

## **1. Inclusive Australia's commitment to privacy**

- 1.1. Inclusive Australia Limited (ACN 621 780 827 / ABN 71 621 780 827), its subsidiaries, and affiliates in Australia are committed to managing personal information in accordance with the Australian Privacy Principles under the *Privacy Act 1988* (Cth) and in accordance with other applicable privacy laws.
- 1.2. This policy is referred to as Inclusive Australia's Privacy Policy, and sets out:
  - a. the kinds of personal information that Inclusive Australia collects and holds;
  - b. how Inclusive Australia collects and holds personal information;
  - c. the purposes for which Inclusive Australia collects, holds, uses and discloses personal information;
  - d. how you may access personal information that is held by Inclusive Australia and seek the correction of such information;
  - e. how you may complain about a breach of the Australian Privacy Principles, and how Inclusive Australia will deal with such complaint;
  - f. whether Inclusive Australia is likely to disclose personal information to overseas recipients; and
  - g. if Inclusive Australia is likely to disclose information to overseas recipients – the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.
- 1.3. In this Privacy Policy, "Inclusive Australia," "we" and "our" refers to Inclusive Australia Limited, its subsidiaries, and affiliates in Australia and "you" and "individual" refers to any individual about whom Inclusive Australia collects personal information.

## **2. Anonymity and pseudonymity**

- 2.1. You have the option of not identifying yourself, or of using a pseudonym, when dealing with Inclusive Australia or our partners in relation to a particular matter.
- 2.2. Clause 2.1. does not apply if Inclusive Australia is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves, or it is impracticable for Inclusive Australia to deal with individuals who have not identified themselves or who have used a pseudonym.

## **3. Collection of solicited personal information**

- 3.1. Inclusive Australia will only collect personal information (other than sensitive information) when it is reasonably necessary and/or directly related to Inclusive Australia's functions or activities, including:
  - a. Administering User Accounts for use of the Inclusive Australia Website;
  - b. Submitting a story, news, resources or an event on the Inclusive Australia Website;
  - c. Providing you with information you have inquired about or that we reasonably believe would be relevant to you;

- d. Processing donations (see clause 4 – “Our arrangement with ACOSS”)
- 3.2. The kind of personal information we collect and hold about you will depend on the circumstances of collection and may include:
- a. Your name and date of birth;
  - b. Your contact details (such as email addresses and phone numbers);
  - c. Credit card/ bank details;
  - d. Any other information you choose to provide to us.
- 3.3. Inclusive Australia collects personal information provided to us in a number of ways, including:
- a. When you complete a form on our website which asks for your personal details;
  - b. When you contact us by phone or email;
  - c. When you make a donation;
  - d. When you respond to our emails;
  - e. When you use our website generally; and
  - f. From third parties providing services to us necessary to perform our functions and activities
- 3.4. Inclusive Australia will not collect your sensitive information unless:
- a. you consent to the collection of the information; and
  - b. the information is reasonably necessary for, or directly related to, one or more of Inclusive Australia’s functions or activities.
- 3.5. Situations where the collection of your sensitive information may be permitted include:
- a. the collection of the information is required or authorised by or under an Australian law or a court/tribunal order;
  - b. a permitted general situation under section 16A of the *Privacy Act 1988* (Cth) that exists in relation to the collection of the information by Inclusive Australia;
  - c. a permitted health situation under section 16B of the *Privacy Act 1988* (Cth) that exists in relation to the collection of the information by Inclusive Australia;
  - d. the collection of the information is reasonably necessary for, or directly related to, one or more of Inclusive Australia’s functions or activities;
  - e. the information relates to the activities of Inclusive Australia; and
  - f. the information relates solely to the members of Inclusive Australia, or to individuals who have regular contact with Inclusive Australia in connection with its activities.
- 3.6. Inclusive Australia will only collect your personal information by lawful and fair means.
- 3.7. Inclusive Australia will collect your personal information only from you unless:
- a. you consent to the collection of the information from someone other than you;

- b. Inclusive Australia is required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than you; or
- c. it is unreasonable or impracticable to do so.

