

Cancer Council Western Australia			
DOCUMENT TITLE:	PRIVACY POLICY		
DOCUMENT CATEGORY: Governance	LOCATION: All sites	DIVISION: Corporate	SERVICE:
DOCUMENT TYPE: POLICY & PROCESS DESCRIPTION	NUMBER: CORP:GOV:010		DUE FOR REVIEW: Mar 2016
AUTHORISATION: CEO			

POLICY STATEMENT

Cancer Council Western Australia (CCWA) recognises the importance that the community places on the confidentiality of individuals' personal and/or sensitive details and on how organisations manage the information they collect and hold regarding individuals, and is committed to respecting the rights of individuals, including their expectations of privacy.

This Privacy Policy sets out the approach of CCWA ("we", "our", "us") in relation to our management of personal information. We are bound by the Australian Privacy Principles (APPs) under the *Privacy Act 1988* (Cth) (*Privacy Act*). This policy has been written in order to comply with the APPs.

CCWA commits to complying with all legislated obligations to privacy, which includes ensuring the provision of a formalised opportunity to complain if an individual is unhappy with the way their personal details have been handled, and a requirement to respond to complaints within 30 days.

Every effort is made to assist an individual to lodge complaint with the organisation, or the Office of the Australian Information Commissioner if necessary, and/or to assist an individual to request access to their personal information. Authority to release such information or not, (where it is not in the best interest of the individual or the organisation), will be provided in an appropriate and timely manner.

There are clear privacy policies and process descriptions for all staff (and individuals who request them) to ensure that all complaints are managed appropriately, and that all personal and/or sensitive information is accessed appropriately.

RESPONSIBILITY

CEO	- Policy authorisation
Executive Group	- Policy development and review - Review of serious privacy complaints
Divisional Directors	- Policy implementation, monitoring and review
Privacy Officer	- Management, correction of data, breaches and complaints
All staff	- Management of personal information in accordance with protocol - Reporting any privacy related complaints

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1. What personal information do we collect?

- 1.1 We will only collect personal information if it is reasonably necessary to pursue at least one of our functions and activities, being:
- (a) **Research:** The funding of research into the causes of cancer, and the prevention, detection and treatment of cancer;
 - (b) **Support:** The development and provision of support programs and information for people with cancer and their supporters;
 - (c) **Education:** The development and provision of education programs for professionals and the general public relating to the causes of cancer, and the prevention, detection and treatment of cancer;
 - (d) **Advocacy:** We advocate for and advise on cancer related policies and initiatives; and
 - (e) **Corporate Service;** and
 - (f) **Fundraising**
- 1.2 In the course of carrying out our functions and activities, we collect personal information about individuals. This personal information varies with the functions and activities that we engage in, but without limitation it may include:
- (a) Contact information.
 - (b) Details of our contact with individuals and the services we have provided, offered to provide and plan to provide to them.
 - (c) Information arising from our fundraising, research funding, support, education and advocacy activities.
 - (d) Information that we are required or authorised by or under an Australian law, or a court/tribunal order, to collect and keep.
- 1.3 In the course of carrying out recruitment activities, we may collect information regarding an applicant's educational qualifications, career history, interests, hobbies and job interests and such other information as may be routinely included within a curriculum vitae.
- 1.4 From time to time, we collect sensitive information about individuals in order to provide our services. However, we only collect sensitive information if:
- (a) the collection of is reasonably necessary for one or more of our activities or functions; and
 - (b) we have the individual's consent to the collection.

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- 1.5 The APPs list a number of circumstances that permit the collection of sensitive information about an individual without their consent. We only collect sensitive information without an individual's consent if one or more of those circumstances apply.

2. How do we collect and hold personal information?

Collection of personal information

- 2.1 We will only collect personal information by lawful and fair means and not in an unreasonably intrusive way.
- 2.2 In most cases, we will collect personal information directly from the individual concerned. However, we may also collect personal information through the following means:
- (a) publications and written correspondence, including newspapers, magazines, journals, letters, emails, SMS;
 - (b) telephone conversations;
 - (c) websites, including through the use of cookies; and
 - (d) social media, including Facebook and LinkedIn.
- 2.3 From time to time, in order to provide our services we do we may collect personal information from third parties including health and support service providers, fundraisers, event partners, families and friends.
- 2.4 We will only collect personal information from third parties if:
- (a) we are required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than the individual concerned; or
 - (b) it is unreasonable or impracticable to collect the information directly from the individual concerned; or
 - (c) it is provided to us, in the course of us providing at least one of our functions and activities.

