



## Contents

### Data Protection Policy

<i>Intent; Scope; Exclusions; Objectives</i> .....	3
<i>Policy provisions</i> .....	3
<i>1. Management of personal, sensitive, health and confidential information (relating to an individual)</i> .....	3
<i>2. Basic privacy and confidentiality principles</i> .....	3
<i>3. Member's Personal information</i> .....	4

### Access and Correction of Personal Information

<i>Instruction, steps and actions</i> .....	4
<i>1. Access to personal information</i> .....	4
<i>2. Correction of personal information</i> .....	4

### Collection of personal information instruction

<i>Instruction statement</i> .....	4
<i>Instruction steps and actions</i> .....	5
<i>1. Collection fundamentals</i> .....	5
<i>2. Required Information</i> .....	5
<i>3. Unsolicited Personal Information</i> .....	5
<i>4. Sensitive and Health Information</i> .....	5

### Management of personal information instruction

<i>Instruction statement</i> .....	6
<i>1. Management of personal information</i> .....	6
<i>2. Maintaining accuracy and quality of personal information</i> .....	6
<i>3. Data security</i> .....	6
<i>4. Openness and transparency</i> .....	6

### Use and disclosure of personal information instruction

<i>Instruction statement</i> .....	7
<i>Instruction steps and actions</i> .....	7
<i>1. Use and disclosure for Skate Victoria's primary purposes</i> .....	7
<i>2. Use and disclosure for related secondary purposes</i> .....	7
<i>3. Use and disclosure for research purposes</i> .....	7
<i>4. Use and disclosure for the prevention of risk to life, health, safety or welfare</i> .....	7
<i>5. Use and disclosure to investigate suspected unlawful activity or serious misconduct</i> .....	8
<i>6. Use and disclosure required or authorised by law</i> .....	8
<i>7. Use or disclosure to a law enforcement agency</i> .....	8

### Authentication process (for identification)

<i>Intent; Scope; Objectives</i> .....	9
<i>Instruction, steps and actions</i> .....	9
<i>1. Access to your club's members information</i> .....	9
<i>2. Authorised Personnel's Responsibilities</i> .....	9
<i>3. Authentication of Authorised Person</i> .....	9
<i>4. Process for Updating a Members Personal Information</i> .....	9
<i>5. Club Use of their Membership Spreadsheet</i> .....	10

### Definitions and Acronyms

<i>Explained</i> .....	10
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### References

<i>References Used</i> .....	10
------------------------------	----

### Document Revision History

<i>Document updates</i> .....	11
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# **Data Protection Policy**

## **Intent**

To assure compliance with relevant data protection legislation;

To protect the fundamental right to data protection with respect to the processing of personal, sensitive and health information;

To establish principles of transparency and fairness for the management of personal, health, sensitive or confidential information at Skate Victoria.

## **Scope**

This policy covers the management of all personal, sensitive and health information at Skate Victoria no matter how this information is collected or stored.

The policy is applicable to all staff, volunteers and members within Skate Victoria.

## **Exclusions**

This policy does not apply to personal information or data which has been manifestly made public by the data subject or is legitimately already within the public domain.

This policy does not include information that relates to a corporate, government or business entity.

## **Objectives**

To guide staff, volunteers and members in the responsible collection, use, disclosure and handling of information collected and managed by Skate Victoria, which relates personally to an individual or their affairs.

## **Policy provisions**

### **1. Management of personal, sensitive, health and confidential information (relating to an individual)**

Skate Victoria is committed to the responsible handling, and open and transparent management, of personal, sensitive, health and confidential information and to protecting the right to data protection of individuals whose information it holds.

Skate Victoria must not act or engage in a practice that breaches any relevant data protection legislation in Australia; except where other Australian or international jurisdiction legislation specifically requires or allows the practice.

### **2. Basic privacy and confidentiality principles**

The following basic privacy principles must be applied in accordance with the relevant supporting instruction.

