

# Privacy Policy

- 1. Title:** **Privacy Policy**
- 2. Apples to:** All personnel Edmund Rice Camps for Kids WA Inc. (ERCKWA)
- 3. Geographical Application:** Western Australia wide unless otherwise stated
- 4. Legislation:** All relevant Australian legislation

## 5. Policy Statement:

The privacy of personal information is afforded the highest level of importance by ERCKWA.

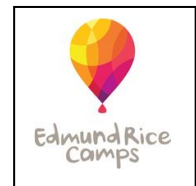
This ERCKWA policy statement outlines how the organisation will collect, use, maintain and protect personal information including sensitive information it receives. This information may be received in the provision of the services it provides and in the course of its associated activities. ERCKWA is committed to compliance with the requirements of Australian legislation concerning Privacy including the Australian Privacy Principles as set out on the *Privacy Act 1988 (Cth)*(within Australia) as amended from time to time incorporating the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*. These Acts dictate the manner in which personal information is handled and the process for responding to requests to access and/or correct it.

The activities and functions of ERCKWA necessitate the collection, use and retention of personal information of current and former members of the organisation as well as current and former volunteers, personnel, students and residents of institutions caring for children and the aged, frail and necessitous.

This document sets out the principles which inform information-handling procedures for the Australian operations of ERCKWA and the rights and obligations of respective parties in relation to personal information.

## Interpretation and Definitions:

Privacy Policy			
Date Approved:	10 August 2023	Version:	1A
Author:	Meg Huitema	Author's Position:	CEO
Approval Body:	ERCKWA Board	Board Member:	Thomas Coltrona
Date for Review:	10 August 2028	Page:	1-14
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**Edmund Rice Camps for Kids WA Inc.(ERCKWA)** is a non-profit community based organisation that serves the needs of kids aged 7–16 and their families. We provide camps and other recreational and developmental activities for children who would not otherwise have such opportunities, supporting kids who are ‘at risk’ or experiencing some form of disadvantage.

ERCKWA ABN: 46 332 941 157

**Personal Information** is information or opinion about an individual whose identity is clearly indicated or can be worked out from that information. This includes names, addresses, phone numbers, age, school records, school reports, notes to parents, and photographs.

**Sensitive Information** is a subset of Personal Information and is information about such matters as racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences, criminal record or information about the health or disability of an individual.

## 6. Policy Content:

### 6.1 Privacy Principles

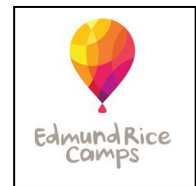
This ERCKWA Privacy Policy is based on the Australian *Privacy Act 1988(Cth)* and the Australian Privacy Principles (APP).

#### 6.1.1 Consideration of Person Information Privacy

ERCKWA will take all reasonable steps to ensure that this Privacy Policy is freely available to all. It will ensure that the management of personal information is done in an open and transparent way and that any Privacy Policy will clearly express:

- How personal information is managed;
- Kind of information collected and held;
- How it is collected and held;

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- The purposes for which it is collected, held, used and disclosed;
- How an individual may access personal information held and/or seek the correction of such information;
- How an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds ERCKWA and how the organisation will deal with such a complaint;
- Whether there is a likelihood ERCKWA will disclose personal information to overseas recipients; and
- If ERCKWA discloses personal information to overseas recipients, the countries in which such recipients of the information are likely to be located.

## 6.1.2 Anonymity and Pseudonymity

An individual has the right to not identify themselves or to use a pseudonym when dealing with ERCKWA. This however does not apply if:

- ERCKWA is required or authorised by an Australian Law, or a court/tribunal order.
- It is impracticable for the organisation to deal with an individual who has not identified themselves or who is using a pseudonym.

## 6.1.3 Collection

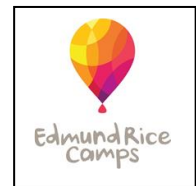
ERCKWA will collect only personal information that is reasonably necessary for the conduct of one or more of its functions or activities or if there is a legal requirement for ERCKWA to collect the information. The collection of the information will be for those specific purposes only.