Storage of personal information

- 2.5 We store hardcopy documents containing personal information in secured facilities.
- 2.6 Electronic documents are stored with security measures implemented to ensure the security and confidentiality of the documents and the personal information contained in them.

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3. Why do we collect and hold personal information?

- 3.1 As mentioned in paragraph 1.1 above, we will only collect and hold personal information if it is reasonably necessary to pursue at least one of our functions or activities or its collection and storage is required or authorised by or under an Australian law, or a court/tribunal order.
- 3.2 We may collect and hold personal information that is reasonably necessary for us to pursue at least one of our functions and activities. When information is sensitive information we will only collect and store information with the consent of the individual concerned and when the information is reasonably necessary for us to carry out at least one of our functions or activities. Alternatively we may collect Sensitive information when the APPs otherwise permit such collection.

4. Why do we use and disclose personal information?

- 4.1 Generally, we will only use or disclose personal information for the purpose for which it was collected (the primary purpose).
- 4.2 We may use or disclose personal information for secondary purposes if we receive consent or if the APPs otherwise permit us to do so. For example, the APPs permit us to use and disclose personal information for a secondary purpose without an individual's consent if:
- (a) The individual would reasonably expect us to use or disclose the information for a certain secondary purpose and the secondary purpose is:
 - (i) if the information is sensitive – directly related to the primary purpose; or
 - (ii) if the information is not sensitive – related to the primary purpose; or
 - (b) the use or disclosure of the information is permitted or authorised by or under an Australian law or a court/tribunal order.
- 4.3 Individuals can reasonably expect that their personal information may be used or disclosed for the purposes of us carrying out at least one of our functions or activities.

Direct marketing

- 4.4 We are a self-funding organisation that performs services for the benefit of the community and we may, from time to time, use or disclose personal information for the purpose of direct marketing. In doing so, we may contact those who have used our services in the past or persons who have indicated that they may wish to assist us in the future to seek funds to further enable us to continue to provide our services

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to the community. However, we will only do this in a manner that is compliant with the APPs.

- 4.5 We may use or disclose personal information (other than sensitive information) for direct marketing if:
- (a) we collected the information from the individual concerned; and
 - (b) the individual has consented to, or would reasonably expect us to, use or disclose the information for that purpose; and
 - (c) we provide the individual with a simple means by which they may easily request not to receive direct marketing communications from us; and
 - (d) they have not made such a request to us.
- 4.6 If personal information is sensitive, we will not use or disclose the information for direct marketing without the consent of the individual concerned.
- 4.7 We will also act in accordance with the *Do Not Call Register Act 2006* and the *Spam Act 2003*.
- 4.8 Where we collect personal information by way of website and other monitoring, for example to allow us to provide targeted information, services and advertising to an individual we will provide the individual with an option to opt-out being provided with this targeted service.
- 4.9 From time to time we may need to disclose personal information to third parties. We will only do so for purposes of us carrying out at least one of our functions or activities and we will only do so in a manner that complies with the APPs.

5. Notification of collection

- 5.1 At or before the time we collect personal information about an individual (or, if that is not practicable, as soon as practicable after), we will take such steps as are reasonable in the circumstances to notify the individual of the following information ("**Collection Information**"):
- (a) our identity and contact details;
 - (b) that we have collected the personal information;
 - (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order – the fact that the collection is so required or authorised;
 - (d) the purpose for collecting the personal information;

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- (e) the main consequences (if any) for the individual if we do not collect all or some of the personal information;
- (f) the organisations, or types of organisations, to which we usually disclose personal information of that kind;
- (g) the fact that our privacy policy contains information about how the individual may access the personal information that we hold about them and how they may seek correction of such information;
- (h) the fact that our privacy policy contains information about how individuals may complain about a breach of the APPs and how we will deal with such a complaint; and
- (i) whether we are likely to disclose the personal information to overseas recipients, and if so, the countries in which such recipients are likely to be located (if practicable to do so).

