



NAVY CANTEENS

Privacy Policy

Summary. *This policy articulates in detail Navy Canteens' policy on Privacy and its compliance with the National Privacy Principles. It lays down the approach Navy Canteens adopts towards personnel and sensitive information and the exemptions or conditions under which Navy Canteens may release private or sensitive information.*

Background

1. This policy serves to ensure the RANCCB and its subsidiary organisations trading as Navy Canteens, complies with the Privacy Act established for the handling of personal information. For the purposes of this policy, the term "Navy Canteens" is taken to include the RANCCB.
2. Navy Canteens will ensure that it complies with the ten *National Privacy Principles (NPPs)* set out by the Privacy Act. The NPPs regulate the way the RANCCF can collect, use, disclose, amend and pass on personal information.
3. The *Privacy Act (Cth) 1998 ("Privacy Act")* is intended to establish a comprehensive scheme for the collection, holding, use, correction, disclosure and transfer of personal information.
4. The Chief Financial Officer of Navy Canteens is the nominated Privacy Compliance Officer of the RANCCF and as such he will:
 - a. receive complaints from an individual regarding an alleged breach of privacy by Navy Canteens;
 - b. investigate and resolve the complaint internally through mediation with the individual; and
 - c. oversight compliance with the policy; noting however, that all managers and staff are responsible for implementation.

Definitions.

Personal information

5. Personal information means 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.

Sensitive Information

6. Sensitive information is information or an opinion about an individual's:

- a. racial or ethnic origin;
- b. political opinions;
- c. membership of a political association;
- d. religious beliefs or affiliations;
- e. philosophical beliefs;
- f. membership of a professional or trade association;
- g. membership of a trade union;
- h. sexual preferences or practices;
- i. criminal record;
- j. health information about an individual; or
- k. genetic information about an individual that is not otherwise health information.

Principle 1: Collection of information

7. Personal information will only be collected to the extent necessary by lawful and fair means and not in an unreasonably intrusive way. At the time of collection (or as soon as practicable afterwards), the Navy Canteens will take reasonable steps to ensure that the individual is told:

- a. how he or she may contact Navy Canteens;
- b. that they can access the information;
- c. why the information is collected;
- d. the disclosure practices of Navy Canteens; and
- e. any law that requires the particular information to be collected; and the consequences (if any) for the individual if the information is not provided.

Principle 2: Use of information

7. Navy Canteens will use or disclose personal information for the primary purpose for which it was collected. Navy Canteens will use personal information for another purpose (secondary purpose) if:

- a. the individual has consented; or

- b. the secondary purpose is related to the primary purpose and the individual would reasonably expect Navy Canteens to use or disclose the information for the secondary purpose. If the personal information is sensitive information, the secondary purpose must be directly related to the primary purpose of collection.
8. Where the information is not considered sensitive, Navy Canteens will use the information for the secondary purpose of direct marketing if:
- a. it is impracticable to seek the individual's consent before the particular use;
 - b. there is no charge for implementing an individual's request to Navy Canteens not to receive direct marketing;
 - c. the individual has not made a request to Navy Canteens not to receive direct marketing;
 - d. in each direct marketing communication with the individual, Navy Canteens notifies the individual that they may elect not to receive any further direct marketing communications; and
 - e. each written direct marketing communication with the individual by Navy Canteens sets out the Navy Canteens' business address, telephone number and email address at which Navy Canteens can be contacted directly.
9. The exceptions to the Navy Canteens' policy on disclosure or secondary use are as follows:
- a. Navy Canteens reasonably believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety; or the Navy Canteens has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant authorities or persons;
 - b. the use or disclosure is required or authorised by or under law; and
 - c. Navy Canteens reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - 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; or
 - the preparation for or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Any personal information used or disclosed for any of the reasons in this paragraph must be recorded in writing.

Principle 3: Data quality

10. Navy Canteens will take reasonable steps to ensure that personal information it collects uses or discloses is accurate, complete and up to date.

Principle 4: Data security

11. Navy Canteens will take reasonable steps to protect personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Navy Canteens will also take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under Principle 2.

Principle 5: Openness

12. Navy Canteens will have clearly expressed policies on its management of personal information and these will continue to be readily available. On request from an individual, Navy Canteens will take all reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes, and how it collects, uses, and discloses that information. Navy Canteens otherwise complies with the NPPs under the Privacy Act.

Principle 6: Access and correction

13. Where Navy Canteens holds personal information about an individual, it will provide the individual with access to the information on request, except:

- a. in the case of personal information other than health information - providing access would pose a serious and imminent threat to the life or health of any individual;
- b. in the case of health information – providing access would pose a serious threat to the life or health of any individual;
- c. providing access would have an unreasonable impact upon the privacy of other individuals;
- d. the request for access is frivolous or vexatious;
- e. the information relates to existing or anticipated legal proceedings between Navy Canteens and the individual, and the information would not be accessible by the process of discovery in those proceedings;
- f. providing access would reveal the intentions of the Navy Canteens in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- g. providing access would be unlawful;
- h. denying access is required or authorised by law;
- i. providing access would be likely to prejudice an investigation of possible unlawful activity; or
- j. providing access would be likely to prejudice:
 - 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;
 - preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement agency; or
 - an enforcement body performing a lawful security function asks Navy Canteens not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

14. Where providing access would reveal evaluative information generated within Navy Canteens in connection with a commercially sensitive decision-making process, Navy Canteens may give the individual an explanation for the decision, rather than direct access to the information.

