



Telco Together Foundation

Privacy Policy

V1.2

Telco Together Foundation Privacy Policy

Date of Commencement: 30th June 2014

Review Date: 30th June 2017

POLICY STATEMENT

Telco Together Foundation respects every individual's legal right to privacy. This policy sets out Telco Together Foundations procedures relating to the collection, holding, use and disclosure by Telco Together Foundation of personal information and sensitive information relating to an individual, as required by the *Privacy Amendment (Enhancing Privacy Protection) Act 2013 (Cth) (Law)*.

The policy is intended to let you know what the procedures are. Telco Together Foundation legal obligations are set out in full in the Australian Privacy Principles contained in the Act. You can find these on the Privacy Commissioner's website at www.oaic.gov.au.

SCOPE

This policy applies to all Telco Together Foundation employees, volunteers, contractors and members who are engaged in Telco Together Foundation activities.

RESPONSIBILITIES

It is the responsibility of every person in scope to ensure he or she complies with this policy. Where a person is unsure of his or her obligations under this policy, the Legal & Policy Unit should be contacted for clarification of any issues.

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1 MEANING OF WORDS

1.1 In this policy:

anonymity is where an individual is not required to and does not identify him or herself when engaging with Telco Together Foundation.

Commonwealth contract is any funding agreement between a Commonwealth agency and Telco Together Foundation that requires Telco Together Foundation to disclose personal and/or sensitive information about individuals to that agency.

Commonwealth record Personal or sensitive information collected by Telco Together Foundation in connection with a Commonwealth contract may also be a Commonwealth record and must be dealt with under another law – the *Archives Act 1983 (C'th)*.

consent is a voluntary and informed agreement by an individual to something Telco Together Foundation does. Where Telco Together Foundation considers that a person is unable to give this consent to the use of his or her personal information for a particular purpose, Telco Together Foundation will ask that person's parent or guardian to provide the consent.

direct marketing is the promotion of Telco Together Foundation fundraising, appeals, wills and bequests activities.

personal information is information, or an opinion, about an individual who is reasonably identifiable, whether or not that information or opinion is recorded in some way, and whether or not the information or opinion is true. Personal information collected by Telco Together Foundation includes contact details, educational qualifications, personal history, personal financial information or information about complaints made by that individual.

primary purpose – there are a number of Telco Together Foundation activities that are primary purposes for which Telco Together Foundation collects information. Some examples are:

- assessing, placing and engaging with Telco Together Foundation volunteers in particular our Australian based volunteers.
- soliciting donations from the public;

pseudonym is a pet name or nickname that is used by an individual engaging with Telco Together Foundation where Telco Together Foundation is not obliged to collect that individual's true name.

secondary purpose is, in the case of personal information, a purpose that is *related* to the primary purpose and, in the case of sensitive information, a purpose that is *directly related* to the primary purpose.

sensitive information is part of personal information and includes information Telco Together Foundation may collect such as racial or ethnic origin, religious beliefs, membership of a professional or trade association, criminal record, or health information.

solicited information is personal information that Telco Together Foundation takes active steps to collect.

unsolicited information is personal information about an individual that Telco Together Foundation has not asked for but receives in some other way. An example is where misdirected mail is received by Telco Together Foundation.

2 Open and transparent management of information

- 2.1 Telco Together Foundation will make this policy publicly available on its website at <http://www.telcotogether.org> and will take reasonable steps to provide a copy of this policy, free of charge, to anyone who asks for it. A person may request a copy of the policy by contacting Telco Together Foundation:

Post: Attn: Privacy Policy,
Telco Together Foundation
Level 10, 452 Flinders Street
Melbourne, Victoria 3071
E-mail: info@telcotogether.org
Call: (03) 9923 3506

- 2.2 When asked to do so by an individual, Telco Together Foundation will take reasonable steps (subject to the Law) to let the person know, generally, what sort of personal information Telco Together Foundation holds about that person, for what purposes, and how it collects, holds, uses and discloses that information.
- 2.3 Telco Together Foundation has put in place procedures, including this policy, to ensure that it complies with the Australian Privacy Principles, and that individuals may approach Telco Together Foundation with any questions or complaints about Telco Together Foundation compliance with the Law.

3 ANONYMITY AND PSEUDONYMITY

- 3.1 Where it is not unlawful or impracticable, individuals dealing with Telco Together Foundation will be given the option of not identifying themselves, or of using a nickname, when dealing with Telco Together Foundation.
- 3.2 While it may not be always possible or lawful to allow individuals this choice, in cases where it is possible, Telco Together Foundation will give individuals this option.