5.2 Circumstances may arise where it would be reasonable for us not to provide the individual about who the information relates with notice of all or some of the Collection Information. For example, this may be reasonable where:

- (a) the individual is aware that personal information is being collected, the purpose of the collection and other matters relating to the collection;
- (b) we collect personal information about an individual a recurring basis over a short period of time in relation to the same matter, and they are aware (or reasonably ought to be aware) that a separate notice will not be issued for each instance of collection; and
- (c) notification would be inconsistent with a legal obligation, such as legal professional privilege.

6. Anonymity and Pseudonymity

6.1 When interacting with us, individuals may choose to remain anonymous or to use a pseudonym. However, we may elect not to deal with the individual anonymously or pseudonymously if:

- (a) we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with them in accordance with their identity; or
- (b) it is impracticable for us to deal with them in this way.

6.2 In some circumstances, it may not be possible for us to provide a service without the knowledge of an individual's identity.

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7. Receipt of unsolicited personal information

- 7.1 If we receive personal information that we did not solicit, we will, within a reasonable period of receiving the information, determine whether we would have been permitted to collect the information pursuant to the APPs.
- 7.2 If we determine that we have received personal information that we would not have been permitted to collect pursuant to the APPs (and the information is not contained in a Commonwealth record), we will as soon as practicable and where it is lawful and reasonable to do so, destroy the information or ensure that it is de-identified.
- 7.3 If we determine that we would have been permitted to collect the personal information pursuant to the APPs, we will ensure that the information is dealt with in a manner that complies with the APPs.

8. Quality of personal information

- 8.1 We will endeavour to take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date and complete. Further, we will endeavour to take reasonable steps to ensure that the personal information that we use or disclose is, having regard to the purpose of our use or disclosure, accurate, up-to-date, complete and relevant.
- 8.2 The reasonable steps described above that we may undertake include:
- (a) ensuring that updated and new personal information is promptly added to relevant existing records;
 - (b) reminding individuals to update their personal information when we engage with them;
 - (c) with respect to personal information in the form of an opinion, we may take the following steps to verify the accuracy of the opinion:
 - (i) checking that the opinion is from a reliable source;
 - (ii) providing the opinion to individuals before we use or disclose it;
 - (iii) clearly indicating on our record that the information is an opinion and identifying the individual who formed that opinion.

9. Security of personal information

- 9.1 We will take such steps as are reasonable in the circumstances to protect personal information that we hold from:
- (a) misuse, interference and loss; and

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(b) unauthorised access, modification or disclosure.

9.2 If we hold personal information about an individual which we no longer require, we will take reasonable steps to destroy the information or ensure that it is de-identified (unless our compliance with the APPs or a law requires us to avoid taking such steps).

9.3 We may need to maintain records of patient information in order to assist in providing relevant health services. Therefore, we may need to hold health information for longer periods of time than other kinds of personal information in order to carry out some of our functions and activities.

10. Access to personal information

10.1 Requests for access to personal information should be made in writing and addressed to the Privacy Officer. The Privacy Officer may be contacted at privacy@cancerwa.asn.au or 08 92124333 or 46 Ventnor Ave, West Perth 6005

10.2 Upon request of personal information, we will within a reasonable period of the request being made, give access to the information in the manner requested (if it is reasonable and practicable to do so), subject to exceptions set out in the APPs.

10.3 The APPs provide a list of situations in which we may deny individuals access to their personal information. These situations include where:

- (a) granting access would have an unreasonable impact on the privacy of others;
- (b) the information relates to existing or anticipated legal proceedings between the individual about who the information relates and ourselves, and would not be accessible by the process of discovery in those proceedings;
- (c) access would reveal our intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- (d) granting access would be unlawful; and
- (e) denying access would be likely to prejudice the taking of appropriate action in relation to the matter.

10.4 If we refuse to give access to the personal information in accordance with the APPs, or if we refuse to give access in the manner requested, we will take such steps (if any) that are reasonable in the circumstances to give access in a way that meets our needs and the needs of the individual.

10.5 If we refuse to give access to personal information in accordance with the APPs, we will provide a written notice setting out:

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- (a) the reasons for denying access to personal information (except where it would be unreasonable to provide the reasons);
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matters prescribed by the regulations.

10.6 Generally, we will not charge fees for giving access to personal information. However, we reserve the right to charge reasonable fees where requests for personal information contain complications or are resource intensive.

