

Cactus and Succulent Society of Australia Inc.

Privacy Policy Statement

1. Introduction

Why do we have privacy legislation?

As a signatory to the International Covenant on Civil and Political Rights, Australia is obliged to implement legislation to ensure that the privacy of individuals is protected. To give effect to this obligation and to Australia's agreement to implement Guidelines adopted in 1980 by the Organisation for Economic Cooperation and Development (OECD) for the Protection of Privacy and Transborder Flows of Personal Data, the Commonwealth Government enacted, in 1988, the **Privacy Act 1988**.

Government Sector

Initially, the Act had a two-pronged objective: the protection of personal information ***in the possession of federal government departments and agencies*** and safeguards for the collection and use of tax file numbers (the latter connected with the up-grading of the tax file number system following the demise of the 'Australia Card' proposal). Eleven Information Privacy Principles (IPPs)¹, which are based on the OECD guidelines, set out strict safeguards for any personal information that is handled by federal government and ACT government agencies. The IPPs principally cover the collection, storage, access, use and disclosure of this information.

Private Sector

In December 2000, the Privacy Amendment (Private Sector) Act 2000 (the Amendment Act) was passed by federal Parliament and extended coverage of the Act to ***most*** private sector organisations (ie an individual, a body corporate, a partnership, any other unincorporated association or a trust).

The National Privacy Principles¹ (NPPs) in the Privacy Act set out how private sector organisations to which the Act extends should collect, use and disclose, keep secure, and provide access to personal information. The principles give individuals a right to know what information an organisation holds about them and a right to correct that information if it is wrong.

1 effective March 13, 2014, these IPPs and NPPs will be replaced by a set of thirteen Australian Privacy Principles (APPs) which will apply to both the public and private sectors, pursuant to the *Privacy Amendment (Enhancing Privacy Protection) Act 2013* (Cth), which amends the *Privacy Act 1988* (Cth.)

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2. What information is covered by the Privacy Act

The Privacy Act covers **personal information**, which is broadly defined as information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, and includes:

Sensitive information: which is defined by the Act to mean:

(a) information or an opinion about an individual's:

- (i) racial or ethnic origin;
- (ii) political opinions;
- (iii) membership of a political association;
- (iv) religious beliefs or affiliations;
- (v) philosophical beliefs;
- (vi) membership of a professional or trade association;
- (vii) membership of a trade union;
- (viii) sexual preferences or practices; or
- (ix) criminal record,

that is also personal information; or

(b) health information about an individual; or

(c) genetic information about an individual that is not otherwise health information.

The Privacy Act regulates how your personal information is handled. For example, it covers:

- how your personal information is collected (eg the personal information you provide when you fill in a form);
- how it is then used and disclosed;
- its accuracy; and
- how securely it is kept.

3. Who has rights under the Privacy Act?

Individuals have rights under the Privacy Act, which give them greater control over the way their personal information is handled.

The Act allows an individual to:

- know why your personal information is being collected and how it will be used;
- ask for access to your records (including your health information)
- stop receiving unwanted direct marketing material
- correct inaccurate information about you
- ensure your information is only used for purposes you have been told about.

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4. Is the Society covered by the Privacy Act?

No. The Society, being a **small business operator** (as defined in the Act), is not regulated by the Privacy Act in relation to personal information it holds in relation to its members.

A small business operator is an individual, body corporate, partnership, unincorporated association or trust that carries on one or more small businesses; a business is a small business at a time (the test time) in a financial year (the current year) if its annual turnover for the previous financial year is \$3,000,000 or less.

As an association registered under the Associations Incorporation Act 2009, the Society is a body corporate, but its annual turnover is less than the required threshold.

The Society does, however, recognise that members may be concerned about their personal information held by the Society and the way that the Society handles and otherwise deals with that information.

Accordingly, the Management Committee of the Society has adopted the following policy in relation to personal information it holds in relation to each member:

- The Society does not and will not seek to obtain or hold information in relation to any member or associate member that is **sensitive information**, as defined in Section 2 above.
- The only personal information collected by the Society in relation to a member is the name, address, telephone number(s), e-mail address, membership number allocated by the Society at the time a member joins the Society. This information is updated periodically if a member advises any change in their personal information (either specifically or at the time a member renews his or her membership).
- The Society will store that information in a database known as the Society's Membership Register and will be used only for the Society's own purposes (**Permitted Purposes**) and will not disclose the personal information in relation to any member or associate member to any person or body without the prior written consent of that member or associate member.

Permitted Purposes include:

[i] the provision of all personal information to each member for the time being and from time to time of the Society's Management Committee for the purposes of conducting the Society's business;

[ii] the provision of all personal information to the Society's Librarian from time to time for the purposes of conducting the Society's library;

[iii] the provision of all personal information to each of the following: (a) the Society's Membership Secretary and to any other person engaged to update and maintain the Society's Membership Register on behalf of the Membership Secretary;

(b) the Society's Show Secretary;

(c) any person engaged from time to time by the Management Committee to distribute the Society's journal and other material to members; and

(d) any other person or persons approved by the Management Committee from time to time for the sole purpose of conducting the Society's business, in whole or in part.

[iv] disclosure permitted or required under any law or pursuant to the order of any court of competent jurisdiction.

- Each member or associate may, at any time, obtain from the Society details of the personal information held by the Society in relation to that member or associate member, as the case

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may be, and may request the Society to amend or correct any errors or inaccuracies in that personal information.

Any such request may be made **in writing** to:

The Membership Secretary

The Cactus and Succulent Society of Australia

P O Box PO Box 999, Braeside VIC 3195

Or by email to the Society to the following address:

enquiries@cssaustralia.org.au

- The Society will take all reasonable steps to ensure that all personal information held by the Society remains secure, including appropriate measures to protect electronically stored data.