

# POLICY

## Privacy and data protection



### Southern Alpine Resort Management Board ('the Board')

#### Context of this policy

The *Privacy and Data Protection Act 2014* came into effect on 17 September 2014. It was a new Act that provides for the responsible collection and handling of personal information in the Victorian public sector, and for the establishment of a protective data security regime for the Victorian public sector. This new Act repeals the *Information Privacy Act 2000* and the *Commissioner for Law Enforcement Data Security Act 2005*. It merges the previous roles of the Privacy Commissioner and the Commissioner for Law Enforcement Data Security to create a single Commissioner for Privacy and Data Protection.

#### 1. Scope

This policy applies to all employees, Board members, official volunteers and other Board contractors.

#### 2. Purpose of the policy

The Board considers that the responsible handling of personal information is a key aspect of governance of a public entity and is strongly committed to protecting an individual's right to privacy. Accordingly, the Board is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and the *Federal Privacy Act*. In particular, the Board will comply with the *Information Privacy Principles* (IPPs) contained in the *Privacy and Data Protection Act 2014*.

This policy applies to both personal information and health information held by the Board.

This *Privacy and Data Protection* policy explains how;

- the Board will collect, hold, use and disclose personal and health information of individuals;
- individuals can gain access to information, and correct inaccuracies; and
- an individual may complain about possible breaches of privacy.

#### 3. Definitions

Act	<i>Privacy Protection and Data Act 2014</i>
Personal information	Information or opinion, whether true or not and whether recorded in material form or not, about a living individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.
Sensitive Information	Information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership of professional association or trade union, sexual preferences or practices and criminal record.
Health information	Information or opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual, but does not include information about an individual who has been deceased for more than 30 years.
IPPs	Information Privacy Principles

#### 4. Policy Statement

The Board seeks to responsibly manage any personal information or health information it handles. The Board is committed to protecting individual's right to privacy and the responsible and fair handling of personal and health information, consistent with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. Accordingly, the Board will adhere to the Information Privacy, Privacy and Data Protection and Health Privacy Principles when undertaking its statutory functions and activities, so that the privacy of individuals can be protected.

#### 5. Responsibilities

All employees, Board members and contractors, and official volunteers are responsible for adhering to and implementing this policy, which has as its base the adherence to the *information privacy principles* outlined below. Adherence to the *Privacy and Data Protection* policy will be overseen by the Chief Executive Officer, with any associated procedures agreed by the Board.

The Board is the owner of this policy. Any reviews of this policy must be recommended by the Board Chief Executive Officer and then considered and if appropriate adopted by the Board.

## 6. What are the Information Privacy Principles?

- i. **Collection:** The Board may only collect personal information if it is necessary to fulfil the Board's function.
- ii. **Use and Disclosure:** Personal information should be used and disclosed for the primary purpose for which it was collected or a secondary purpose that could reasonably be expected, unless consent is requested and provided. The law also allows some uses and disclosures without consent such as to protect safety.
- iii. **Data Quality:** The Board must keep any personal information accurate, complete and up to date.
- iv. **Data Security:** Personal information must be protected from misuse, loss and unauthorised access, modification or disclosure.
- v. **Openness:** This policy should be made available to an individual upon request.
- vi. **Access and Correction:** Individuals have a right to seek access to their own personal information and to seek corrections if necessary. Access and correction will be handled mostly under the *Victorian Freedom of Information Act*.
- vii. **Unique Identifiers:** Unique identifiers, usually a number, can facilitate data matching. Permissible use of unique identifiers by the Board will only take place under certain conditions.
- viii. **Anonymity:** Where lawful and feasible, you should have the option of transacting with an organisation without identifying yourself.
- ix. **Transborder Data Flows:** If personal information travels outside the organisation and/or the State, privacy protection should travel with it.
- x. **Sensitive information:** Collection and use of individuals' racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record will only occur in accord with the prescription of the law.

## 7. Responses to complaints over breach of privacy

If an individual believes that the Board has breached one or more of the Information Privacy Principles, the individual should be invited to resolve the matter with the Board by contacting the Chief Executive Officer or writing to the Board explaining the situation and how the individual would like it to be resolved.

Should the individual remain dissatisfied, the individual may complain directly to the Commissioner for Privacy and Data Protection. The Commissioner will make all reasonable efforts to conciliate complaints. Where conciliation is not reasonably possible, or is tried but fails, complaints may go to the Victorian Civil and Administrative Tribunal.

## 8. Resort's Data Collection Points

Non-commercial (not information from business providers with whom the resort does business) data relating to individuals may be collected by the Board in the following contexts:

- When an individual enters into a fee for service transaction with the Board or agent (eg. purchase of gate entry pass using credit card, hiring of snow equipment, enrolment in ski school or other group activity run by the resort, payment to participate in another adventure activity).
- When an individual agrees to participate in a customer survey conducted by the Board.
- When an individual connects to a Social Media page owned/operated by the Board.
- When an individual seeks, or is provided with, attention and care from the resort based Ski Patrol service.
- When an individual seeks to make a comment or complaint in connection to the resort.
- When an individual applies to become, or is engaged to be an employee of the Board.

## 9. Publication of this policy

The Board shall ensure that the policy statement is placed on the Mount Baw Baw and Lake Mountain Alpine Resorts websites so that individuals with a concern over matters relating to personal data collection and use can access the information.

## 10. References

- *Privacy Act 1998*
- *Privacy and Data Protection Act 2014*
- Information Privacy Principles (Australian Government – Office of the Australian Information Commissioner)
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Public Records Act 1973*

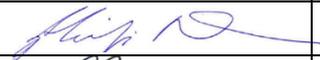
## 11. Implementation

This policy is effective from the date of its adoption by the Board.

## 12. Review date

This policy was reviewed in October 2017 and will be due for review by **October 2018** unless legislative changes to determine otherwise.

Date created: August, 2015
Prepared by: Lake Mountain Alpine Resort Management Board
Reviewed by: Southern Alpine Resort Management Board

Revision No.	Date Approved	Signature	Position, Name
2	28/10/2016		CEO, Philip Nunn
3	27/10/2017		CEO, Gail Conman
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