
BreakFreeNOW - Privacy Act Policy

Our Commitment to Privacy

BreakFreeNow (**BFN**) respects personal information and the privacy of individuals.

The Privacy Act 1998 (**Privacy Act**) contains 10 National Privacy Principles (**NPPs**). BFN adopts the NPPs as its Privacy Principles and has developed this Privacy Policy as a means of complying with the NPPs.

Why is privacy important?

BFN's Privacy Policy (**the Policy**) summarises BFN's approach to privacy and how we collect, use and protect personal information. It must be followed to ensure that BFN meets its legal obligations under the Privacy Act.

1. BFN's Privacy Principles

- 1) We will only collect the personal information we **need** to provide and market our services.
- 2) We use **fair** and **lawful** ways to collect it.
- 3) Where required by law, we will seek individuals' **consent** to collect **sensitive** information.
- 4) Where possible we collect personal information **directly** from individuals. When we collect information we will usually explain **why** we are collecting it, **who** we give it to and **how** we will use or disclose it.
- 5) We will only **use** or **disclose** personal information for:
 - ◆ the **primary purpose** for which it was collected;
 - ◆ a **related** purpose which the individual would reasonably expect; or
 - ◆ with the consent of the individual,unless one of the exceptions in this Policy applies.
- 6) We will only transfer personal information **overseas** either with consent or in a way which meets the requirements of this Policy.
- 7) We will keep personal information we hold **accurate** and **current**. We will protect it from **misuse**, **loss** and **unauthorised access**, changes or disclosure. We will **destroy** or **permanently de-identify** it when we no longer need it.
- 8) We will be **open** about how we manage personal information. If asked, we will provide more information about our approach to privacy.
- 9) When asked, we will usually give an individual **access** to their personal information unless there is a reason in the Privacy Act why we cannot do so.
- 10) We will only adopt, use or disclose Commonwealth **government identifiers** where permitted to do so.

2. An overview of BFN's obligations under the Privacy Act

This is a brief overview of the Privacy Act and the NPPs and how they impact on information handling by BFN.

2.1 How will BFN comply with the Privacy Act?

BFN considers the lawful and correct treatment of personal information as critical. BFN is bound by the Privacy Act and the NPPs. It has adopted this Policy which incorporates the BFN Privacy Principles to ensure that it complies. A failure to comply with this Policy could result in a breach of the Privacy Act and public embarrassment for BFN or liability for BFN to pay damages.

2.2 Who does the Privacy Act apply to?

Amendments to the Privacy Act, which come in to effect on 21 December 2001, impose a **minimum standard** on private sector organisations in the way they handle personal information. The National Privacy Principles or NPPs set this minimum standard.

2.3 What is information privacy?

The Privacy Act regulates the way we collect, use and store personal information. It also gives individuals rights in relation to the personal information we collect and hold about them. These include the right to:

- ◆ be informed about when we are collecting personal information, what we are collecting and how we plan to use it; and
- ◆ have access to most personal information we hold about them.

2.4 What are the NPPs?

The NPPs are 10 principles which set a minimum standard for the way in which organisations must handle **personal information**.

The NPPs cover collection, use and disclosure, data quality, data security, openness, access and correction, unique identifiers, anonymity, transborder data flows and sensitive information.

2.5 What is personal information?

The NPPs regulate the handling and use of **records of personal information**.

Basically, **personal information** means information or opinion about an individual, whether true or not and whether recorded in a material form or not and includes information about an individual whose identity can reasonably be ascertained. Examples include a person's name, address, telephone number and date of birth or more complex information like a resume or personnel file.

A **record** includes a document, database or pictorial representation of a person in an electronic or paper file, whether held by us or someone else on our behalf.

Some examples of the kinds of personal information which are relevant to our business include:

- ◆ information about workshop participants and families;
- ◆ potential participants and family details held in a database;

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- ◆ information about suppliers, consultants or contractors;
 - ◆ materials received from customers clients;
 - ◆ information about potential, current or former consultants and contractors; and
 - ◆ archived hard copy files held for us in document storage;
 - ◆ members of BFN.

2.6 What other information is affected?

In addition to restricting collection and use of personal information, further restrictions apply to the use of **sensitive information**.

Sensitive information includes information relating to race, membership of organisations, sexual orientation, religious and political beliefs and criminal records. **Health information** is a type of sensitive information and subject to added restrictions.

Sensitive information may **not** be collected without consent unless an exception to this rule is available. For example, consent to collect sensitive information is not required in establishing or defending a legal claim.

2.7 Are there any exemptions or exceptions?

There are several exemptions and exceptions to the Privacy Act. These constitute an attempt to strike a balance between an individual's right to information privacy and public interest in the free flow of information. As a result, **media organisations, political parties, employee records** and **certain non-business activities** are **exempt** from the Act. There are exemptions for **small business**.

There are also limited exemptions for information collected **before** the amendments to the Privacy Act come into effect.

2.8 Where applicable, BFN will handle personal information relying on the Employee Records exemption.

Employee information is personal information protected by the Privacy Act. The treatment of employee information under the Act is complex. While there is an exemption it is a limited one.

The exemption protects employers who handle employee records in the manner prescribed from breaching the Privacy Act.

BFN's handling of the **employee records** of its employees in a way which is **directly** related to a current or former employment relationship will be **exempt** from the Privacy Act.

Employee records are records of personal information relating to an individual's employment with an organisation and include information about health and performance, terms of employment, resumes, disciplinary records and financial details.

This **exemption** does **not** apply to contractors or prospective employees. This means that personal information that BFN holds about its contractors, job applicants or prospective employees must be handled in accordance with the NPPs. The exemption can only be relied on by the employer.

BFN has adopted a system based on the NPPs for handling employee information and relies on the exemption where necessary. Any use of employee information in a way which is outside the scope of the exemption must comply with the NPPs.

Will the Privacy Act apply to personal information BFN already holds?

The Privacy Act contains a number of transitional provisions which impact on how personal information which is **collected** both **before** and **after** 21 December will be regulated.

All of the NPPs will apply to all personal information collected after 21 December 2001. However, **some** of the NPPs will apply to personal information that is collected **before** 21 December 2001. Other NPPs will only apply to personal information collected **after** 21 December 2001.

To the extent possible, BFN will usually handle all personal information, regardless of when it was collected, in accordance with the NPPs.

2.9 Access and Complaints

The Privacy Act includes access rights for individuals as well as creating an enforcement mechanism which is based on complaints resolution. Generally an individual has the right to ask for access to most personal information BFN holds about them. BFN is entitled to refuse access where one of the exceptions in the NPPs applies.

If you receive a **request** from an individual for access to personal information held by BFN, or a **complaint** about BFN's practices in handling personal information, you should contact the Company Officer immediately and forward the request.

If you, a member of BFN, wish to request access to information held by BFN about you, or wish to lodge a complaint about BFN's handling of personal information, you should contact BFN's Company Officer.