4 COLLECTION

Personal Information

- 4.1 Telco Together Foundation has diverse operations. Because of that, Telco Together Foundation collects personal and sensitive information from individuals for many different purposes. This means that, each time Telco Together Foundation collects personal information, it will give the individual tailored advice that complies with paragraph 4.4.
- 4.2 Telco Together Foundation will only collect personal information (other than sensitive information) when the information is reasonably necessary for or directly related to one of more of the Telco Together Foundation functions or activities and it will only collect personal information by lawful and fair means.
- 4.3 Where it is reasonable and practicable to do so, Telco Together Foundation will only collect personal information from the individual it relates to.
- 4.4 At or before the time Telco Together Foundation collects personal information from an individual, or as soon as practicable after that, Telco Together Foundation will advise the individual of matters specifically related the personal information being collected, and will take reasonable steps to ensure that individual is aware of the following:
 - 4.4.1 that Telco Together Foundation is the collector, and how to contact Telco Together Foundation;
 - 4.4.2 the facts and circumstances of the collection – for example, whether the information is collected over the phone, by software applications (eg cookies), or from a third party;
 - 4.4.3 that the individual is able to access that information and ask for it to be corrected;
 - 4.4.4 the purposes for which the information is collected, both the primary purpose, and where there is a related purpose, that secondary purpose;
 - 4.4.5 organisations (or the types of organisations) to which Telco Together Foundation usually discloses information of the kind being collected;
 - 4.4.6 details of any Australian law or a court/tribunal order that requires the information to be collected;
 - 4.4.7 whether or not that information will be transferred overseas (including information stored in the cloud) and to what countries (if known); and
 - 4.4.8 the main consequences (if any) for the individual if all or part of the information is not provided by that individual.
- 4.5 If Telco Together Foundation collects solicited information about an individual from a third party, Telco Together Foundation will take reasonable steps to ensure that the individual is or has been made aware that the information has been collected, how it was collected, and from whom, and will comply with the requirements of paragraph 4.4.
- 4.6 Where it receives unsolicited personal information, Telco Together Foundation must decide within a reasonable period of time whether that personal information about an individual could have been lawfully collected by the Telco Together Foundation itself, and:
 - 4.6.1 If so, the information will be dealt with in accordance with this privacy policy and paragraph 4.4 will be complied with in relation to that information; or

- 4.6.2 if not, and the information is not contained in a Commonwealth record, Telco Together Foundation 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, unless under A Commonwealth contract the information must be dealt with under another law.

Sensitive Information

- 4.7 Telco Together Foundation will not collect sensitive information about an individual unless:
 - 4.7.1 the individual has consented to the collection of that information and the information is reasonably necessary for Telco Together Foundation to carry out one or more of its functions or activities; or
 - 4.7.2 the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - 4.7.3 there are some special situations under the Law that allow the use or disclosure of sensitive information without consent. In each case, if it does this, Telco Together Foundation will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner about this use of disclosure. Some of these special situations are :
 - (a) where Telco Together Foundation reasonably believes 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;
 - (b) Telco Together Foundation has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Telco Together Foundation functions or activities, and Telco Together Foundation needs to disclose the information so that it can take appropriate action; or
 - (c) Telco Together Foundation reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing.

The complete list of these special situations is contained in the Law.

5 USE AND DISCLOSURE

Primary purpose

- 5.1 Telco Together Foundation may use personal information collected from an individual for a primary purpose notified to that individual.
- 5.2 Where the information is sensitive information, Telco Together Foundation may only use that information for a primary purpose or a directly related purpose the individual has consented to.
- 5.3 Whether or not an individual has consented to the use or disclosure, in the case of any obligation Telco Together Foundation has under a Commonwealth contract, Telco Together Foundation is entitled to comply with a requirement under that Commonwealth contract to disclose personal or sensitive information to the Commonwealth agency funding the activity.

Secondary Purpose

- 5.4 Telco Together Foundation may sometimes use or disclose personal information about an individual for a secondary purpose. However, Telco Together Foundation will only use or

disclose personal information about an individual for a secondary purpose in limited circumstances. Telco Together Foundation will, wherever reasonably possible, seek consent from individuals before using their personal information for a secondary purpose.

