

# PRIVACY

## POLICY

### PURPOSE

The protection of personal information is important to AUSTSWIM Limited (AUSTSWIM). AUSTSWIM is committed to respecting the right to privacy and the protection of personal information. This document sets out our privacy policy and how we will manage your personal information. This Policy defines the use of information for AUSTSWIM.

### RESPONSIBILITIES

AUSTSWIM's CEO is firstly responsible to ensure that all the current Standards for Registered Training Organisations (RTOs) 2015, ISO/IEC 17024 (JAS ANZ) and the Privacy Principles are met. AUSTSWIM personnel are responsible for ensuring that candidates are aware of how the information they provide is managed, used and stored as part of ***AUSTSWIM's Privacy and Records Management Policy and Procedures***.

### TERMS AND DEFINITIONS

**Personal Information:** Personal information is information or an opinion (including information or an opinion forming part of a database) from which it is possible to determine someone's identity.

**Personnel:** Any person working at AUSTSWIM and functioning as a member of AUSTSWIM.

**Records:** Information (such as candidates enrolment information, attendance sheets, assessments, email correspondence, participation notes, training records, certification documents) relating to the candidate and may be retained by AUSTSWIM in all forms (hard copy, electronic, audio tapes, photographs and databases). It also includes standard reports that include name and/or identification numbers, attendance lists, labels and electronic records that contain some information not retained as a hard copy.

**Sensitive information:** Sensitive information is a type of personal information that also includes information or an opinion about someone's:

- racial or ethnic origin;
- political opinions;
- membership of a political association, professional or trade association or trade union;
- religious beliefs or affiliations or philosophical beliefs;
- sexual preferences or practices;
- criminal record; or
- health, genetic information or disability

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## **POLICY GUIDELINES**

### **Collection of Information**

The information collected by AUSTSWIM about a person will vary depending on the circumstances of collection. It may include, but is not limited to, a person's name, email and/or postal address, phone number, date of birth, gender, credit card details, driver license number, insurance details, employment history, accreditations or communication history with AUSTSWIM.

### **Sensitive Information**

If we think it is reasonably necessary in the circumstances, we may also collect sensitive information such as a person's medical history, their ethnic background or disabilities.

AUSTSWIM is required by law to obtain consent when we collect sensitive information. AUSTSWIM will assume consent to the collection of all sensitive information that is provided to us for use in accordance with this Privacy Policy, unless told otherwise.

### **Collection from Third Parties**

There will be occasions when AUSTSWIM collects information directly from a person, and other occasions where the information is collected from third parties.

### **Information may be collected from a person when the individual:**

- (a) applies for accreditation;
- (b) renews a license;
- (c) enrolls in an AUSTSWIM training course;
- (d) commences an online education module;
- (e) participates in one of AUSTSWIM's accreditation programs;
- (f) subscribes to any publication of AUSTSWIM, including electronic publications;
- (g) voluntarily provides details to AUSTSWIM;
- (h) accesses the AUSTSWIM website;
- (i) participates in any program, activity, competition or event run by AUSTSWIM;
- (j) is elected/appointed to the Board or a committee of AUSTSWIM;
- (k) is contracted to deliver services to AUSTSWIM or is employed by or volunteers for AUSTSWIM; or
- (l) where AUSTSWIM is required to do so by law,

including where these activities are undertaken by AUSTSWIM (or on its behalf) in countries other than Australia.

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AUSTSWIM will, before or at the time of collection, take reasonable steps to ensure that person is aware of:

- (a) the purpose or purposes for which the information is collected;
- (b) the organisations or type of organisations to which AUSTSWIM usually discloses information of that kind; and
- (c) whether AUSTSWIM is likely to disclose the information to overseas recipients.

## Why does AUSTSWIM collect and use personal and sensitive information?

### Use

AUSTSWIM, and third parties to whom we may disclose personal information in accordance with this Privacy Policy, may use your personal information to:

- (a) verify your identity;
- (b) administer AUSTSWIM's accreditation, reaccreditation and licensing of swimming teachers;
- (c) report information to government (both State and Federal) including to help collate information relating to drowning and reducing the incidence of drowning and to government agencies or departments which have provided AUSTSWIM with funding;
- (d) research, develop, run, administer and market conferences, programs, awards, activities and other events relating to aquatic education;
- (e) research, develop and market products, services, merchandise and special offers made available by us and third parties;
- (f) respond to emergency situations involving or requiring medical treatment;
- (g) administer, manage and provide you with access to austswim.com.au, including for online learning, to use our self-service portal and for other IT based applications; and
- (h) keep you informed of news and information relating to various aquatic education events and programs via various mediums.

AUSTSWIM may use health information to ensure that programs we operate are run safely and in accordance with any special health needs participant may require. Health information may also be kept for insurance purposes. In addition, we may use de-identified health information and other sensitive information to carry out research, to prepare submissions to government, or to plan events and activities.

AUSTSWIM may collect information about race or ethnic origin and use or disclose such information to those third parties identified in the list below for statistical purposes about its courses, licensed AUSTSWIM Teachers and activities. You are not required to provide this information (when it is requested) and if you do not do so your *accreditation or participation in any AUSTSWIM activities will not be affected*.

