

Privacy and Personal Information Policy

Purpose

South East Leisure (SEL) is strongly committed to the transparent and responsible handling of personal and health information and to protecting every individual's right to privacy. We will only collect personal information that is necessary for us to provide with the Service.

This policy has been developed to meet the requirements of Commonwealth and Victorian legislation protecting the privacy of individuals in regard to the management, collection, use, disclosure and disposal of personal, sensitive and health information and to allow individuals the right to access and, if required, correct information about them which is held by SEL, or any organisation contracted by SEL.

SEL's privacy commitment arises from the need to collect personal and health information to assist in:


1. planning and delivering services;
2. the follow up and response to concerns and complaints;
3. obtaining feedback and monitoring performance;
4. requirements to comply under Government legislation; and
5. managing employees, contractors, members and guests.

Policy Scope

This policy applies to:

1. all employees, contractors, members and guests
2. all personal, sensitive and health information held by SEL, i.e., information or an opinion about an individual whose identity is apparent, or can be reasonably ascertained from that information or opinion. This includes, but is not limited to, information SEL has collected in any format including correspondence, in person, over the phone and by electronic means such as the internet.
3. personal, sensitive and health information sourced from third parties.

Further, personal information must only be collected and used for the primary purpose for which it was collected, or for a related purpose, the person would reasonably expect. For example, where a doctor's certificate informs SEL of a person's medical condition, it would be reasonable to expect that the same information might also be used to make reasonable adjustments to support that person's interactions with SEL.



This policy is available to individuals upon request.

The obligations contained in this policy also apply to how SEL manages personal, sensitive and health information in relation to its employees.

Certain information is exempt from the provisions of the *Privacy & Data Protection Act 2014*. For instance, publicly available information by its very nature cannot be deemed to be private. Likewise, information used for law enforcement is also exempt due to its required use for legal purposes.

References

The primary legislative obligations applying to SEL's treatment of personal, sensitive and health information are contained in the *Privacy Act 1988 (Cth)*, Victorian Government's *Privacy and Data Protection Act 2014* (to the extent that either or both statutes apply) and the *Health Records Act 2001*.

Definitions

**Personal
information**

Means information or an opinion about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

**Health
information**

Means information or an opinion about an individual's:

1. physical, mental or psychological health (at any time);
2. a disability (at any time);
3. expressed wishes about the future provision of health services to him/her/them;
4. a health service provided, or to be provided, that is also personal information;
5. other personal information collected to provide, or in providing, a health service;
6. other personal information collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances;
7. other personal information that is genetic information about an individual in a form which is, or could be, predictive of the health (at any time) of the individual or of any of his or her descendants.



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Sensitive information

Means information or an opinion about an individual's:

8. race or ethnic origin;
9. political opinions;
10. membership of a political association;
11. philosophical beliefs;
12. membership of a professional or trade association;
13. membership of a trade union;
14. sexual preferences or practices;
15. criminal record

Policy principles

SEL has implemented practical measures and takes all reasonable steps to ensure full compliance with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* and the Privacy Principles contained in both Acts.

How is Personal and Health Information collected and stored?

Where it is reasonable and practical to do so, SEL will collect personal and health information directly from an individual or their authorised representative. This may be in person, in writing, by telephone, or by electronic means such as SEL's website.

SEL will hold the information it collects on electronic systems, which may include on a third-party online storage provider (in the "cloud"), and where necessary, in paper format. SEL has an electronic document and records management system that is compliant with current government archival standards and legislation.

All personal and health information stored by SEL is protected against unauthorised access, alteration, disclosure, or destruction. It is mandatory for all personnel authorised with access to SEL systems to ensure the information is kept secure and confidential in accordance with SEL policies and procedures.

All personal and health information stored electronically is password protected and all personal and health information stored in paper form is in a locked facility with authorised access only.

Members, and other people on our database, can unsubscribe from receiving marketing communications at any time.

Why is Personal and Health Information collected?

SEL will only collect personal or health information that is necessary at the time of collection for specific and legitimate functions and activities of SEL. Situations in which personal information may be collected include, but are not limited to:



1. the processing of registration/membership application forms and any subsequent amendments to those details;
2. when dealing with requests or applications for products or services;
3. when required by law;
4. when dealing with individuals who contact us regarding our activities or services;
5. when required to ensure compliance with health and safety obligations; or
6. when reasonably necessary to ensure compliance with SEL policies and procedures.

When will Personal and Health Information be destroyed?

Personal and health information stored electronically that is no longer required is deleted in a secure manner in accordance with SEL policies and procedures. Audit trails are created where personal information is accessed, including amended or deleted records using SEL's electronic systems.