5.5 Telco Together Foundation may use personal information about an individual for a secondary purpose if:

- 5.5.1 the individual has consented to the use or disclosure; or
- 5.5.2 the individual would reasonably expect Telco Together Foundation to use or disclose the information for the secondary purpose and the secondary purpose is;
 - (a) if the information is sensitive information, it is directly related to the primary purpose; or
 - (b) if the information is not sensitive information, it is 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) Some special situations set out in the Law allow the use or disclosure of personal information without consent. In each case, if it does this, Telco Together Foundation will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner. Some of these special situations are :
 - (i) where Telco Together Foundation reasonably believes 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;
 - (ii) Telco Together Foundation has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Telco Together Foundation functions or activities, and Telco Together Foundation needs to disclose the information so that it can take appropriate action; or
 - (iii) Telco Together Foundation reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing, or
 - (iv) Telco Together Foundation reasonably believes that the use or disclosure of the information is reasonably necessary for an enforcement body's enforcement related activities (and Telco Together Foundation will make a written note that Telco Together Foundation has used the information for that purpose).

The complete list of these special situations is contained in the Law.

6. DIRECT MARKETING

6.1 Telco Together Foundation may only use personal information about an individual for direct marketing where an exception applies under the Law. In every situation where Telco Together Foundation is permitted to use or disclose personal information for direct marketing, Telco Together Foundation will allow the individual to 'opt out' and will act on the individual's request to 'opt out'.

6.2 Telco Together Foundation may use personal information (other than sensitive information) about an individual for direct marketing if:

6.2.1 Telco Together Foundation collected the information from the individual:

- (a) and the individual would reasonably expect Telco Together Foundation to use or disclose the information for direct marketing; and
- (b) Telco Together Foundation has provided a simple means so that the individual can easily request not to receive direct marketing communications from Telco Together Foundation; and
- (c) the individual has not made a prior request to Telco Together Foundation to not receive direct marketing communications from Telco Together Foundation.

6.2.2 Telco Together Foundation collected the information from someone other than the individual and:

- (a) either the individual has consented to the use or disclosure for the purpose, or it is impracticable to obtain the individual's consent; and
- (b) in each direct marketing communication with the individual, Telco Together Foundation includes a prominent statement that the individual can ask not to receive further direct marketing communications from Telco Together Foundation; or
- (c) Telco Together Foundation otherwise draws the individual's attention in some other way to the fact that the individual may make that request; and
- (d) the individual has not made a request asking Telco Together Foundation to stop sending direct marketing communications.

6.3 If Telco Together Foundation uses or discloses personal information about an individual for:

6.3.1 direct marketing, an individual may ask Telco Together Foundation to stop sending direct marketing communications from Telco Together Foundation and Telco Together Foundation must do that within a 14 days after receiving the request unless exceptional circumstances apply; or

6.3.2 where the personal information is used for the purpose of facilitating direct marketing by other organisations on behalf of Telco Together Foundation, an individual may request Telco Together Foundation not to use or disclose the individual's information for direct marketing by other organisations and Telco Together Foundation must act on that request within 14 days after receiving the request (unless exceptional circumstances apply).

6.4 The individual may request Telco Together Foundation to be provide details of where his or her personal information came from (eg which other organisation) and Telco Together Foundation must do so within 14 days after receiving the request (except in exceptional circumstances) unless it is impractical or unreasonable to do so.

6.5 Telco Together Foundation will not charge any individual for the making of, or to give effect to, these requests.

7. GOVERNMENT RELATED IDENTIFIERS

7.1 Telco Together Foundation will not adopt a government related identifier of an individual as its own identifier of the individual unless the adoption of the government related identifier is required or authorised by law or a court/tribunal order.

7.2 Telco Together Foundation will not use or disclose a government related identifier of an individual unless:

7.2.1 the use or disclosure of the identifier is reasonably necessary for Telco Together Foundation to verify the identity of the individual for the purposes of the Telco Together Foundation's activities or functions; or

7.2.2 the use or disclosure of the identifier is reasonably necessary for Telco Together Foundation to fulfil its obligations to an agency or a State or Territory authority; or

7.2.3 the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or

7.2.4 Some of the special situations under the Law allows the use or disclosure. In each case, if it does this, Telco Together Foundation will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner. Some of these special situations are:

(a) where Telco Together Foundation reasonably believes 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;

(b) Telco Together Foundation has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Telco Together Foundation functions or activities, and Telco Together Foundation needs to disclose the information so that it can take appropriate action; or

(c) Telco Together Foundation reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing; or

(d) Telco Together Foundation reasonably believes that the use or disclosure of the information is reasonably necessary for an enforcement body's enforcement related activities (and Telco Together Foundation will make a written note that Telco Together Foundation has used the information for that purpose).

