



NIECA

The National Indigenous
Ecumenical Council in Australia

Privacy Policy

Introduction

This Privacy Policy (Policy) explains how the National Indigenous Ecumenical Council in Australia (NIECA) collects and handles your Personal Information.

NIECA is committed to protecting your privacy. Establishing a trusting relationship with our users is central to our work practices.

Privacy Legislation means, as applicable, the Privacy Act 1988 (Cth, Australia) or supplements, Australian state or territory privacy laws, or any legislation that replaces those laws.

In this Policy, Personal Information or Personal Data has the same meaning as in the Privacy Legislation.

1. Purpose

1.1 The purpose of this document is to provide a framework for NIECA in dealing with privacy considerations.

1.2 We apply this Policy to all individuals and entities who interact with for NIECA. This includes (but is not limited to) agents, contractors, subcontractors, employees, representatives, users of Our Community's services, and volunteers.

1.3 We may update this Policy from time to time in accordance with legislative or operational changes. If you would like us to send you a copy or you have comments or questions regarding this Policy, please contact us using the details provided in clause 12.

2. Types of information we collect

2.1 The type of information that we collect and hold depends on the nature of a person's involvement with us.

2.2 We only collect your Personal Information where it is reasonably necessary for us to pursue one or more of our functions or activities, or where the law requires us to collect it.

2.3 Depending on the reason for collecting it, the Personal Information we collect may include (but is not limited to):

- (a) your name and contact details;
- (b) copies of identification documentation;
- (c) payment information and banking details if you are purchasing a product through us;
- (d) Personal Information contained in forms or applications;
- (e) Personal Information contained in queries, or feedback about our services;

(f) usage data (which may include your IP address, the pages you have clicked through on our websites, websites that referred you to our sites, information about the device you are using, and your wider geographic location).

2.4 In some circumstances, we collect Sensitive Information, which requires a higher level of protection under the Privacy Legislation. We consciously limit how much Sensitive Information we collect, and we only collect it when we have your consent and the collection is reasonably necessary for us to pursue one or more of our functions or activities. In this Policy, Sensitive Information (or Special Category Data) has the same meaning as in the Privacy Legislation

3. How we collect information

3.1 We ask you for Personal Information when it is reasonably necessary for the activities in which you are seeking to be involved.

3.2 We will only collect your Personal Information by lawful and fair means, including by telephone, by letter, by email, through forms on our websites or through websites we trust.

3.3 Normally, we collect your Personal Information directly from you (or the relevant individual), unless it is unreasonable or impracticable to do so.

3.4 Subject to clause 3.2:

(a) We may collect Personal Information from agents, contractors, subcontractors, employees, representatives, users of NIECA's services, NIECA committee members, keynotes, panellists, delegates and other participants of NIECA's symposiums and conferences and volunteers.

(b) On occasion, we may collect Personal Information from a third party. For example, Personal Information may be provided by third party websites (refer to clause 9).

(c) We collect user data through log files and cookies.

(d) In some cases, you can block or delete cookies and still use our services, although if you do, you will be asked for your email address and password every time you log into an account you hold with us.

3.5 We generally obtain consent from the owner of Personal Information to collect their Personal Information. Consent may be provided in writing, or may be provided orally, or may be implied through a person's conduct.

3.6 You are not required to provide the Personal Information and/or Sensitive Information we request. However, if you choose not to provide it, we may not be able to service your needs (see also clause 6).

3.7 You are free to browse our websites anonymously. However, when you are registering for one of our events or services, we require you to register an account using your name or a pseudonym and provide a valid email address. It is impractical for us to manage and provide support if we cannot match you to your account.

4. How we deal with unsolicited Personal Information

4.1 If we receive your Personal Information from you or a third party without having asked for it, and we determine we do not have a need for it, we will destroy or de-identify the information as soon as practicable, so long as it is lawful and reasonable to do so.

5. How we use your Personal Information

5.1 We use your Personal Information for a range of purposes, including:

- (a) providing you with our services or access to our events;
- (b) improving our services through quality-improvement activities;
- (c) providing you with information, news, offers and surveys;
- (e) helping you to access the most appropriate information and tools associated with our websites;
- (f) providing you with support if you need technical assistance;
- (g) processing payments, including donations;
- (h) communicating important service-related announcements, changes to our services, events or policies, or password notifications;
- (i) providing you with information about your account or event ticket/registration and newsletters you have signed up to receive;
- (j) answering inquiries and resolving complaints;
- (k) complying with directions from authorities or legislative requirements;
- (l) screening for or preventing potentially fraudulent, illegal or abusive activity;
- (m) storing your data so it is available for your future use of our services or events;
- (n) promotional activities for NIECA services, events or campaigns, including fundraising campaigns.