Skate Victoria and all its operations must:

- a. Collect only that information necessary to fulfil Skate Victoria's functions and activities.
- b. Use the information only for the purpose for which it was collected, for related secondary purposes, with consent or as required or permitted by law.
- c. Manage all data breaches in accordance with the Skate Victoria procedure and always consider, in a non-self-serving manner, notification to impacted individuals.
- d. Do not use or disclose personal information for the purpose of direct marketing, unless an exemption applies or unless express consent has been obtained from the individual.

- e. Endeavour to ensure that information is accurate, complete and up-to-date.
- f. Ensure the security of information and its proper storage, archiving or disposal in accordance with appropriate recordkeeping standards and information technology safeguards.
- g. By arrangement, enable individuals to access their data and make appropriate corrections, in accordance with relevant access procedures.
- h. Collect and use sensitive information only in accordance with the relevant Skate Victoria procedure, or where required or permitted by law.

### **3. Member's Personal information**

The principles of Australian privacy law are the base or minimum level of information management and protections for all Skate Victoria members and their personal, sensitive and health information.

## ***Access and Correction of Personal Information***

### **Instruction, steps and actions**

#### **1. Access to personal information**

As a general rule, Skate Victoria endeavours to let people see their own information in the simplest way possible, and correct it where necessary. The Freedom of Information (FOI) process is one way that individuals can access their own information held by Skate Victoria.

In some cases, simple requests to access an individual's own information can be processed outside of the FOI process, subject to agreement by the relevant club. Access of this kind is guided by Skate Victoria policies and procedures

For more complex requests, and when a request is made by a third party, then the FOI process will be used. In these cases Skate Victoria will endeavour to provide the individual with access to the information, although there are exemptions under FOI law, some of which include where:

- a. Providing access would pose a serious and imminent threat to the life or health of any individual;
- b. Providing access would have an unreasonable impact on the privacy of other individuals;
- c. The information requested was obtained in confidence by another person or body; and/or
- d. The request for access is frivolous or vexatious.

#### **2. Correction of personal information**

If Skate Victoria holds personal information about an individual and the individual is able to establish to the satisfaction of Skate Victoria that the information is not accurate, complete and up-to-date, Skate Victoria will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.

If Skate Victoria and the individual disagree about whether the information is accurate, complete and up-to-date, the individual may request Skate Victoria to associate with the information a statement from the individual claiming that the information is not accurate, complete or up-to-date. In this case Skate Victoria will take reasonable steps to do so.

## ***Collection of personal information instruction***

### **Instruction statement**

This is a supporting document for the Data Protection Policy and guides information management in accordance with that policy and relevant privacy law.

## **Instruction steps and actions**

### **1. Collection fundamentals**

Collection is a fundamental part of privacy protection and it is essential that it is managed correctly. In simple terms the rules are:

- a. Collect only what you needed for individual membership.
- b. Do it lawfully and fairly.
- c. Don't intrude unreasonably.
- d. Tell people you are doing it.

In practice this means that you should only collect personal information if it is necessary for one or more of the Skate Victoria's functions or activities.

### **2. Required Information**

If required information in Skate Victoria membership forms is not completed and/or provided by an individual or club, this will impact the individual's or club's ability to gain Skate Victoria membership. Skate Victoria reserves the right to refuse membership until such information is provided as requested.

### **3. Unsolicited Personal Information**

Personal information may be given to Skate Victoria that was not requested (unsolicited). Unsolicited personal information must also be managed in accordance with Skate Victoria's data protection policy and relevant privacy law.

Examples of unsolicited information may be letters or emails to Skate Victoria from members of the public or other Skate Victoria members; comments from members on social media, or information contained within complaints or requests for special consideration.

### **4. Sensitive and Health Information**

Sensitive information about people – like their ethnic background, religion, political views or affiliations, sexual preference or criminal records – has special protection under law. Such information can only be collected if it is essential for Skate Victoria operations, required by law, or with specific and informed consent.

