



WHITE CLOUD
FOUNDATION

PRIVACY POLICY

Policy number	WCF010	Version	PP001
Drafted by	Karen Gallagher	Approved by Board on	14/07/21
Responsible person	Adam Scott	Scheduled review date	30/06/23

SCOPE

This policy is applicable to all employees, contractors and volunteers of White Cloud Foundation and all those who are involved in the operations of White Cloud Foundation.

PURPOSE

This document sets out:

- White Cloud Foundation's policy regarding privacy; and
- The governance structures, responsibilities and processes that have been established to give effect to that policy.

Any person who breaches this policy may be subject to White Cloud Foundation's disciplinary procedures.

POLICY

The type of personal information that White Cloud Foundation collects and administers about a person will depend on the type of interaction that person has with us. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

White Cloud Foundation recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in our Privacy Policy, which is compliant with the Privacy Act 1988 (CTH).

White Cloud Foundation is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

White Cloud Foundation will:

- Collect only information which the organisation requires for its primary function.
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered.
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent.
- Store personal information securely, protecting it from unauthorised access.
- Provide stakeholders with access to their own information, and the right to seek its correction.

RESPONSIBILITIES

It is the responsibility of the Board to:

- Regularly review the leadership and commitment given to protecting the privacy of clients, donors and others through active promotion of the organisation's Privacy Policy.
- Monitor performance by way of periodic management reports and assurances.

It is the responsibility of the Board Chair and Executive Staff to:

- Ensure that all staff, contractors and volunteers are made aware and understand this policy and their responsibilities regarding privacy.
- The organisation has appropriate practices and processes in place to protect the privacy of any individual it has dealings with.
- Continuously monitor Privacy legislation and update this policy and procedures as required.
- Where appropriate, delegate responsibility for compliance to officers with responsibility for particular sections.
- Oversee the performance of subordinate officers in these matters.
- Review and report to the Board, as appropriate, on the effectiveness of the management systems established to protect privacy.
- Analyse material breaches and identified compliance system weaknesses for systematic trends and ensure that any adverse trends are addressed.
- Promote a culture of effective policy compliance across the organisation.

It is the responsibility of all staff, contractors and volunteers to:

- Be made aware of this policy and their responsibilities. This policy will be explained as part of the induction process and through other means as appropriate.
- Not breach an individual's privacy pursuant to this policy or any applicable legislation.
- Where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of a privacy breach occurring.

PROCESSES & PROCEDURES

COLLECTION OF PERSONAL INFORMATION

White Cloud Foundation will:

- Only collect information that is necessary for the performance and primary function/s of White Cloud Foundation.
- 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. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- White Cloud Foundation 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.

- White Cloud Foundation will collect health information about an individual if:
 - the information is necessary to provide a health service to the individual; and
 - 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 been collected 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 OF PERSONAL INFORMATION

White Cloud Foundation will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, White Cloud Foundation 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 White Cloud Foundation 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, White Cloud Foundation 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 White Cloud Foundation privacy policy whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as White Cloud Foundation is required to be.
- 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 [organisation] must take steps to correct it. White Cloud Foundation may allow a person to attach a statement to their information if White Cloud Foundation 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 White Cloud Foundation's business address and telephone number.
- 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 White Cloud Foundation 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 White Cloud Foundation 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.
- White Cloud Foundation 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; and/or
 - 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 the above Clause, White Cloud Foundation must make a written note of the use or disclosure.

STORAGE OF PERSONAL INFORMATION

White Cloud Foundation will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure.
- Before White Cloud Foundation 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. White Cloud Foundation will have systems which provide sufficient security.
- Ensure that White Cloud Foundation's data is up to date, accurate and complete.

DESTRUCTION AND DE-IDENTIFICATION OF PERSONAL INFORMATION

White Cloud Foundation will:

- 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 White Cloud Foundation holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

DATA QUALITY

White Cloud Foundation will:

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

OPENNESS

White Cloud Foundation will:

- Ensure stakeholders are aware of White Cloud Foundation'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, White Cloud Foundation 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

White Cloud Foundation 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 White Cloud Foundation disagree about whether the information is accurate, complete and up to date, and the individual asks White Cloud Foundation to associate with the information a statement claiming that the information is not accurate, complete or up to date, the White Cloud Foundation will take reasonable steps to do so.
- White Cloud Foundation will provide to the individual its reasons for denial of access or a refusal to correct personal information.
- White Cloud Foundation 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 White Cloud Foundation 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, White Cloud Foundation may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- If White Cloud Foundation decides not to provide the individual with access to the information on the basis of the above-mentioned reasons, White Cloud Foundation will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- White Cloud Foundation 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

White Cloud Foundation 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.
- 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

White Cloud Foundation will:

- 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 PERSONAL INFORMATION AVAILABLE TO OTHER ORGANISATIONS

White Cloud Foundation can:

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

REVIEW

The Board Chair or Executive Staff can recommend a review of this policy at any time. Otherwise, this policy is to be reviewed and approved by the Board at intervals of not less than 2 years.