The types of personal information ERCKWA will collect from an individual will depend on the nature of their dealings with the organisation and may include but are not limited to:

- the individual's name, date of birth, address, phone number(s), email address and other contact details;

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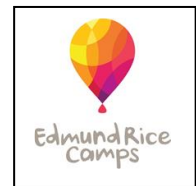


- their payment information, which may include bank account or credit card details, and other information that we need in order to provide relevant goods and services to you, such as relevant identification;
- details of their interests and activity;
- their user names, passwords and other registration details that they provide when registering to use any of our websites, mobile applications or other services;
- details of your visits to, and use of, ERCKWA websites, social services applications, mobile applications, wifi and other online services, including the different parts of those services that they may access during visits, their IP address and the date and time which they access these websites;
- information submitted in forms, enquiry/complaint details and records of communications;
- information submitted in an application for employment or a volunteer role; and
- other information that the individual provides to ERCKWA.

ERCKWA will not collect sensitive information about an individual unless:

- the Individual consents to the collection of the information and the information is reasonably necessary or directly related to the conduct of one or more of the functions or activities of ERCKWA,
- the information is required or the collection or the information is authorised by or under Australian Law or a court/tribunal order, or
- a permitted general situation exists in relation to the collection of the information. A permitted general situation is defined in Section 16A of the *Privacy Act (Cth) 1988* and includes a situation where collection of sensitive information is necessary to prevent or lessen a serious and imminent threat to the life, health or safety of a person and where the individual whom the information concerns:
  - is physically or legally incapable of giving consent; or
  - physically cannot communicate or consent; or
  - it is unreasonable or impracticable to obtain the individual's prior consent.

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Where an individual is a member of ERCKWA, the organisation may collect such sensitive information about that individual which relates to its activities.

When undertaking the collection, ERCKWA will ensure personal information is collected by lawful and fair means and not in an unreasonably intrusive way.

ERCKWA, where it is reasonable and practicable to do so, will only collect personal information from the individual concerned and / or from a parent/guardian for individuals under the age of 18. If this information is collected from elsewhere, including from a nominated representative of an individual or third parties such as government agencies, recruitment agencies, previous employers and search providers, ERCKWA will ensure the Australian Privacy Principles are followed in relation to information collected from third parties.

#### **6.1.4 Unsolicited Personal Information**

ERCKWA will not intentionally undertake any unsolicited means to collect personal information. Should however personal information be obtained by any other means than that stated in 6.1.3 ERCKWA may use or disclose this information so as to determine if the information has been obtained via unsolicited means.

Any personal information found to have been obtained via unsolicited means, which is personal information ERCKWA is prohibited from collecting under the Australian Privacy Principles, will be destroyed or de-identified immediately upon a determination being made to its unsolicited nature.

#### **6.1.5 Notification of Personal Information Collected**

ERCKWA will at the time of collection or as soon as practicable upon the collection of an individual's personal information notify that individual to ensure that they are aware that the organisation has collected and is holding their personal information.

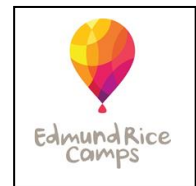
ERCKWA will take reasonable steps to ensure that an individual understands why the organisation is collecting their personal information, what it will be used for, to whom it may be disclosed and how the individual can access it to ensure it is accurate and up to date.

#### **6.1.6 Use and Disclosure**

ERCKWA will only collect information for the following particular purposes (primary purpose):

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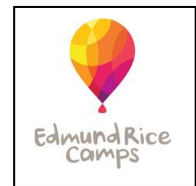


- The verification of the individual's identity.
- The provision of goods or services.
- The conduct of fundraising activities, competitions or promotions for which an individual has registered.
- To otherwise perform any obligations and / or exercise any rights ERCKWA has under any contracts,
- To meet legal and regulatory obligations, including responding to lawful information requests from courts, government agencies and to protect our lawful interests.
- To answer any questions the individual may raise, respond to any communications sent by the individual to ERCKWA.
- To carry out market analysis and research.
- To promote the activities of ERCKWA. This may include sending out to the individual of marketing or promotional materials, newsletters or any other communications.
- To help ERCKWA improve its websites, social media services and mobile applications and to enable the individual to participate in any interactive features of those websites, social media services and mobile applications.