Don't collect it without checking the rules first.

Sensitive and health information have special protections because this kind of information can be used to discriminate against individuals.

It is advised not to collect sensitive or health information about an individual unless certain conditions are met, including:

- a. The individual has consented;
- b. The collection is required under law; and/or
- c. The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual.

There are certain exemptions to the above requirements, such as where:

- a. The collection is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services;
- b. The information relates to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services;
- c. There is no reasonably practicable alternative to collecting the information for that purpose; and/or
- d. It is impracticable for Skate Victoria to seek the individual's consent to the collection.

## ***Management of personal information instruction***

### **Instruction statement**

This is a supporting document for the Privacy and Data Protection Policy and guides information management in accordance with that policy and relevant privacy law.

Instruction steps and actions

### **1. Management of personal information**

The day to day management of personal information is everyone's responsibility.

In brief, rules for managing personal, sensitive and health information are to keep it accurate, complete, up-to-date, and secure.

Skate Victoria are available for advice and guidance when needed.

### **2. Maintaining accuracy and quality of personal information**

Staff, volunteers and members must take reasonable steps to ensure the information they are working with is accurate.

Personal information that is inaccurate affects the quality of Skate Victoria's service provision. For example, wrongly addressed personal correspondence or misspelt names can lead to privacy incidents when information is given to the wrong person.

### **3. Data security**

Security and retention are part of the 'life cycle' of personal information or data. All staff, volunteers and members of Skate Victoria must take reasonable steps to ensure that:

- a. Personal information is protected from misuse, loss, unauthorised access or modification, or improper disclosure.
- b. Information has not been changed or tampered with.
- c. Hard copy records containing personal information should be kept in a secure location and away from non-authorised persons.
- d. Communications and computing systems have appropriate access security controls and are not disrupted in their normal operations.
- e. Authentication processes (for identification) are adhered to, in that a person accessing or providing information are who they claim to be.

If Skate Victoria is to ensure the quality and accuracy of personal information, this places an obligation upon an individual, including staff, volunteers and members to provide relevant and accurate information (and where relevant corrections) to Skate Victoria.

Skate Victoria takes reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose and in accordance with applicable recordkeeping law and standards.

Recordkeeping standards detail the need for Skate Victoria to keep full and accurate.

### **4. Openness and transparency**

Skate Victoria, its staff, volunteers and members must be open about what is done with other people's information. This includes providing the Data Protection Policy to anyone who requests it.

Questions can be referred to the Skate Victoria Executive Officer, or auditing officer.

## ***Use and disclosure of personal information instruction***

### **Instruction statement**

This is a supporting document for the Data Protection Policy and guides information management in accordance with that policy and relevant privacy law.

### **Instruction steps and actions**

#### **1. Use and disclosure for Skate Victoria's primary purposes**

In most cases, use and disclose of an individual's personal information only for the purpose you collected it – this is defined as a primary purpose. For example, member contact details are collected to properly administer membership and the provision of services.

Disclosure must always be limited to what is sufficient for the purpose.

#### **2. Use and disclosure for related secondary purposes**

There is some allowance to use and disclose personal information for a secondary purpose that is related to the primary purpose and is what someone would reasonably expect. An example of a secondary purpose would be to use a member's email address to provide details of a Skate Victoria event.

Where practicable, prior consent should be obtained before use or disclosure for a secondary purpose. Impracticality to obtain consent must be assessed in context, but generally is means more than mere inconvenience, incurring some cost or effort, or undesirability of seeking consent.

When use or disclosure of personal information is required for a secondary purpose, without the prior consent of an individual, the following must be considered:

- a. The secondary purpose must relate to the primary purpose for collection; and
- b. The individual would reasonably expect the use or disclosure of the information for that secondary purpose.

It should be noted that sensitivity of information may affect reasonable expectation.