#### **4. Our arrangement with ACOSS**

- a. Inclusive Australia uses the Australian Council of Social Service (ACOSS) to process donations made to Inclusive Australia.
- b. Individuals making donations to Inclusive Australia will have their personal information collected and stored on ACOSS internal servers in accordance with their privacy policy available here <https://www.acoss.org.au/privacy/>. ACOSS will hold your personal information for the sole purposes of processing your tax-deductible donation to Inclusive Australia and will not send you any unrelated communications.
- c. Individuals making a donation to Inclusive Australia will have the ability to request not to receive direct marketing communications from Inclusive Australia at the time of making a donation.
- d. If you would like access to, and/or correction of personal information collected under our arrangement with ACOSS please submit a request to [info@inclusiveaustralia.com.au](mailto:info@inclusiveaustralia.com.au)

#### **5. Dealing with unsolicited personal information**

- 5.1. Where Inclusive Australia receives unsolicited personal information, it will within a reasonable period after receiving the information, determine whether or not Inclusive Australia could have collected the information under Australian Privacy Principle 3.
- 5.2. Inclusive Australia may use or disclose the personal information for the purposes of making the determination under sub-clause 5.1.
- 5.3. If Inclusive Australia decides it could not have collected the unsolicited personal information it will, as soon as practicable but only if it is lawful and reasonable to do so, return the information, destroy the information or ensure that the information is de-identified.
- 5.4. If Inclusive Australia decides it could have collected the unsolicited personal information then Australian Privacy Principles 5 to 13 apply in relation to the information as if Inclusive Australia had collected the information under Australian Privacy Principle 3.

#### **6. Notification of the collection of personal information**

- 6.1. At or before the time or, if that is not practicable, as soon as practicable after, Inclusive Australia collects your personal information it will take such steps (if any) as are reasonable in the circumstances to:
  - a. notify you of such matters referred to in subclause 6.2 as are reasonable in the circumstances; or
  - b. otherwise ensure that you are aware of any such matters.

- 6.2. The matters for the purposes of subclause 6.1 are as follows:
- a. provide you with the relevant contact details within Inclusive Australia;
  - b. where:
    - i. Inclusive Australia collects the personal information from someone other than you; or
    - ii. you may not be aware that Inclusive Australia has collected your personal information;
  - c. the fact that Inclusive Australia so collects, or has collected, the information and the circumstances of that collection;
  - d. the purposes for which Inclusive Australia collects your personal information;
  - e. the main consequences (if any) if all or some of your personal information is not collected by Inclusive Australia;
  - f. any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which Inclusive Australia usually discloses personal information of the kind collected by Inclusive Australia;
  - g. that this Privacy Policy contains information about how you may complain about a breach of the Australian Privacy Principles, and how Inclusive Australia will deal with such a complaint;
  - h. whether Inclusive Australia is likely to disclose the personal information to overseas recipients; and
  - i. if Inclusive Australia is likely to disclose the personal information to overseas recipients – the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make you aware of them.

## **7. Use or disclosure of personal information**

- 7.1. Where Inclusive Australia holds your personal information that was collected for a particular purpose (the primary purpose), Inclusive Australia will not use or disclose the information for another purpose (the secondary purpose) unless:
- a. you have consented to the use or disclosure of the information; or
  - b. subclause 7.2. applies in relation to the use or disclosure of the information.
- 7.2. This subclause applies in relation to the use or disclosure of your personal information if:
- a. you would reasonably expect Inclusive Australia to use or disclose the information for the secondary purpose and:
    - i. the secondary purpose is directly related to the primary purpose (if the information is sensitive information); or
    - ii. the secondary purpose is related to the primary purpose (if the information is not sensitive information);
  - b. the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order;