Personal information collected by ERCKWA will not be used or disclosed for another purpose (secondary purpose) except in the following circumstances:

- The individual concerned has consented to the use or disclosure of the information for the secondary purpose.
- Except where the personal information is sensitive information, the individual concerned would reasonably expect ERCKWA to use or disclose the personal information for a secondary purpose that is related to the primary purpose. Where the personal information is sensitive information the individual concerned would reasonably expect ERCKWA to use or disclose the personal information for a secondary purpose that is directly related to the primary purpose

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- The use or disclosure is required or authorised under an Australian law, court/tribunal order or for the enforcement related activities conducted by, or on behalf of, an enforcement body.
- A permitted general situation exists in relation to the use or disclosure of the sensitive information, namely for example where ERCKWA reasonably believes that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety, or to public health and safety and:
  - the individual concerned is physically or legally incapable of giving consent; or
  - the individual concerned physically cannot communicate or consent; or
  - it is unreasonable or impracticable to obtain the individual's prior consent.

Where information has been used or disclosed for a secondary purpose, ERCKWA will keep a written register noting particulars on the use and disclosure of an individual's personal information ie to whom and when it was disclosed.

## 6.1.7 Direct Marketing

ERCKWA will not use or disclose an individual's personal information for the purpose of direct marketing except where the individual has:

- consented or expects the information to be used for that purpose,
- has made no requests not to receive such direct marketing communications, and
- has an easy means to request not to receive such direct marketing communications.

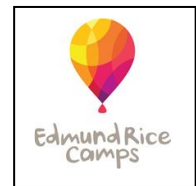
All direct marketing communications from ERCKWA will have a prominent statement drawing an individual's attention to the fact that the individual can request not to receive such communications.

Upon the receipt of such a request, ERCKWA will remove the individual's information from such distribution lists as soon as possible.

## 6.1.8 Cross-Border disclosure of Personal Information

Except in the case where an individual's personal information is required or authorised by or under an Australian law or a court/tribunal order to be disclosed to an overseas recipient, should an individual's personal information be disclosed to an overseas recipient ERCKWA will before such disclosure:

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- Take such steps as are reasonable to ensure that the overseas recipient does not breach Australian Privacy Principles in relation to the personal information.
- Inform the individual and obtain prior consent from the individual before the information is disclosed to an overseas recipient.

## 6.1.9 Adoption of Government Related Identifiers

ERCKWA will not adopt a government related identifier of an individual as its own identifier of the individual unless:

- the adoption is required or authorised by or under an Australian law or a court/tribunal order; or
- the identifier is prescribed, adopted, used or the disclosure occurs in the circumstance prescribed by the Privacy regulation.

## 6.1.10 Quality of Personal Information

ERCKWA will take the reasonable steps necessary to ensure the personal information that it collects and/or holds is accurate, up-to-date and complete.

ERCKWA will take the reasonable steps necessary in the circumstances (if any) to ensure the personal information that it discloses is accurate, up-to-date and complete, having regard to the purpose of the disclosure.

## 6.1.11 Security of Personal information

ERCKWA will take steps to ensure the personal information it holds is kept secure from unauthorised use, disclosure, misuse, interference, loss, access or modifications.

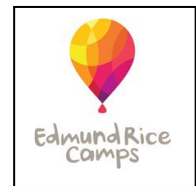
Staff must follow strict information-handling procedures and only those staff members whose role requires use of such information are permitted access. Personal information is de-identified, deleted or destroyed once it is no longer needed or required to be retained by law.

Personal information is held by ERCKWA in a combination of secure electronic and hard copy formats. Security measures taken include taking reasonable steps to ensure secure physical storage of documents, network and communications security measures, staff training and destruction of personal information when it is no longer required. In addition, ERCKWA have an up to date Data Breach Response Plan and conduct regular bubble testing.

## 6.1.12 Access to Personal Information

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ERCKWA will, upon request, give an individual a general right of access to their personal information.