Please note: If the personal information is sensitive information (e.g. political views, sexual orientation, ethnicity) use and disclosure must be directly related to the primary purpose of collection and have consent where that is practicable.

If you are considering using or disclosing personal or sensitive information for a secondary purpose please consult with the Skate Victoria Executive Officer or Auditing Officer.

#### **3. Use and disclosure for research purposes**

Where practicable, the use or disclosure of information in research or compilation or analysis of statistics should be undertaken with the consent of the individuals concerned, or by utilising de-identified information.

If the use or disclosure of identifiable personal information is necessary for research or the compilation or analysis of statistics, in the public interest, and where it is impracticable to seek consent, this may be permitted if the research has prior approval from Skate Victoria.

If a researcher wishes to use sensitive information, this may be authorised in limited circumstances – either with consent or where the research is relevant to government funded targeted welfare and educational services.

#### **4. Use and disclosure for the prevention of risk to life, health, safety or welfare**

Some important interests, such as protecting health and safety, can justify use and disclosure without consent. This kind of lawful use and disclosure can be for purposes unrelated to the primary purpose and must meet the following test:

If Skate Victoria reasonably believes that the use or disclosure is necessary to lessen or prevent either:

- a. A serious and imminent threat to an individual's life, health, safety or welfare; and/or
- b. A serious threat to public health, public safety or public welfare.

In most cases, such a disclosure must be to an appropriate agency or recipient that is in a position to lessen or prevent the particular threat. For example, depending on the circumstances, appropriate recipients would be the police, emergency services or health authorities.

## **5. Use and disclosure to investigate suspected unlawful activity or serious misconduct**

If Skate Victoria has reason to suspect that unlawful activity has been, is being or may be engaged in, use or disclosure of personal information may be undertaken as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities.

Misconduct by staff, volunteers and members may also be considered to be unlawful if it contravenes a statutory obligation. Examples of such obligations include misusing information acquired during official duties or breaching the relevant Codes of Conduct. Use and disclosure of personal information at any stage of an investigation into serious misconduct for the purposes of determining whether the suspected activity is taking place is permitted where necessary to the investigation.

Where it is proposed to use or disclose personal information in order to investigate a matter within Skate Victoria itself, the following must be taken into consideration:

- a. Any suspicion of wrongdoing should be based on reasonable grounds, not just unsubstantiated gossip or rumour;
- b. The use or disclosure must be considered necessary after due consideration of alternatives; and
- c. The use or disclosure should be as confined as possible throughout the investigation.

## **6. Use and disclosure required or authorised by law**

Personal information may be used or disclosed otherwise than for the primary purpose if such use or disclosure is required or authorised by or under law:

- a. Required by law – means that there is a legal obligation to use or disclose personal information in a particular way. It should be noted that, in Australia, other laws take priority over privacy law provisions in this regard.
- b. Authorised by law – means that while the law permits the use or disclosure, it does not make either compulsory. Where doubt exists for this provision, please consult the Skate Victoria Executive Officer, or auditing officer.

## **7. Use or disclosure to a law enforcement agency**

Use and disclosure of personal information without consent is permitted when Skate Victoria reasonably believes that it is necessary for one or more of the following upon request by, or on behalf of, a law enforcement agency:

- a. The prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction;
- b. The enforcement of laws relating to the confiscation of the proceeds of crime;
- c. The protection of the public revenue;
- d. The prevention, detection, investigation or remedying of seriously improper conduct; and/or
- e. The preparation for, or conduct of, proceedings before any court or tribunal.

In emergency situations, disclosures of Skate Victoria member information to appropriate agencies, such as emergency health services or the Police, can be authorised by the Executive Officer or other Skate Victoria Executive members.

A written record must be kept of all such disclosures and circumstances which will be retained by Skate Victoria.

## ***Authentication process (for identification)***

### **Intent**

Authentication is the process of determining whether someone is, in fact, the authorised person they are declaring to be.