- c. a permitted general situation exists in relation to the use or disclosure of the information by Inclusive Australia;
  - d. a permitted health situation exists in relation to the use or disclosure of the information by Inclusive Australia; or
  - e. Inclusive Australia reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- 7.3. Where subsection 16B(2) of the *Privacy Act 1988* (Cth) applies in relation to the collection of the personal information by Inclusive Australia, Inclusive Australia will take such steps as are reasonable in the circumstances to ensure that the information is de-identified before Inclusive Australia discloses it.
- 7.4. If Inclusive Australia uses or discloses personal information in accordance with paragraph 7.2.e., Inclusive Australia will make a written note of the use or disclosure.

## **8. Direct marketing**

- 8.1. Where Inclusive Australia holds your personal information it will not use or disclose the information for the purpose of direct marketing, subject to clauses 8.2. to 8.8.
- 8.2. Inclusive Australia may use or disclose your information (other than sensitive information) for the purpose of direct marketing if:
- a. Inclusive Australia collected the information from you;
  - b. you would reasonably expect Inclusive Australia to use or disclose the information for that purpose;
  - c. Inclusive Australia provide a simple means by which you may easily request not to receive direct marketing communications from Inclusive Australia; and
  - d. you have not made such a request to Inclusive Australia.
- 8.3. Inclusive Australia may use or disclose your personal information (other than sensitive information) for the purpose of direct marketing if:
- a. Inclusive Australia collected the information from you or from someone other than you, and you would not reasonably expect Inclusive Australia to use or disclose the information for that purpose;
  - b. you have consented to use or disclose the information for that purpose or it is impracticable to obtain that consent; and
  - c. Inclusive Australia provides a simple means by which you may easily request not to receive direct marketing communications from Inclusive Australia;
  - d. in each direct marking communication with you, Inclusive Australia includes a prominent statement that you may make such a request, or Inclusive Australia otherwise draws your attention to the fact that you may make such a request; and
  - e. you have not made such a request to Inclusive Australia.

- 8.4. Inclusive Australia may use or disclose your sensitive information for the purpose of direct marketing if you have consented to the use or disclosure of the information for that purpose.
- 8.5. Inclusive Australia may use or disclose personal information for the purpose of direct marketing if:
  - a. Inclusive Australia is a contracted service provider for a Commonwealth contract;
  - b. Inclusive Australia collected the information for the purpose of meeting (directly or indirectly) an obligation under the contract; and
  - c. the use or disclosure is necessary to meet (directly or indirectly) such an obligation.
- 8.6. If Inclusive Australia uses or discloses your personal information:
  - a. for the purpose of direct marketing by Inclusive Australia; or
  - b. for the purpose of facilitating direct marketing by other organisations; you may:
    - c. if paragraph a. applies – request not to receive direct marketing communications from Inclusive Australia; and
    - d. if paragraph b. applies – request Inclusive Australia not use or disclose the information for the purpose referred to in that paragraph; and
    - e. request Inclusive Australia to provide its source of the information.
- 8.7. If you make a request under subclause 8.6, Inclusive Australia will not charge you for the making of, or to give effect to, the request and:
  - a. if the request is of a kind referred to in paragraph 8.6.c. or 8.6.d. – Inclusive Australia will give effect to the request within a reasonable period after the request is made; and
  - b. if the request is of a kind referred to in paragraph 8.6.e – Inclusive Australia will, within a reasonable period after the request is made, notify you of its source unless it is impracticable or unreasonable to do so.

