

PRIVACY POLICY

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Drafted by	AARE Executive Office Manager	Date Approved	22 April 2024
Responsible person	AARE Secretary	Review Date	April 2027

1. Background

The Executive Committee of the Australian Association for Research in Education (AARE) is committed to protecting the privacy of personal information which the organisation collects, holds and administers.

Personal information is information which directly or indirectly identifies a person.

Sensitive information includes health information and information about things such as religious beliefs, race, gender.

The information lifecycle

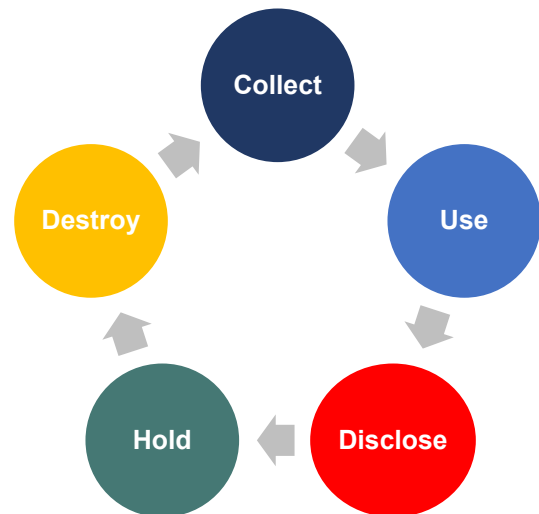
The information lifecycle describes each phase of AARE records and data.

AARE's **Privacy Policy** focuses on how AARE 'Collects', 'Uses' and 'Discloses' records and data.

AARE's **Data, Information & Archive Management Policy** focuses on how AARE 'Holds' (record, store, secure, back-up and archive) and 'Destroys' (dispose, de-identify) records and data.

The Privacy Act requires us to delete personal information when it is no longer required (which includes for any legal purpose), but data retention laws may require us to keep that personal information for certain periods of time.

It is essential to consider both Privacy and data retention obligations together.



2. Purpose

The purpose of this document is to provide a framework for AARE to shape practices for dealing with privacy considerations.

3. Policy

AARE collects and administers a range of personal information from members to conduct the primary purposes of the Association for example to provide membership services. The organisation is committed to acting with due diligence and to engage in practices that aim to protect the privacy of individuals as it collects, holds and administers personal information.

AARE recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are in our Privacy Policy, which is compliant with the Privacy Act 1988 (Cth).

AARE is bound by laws which impose specific obligations when it comes to handling information.

The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

AARE will:

- Collect only information which the organisation requires for its primary functions;
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- Store personal information securely, protecting it from unauthorised access as much as possible; and
- Provide stakeholders with access to their own information, and the right to seek its correction.

AUTHORISATION



22 April 2024

Professor Annette Woods, Secretary
Australian Association for Research in Education

PRIVACY PROCEDURES

Procedures number	9.0	Version	DRAFT 0.2
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1. Responsibilities

The AARE Executive Committee is responsible for developing, adopting and reviewing this policy.

The AARE Executive Management Team, supported by the AARE Association Management team, is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

2. Processes of Collection, Use and Disclosure of Data

2.1 Collection

AARE will:

- Only collect information that is necessary for the performance of its primary function.
- Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- At or before the time of collecting the information, inform the individual whom the information concerns that it will not disclose the information without the individual's consent.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.

AARE will collect **sensitive information** only:

- with the person's consent and if required by law.
- if such 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 to the collection; or
 - physically cannot communicate consent to the collection

AARE will collect health information about an individual only if:

- the information is necessary to provide a service to the individual; and
- the information is collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

Where unsolicited information is received, AARE will:

- determine whether the personal information could have been collected in the usual way.
 - if it could have, it will be treated normally, and the person that the personal information refers to will be notified that the personal information has been collected;
 - if it could not have been, it will be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information.

2.2 Use and Disclosure

AARE will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.

In relation to a secondary purpose, AARE will use or disclose the personal information only where:

- a secondary purpose is related to the primary purpose and the individual would reasonably have expected AARE to use it for this or these purposes; or
- the person has consented; or
- certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.

For all other uses, AARE will obtain consent from the affected person.

2.3 Making information available to other organisations

AARE will release information to third parties only where it is requested by the person to whom the information belongs.

2.4 Direct Marketing

In relation to personal information which has been collected from a person:

- AARE will use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and AARE has provided an opt out and the opt out has not been taken up.

In relation to personal information which has been collected other than from the person themselves:

- AARE will only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).

In each direct marketing communication with the individual:

- AARE's business address, telephone number and email address will be displayed and AARE will draw to the individual's attention, or prominently display a notice, that he or she may express a wish not to receive any further direct marketing communications.

2.5 Overseas transfer of personal information

AARE will:

- state whether the information it collects is sent or stored overseas;
- ensure that the individual consents to the transfer or that AARE has sufficient reasons to believe that the person would likely give consent if they are not able to be contacted; or
 - that the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre contractual measures taken in response to the individual's request; or
 - that the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
- take 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 Australian National Privacy Principles.

3. Investigation of unlawful activity

If AARE has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.

AARE may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:

- 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;
- the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

For the purpose of this Clause, AARE will make a written note of the use or disclosure and this will be signed by the President and Secretary or another member of the EMT.

4. Access to personal information

AARE will

- provide all individuals access to their own personal information except where it is a threat to life or health or it is authorized by law to refuse
- Ensure individuals have a right to correct information held about them if it is inaccurate, incomplete, misleading or not up to date.

AARE may charge a fee for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.

If a person is able to establish that the personal information is not accurate:

- AARE will take steps to correct it.
- AARE may allow a person to attach a statement to their information if AARE disagrees it is inaccurate.

Where for a legal or other reason AARE is not required to provide a person with access to the information:

- AARE will:

- provide to the individual its reasons for denial of access or a refusal to correct personal information;
- consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.

AARE can withhold the access of an individual to his/her information if:

- providing access would pose a serious and imminent threat to the life or health of any individual; or
- providing access would have an unreasonable impact upon the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- providing access would be unlawful; or
- providing access would be likely to prejudice an investigation of possible unlawful activity; or
- an enforcement body performing a lawful security function asks AARE not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision making process, in which case AARE may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

5. Identifiers

AARE will not:

- adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may however adopt a prescribed identifier by a prescribed organisation in prescribed circumstances.
- use or disclose the identifier assigned to an individual by a third party unless:
 - the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
 - the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

AARE will allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

6. Data Quality

AARE will:

- Take reasonable steps to ensure the information AARE collects is accurate, complete, up to date, and relevant to the functions we perform.

7. Openness

AARE will:

- Ensure stakeholders are aware of AARE's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on the organisation's website.
- On request by a person, AARE must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Related Documents

- Data, Information and Archive Management Policy
- Cyber Security Policy
- Risk Management Policy

AUTHORISATION



22 April 2024

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