### **Scope**

This policy covers the authentication process of authorised personnel representing a Skate Victoria affiliated club in the collection and maintenance of personal, sensitive and health information on behalf of Skate Victoria no matter how this information is collected or stored.

The policy is applicable to all staff, volunteers and members within Skate Victoria.

### **Objectives**

To guide authorised personnel through the authentication process and their responsibility in the collection, use, disclosure and handling of information collected and managed on behalf of Skate Victoria, which relates personally to an individual or their affairs.

### **Instruction, steps and actions**

#### **1. Access to your club's members information**

All Skate Victoria affiliated clubs must supply Skate Victoria Auditing ([auditing@skatevictoria.com.au](mailto:auditing@skatevictoria.com.au)) with a club email address that has an active google account attached to it in order to receive access to their club's membership information.

Please note that this MUST be a club email address that, in the event of the person using the email account is no longer an authorised person by their club, the club still has access to this email, as well as the ability to change the password and access to the account.

Skate Victoria can not give access to a personal email account as this would potentially breach the Skate Victoria Membership Protection; Privacy; and Data Protection Policies.

#### **2. Authorised Personnel's Responsibilities**

It is the responsibility of the person authorised by the Skate Victoria affiliated club to be knowledgeable on the Skate Victoria policies including, but not limited to, the Member Protection (including privacy) and Data Protection Policies.

#### **3. Authentication of Authorised Person**

Once Skate Victoria has received a club email address that has an active google account attached to it, that account will have access to comment on their club's membership spreadsheet.

Please note that affiliated clubs will no longer have access to edit their membership spreadsheet, due to data protection.

#### **4. Process for Updating a Members Personal Information**

Once the Authenticated Authorised person has access to comment on their club's membership spreadsheet, if they need to update or correct a members personal information, they are to follow the process below:

- a. Add a comment to each of the relevant cells on their spreadsheet that requires the information to be added or changed.
- b. Send an email to the Skate Victoria Executive Officer at [office@skatevictoria.com.au](mailto:office@skatevictoria.com.au) stating that there are changes or further information required on their membership spreadsheet.  
Skate Victoria will update the master database at their earliest convenience and delete the comments once the updates have been made.

Questions can be directed to the Skate Victoria Executive Officer, or auditing officer.

## 5. Club Use of their Membership Spreadsheet

Authorised persons can download a copy of their club membership spreadsheet to use/compare with their accounting records. Please note that you should regularly check if updates have been made as the downloaded copy may become outdated.

### *Definitions and Acronyms*

**Personal Information:** information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Sensitive information:** information about an individual's race, ethnicity, political opinions, religious or philosophical beliefs, sexual preferences or practices, criminal record, or membership details, such as trade union or professional, political or trade associations.

**Health Information:** information or opinion about the physical, mental or psychological health of an individual (including deceased individual) or a health service provided to them.

**Consent:** the essential elements of consent are that the:  
individual has the capacity to consent;  
consent must be voluntary;  
consent must be informed;  
consent must be specific; and  
consent must be current.

**Practicable:** capable of being done or feasible. Incorporates an element of reasonableness.

**Reasonable:** a judgement in context of what is fair, proper and moderate.

### *References*

RMIT University  
<http://www1.rmit.edu.au/browse/Staff%2FWorkplace%20essentials%2FPolicies%20and%20procedures%2FGovernance%2FPrivacy%2FPrivacy%20and%20data%20protection%20policy/>

## ***Document Revision History***

May 2016	Data Protection Policy	Updated
May 2016	Access and Correction of Personal Information	Updated
May 2016	Collection of personal information instruction	Updated
May 2016	Management of personal information instruction	Updated
May 2016	Use and disclosure of personal information instruction	Updated
May 2016	Authentication process (for identification)	Updated
May 2016	Definitions and acronyms	Updated
May 2016	References	Updated

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