How can I access my Personal or Health Information?

Requests to access your personal or health information should be made in writing to SEL Management at privacy@southeastleisure.com.au. We may charge you a reasonable fee for complying with any such request.

Written requests for information will be responded to in writing within 10 business days from the date on which it is received by SEL.

If the information provided by SEL is considered by the individual to be inaccurate, out-of-date, or incomplete, irrelevant or misleading for the purpose for which it is held, then a request can be made to amend the record.

How is Personal and Health Information disclosed?

Personal and health Information held by SEL is not disclosed to other agencies or organisations without the consent of the individual or their authorised representative unless required to comply with health and safety obligations or SEL policies and procedures or where otherwise required or authorised by law. Where this occurs, it will be disclosed in a manner consistent with the Privacy Principles.

Whilst we take all due care in ensuring the privacy and security of your personal, sensitive and protected information, the possibility exists that this information could be unlawfully intercepted while in transit over the internet or while stored on our systems or on our website. We disclaim all liability to you to the greatest extent pursuant to law should this occur.

When is Personal and Health Information disclosed to third parties?

SEL may have a legal obligation to disclose the personal and/or health information of individuals under the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and other Victorian legislation including, but not limited to, the Victorian *Data Sharing*



Act 2017, the Child Wellbeing and Safety Act 2005 and the Family Violence Protection Act 2008.

Where personal, sensitive and health information has been collected and needs to be passed onto others who are engaged to provide services on behalf of SEL, information is only disclosed:

1. with the consent of the individual or their authorised representative; or
2. where the individual would reasonably expect, or has been told that, information of that kind is usually passed to those individuals, bodies or agencies.

Where personal, sensitive and/or health information has been collected and needs to be passed onto others who are engaged in law enforcement, protective or other services, information is only disclosed:

1. if the request for disclosure is in writing;
2. details of the information request are provided; and
3. the disclosure of the information is authorised by law.

SEL must maintain a written record of all disclosures made to other agencies. An audit trail (notification) will be created on the specific database advising that personal information has been accessed and shared. This notification will be undertaken in the format specified by the guiding legislation.

All third-party recipients of personal or health information are required to treat the information in accordance with the Information and Health Privacy Principles outlined in the *Privacy & Data Protection Act 2014*.


Can I remain anonymous? If a public request is received all individuals will be given the option of not identifying themselves when contacting SEL where feasible and lawful.

In circumstances where anonymity would impede the ability of SEL to properly provide a service, SEL will ensure that individuals are aware of any limitations to services if the information is not provided.

What happens when I access SEL's website or use online transactions? When entering payment information, the transaction occurs directly between an individual's bank and SEL's payment gateway providers. SEL does not store, and cannot access credit card details.

In instances where an individual is required to give personal information in any area of SEL's websites, that information is retained only for as long as necessary to fulfill the purposes for which it was collected, or as required by law. Individuals who choose not to provide personal information are still able to access most areas of SEL's websites.

SEL tracks visits to its website and uses the data to analyse for trends and statistics. This process does not collect any personal data or location details in regard to the individual or from where the source information originated.



**Is there a complaints/
dispute resolution
process?**

If SEL is alerted to any alleged breach of any of its electronic data base systems which store personal or health information of individuals, it will conduct a thorough and diligent investigation in accordance with its current Information Breach Protocol. This will involve notifying any person that may have been affected by the alleged breach.

If an individual feels aggrieved by SEL's handling of personal information, in the first instance, they should lodge any concerns or complaints in writing to SEL's management:

General Manager Corporate Services and Finance
 South East Leisure
 PO Box 2200
 DANDENONG NORTH, VIC 3175
privacy@southeastleisure.com.au

The complainant will be provided with a written response within 10 business days from the date on which it is received by SEL.

If the complainant is not satisfied with the response provided by SEL they may contact either the Victorian Information Commissioner or the Health Complaints Commission for resolution.

Victorian Information Commissioner

PO Box 24274, Melbourne Victoria 3001
 Tel: 1300 006 842
 Email: enquiries@ovic.vic.gov.au
 Website: www.ovic.vic.gov.au

Health Complaints Commissioner

Level 26, 570 Bourke Street, Melbourne Victoria 3000
 Tel: 1300 582 113
 Email: hcc@hcc.vic.gov.au
 Website: <https://hcc.vic.gov.au>

Policy Approvals & Revisions

Date	Description	Approved By
April 2022	Privacy and Personal Information Policy v1	GM Corporate Services and Finance