15. Where Navy Canteens is not required to provide the individual with access to the information for any reason set out in above Navy Canteens will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

16. If Navy Canteens levies charges for providing access to personal information, those charges will:

- a. not be excessive;
- b. reflect the cost of providing the information; and
- c. will not apply to lodging a request for access.

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

18. If the individual and Navy Canteens disagree about whether the information is accurate, complete and up-to-date, and the individual asks Navy Canteens to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, Navy Canteens will take reasonable steps to do so.

19. Navy Canteens will provide reasons for denial of access or a refusal to correct personal information.

Principle 7: Identifiers

20. Navy Canteens will not adopt as its own identifier an identifier that has been assigned by a government agency (or by the government's agent or contractor). Examples are an individual's Medicare or tax file number. Navy Canteens will not use or disclose an identifier assigned to an individual by a government agency except where paragraphs as contained in this policy or if it is necessary for Navy Canteens to fulfil its obligations to the agency. An individual's name or ABN is not an identifier.

Principle 8: Anonymity

21. Whenever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with Navy Canteens.

Principle 9: Transborder data flows

22. Navy Canteens will not transfer personal data outside Australia except in the following circumstances:

- a. the Navy Canteens reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair information handling that are substantially similar to the NPPs;
- b. the individual concerned consents to the transfer;
- c. the transfer is necessary for the performance of a contract between the individual concerned and Navy Canteens, or for the implementation of pre-contractual measures taken in response to the individual's request;

- d. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual concerned between Navy Canteens and a third party;
- e. the transfer is for the benefit of the individual concerned; and
 - it is not practicable to obtain the consent of the individual to that transfer; and
 - if it were practicable to obtain such consent, the individual would be likely to give it; and
- f. Navy Canteens has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with these rules.

Principle 10: Sensitive Information

23. Navy Canteens will not collect sensitive information about an individual unless:
- a. the individual has consented;
 - b. the collection is required by law;
 - c. the 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; or
 - physically cannot communicate consent to the collection; and
 - d. the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Internet Privacy Commitment

24. The Navy Canteens' Internet Privacy Commitment is published in a separate document, The "*Navy Canteens' Internet Privacy Commitment*".

Exemption

25. There is an exemption in the Privacy Act regarding information relating to a current or former employee. The Privacy Act does not apply to an act done or practice engaged in by Navy Canteens in relation to:

- a. a current or former employment relationship between Navy Canteens and the individual; and
- b. an employee record held by Navy Canteens relating to the individual (includes personal information relating to the employment relationship and may include information, such as recruitment/termination information, terms and conditions of employment, health and banking details).

26. This exemption does not apply to applicants who are unsuccessful in securing a role at Navy Canteens. In those cases, Navy Canteens will take all the necessary steps to ensure proper collection, use, storage, disclosure of, access to and disposal of information in accordance with the Privacy Act and other applicable laws.

Procedure for making a complaint

27. A person may make a complaint if they feel their personal information has been handled inappropriately or in breach of Navy Canteens 'privacy obligations under the Privacy Act.

28. In the first instance, complaints must be directed to Navy Canteens' Privacy Officer in writing. Navy Canteens will investigate the complaint and prepare a response to the complainant in writing within a reasonable period of time.

29. If the complainant is not satisfied with the Navy Canteens' response or the manner in which Navy Canteens has dealt with the complaint, the individual may make a formal complaint to the Office of the Federal Privacy Commissioner ("OFPC"). The OFPC will provide Navy Canteens with the opportunity to respond to the complaint. Following its enquiries, if the OFPC decides that there is insufficient evidence to support the complaint, the OFPC may dismiss the complaint. Alternatively, if the OFPC believes there is enough evidence to support the complaint, it will try to conciliate the matter.

30. If conciliation does not resolve the complaint, depending on the circumstances, the Privacy Commissioner may either close the file or make a determination. A determination could include a requirement that Navy Canteens issue an apology; improve practices to reduce likelihood of a breach of the Privacy Act, or compensation to be paid to the complainant.

31. If the OFPC closes the file, the complainant may apply to the Federal Court or the Federal Magistrates Court by way of appeal. Either party may also appeal to the Administrative Appeal Tribunal for a review of any compensation amount ordered by the Privacy Commissioner.

Change of Policy

32. Navy Canteens reserves the right to alter its Privacy Policy from time to time at its discretion and without notice. At any time, the latest version is available from www.ranccf.com or by calling the Privacy Compliance Officer on 02 6266 3586.

Status: Board Approved	Author: CEO	Reviewer: H. Anand
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