5.2 We may also collect, hold, use and disclose Personal Information for purposes:

- (a) which we explained at the time of collection; or
- (b) which are required by law; or
- (c) for which you have provided your consent; or
- (d) which are necessary for maintaining the reliability and security of infrastructure and services.

5.3 We only use or disclose your Personal Information for the above purposes, or for purposes that you consent to, or for other related purposes that you would reasonably anticipate.

5.4 To the extent you submit content to public areas of our websites (for example, on a public online forum), it will be available to the public and we may reuse or republish it. If you request that such content be removed, we will do our best to promptly remove it.

5.5 If you have any concerns about us using your Personal Information in any of these ways, please notify us immediately.

6. How we store and handle your data

6.1 We hold Personal Information in a number of ways, including in electronic databases, email contact lists, and in paper files held in secure offices only until they are transcribed to a digital version.

6.2 We take reasonable steps to:

- (a) make sure that the Personal Information is accurate, up to date and complete, and (in the case of use and disclosure) relevant;
- (b) protect the Personal Information from misuse, interference, loss, unauthorised access, destruction, modification or disclosure;
- (c) destroy or permanently de-identify Personal Information that is no longer needed. (However, we will keep information for a longer period where necessary to comply with contractual, regulatory or legal requirements.)

6.3 Any Personal Information we provide to you through your online account(s) with NIECA is password protected.

(a) You must not reveal or share your password with anyone.

(b) We will never ask for your password, either verbally or through phone or email contact (whether initiated by you or us)

7. Accessing and correcting your Personal Information

7.1 If you would like:

(a) confirmation that we hold your Personal Information;

(b) to access your Personal Information; or

(c) to correct your Personal Information, you can request this by using the contact details in clause 12.

7.2 We will respond to your request within a reasonable period and within any timeframe specified by the Privacy Legislation. You may make an urgent request to access or correct your Personal Information, which should include the reasons for the urgency.

7.3 Prior to allowing access to your Personal Information, we may ask you to take steps to verify your identity.

7.4 We will allow you to access your Personal Information unless there is a sound reason not to, including where:

(a) giving access would have an unreasonable impact on the privacy of others; or

(b) we reasonably consider that your request for access is frivolous or vexatious; or

(c) it is not permitted under the applicable Privacy Legislation.

7.5 If we refuse to give you access to your information, we will give you a notice setting out our reasons.

7.6 If you believe that information we hold about you is incorrect or out of date, please contact us and we will take all reasonable steps to amend the information in line with your request.

7.7 If the information has been collected on behalf of others (refer to clause 4), we may direct you to contact the relevant party to initiate your request.

8. Third party service providers

8.1 NIECA uses some third party service providers (sub-processors) in order to support our websites and operations. These third party service providers can include foreign entities that operate in an overseas jurisdiction.

(a) We select reputable third party service providers on the basis of their published privacy policies.

(b) By using our services and interacting with Our Community, you acknowledge that third party service providers that are foreign entities may not be required to protect your Personal Information in a way that provides comparable safeguards as those provided in the Privacy Legislation.

8.2 Any questions related to our use of third party service providers can be directed to us via the contact details in clause 12.

9. Direct marketing

9.1 We only use your Personal Information to let you know about our products, events or services where we have your consent, or where we are otherwise permitted by law to do so. We may contact you for these purposes in a variety of ways, including by social media, mail, email, SMS or telephone.

9.2 We do not sell your Personal Information to any third party for the purposes of direct marketing.

Where you have consented to receiving marketing communications from us, your consent remains current until you advise us otherwise. You can opt out at any time, by:

- (a) contacting us as set out in clause 12;
- (b) advising us if you receive a marketing call that you no longer wish to receive; or
- (c) using the unsubscribe facility that we include in our electronic messages (such as emails and SMS).

9.3 We do not use your Sensitive Information (refer to clause 2.4) for the purposes of direct marketing.

10. Notification of a data breach

10.1 If we become aware of unauthorised access to or loss of your Personal Information, we will promptly:

- (a) notify you;
- (b) investigate the cause;
- (c) do our best to remedy any consequences; and
- (d) tell you what steps we have taken to prevent a reoccurrence.

10.2 Unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, are handled in accordance with the relevant authority as follows:

oaic.gov.au/privacy/notifiable-data-breaches

11. Complaints

11.1 If you have a complaint about how we collect or handle your Personal Information, please contact us using the contact details in clause 12. We treat any claims of privacy breaches seriously and will do our best to respond to your complaint within seven days of receiving it.