11. Correction of personal information

11.1 Requests for correction of personal information should be made in writing and addressed to the Privacy Officer.

11.2 If, with regard to the purposes for which it is held, we are satisfied that personal information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, or if the individual about whom the information relates makes a request, we will take reasonable steps to correct the information. However, as a matter of practice, when we receive personal information, we will hold the information for a period of 5 years before we consider whether it is inaccurate, out-of-date, incomplete, irrelevant or misleading (unless we are informed otherwise).

11.3 If we correct personal information, we will take reasonable steps to notify any third party to which we had previously disclosed the information, if the individual about whom the information relates, requests and it is not unlawful or impracticable for us to do so.

11.4 If we refuse to correct personal information in accordance with the APPs, we will provide a written notice setting out:

- (a) the reasons for the refusal (except where it would be unreasonable to provide the reasons);
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

11.5 If we refuse to correct personal information in accordance with the APPs, the individual may request that we associate the information with a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. Where such a request is made, we will take reasonable steps to associate the statement so that it is apparent to the users of the personal information.

11.6 We will aim to respond to any request regarding the correction of personal information within 30 days of the request being made.

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- 11.7 We will not charge fees for requests for the correction of personal information or for associating the statement with the personal information.

12. Complaints

- 12.1 If an individual believes that we have breached the APPs in any way in relation to their information, they may make a written complaint to the Privacy Officer.
- 12.2 The Privacy Officer will review the complaint, consider our conduct in relation to the complaint and the requirements of the APPs, and will consider appropriate action. The Divisional Director will inform the complainant of its decision within 30 days of receiving the complaint.
- 12.3 If the individual about whom the information relates is unhappy with the Privacy Officer's decision, an appeal may be made to the CCWA Chief Executive Officer. In this event, the Privacy Officer will present its findings to the Chief Executive Officer, who will then make a decision as to appropriate action. The Privacy Officer will keep the individual informed during this process. If the individual remains unhappy following the determination of the Chief Executive Officer, a complaint may be made to the Office of the Australian Information Commissioner.
- 12.4 Outcomes of investigations are made available to relevant staff including divisional staff and the Executive Group where required.

13. Disclosure to overseas recipients

- 13.1 From time to time, circumstances may arise where there may be a need for us to disclose personal information to an overseas recipient. This may occur in a range of circumstances, for example where data is being stored and accessed by way of cloud computing and other electronic means.
- 13.2 Before disclosing personal information to an overseas recipient, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient also complies with the APPs in relation to that information, unless the APPs do not require us to do so.
- 13.3 We will not be required to take the steps described in paragraph 13.2 above if:
- (a) we reasonably believe that:
 - (i) the recipient of the information is subject to a law or a binding scheme that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information; and

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- (ii) there are mechanisms that could be taken to enforce the law or binding scheme; or
- (b) both of the following apply:
 - (i) we expressly inform the individual about whom the information relates that if they consent to the disclosure of the information, we will not be required to take the steps described in paragraph 13.2 above; and
 - (ii) after being so informed, the individual consents to the disclosure; or
- (c) the disclosure of the information is required or authorised pursuant to an Australian law or a court/tribunal order; or
- (d) the APPs otherwise allow us to refrain from taking the steps described in paragraph 13.2 above.

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Dictionary

Collect	Personal information is only collected if it is included in a record or generally available publication.
Consent	This means express consent or implied consent.
Health Information	<p>This refers to:</p> <ul style="list-style-type: none"> (e) information or an opinion about an individual: <ul style="list-style-type: none"> (i) the health or a disability (at any time) of an individual; or (ii) an individual's expressed wishes about the future provision or health services to him or her; or (iii) a health service provided, or to be provided, to an individual; (iv) that is also personal information; or (f) other personal information collected to provide, or in providing, a health service; or (g) other personal information about an individual collected in connection with a donation, or intended donation, by the individual of his or her body parts, organs or body substances; or (h) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
Personal Information	<p>This refers to information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.

Sensitive information	<p>This refers to:</p> <ul style="list-style-type: none"> (a) information or an opinion (that is also personal information) about an individual's racial or ethnic origin; (b) political opinions; (c) membership of a political association; (d) religious beliefs or affiliations, philosophical beliefs; (i) membership of a professional or trade association; (j) membership of a trade union; (k) sexual orientation or practices; or (l) criminal records. <p>Sensitive information can also refer to health information, genetic information, biometric information and biometric templates.</p>
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