

**AUSTRALIAN CANOEING INC (“AC”)****PRIVACY BY LAW****1. AC Privacy By Law**

This By Law was adopted by the Board of AC on 27<sup>th</sup> September 2001 under Rule 26 of the AC Statement of Purposes and Rules.

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

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

**2. Collection of Personal Information**

AC will not collect personal information unless the information is necessary for one or more of its functions or activities. AC 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, AC will advise the individual of:

- (a) it 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 AC 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**

AC 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 AC 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 AC to seek the individual's consent before that particular use; and
  - (ii) AC will not charge the individual for giving effect to a request by the individual to AC not to receive direct marketing communications; and
  - (iii) the individual has not made a request to AC not to receive direct marketing communications; and
  - (iv) in each direct marketing communication with the individual, AC 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 AC with the individual sets out AC's business address and telephone number; or
- (d) AC 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) AC 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) AC 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.

4. **Data quality**

AC 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**

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

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

6. **Access and correction**

AC 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 AC 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 AC 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
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
  - (iii) the protection of the public revenue; or
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or

- (v) 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.

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

**7. Transborder data flows**

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

- (a) AC 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 AC, 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 AC 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
- (f) AC 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 AC's management of personal information, please contact Australian Canoeing on (02) 9552 4500.

The Board of AC may amend this By Law from time to time.

Adopted by the Board of AC on 27<sup>th</sup> September 2001.