11.2 If you are unhappy with our response, you can refer your complaint to the Office of the Australian Information Commissioner in Australia or the Office of the Privacy Commissioner in New Zealand

12. How you can contact us

12.1 Please contact us if you have any queries about the Personal Information that we hold about you or the way we handle it.

Our contact details are set out below:

- (a) Call us on 0400 763 564 or
- (b) Email us on info@nieca.org.au
- (c) Send a letter to us at:

Attention: Privacy Officer NIECA, PO Box 692, Rochdale South QLD 4123



NIECA

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Privacy Procedures

Responsibilities

NIECA's Board is responsible for developing, adopting and reviewing this policy.

NIECA's Chairperson is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

Collection

NIECA will:

- Only collect information that is necessary for the performance and primary function of NIECA's.
- Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect Sensitive information only with the person's consent or if required by law. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- NIECA will also collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection; or
- If NIECA collects information during the course of the activities of a non-profit organisation—the following conditions must be satisfied:
 - the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - at or before the time of collecting the information, NIECA informs the individual whom the information concerns that it will not disclose the information without the individual's consent; and
 - the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim.
 - NIECA will collect health information about an individual if:
 - the information is necessary to provide a health service to the individual

- the information is collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.
- Determine, where unsolicited information is received, whether the personal information could have collected it in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).

Use and Disclosure

- NIECA will:
- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, NIECA will obtain consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- In relation to personal information which has been collected from a person, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and NIECA has provided an opt out and the opt out has not been taken up.
- In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).
- In each direct marketing communication with the individual, NIECA 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.
- State in NIECA's privacy policy whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as NIECA is required to be. Such disclosures will only be made if:
 - the overseas 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
 - the individual consents to the transfer; or
 - the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request; or
 - the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
 - the organisation 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.
- In relation to the overseas transfer of personal information, if it is impractical for NIECA to receive the person's consent to that transfer, NIECA must have sufficient reasons to believe that the person would likely give consent could they be contacted.
- Provide all individuals access to personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the personal information is not accurate, then NIECA must take steps to correct it. NIECA may allow a person to attach a statement to their information if NIECA disagrees it is inaccurate.

- Where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- Each written direct marketing communication with the individual must set out NIECA's business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which the organisation can be directly contacted electronically.
- If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety and it is impracticable for NIECA's to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A, the organisation may make such a disclosure.
- If NIECA has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
- NIECA may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:
 - 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;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- For the purpose of this Clause, NIECA must make a written note of the use or disclosure.

Storage

NIECA will implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure.

Before NIECA discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. NIECA will have systems which provide sufficient security.

NIECA will ensure data is up to date, accurate and complete.

Destruction and de-identification NIECA

Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.

Change information to a pseudonym or treat it anonymously if required by the person whose information NIECA holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

Data Quality

NIECA will:

Take reasonable steps to ensure the information NIECA collects is accurate, complete, up to date, and relevant to the functions we perform.

Data Security and Retention

NIECA will:

Only destroy records in accordance with the organisation's Records Management Policy.

Openness

NIECA will:

Ensure stakeholders are aware of NIECA's Privacy Policy and its purposes.

Make this information freely available in relevant publications and on the organisation's website.

On request by a person, NIECA must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Access and Correction

NIECA will:

Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

If the individual and NIECA disagree about whether the information is accurate, complete and up to date, and the individual asks NIECA to associate with the information a statement claiming that the information is not accurate, complete or up to date, the NIECA will take reasonable steps to do so.

NIECA will provide to the individual its reasons for denial of access or a refusal to correct personal information.

NIECA can withhold the access of an individual to his/her information if:

- providing access would pose a serious and imminent threat to the life or health of any individual; or
- providing access would have an unreasonable impact upon the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- providing access would be unlawful; or
- providing access would be likely to prejudice an investigation of possible unlawful activity; or
- an enforcement body performing a lawful security function asks NIECA not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

Where providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision making process, NIECA may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

If NIECA decides not to provide the individual with access to the information on the basis of the above mentioned reasons, NIECA will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

NIECA may charge for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.

Identifiers

NIECA will not adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may however adopt a prescribed identifier by a prescribed organisation in prescribed circumstances.

NIECA will not use or disclose the identifier assigned to an individual by a third party unless:

- the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
- the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

Anonymity

Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

Making information available to other organisations

NIECA can:

Release information to third parties where it is requested by the person concerned.