Personal information may be accessed at any time by:

- Contacting the ERCKWA CEO on (08) 9365 2811 or via email [erckwa.ceo@edmundrice.org](mailto:erckwa.ceo@edmundrice.org)
- Sending a request in writing marked Private and Confidential to:  
CEO  
Edmund Rice Camps for Kids WA  
53 Redmond St  
Salter Point WA 6152

The request should indicate the type of access sought. For example, it may be that the records could be inspected where they are held, or a photocopied or electronic version could be forwarded.

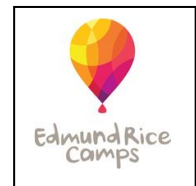
All requests will be dealt with within 30 days after the request has been made.

## Declining a Request for Access

A request may be declined if:

- ERCKWA believes that giving access would pose a serious threat to the life, health or safety of any individual or to public health and safety.
- The access would unreasonably impact on the privacy of others.
- The request for access is frivolous or vexatious.
- The information relates to existing or anticipated legal proceedings between ERCKWA and the individual, and would not be accessible by the process of discovery in these proceedings.
- Giving access would reveal the intentions of ERCKWA in relation to negotiations with the individual in such a way as to prejudice those negotiations.
- Giving access would be unlawful

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- Denying access is required or authorised<sup>10</sup> by or under an Australian Law or court/tribunal order.
- ERCKWA has reason to suspect that unlawful activity forms of misconduct of a serious nature that relates to ERCKWA functions or activities are being, or may be being engaged in, and access would likely prejudice the taking of appropriate action.
- Giving access would prejudice one or more enforcement related activities conducted by, or on behalf, of an enforcement body.
- Giving access would reveal evaluative information generated within ERCKWA in connection with a commercially sensitive decision-making process.

If access is declined/refused or in the case where refusal of access is a refusal to provide access in the manner requested by the individual and an alternative manner of access is not possible that meets the individual's or ERCKWA's needs, ERCKWA will notify the individual in writing of its determination. The written notification will set out:

- The reason for the refusal.
- Any other mechanism available to complain about the refusal.
- Any other matter provided by the Privacy Regulations from time to time.

### 6.1.13 Correction of Personal Information

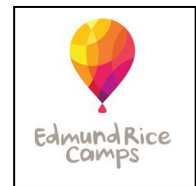
ERCKWA, having regard for the purpose of the personal information that it holds, needs to be satisfied that the information that it holds is accurate and not out of date, incomplete, irrelevant or misleading. As such ERCKWA will, having regard to the purpose for which it is held, take all reasonable steps to correct any personal information that it finds or is advised as being inaccurate.

Should ERCKWA have disclosed this personal information to a third party at the request of the individual concerned, it will also take all reasonable steps to advise this third party of any applicable changes.

All requests for corrections will be dealt with within 30 days after the request has been made.

If an individual needs to correct personal information held by ERCKWA, they may do so at any time by:

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- Contacting the ERCKWA CEO on (08) 9365 2811 or via email [erckwa.ceo@edmundrice.org](mailto:erckwa.ceo@edmundrice.org)
- Sending a request in writing marked Private and Confidential to:  
CEO  
Edmund Rice Camps for Kids WA  
53 Redmond St  
Salter Point WA 6152

### Refusal to Correct Information

ERCKWA reserves the right to refuse to correct the personal information that it holds on an individual. If this occurs ERCKWA will notify the individual in writing. The written notification will set out:

- The reason for the refusal.
- Any Privacy Regulations prescribed that have facilitated the refusal to change the information.
- Any other mechanism available to complain about the refusal.

Once an individual has received notification that ERCKWA has refused to correct their personal information, the individual may supply an 'Associate Statement' that outlines that the information is inaccurate, out of date, incomplete, ERCKWA so that it is apparent to any users of the information.

### 6.1.14 Retention of Personal Information

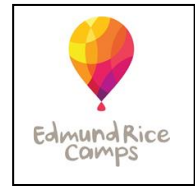
ERCKWA will keep personal information only for as long as necessary to achieve the purposes for which it was collected or as permitted by applicable law.

