



Friends of Kutumb Ltd.

**PRIVACY AND
CONFIDENTIALITY POLICY**

Australian Business Number (ABN) 38 638 060 885
Office of Fair Trading, Queensland, (QLD) Charity Number CH3337
Australian Charities and Not-for-profits Commission (ACNC) Registered Charity



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Privacy and Confidentiality Policy

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Privacy and Confidentiality Policy

PART A - INTRODUCTION

1 POLICY

1.1 Policy Statement

Friends of Kutumb Ltd. (the charity) respects the privacy of individuals and ensures the confidentiality of personal information held by us about our members, volunteers and partners.

1.2 Guiding Principles

The principles that underpin this policy are:

- (a) *Friends of Kutumb Ltd.* will manage personal information in an open and transparent way.
- (b) *Friends of Kutumb Ltd.* will comply with the Australian Privacy Principles (APP) in the way it collects, holds, uses and discloses personal information.

1.3 Legislative Compliance

This policy sets out how *Friends of Kutumb Ltd.* will comply with the Australian Privacy Principles (APPs) contained in Schedule 1 to the Privacy Act 1988 (Cth) (the Privacy Act). The APPs are legally binding on *Friends of Kutumb Ltd.* and regulate the way in which we can collect, store, use and disclose personal information and how the information can be accessed and corrected.

This policy also addresses ACNC Governance Standard 5 which requires that responsible persons act with reasonable care and diligence and that they act honestly and fairly in the best interests of the charity for its charitable purposes.

1.4 Breach of Policy

If a breach of this policy is identified, or an individual believes their personal information has been used improperly, it can be reported with reference to the organisation's 'Complaints Handling Policy Including Whistleblower Protections'.

2 SCOPE

This policy applies to directors, volunteers, partners and others who have access to personal and confidential information in their association with *Friends of Kutumb Ltd.*

3 ROLES AND RESPONSIBILITIES

3.1 The Board of Directors

The members of the board of *Friends of Kutumb Ltd.* are responsible for:

- Ensuring the privacy and confidentiality of personal information held by the charity;
- Ensuring that there are appropriate and effective ways to do this; and
- Ensuring that the charity observes all relevant laws and obligations relating to privacy.

3.2 Chairperson

The chairperson, or their delegate, is responsible for implementing and maintaining the procedures and details that ensure that this policy is fully applied.

3.3 All Associates

All associates, including staff, volunteers and partners, are responsible for maintaining privacy and confidentiality of personal information that they encounter in their work with *Friends of Kutumb Ltd*. This includes ensuring that confidential information remains confidential. They are also responsible for advising the chairperson if they become aware of any issues or breaches in regards to this policy.

4 DEFINITIONS

4.1 Personal Information

The Privacy Act defines 'personal information' as information or an opinion about an identified individual, or an individual who is reasonably identifiable: whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

4.2 Privacy

In the context of this policy, 'privacy' refers to ensuring that personal information is secure and only available to those with authorized access.

4.3 Confidentiality

Confidentiality is the protection of personal information by those who have access to it. Confidentiality means not sharing an individual's information with unauthorised others. This includes not telling others such as co-workers, friends, family or other organisations.

5 REFERENCES AND REVIEW

5.1 Organisational Policies

Other organisational policies, as listed in the Board Charter Policy Framework, are supported by, or expand upon, aspects of this policy.

5.2 Legislation

Relevant legislation includes:

- [Australian Charities and Not-for-profits Commission Act 2012](#) (Cth) (ACNC Act)
- [Privacy Act 1988](#) (Cth)
- [Information Privacy Act 2009](#) (Qld) (IP Act)
- [Archives Act 1983](#) (Cth)
- [Australian Information Commissioner Act 2010](#) (Cth)
- [Public Governance, Performance and Accountability Act 2013](#) (Cth)

5.3 Development Resources

This document has been developed with reference to:

- ACNC
<https://www.acnc.gov.au/tools/topic-guides/privacy-policy>
<https://www.acnc.gov.au/tools/guides/managing-peoples-information-and-data>
- Office of the Australian Information Commissioner (OAIC)
www.oaic.gov.au

5.4 Administration of this Document

This document will be made available to the public through the charity's website and will be reviewed every two years, as per the Board Calendar.

PART B - PRIVACY PRINCIPLES AND PROCEDURES

6 APP FRAMEWORK

The Australian Privacy Principles (APP) are structured to reflect the personal information lifecycle. They are grouped into five parts:

- Part 1 - Consideration of personal information privacy (APPs 1 and 2)
- Part 2 - Collection of personal information (APPs 3, 4 and 5)
- Part 3 - Dealing with personal information (APPs 6, 7, 8 and 9)
- Part 4 - Integrity of personal information (APPs 10 and 11)
- Part 5 - Access to, and correction of, personal information (APPs 12 and 13)

The requirements in each of these principles interact with and complement each other.