### Information Storage and Protection

AUSTSWIM stores information in different ways, including in paper and electronic form

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## Disclosure

AUSTSWIM may disclose your personal information but will de-identify the complainant/ appellant details prior to its disclosure to third parties where required by the law to a range of organisations. This includes but not limited to:

- (a) organisations involved in aquatic education;
- (b) companies we engage to carry out functions and activities on AUSTSWIM's behalf, including direct marketing ([refer to direct marketing section below](#))
- (c) individuals or organisations seeking verification of your AUSTSWIM accreditation or related matters;
- (d) our professional advisers, including our accountants, auditors and lawyers;
- (e) our insurers;
- (f) AUSTSWIM Council members, including Australian Leisure Facilities Alliance (Inc.) (ALFA); National Council of the Young Men's Christian Associations of Australia; (YMCA Australia), Royal Life Saving Society Australia (RLSSA), Swimming Australia Ltd (SAL), Surf Life Saving Australia (SLSA) and Water Safety New Zealand (WSNZ); and
- (g) Federal and State Government Departments including the Departments of Education and the Australian Skills Quality Authority; and
- (h) other circumstances permitted by law. ([refer to other disclosures below](#))

In some circumstances, personal information may also be disclosed outside of Australia. In such circumstances, AUSTSWIM will use its best endeavours to ensure such parties are subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are suitably similar to the Australian Privacy Principles. Where AUSTSWIM conducts training in other countries, it may disclose personal information to relevant industry associations in those countries.

AUSTSWIM must obtain confidentiality agreements from both internal staff and third parties prior to distributing personal information, in order to make sure verbal and written disclosure of sensitive client information is managed appropriately.

- Staff will be governed by the staff handbook and signing of their relevant employment contracts
- Presenters will be governed by the Teacher code of conduct and signing of their relevant contracts
- Third parties will be required to sign their respective contracts and confidentiality agreements

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## Other disclosures

In addition, AUSTSWIM may also disclose personal information:

- a) with your express or implied consent;
- b) when required or authorised by law;
- c) to an enforcement body when reasonably necessary; or
- d) to lessen or prevent a threat to an individual or public health or safety.

## AUSTSWIM Website

When users visit the AUSTSWIM website, the system may record certain information about their use of the site, including the web pages visited and the time and date of their visit. AUSTSWIM uses this information to help analyse and improve the performance of the AUSTSWIM website. In addition, we may use “cookies” on the AUSTSWIM website. Cookies are small text files that help a website to remember the preferences of users to improve the experience of using that website. In some cases, the cookies that we use may collect some personal information. We will treat this information in the same way as other personal information we collect. Users are free to disable cookies on their internet browser to prevent this information being collected; however, they will lose the benefit of the enhanced website experience that the use of cookies may offer.

Websites linked to the AUSTSWIM website are not subject to AUSTSWIM's privacy standards, policies or procedures. AUSTSWIM cannot take any responsibility for the collection, use, disclosure or security of any personal information that you provide to a third-party website.

## Direct Marketing

We will assume consent to use non-sensitive personal information to provide better services and for marketing purposes (including disclosure of such information to service providers).

Every person whose data is collected by AUSTSWIM has the option to refuse e-mail, SMS or posted offers from AUSTSWIM by making a request in writing to AUSTSWIM's Privacy Officer via the contact details set out below, or by making use of the opt-out procedures included in any communications from us (however, information relating to the option to unsubscribe from those communications may be retained).

## Accessing and seeking correction of information held by AUSTSWIM

AUSTSWIM will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

We encourage all users to regularly review and update their personal information on the online learning center database and via the "E-Learning Centre Login" link on the AUSTSWIM Webpage.

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Individuals may also request access to their personal information held by us by making a request via the contact details set out in the procedure.

### Resolving privacy issues and complaints

Any issues or complaints in relation to the collection, use, disclosure, quality, security of and access to your personal information may be made to the AUSTSWIM Privacy Officer at this address:

Privacy Officer

AUSTSWIM

PO BOX 139 Mulgrave VIC 3170

Email: [privacy@austswim.com.au](mailto:privacy@austswim.com.au)

Phone 03 9562 7900

We will respond to your complaint within 30 days and try to resolve it within 60 days. If we are unable to resolve your complaint within this time, you will be contacted on weekly basis thereafter until the matter is resolved. If you are unhappy with the outcome, you may follow the appeals process, or you may contact the Office of Australian Information Commissioner via its enquiries line 1300 363 992 or website <http://www.oaic.gov.au/> to lodge a complaint.

For further information on AUSTSWIM's management of personal information, please contact AUSTSWIM. AUSTSWIM may amend this Privacy Policy from time to time.

### REFERENCES AND KEY DOCUMENTS

Related legislation, publications and key documents:

- [Privacy Act 1988](#)
- [Australian Privacy Principles](#)
- [Student Identifiers Act 2014](#)
- AUSTSWIM Enrolment Form
- AUSTSWIM Candidate Information Guide
- AUSTSWIM Staff Handbook
- AUSTSWIM Form - Records Request
- AUSTSWIM Form - Amendment to Personal Details
- AUSTSWIM Complaints and Appeals Policy and Procedure
- AUSTSWIM Records Management Policy and Procedure
- [CLAUSE 8.5: Standards for Registered Training Organisations \(RTOs\) 2015](#)
- ISO/IEC 17024 – JAS ANZ
- AUSTSWIM Code of Conduct
- Fair Works Australia

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