



**AUSTRALIAN OUTRIGGER CANOE RACING ASSOCIATION
(AOCRA)
POLICY STATEMENT
PRIVACY POLICY**

Adopted by AOCRA Management Committee 12/1/2012

1. AOCRA Privacy By – Law 13.

This By- Law 13 was adopted by the Management Committee of AOCRA on 12/1/2012 under Section 9 of the Constitution

AOCRA recognises that privacy is important and that individuals have a right to control their personal information. AOCRA acknowledges that providing personal information is an act of trust and AOCRA takes that seriously. Unless an individual gives AOCRA consent to act otherwise, the following By Law governs how AOCRA handles personal information of individuals.

AOCRA is committed to protecting personal information. AOCRA is also committed to complying with the private sector National Privacy Principles set out in Privacy Act (Cth) 1988.

2. Collection of Personal Information

AOCRA will not collect personal information unless the information is necessary for one or more of its functions or activities. AOCRA will also only collect personal information by lawful and fair means and not in an unreasonably intrusive way.

At the time of collecting personal information, AOCRA will advise the individual of:

- (a) its name and contact details;
- (b) the fact that he or she is able to gain access to the information;
- (c) the purposes for which the information is collected;
- (d) other organisations to which AOCRA usually discloses information of that kind;
- (e) the main consequences (if any) for the individual if all or part of the information is not provided.

3. Use and disclosure

AOCRA will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:

- (a) both of the following apply:
 - (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
 - (ii) the individual would reasonably expect AOCRA to use or disclose the information for the secondary purpose; or
- (b) the individual has consented to the use or disclosure; or

- (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
 - (i) it is impracticable for AOCRA to seek the individual's consent before that particular use; and
 - (ii) AOCRA will not charge the individual for giving effect to a request by the individual to AOCRA not to receive direct marketing communications; and
 - (iii) the individual has not made a request to AOCRA not to receive direct marketing communications; and
 - (iv) in each direct marketing communication with the individual, AOCRA 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; and
 - (v) each written direct marketing communication by AOCRA with the individual sets out AOCRA's business address and telephone number; or
- (d) AOCRA reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - (i) a serious and imminent threat to an individual's life, health or safety; or
 - (ii) a serious threat to public health or public safety; or
- (e) AOCRA has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- (f) the use or disclosure is required or authorised by or under law; or
- (g) AOCRA reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) 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;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- (h) AOCRA provides non sensitive information (eg: members names and email addresses) to a third person for the secondary purpose of direct marketing.

4. **Data quality**

AOCRA will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

5. **Data security**

AOCRA will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

AOCRA will also take reasonable steps to destroy or permanently de-identify personal information that it no longer requires.

6. **Access and correction**

AOCRA will provide individuals access to their personal information on request by the individual, except to the extent that:

- (a) providing access would pose a serious and imminent threat to the life or health of any individual; or

- (b) providing 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 AOCRA 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 AOCRA 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) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (h) providing access would be likely to prejudice:
 - (i) 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; or
 - (j) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (k) the protection of the public revenue; or
 - (l) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
- (m) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement body.

AOCRA may impose reasonable charges for providing access to personal information.

7. Transborder data flows

AOCRA will only transfer personal information about an individual to someone who is in a foreign country if:

- (a) AOCRA 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 National Privacy Principles; or
- (b) the individual consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual and AOCRA, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between AOCRA and a third party; or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to that transfer;
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
 - (iv) AOCRA 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.

8. Further Information and Future changes

For further information on AOCRA's management of personal information, please contact Australian Outrigger Canoe Racing Association

The Management Committee of AOCRA may amend this By Law from time to time.
Adopted by the Management Committee of AOCRA on 12/1/2012