### 6.1.15 Queries, Complaints and Notification of Breaches

Should any individual have a query, complaint or need to notify ERCKWA of any breaches of the Privacy Act or the Australian Privacy Principles they can do so by contacting:

- Contacting the ERCKWA CEO on (08) 9365 2811 or via email [erckwa.ceo@edmundrice.org](mailto:erckwa.ceo@edmundrice.org)
- Sending a request in writing marked Private and Confidential to:  
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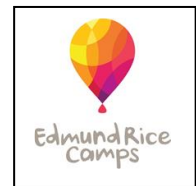


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All queries and complaints will be handled and investigated within a reasonable time of receipt of the query or complaint. Regardless of the outcome of the investigation written notification will be supplied to the individual lodging the complaint outlining the findings and if applicable any consequences of the findings.

If you have made a complaint, you are not satisfied with the response and consider that the complaint has not been adequately resolved, then you may make a formal complaint to the Office of Australian Information Commissioner by calling 1300 363 992, online at [www.oaic.gov.au](http://www.oaic.gov.au) or in writing to the Office of the Australian Information Commissioner, GPO Box 5218 Sydney NSW 2001.

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## 6.1.16 Changes to this Privacy Policy

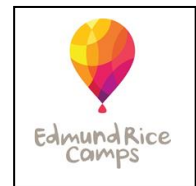
Due to changing operating circumstances, ERCKWA may need to change this policy from time to time. ERCKWA will endeavour to ensure that the overall level of privacy protection is not diminished and the changes will be published on its website ([www.edmundricecampswa.com.au](http://www.edmundricecampswa.com.au)).

Any actions that were taken before such changes will continue to be regulated by the policy that existed before the changes were made.

## 7. DISCLOSURE

- Where ERCKWA engage service providers or suppliers or others to act on our behalf, ERCKWA will take reasonable steps to protect the privacy of all information disclosed and require such parties to comply with any relevant privacy laws. You have the right to ask these organisations for access to information that they hold about you.
- If ERCKWA send your personal information outside of Australia they will require that the recipient of the information complies with the privacy laws and contractual obligations to maintain the security of the data.
- ERCKWA may disclose information about you to third parties where this is permitted by law including for any of the purposes mentioned within this section. These third parties include:
  - our related bodies corporate
  - service providers, for example custodians, brokers, unit registry services or correspondent banks
  - other organisations who provide archival, auditing, professional advisory (including legal, accounting and business consulting), debt collection, banking, marketing, advertising, communication, mail house, delivery, recruitment, call center, contract management, technology, research, analytics, utility, cleaning and security services and other persons/entities necessary for us to comply with a legal obligation or to perform any obligations under any contracts between us
  - those to whom we outsource certain functions on a confidential basis, for example, direct marketing, statement production, information technology support, and
  - government and law enforcement agencies or regulators where required or authorised by law or to assist in the prevention, detection and management of unlawful conduct such as fraud.
- If ERCKWA need to disclose your personal information for any other purpose, then the organisation will obtain consent from you.

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## 8. DATA SECURITY

No data transmission over the internet can be guaranteed as completely secure. So while ERCKWA strive to protect such information, the organisation cannot ensure or warrant the security of any information transmitted to them and individuals do so at their own risk.

## USE OF THE WEBSITE AND DATA PROTECTION

When you access the ERCKWA Website or any of the organisation's newsletters and publications, anonymous technical information (Cookies) may be collected about user activities on the Website. This may include information such as the date and time you accessed the Website, the type of browser used to access the Website and the page of the Website you visited and any documents that you may have downloaded. This information is used by ERCKWA to make decisions about maintaining and improving the ERCKWA Website and online services.

ERCKWA provide links to useful websites on the ERCKWA Website. While ERCKWA has confidence in these websites. These linked sites are not under our control, and ERCKWA cannot accept responsibility for the conduct of companies whose domain is linked to the ERCKWA website or whose domain links you to the ERCKWA website. Before disclosing your personal information on any other website, ERCKWA advises you to examine the terms and conditions of using that website and its privacy statement.

### Acceptance of Terms

By using this website and/or providing information to ERCKWA, you accept and agree to the collection, use, holding and disclosure of your personal information for the purposes described in this policy. ERCKWA review policies regularly and occasionally may need to change or update them. Any updated versions of this privacy policy will be posted on the ERCKWA website and will be effective from the date of posting.

## 7. Forms:

Not applicable

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