

STABLE ONE PRIVACY POLICY - OCTOBER 2022

PREAMBLE

Stable One collects and administers a range of personal information for the purposes of enabling it to perform its functions and activities. We collect information about people to allow us to communicate with them, introduce them to our organization, provide other services to them and inform them of the work we do. We might also use personal information of stakeholders for the following purposes:

- For the immediate reason for which they have provided it to us (for example, to volunteer with us, make a donation or to be a lodger/guest);
- To maintain contact with them about future participation opportunities and scheduling;
- To follow on from any services that have been provided to them;
- Any other purpose directly related to our work and for which they have provided consent.

Stable One respects the principle of protecting the privacy of personal information it collects, holds, and administers.

WHAT IS PRIVACY LAW

Privacy Law is the body of legislation and case law which regulates the handling of ‘personal information’. This includes the collection, use, disclosure, storage, destruction, and de-identification of ‘personal information’.

LEGISLATION

The major piece of governing legislation is the *Privacy Act 1988 (Cth)* (‘the Privacy Act’). This legislation governs the handling of personal information in the Commonwealth public sector, and the private and Not for Profit (NFP) sectors.

Privacy Law is designed to protect the personal information of certain individuals and to give them a say in relation to the handling of their personal information. This includes being allowed to refuse consent to its collection and having the rights to use a pseudonym and request access to, or correction of, their personal information.

IS STABLE ONE BOUND BY PRIVACY LAWS?

Organisations, including NFPs, must comply with Privacy law if either:

- a) they have a turnover of \$3M or more; or
- b) they provide a health service¹.

¹ See the definition of ‘health service’ in Schedule 1.

Stable One is not required to comply with Privacy law. Presently, its income is well short of \$3m annually and has never been that much. On the basis of the definition of ‘health service’ in the Privacy Act, Stable One is not providing a health service.

Although an organisation may not be bound by Privacy law, it can opt in and be treated as if it is required to comply with Privacy law. Opting in requires lodging an application with the Office of the Australian Information Commissioner (OAIC).

Reasons for opting in might include:

- the expectations of stakeholders with regard to the handling of personal information;
- industry standards or best practice;
- securing Government funding;
- the likelihood of soon needing to comply; and
- complying with contractual requirements imposed by other parties, such as the Commonwealth funding arrangements.

Presently, none of those reasons applies to Stable One.

The threshold of revenue of at least \$3m giving rise to a Privacy law compliance obligation is for a reason. Typically, most business and NFPs with at least \$3m of revenue would expect to have a budget line item for salary/wages of approximately \$1.5m. A NFP with such an expense line might be expected to employ between 20-30 full-time employees. In those circumstances, it would be expected to have sufficient resources to discharge obligations in relation to compliance with Privacy law.

Presently, Stable One has a limited budget well short of the \$3m threshold. Its two part-time employees are not expected to rigorously ensure compliance with Privacy law. Therefore, Stable One has taken no action to opt-in.

SUMMARY OF THE AUSTRALIAN PRIVACY PRINCIPLES

The Privacy Act contains the 13 Australian Privacy Principles (‘APPs’). Each of the APPs sets out specific requirements for privacy compliance. The APPs are as follows.

1. Open and transparent management of Personal Information;
2. Anonymity and pseudonymity;
3. Collection of Personal Information;
4. Dealing with unsolicited Personal Information;
5. Notification of collection of Personal Information;
6. Use or disclosure of Personal Information;
7. Direct marketing;
8. Cross border (overseas) disclosure of Personal Information;
9. Adoption, use or disclosure of Government Related Identifiers;
10. Quality of Personal Information;
11. Security of Personal Information;
12. Access to Personal Information; and
13. Correction of Personal Information

WHAT IS PERSONAL INFORMATION?

Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- 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.

Personal Information includes 'sensitive information' about an individual. 'Sensitive Information' means:

- a) information or an opinion about an individual's:
 - i) racial or ethnic origin; or
 - ii) political opinions; or
 - iii) membership of a political association; or
 - iv) religious beliefs or affiliations; or
 - v) philosophical beliefs; or
 - vi) membership of a professional or trade association; or
 - vii) trade union; or
 - viii) sexual orientation or practices; or
 - ix) criminal record,that is personal information; or
- b) health information about an individual; or
- c) genetic information about an individual that is not otherwise health information; or
- d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- e) biometric templates.

THE APPROACH OF STABLE ONE TO PRIVACY LAW

Although Stable One is not required to comply with Privacy law and has not lodged an opt-in application with OAIC, Stable One respects Australian Privacy Law and the APPs.

1. Open and transparent management of Personal Information

Stable One adheres to this Privacy Policy and reviews and updates it annually.

2. Anonymity and pseudonymity

Typically, it will not be practicable for Stable One to deal with individuals on an anonymous basis however, it respects the rights of individuals to seek to be anonymous or to use a pseudonym when dealing with Stable One.

3. Collection of Personal Information

Subject to the exemption applying to NFPs², Stable One only collects personal information reasonably necessary to enable it to perform its functions and activities.

4. Dealing with unsolicited Personal Information

Unsolicited personal information is information not collected under APP 3. Stable One will strive to destroy or de-identify unsolicited personal information.

5. Notification of collection of Personal Information

Stable One does not have a collection notification process.

6. Use or disclosure of Personal Information

Subject to exceptions to use and disclosure of personal information permitted by law, Stable One will only use or disclose personal information for the primary purpose for which it is collected unless the individual consents to use or disclosure for a secondary purpose.

7. Direct marketing

Not applicable

8. Cross border (overseas) disclosure of Personal Information

Not applicable

² The example provided in the APP Guidelines of a NFP being permitted to collect sensitive information is where a religious non-profit organisation collects information about the views of members on religious or moral issues.

9. Adoption, use or disclosure of Government Related Identifiers

Unless a permitted situation exists, Stable One will not use government identifiers such as Medicare numbers as its own reference for an individual.

10. Quality of Personal Information

Stable One will strive to ensure that personal information it holds is accurate, up to date and complete.

11. Security of Personal Information

Stable One will take reasonable steps to protect information from misuse, interference and loss and from unauthorised access, modification or disclosure.

12. Access to Personal Information

Subject to the exceptions set out in APP 12, Stable One will give a person access to the data about them held by it.

13. Correction of Personal Information

Stable One respects the rights of individuals to request that Stable One corrects personal information about them.

NOTIFIABLE DATA BREACH SCHEME (NDB SCHEME)

The NDB Scheme does not apply to Stable One.

SCHEDULE 1

‘health service’ means:

a) an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the person performing it:

i) to assess, record, maintain or improve the individual’s health; or

ii) to diagnose the individual’s illness or disability; or

iii) to treat the individual’s illness or disability or suspected illness or disability; or

b) the dispensing on prescription of a drug or medicinal preparation by a pharmacist.