## **9. Storage and security of personal information**

- 9.1. Personal information held by Inclusive Australia may be stored in hard copy, electronic format, or stored securely with a third party storage service provider.
- 9.2. Third party storage service providers may disclose your personal information for the purpose of providing this storage service. Inclusive Australia takes steps to ensure that storage providers have a framework in place that meets standards regarding the treatment of any personal information in the *Privacy Act 1988* (Cth). This includes appropriate security and access controls.
- 9.3. If Inclusive Australia holds personal information, it will take steps as are reasonable in the circumstances to protect the information:
  - a. from misuse, interference and loss; and
  - b. from unauthorised access, modification or disclosure.
- 9.4. If:
  - a. Inclusive Australia holds your personal information;

- b. Inclusive Australia no longer needs the information for any purpose for which the information may be used or disclosed under this policy; and
- c. Inclusive Australia is not required by or under an Australian law, or a court/tribunal order, to retain the information;

Inclusive Australia will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

## **10. Cross-border disclosure of personal information**

10.1. If your personal information is held by a third party storage service provider, it may be disclosed to that third party provider's offshore data processing facilities for the purpose of providing this storage service.

10.2. Before Inclusive Australia discloses your personal information to a person (the overseas recipient):

- a. who is not in Australia or an external Territory; and
- b. who is not Inclusive Australia or you;

Inclusive Australia will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.

10.3. Subclause 10.2 does not apply to the disclosure of your personal information by Inclusive Australia to the overseas recipient if:

- a. Inclusive Australia:
  - i. reasonably believe that the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in that it, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
  - ii. believes that there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme; or
- b. you:
  - i. are expressly informed by Inclusive Australia that, if you consent to the disclosure of the information, subclause 10.2. will not apply to the disclosure; and
  - ii. after being so informed, consent to the disclosure; or
- c. the disclosure of the information is required or authorised by or under an Australian law or an Australian court/tribunal order; or
- d. a permitted general situation exists (other than the situation referred to in items 4 or 5 of the table in subsection 16A(1) of the *Privacy Act 1988* (Cth)) in relation to the disclosure of the information by Inclusive Australia.

## **11. Adoption, use or disclosure of government related identifiers**

11.1. Inclusive Australia will not adopt a government related identifier of you as its own identifier of you unless:

- a. the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or
  - b. subclause 11.3 applies in relation to the adoption.
- 11.2. Inclusive Australia will not use or disclose a government related identifier of you unless:
- a. the use or disclosure of the identifier is reasonably necessary for Inclusive Australia to verify your identity for the purposes of Inclusive Australia's activities or functions;
  - b. the use or disclosure of the identifier is reasonably necessary for Inclusive Australia to fulfil its obligations to an agency or a State or Territory authority;
  - c. the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order;
  - d. a permitted general situation exists (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the *Privacy Act 1988* (Cth)) in relation to the use or disclosure of the identifier;
  - e. Inclusive Australia reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
  - f. subclause 11.3 applies in relation to the use or disclosure.
- 11.3. This subclause applies in relation to the adoption, use or disclosure by Inclusive Australia of a government related identifier of you if:
- a. the identifier is prescribed by the *Privacy Regulations 2013*; and
  - b. the adoption, use or disclosure occurs in the circumstances prescribed by the *Privacy Regulations 2013*.

## **12. Quality of personal information**

- 12.1. Inclusive Australia will take steps as are reasonable in the circumstances to ensure that the personal information that Inclusive Australia collects is accurate, up-to-date and complete.
- 12.2. Inclusive Australia will take steps as are reasonable in the circumstances to ensure that the personal information that Inclusive Australia uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

## **13. Access to personal information**

- 13.1. If Inclusive Australia holds your personal information, Inclusive Australia will, on your request, give you access to the information. If you wish to access personal information held by Inclusive Australia, please submit a request to [info@inclusiveaustralia.com.au](mailto:info@inclusiveaustralia.com.au)
- 13.2. Despite subclause 13.1, Inclusive Australia is not required to give you access to the personal information to the extent that:



