates to ACF’s functions or activities has been or may be engaged in and reasonably believes the use or disclosure is necessary in order for ACF to take appropriate action; or
 - (iii) ACF reasonably believes that the use or disclosure is reasonably necessary to assist anyone to locate a person reported as missing and the use or disclosure complies with any rules made under s16(A)(2) of the Act.

10 **Complaints**

10.1 ACF will consider complaints made by an individual in relation to:

- (a) a decision to refuse access to personal information the individual requests; or
- (b) a decision not to correct personal information; and

will respond within a reasonable period after the complaint is received. The ACF response to a complaint is final.

10.2 An individual may make a complaint about ACF’s handling of the individual’s personal information to the Office Australian Information Commissioner (OAIC). Further information is available on the OAIC website: <http://www.oaic.gov.au/privacy/privacy-complaints>.

11 **Contact details**

All queries or complaints regarding this Privacy Policy, or requests for access to, or correction of, personal information should be directed to the ACF Privacy Officer as follows:

Privacy Officer
Australian Conservation Foundation
Floor 1, 60 Leicester St
Carlton VICTORIA, 3053
Tel: 1800 223 669
Email: privacy@acfonline.org.au

12 **Review**

This Privacy Policy will be reviewed regularly and updated as necessary.

This policy was last updated in March 2014