

Privacy Policy

1. INTRODUCTION

Hagar Australia is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.

2. PURPOSE

The purpose of this policy is to provide a framework for Hagar Australia in dealing with privacy considerations.

3. SCOPE

This policy applies to:

- Hagar Australia personnel (as defined)
- Contractors engaged by Hagar Australia

Hagar Australia management will take steps to ensure that all Hagar Australia personnel and contractors are made aware of their obligations under this policy.

4. POLICY

Hagar Australia collects and administers a range of personal information for the purposes of fundraising and communications. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

Hagar Australia recognises the essential right of individuals to have their information administered in ways which they would reasonably expect, both protected and made accessible to them. These privacy values are reflected in and supported by Hagar Australia's core values and philosophies, and also reflected in this Policy, which is compliant with the Privacy Act 1988 (Cth).

Hagar Australia is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

Hagar Australia will

- Collect only information which the organisation requires for its primary function;
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;

Approved by: Hagar Australia Board	Date Policy Took Effect: 28 th May, 2021
Review Date: 28 th May, 2024	Responsible Person: HAUS Board Secretary

- Use and disclose personal information only for the organisation's primary functions, a directly related purpose or for another purpose with the person's consent;
- Store personal information securely, protecting it from unauthorised access; and
- Provide stakeholders with access to their own information and the right to seek its correction.

5. ROLES AND RESPONSIBILITIES

Hagar Australia's Board is responsible for developing, adopting and reviewing this policy.

Hagar Australia's Executive Director is responsible for the implementation of this policy, for monitoring changes in Privacy legislation and for advising on the need to review or revise this policy, as required.

6. PROCESS GUIDE

Collection

Hagar Australia will:

- Only collect information that is necessary for the performance and primary function of Hagar Australia.
- Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect sensitive information only with the person's consent or if required by law. Sensitive information includes information about religious beliefs, race, gender and other characteristics.
- Hagar Australia will also collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection; or
- If Hagar Australia collects information during the course of the activities of a non-profit organisation, the following conditions must be satisfied:
 - the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - at or before the time of collecting the information, Hagar Australia informs the individual whom the information concerns that it will not disclose the information without the individual's consent; and
 - the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim.

- Determine, where unsolicited information is received, whether the personal information could have been collected in the usual way. If it could have, it will be treated normally; if not, it will be destroyed and the person whose personal information was collected will be notified about the receipt and destruction of their personal information.

Use & Disclosure

Hagar Australia will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, Hagar Australia will obtain consent from the affected person.
- In relation to a secondary purpose, only use or disclose the personal information where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected the organisation to use it; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- In relation to personal information collected from a person, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, Hagar Australia has provided an opt out and the opt out has not been taken up.
- In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).
- In each direct marketing communication with the individual, Hagar Australia draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications.
- State in Hagar Australia's Privacy Policy whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as Hagar Australia is required to be. Such disclosures will only be made if:
 - the overseas 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 National Privacy Principles; or
 - the individual consents to the transfer; or
 - the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request; or
 - the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
 - the organisation 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 National Privacy Principles.
- In relation to the overseas transfer of personal information, if it is impractical for Hagar Australia to receive the person's consent to that transfer, Hagar Australia must have sufficient reasons to believe that the person would likely give consent could they be contacted.

- Provide all individuals access to personal information, except where it is a threat to life or health, or it is authorised by law to refuse. If a person is able to establish that the personal information is not accurate, then Hagar Australia must take steps to correct it. Hagar Australia may allow a person to attach a statement to their information if the organisation disagrees it is inaccurate.
- Where for a legal or other reason, Hagar Australia is not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- Each written direct marketing communication with the individual must set out Hagar Australia's business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which the organisation can be directly contacted electronically.
- If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety and it is impracticable for Hagar Australia to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A, the organisation may make such a disclosure.
- If Hagar Australia has sufficient reason to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
- Hagar Australia may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

For the purpose of this Clause, Hagar Australia must make a written note of the use or disclosure.

Storage

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.
- Before Hagar Australia discloses any personal information to an overseas recipient, including a provider of IT services such as servers or cloud services; establish that they are privacy compliant. Hagar Australia will have systems which provide sufficient security.
- Ensure that Hagar Australia's data is up-to-date, accurate and complete.

Destruction & de-identification

- Destroy personal information once it is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
- Change information to a pseudonym or treat it anonymously if required by the person whose information Hagar Australia holds. The organisation will not use any government-related identifiers unless they are reasonably necessary for Hagar Australia's functions.

Data Quality

Hagar Australia will take reasonable steps to ensure the information the organisation collects is accurate, complete, up-to-date and relevant to the functions it performs.

Data Security and Retention

Hagar Australia will only destroy records in accordance with this Policy.

Openness

Hagar Australia will:

- Ensure stakeholders are aware of Hagar Australia's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on the organisation's website.
- On request by a person, Hagar Australia must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes and how it collects, holds, uses and discloses that information.

Access and Correction

Hagar Australia will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
- If the individual and Hagar Australia disagree about whether the information is accurate, complete and up-to-date, and the individual asks Hagar Australia to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, the organisation will take reasonable steps to do so.
- Hagar Australia will provide to the individual its reasons for denial of access or a refusal to correct personal information.
- Hagar Australia can withhold the access of an individual to his/ her information if:
 - providing access would pose a serious and imminent threat to the life or health of any individual; or
 - providing access would have an unreasonable impact upon the privacy of other individuals; or
 - the request for access is frivolous or vexatious; or
 - the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations;or

- providing access would be unlawful; or
 - providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - an enforcement body performing a lawful security function asks Hagar Australia not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- Where providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision-making process, Hagar Australia may give the individual an explanation for the commercially sensitive decision, rather than direct access to the information.
 - If Hagar Australia decides not to provide the individual with access to the information on the basis of the above mentioned reasons, the organisation will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
 - Hagar Australia may charge for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.

Identifiers

- Hagar Australia will not adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may, however, adopt a prescribed identifier by a prescribed organisation in prescribed circumstances.
- Hagar Australia will not use or disclose the identifier assigned to an individual by a third party unless:
 - the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
 - the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

Anonymity

- Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

Making information available to other organisations

Hagar Australia can release information to third parties where it is requested by the person concerned.

7. RELEVANT LEGISLATION AND CONVENTIONS

Hagar Australia personnel and contractors must adhere to privacy legislation. This includes:

Australian legislation

a) *Privacy Act 1988*

8. RELATED POLICIES AND PROCEDURES

- Feedback & Complaint Handling Policy

- Risk Management Policy
- Human Resources Policy
- Incident Reporting Procedure

9. POLICY REVIEW

This policy will be reviewed at least every three years, or as required, incorporating lessons learned.

Contact:

For questions about this policy, contact Hagar Australia's Executive Director on +61 3 9416 1960.