- a. Inclusive Australia reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- b. giving access would have an unreasonable impact on the privacy of other individuals;
- c. the request for access is frivolous or vexatious;
- d. the information relates to existing or anticipated legal proceedings between you and Inclusive Australia, and would not be accessible by the process of discovery in those proceedings;
- e. giving access would reveal the intentions of Inclusive Australia in relation to negotiations with you in such a way as to prejudice those negotiations;
- f. giving access would be unlawful;
- g. denying access is required or authorised by or under an Australian law or a court/tribunal order;
- h. Inclusive Australia has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Inclusive Australia's functions or activities has been, is being or may be engaged in, and giving access would be likely to prejudice the taking of appropriate action in relation to the matter and:
  - i. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
  - ii. giving access would reveal evaluative information generated within Inclusive Australia in connection with a commercially sensitive decision-making process.

13.3. Inclusive Australia will:

- a. respond to the request for access to the personal information within a reasonable period after the request is made; and
- b. give access to the information in the manner you request, if it is reasonable and practicable to do so.

13.4. If Inclusive Australia refuses:

- a. to give access to the personal information because of subclause 13.2 or 13.3; or
- b. to give access in the manner you request;

Inclusive Australia will take steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of you and Inclusive Australia.

13.5. Without limiting subclause 13.4, access may be given through the use of a mutually agreed intermediary.

13.6. Where Inclusive Australia charges you for giving access to the personal information, the charge will not be excessive and will not apply to the making of the request.

- 13.7. If Inclusive Australia refuses to give access to the personal information because of subclause 13.1 or 13.2, or to give access in the manner you request, Inclusive Australia will give you a written notice that sets out:
- a. the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so;
  - b. the mechanisms available to complain about the refusal; and
  - c. any other matter prescribed by the *Privacy Regulations 2013*.
- 13.8. If Inclusive Australia refuses to give you access to the personal information because of subparagraph 13.2(h)(ii), the reasons for the refusal may include an explanation for the commercially sensitive decision.

#### **14. Correction of personal information**

14.1. If:

- a. Inclusive Australia holds your personal information; and
- b. either:
  - i. Inclusive Australia is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or
  - ii. you request Inclusive Australia to correct the information;

Inclusive Australia will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading. If you wish to correct personal information held by Inclusive Australia please submit a request to [info@inclusiveaustralia.com.au](mailto:info@inclusiveaustralia.com.au)

14.2. If:

- a. Inclusive Australia corrects your personal information that Inclusive Australia previously disclosed to another APP entity; and
- b. you request Inclusive Australia to notify the other APP entity of the correction;

Inclusive Australia will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

14.3. If Inclusive Australia refuses to correct your personal information as requested , Inclusive Australia will give you a written notice that sets out:

- a. the reasons for the refusal except to the extent that it would be unreasonable to do so;
- b. the mechanisms available to complain about the refusal; and
- c. any other matter prescribed by the *Privacy Regulations 2013*.

14.4. If:

- a. Inclusive Australia refuses to correct your personal information as requested; and
- b. you request Inclusive Australia to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading;

Inclusive Australia will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

- 14.5. If a request is made under subclause 14.1 or 14.4, Inclusive Australia will respond to the request within a reasonable period after the request is made. Inclusive Australia will not charge you for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

## **15. Appendix**

### **15.1. Definition of personal information**

- a. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - i. whether the information or opinion is true or not; and
  - ii. whether the information or opinion is recorded in a material form or not.

### **15.2. Definition of sensitive information**

- a. Sensitive information means information or an opinion about an individual's:
  - i. racial or ethnic origin;
  - ii. political opinions;
  - iii. membership of a political association;
  - iv. religious beliefs or affiliations;
  - v. philosophical beliefs;
  - vi. membership of a professional or trade association;
  - vii. membership of a trade union;
  - viii. sexual orientation or practices;
  - ix. criminal record; that is also personal information;
  - x. health information about an individual;
  - xi. genetic information about an individual that is not otherwise health information;
  - xii. biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
  - xiii. biometric templates.