7.3 The complete list of these special situations is contained in the Law .

8. DATA QUALITY

8.1 Telco Together Foundation will take all reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date and relevant, having regard to the purposes of the use or disclosure of the personal information that is collected.

9. DATA SECURITY AND HANDLING

9.1 Telco Together Foundation will take all reasonable steps to protect the personal information it holds from misuse, interference (which may include measures to protect against computer attacks), loss and unauthorised access, modification or disclosure.

- 9.2 Telco Together Foundation data handling practices are regularly reviewed. All sensitive information is separately stored and shared among employees on a need to know basis only.
- 9.3 Client management records (that include personal, sensitive and health information) are stored on separate databases and are accessible only to those who require the information to undertake this activity.
- 9.4 Training and guidance to Telco Together Foundation personnel has been established to support this privacy policy.
- 9.5 Telco Together Foundation will take all reasonable steps to destroy or permanently de-identify personal information about an individual that it holds, if the information is no longer needed for any purpose for which it is able to be used or disclosed, and where there is no law or Court/tribunal or Commonwealth contract that requires Telco Together Foundation to keep the information.

10. ACCESS AND CORRECTION

- 10.1 If Telco Together Foundation holds personal information about an individual, and the individual wants access to that information, Telco Together Foundation will provide the individual with access to that information unless any of the following exceptions apply:
 - 10.1.1 Telco Together Foundation 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
 - 10.1.2 giving access would have an unreasonable impact upon the privacy of other individuals; or
 - 10.1.3 the request for access is frivolous or vexatious; or
 - 10.1.4 the information relates to existing or anticipated legal proceedings between Telco Together Foundation and the individual, and the information would not be provided by the process of discovery in those proceedings; or
 - 10.1.5 providing access would reveal the intentions of Telco Together Foundation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - 10.1.6 providing access would be unlawful; or
 - 10.1.7 denying access is required or authorised by or under an Australian law or a court/tribunal order; or
 - 10.1.8 both of the following apply:
 - (a) Telco Together Foundation has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates the Telco Together Foundation functions or activities has been or is being or may be engaged in; and
 - (b) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (c) providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

- (d) giving access would reveal evaluative information generated within Telco Together Foundation in connection with a commercially sensitive decision-making process.
- 10.2 Telco Together Foundation 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. Telco Together Foundation may, in appropriate circumstances, charge the individual an appropriate (and not excessive) fee for giving access to the personal information.
- 10.3 If Telco Together Foundation 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 11.1 of this policy apply, Telco Together Foundation will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.
- 10.4 An individual can ask Telco Together Foundation to correct personal information held by Telco Together Foundation. Telco Together Foundation will respond to the request within a reasonable period of time after the request is made and will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading. Telco Together Foundation may also take such itself, if Telco Together Foundation it finds personal information it holds about an individual is inaccurate, out of date, incomplete, irrelevant or misleading.
- 10.5 If Telco Together Foundation refuses to correct the personal information when requested to do so by an individual, Telco Together Foundation will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.
- 10.6 Where Telco Together Foundation has previously disclosed personal information about the individual to another APP agency, an individual can request Telco Together Foundation to notify that APP entity of corrections made to their personal information. Telco Together Foundation will take all reasonable to give that notification unless it is impracticable or unlawful to do so.
- 10.7 An individual can request Telco Together Foundation to attach a statement to information saying that the information is inaccurate, out of date, incomplete, irrelevant or misleading. Telco Together Foundation will answer that request within a reasonable period after it is made and will take reasonable steps as are to ensure the statement is able to be seen by the users of the information.

11. COMPLAINTS

- 11.1 Telco Together Foundation will consider complaints made by an individual in relation to:
 - 11.1.1 a decision by Telco Together Foundation to refuse access to personal information requested by the individual; or
 - 11.1.2 a decision not to correct an individual's personal information; andTelco Together Foundation will respond within a reasonable period after the complaint is received. The Telco Together Foundation response to a complaint is final.
- 11.2 Any individual may make a complaint about how Telco Together Foundation handles an 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>.

12. CONTACT DETAILS

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

Post: Attn: Privacy Policy,
Telco Together Foundation
Level 10, 452 Flinders Street
Melbourne, Victoria 3071
E-mail: info@telcotogether.org
Call: (03) 9923 3506

13. REVIEW

- 13.1 This Privacy Policy will be reviewed annually, when there are any changes to the Law, and updated as required.