7 PART 1: Consideration of Personal Information Privacy

7.1 APP 1: Open and transparent management of personal information

Friends of Kutumb Ltd. manages personal information in an open and transparent way as demonstrated through this privacy policy.

7.2 APP 2: Anonymity and pseudonymity

Friends of Kutumb Ltd. gives individuals the option of not identifying themselves, or of using a pseudonym.

Individuals who have a formal association with Friends of Kutumb Ltd. such as members and directors cannot be anonymous nor should they use pseudonyms.

Individuals such as donors, complainants or whistleblowers can remain anonymous or use pseudonyms. However, if an individual chooses not to provide their personal information, *Friends of Kutumb Ltd.* may be unable to provide them with a particular service.

8 PART 2: Collection of Personal Information

8.1 APP 3: Collection of solicited personal information

Friends of Kutumb Ltd. only solicits and collects personal information that is necessary for one or more of its functions or activities. Information may be collected in a variety of ways including, without limitation, on forms or donation slips, questionnaires and surveys; over the telephone; or person to person.

Personal information about an individual is generally collected only from that individual.

8.2 APP 4: Dealing with unsolicited personal information

Unsolicited personal information is personal information received by *Friends of Kutumb Ltd.* where the charity has taken no active steps to collect the information.

Unsolicited personal information that could not have been collected under APP 3, is destroyed or de-identified as soon as practicable if it is lawful and reasonable to do so.

8.3 APP 5: Notification of the collection of personal information

When *Friends of Kutumb Ltd.* collects personal information, whether solicited or unsolicited, it notifies the individual of certain matters, including:

- the charity's identity and contact details
- the fact and circumstances of collection
- whether the collection is required or authorised by law
- the purposes of collection
- the consequences if personal information is not collected
- information about the charity's Privacy Policy
- whether the charity is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located

Friends of Kutumb Ltd. takes reasonable steps to notify, before, or at the time it collects personal information. If this is not practicable, reasonable steps are taken as soon as practicable after collection.

9 PART 3: Dealing with Personal Information

9.1 APP 6: Use or disclosure of personal information

Friends of Kutumb Ltd. only uses or discloses personal information for the purpose for which it was collected (the 'primary purpose').

Generally, *Friends of Kutumb Ltd.* does not disclose personal information to other agencies for any purpose unless approved either verbally or in writing by the individual. Information is not used for any secondary purpose other than information sharing regarding upcoming *Friends of Kutumb Ltd.* activities and fundraising activity alerts.

9.2 APP 7: Direct marketing

Friends of Kutumb Ltd. will contact individuals only as indicated by them. In particular by:

- emailing people who have indicated that they wish to be on the email list, and
- including people on the WhatsApp group where indicated.

An individual can change their preference, or 'opt out', by advising the secretary or other officer, usually in writing by email.

Personal information is not shared with any organisation, other than *Kutumb Samajothan Avam Punarwash Sanstha* (Kutumb) as outlined in 9.3.

9.3 APP 8: Cross-border disclosure of personal information

Friends of Kutumb Ltd. will only share personal information with *Kutumb Samajothan Avam Punarwash Sanstha* (Kutumb) where the person has agreed to this in writing, such as through completion of a general form, or a specific written request.

9.4 APP 9: Adoption, use or disclosure of government related identifiers

Friends of Kutumb Ltd. does not request or use government-related identifiers, such as tax file numbers, for any purpose.

10 PART 4: Integrity of Personal Information

10.1 APP 10: Quality of personal information

Friends of Kutumb Ltd. takes reasonable steps to ensure the personal information it collects is accurate, up to date and complete.

However, it should be noted that due to the number of individuals involved with *Friends of Kutumb Ltd.* it is not reasonable for the charity to follow up each individual to enquire about changes in their personal information. Although, from time to time, where resources permit, the personal information held by the charity may be emailed to individuals so that they can confirm and/or update the information.

10.2 APP 11: Security of personal information

Friends of Kutumb Ltd. protects personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. The charity holds most records electronically and these are secured and managed in line with the charity's 'Financial Management and Record Keeping Policy'.

11 PART 5: Access to, and Correction of, Personal Information

11.1 APP 12: Access to personal information

Upon written request by an individual to the secretary or other board member, *Friends of Kutumb Ltd.* will provide access to personal information held about them. This may be impacted by the charity's policies dealing with Safeguarding Individuals or Whistleblower Protections.

11.2 APP 13: Correction of personal information

When *Friends of Kutumb Ltd.* becomes aware that information is no longer accurate, the organisation will take steps to update this information.

Individuals should inform the charity of changes to their personal information in writing, usually by email.