

Policy and Procedures

Privacy Policy 2020

The purpose of this policy is to provide a framework for the management of personal information provided to, or collected by, The Scout Association of Australia, Victorian Branch ('Scouts Victoria'). The policy is consistent with, and expands upon, the 'Scouts Australia Privacy Policy'.

SCOPE

This policy applies to all formations and entities of Scouts Victoria. The policy applies to all types of personal information that Scouts Victoria collects and holds including, but is not limited to, personal information about:

- past and present Adult Members, Adult Supporters, Youth Members and their custodial parents and/or guardians and/or carers – including information obtained before, during and after an application for membership, or an offer of support, or an application for participation in a Scout event or activity;
- job applicants, employees, volunteers and contractors; and
- other people who come into contact with Scouts Victoria.

Personal information collected or held may include 'sensitive information' such as an individual's health information, racial or ethnic origin or criminal record. It may also include information recorded in archived emails, the Scouts Victoria website and social media platforms.

POLICY STATEMENT

Scouts Victoria is committed to protecting and maintaining the privacy, accuracy and security of all personal information and will apply the 'Australian Privacy Principles' as they apply from time to time.

Personal information shall only be collected where the information is reasonably necessary for the functions and activities of Scouts Victoria and to the health, well-being and protection of its Members. Scouts Victoria will take all reasonable steps to ensure that the personal information it collects is accurate, up to date and complete.

It is Scouts Victoria policy that Scouts Victoria Members and employees are required to respect the confidentiality of Members, custodial parents, employees, and supporters' personal information and the privacy of individuals. Scouts Victoria will take all reasonable steps to protect the personal information of Members from misuse, interference, loss, unauthorized access, modification or disclosure.

Scouts Victoria will use personal information it collects for the primary purpose of collection and for secondary purposes that are related to the primary purpose of collection or to which a person has consented.

Scouts Victoria respects every parent's rights to make decisions concerning their child.

RESPONSIBILITIES

Executive Manager

- Ensure that this policy is made available on the Scouts Victoria website and to all Members and employees on request.
- Nominate a 'Privacy Officer' and make the contact details of this officer generally available, including on the Scouts Victoria website.
- Ensure that the Victorian State Office only collects and stores information related to use that enables the delivery of The Scout Association of Australia's Mission Statement, as defined in 'Policy and Rules' and, more specifically, as outlined in the Attachment 'Purposes for which Scouts Victoria Uses Personal Information'.
- Ensure that the Victorian State Office stores personal information in a secure manner to prevent

unauthorised access, including the use of password access rights to computerized records, and only provide access to personal information in accordance with the procedures defined below.

- Prepare and maintain a Data Breach Response Plan.

Privacy Officer

- Provide advice to Scouts Victoria formations on the application of the Health Records Act 2001 (Vic), Privacy Act 1988 (C'th), and this policy.
- Respond to requests to access or update any personal information held by Scouts Victoria and be the first point of contact for complaints about the use of personal information.
- Oversee the application of the Commonwealth Government's Notable Notifiable Data Breaches Scheme to Scouts Victoria.

'Members' and Employees

'Members' and employees shall:

- Only collect and store information related to enabling the delivery of The Scout Association of Australia's Mission Statement, as defined in 'Policy and Rules', and, more specifically, as outlined in the Attachment 'Purposes for which Scouts Victoria Uses Personal Information'.
- Store personal information in a secure manner to prevent unauthorised access, including the use of password access rights to computerized records, and only provide access to personal information in accordance with the procedures defined below.

'Leaders-in-charge'

In addition to their responsibilities as a Member, Leaders-in-Charge shall:

- have a primary responsibility for the collection and storage of personal information relevant to their formation or entity, the responsibility for keeping information up to date and for authorizing access to other relevant Members or formations.
- determine whether any special arrangements need to be made in response to any Sensitive Information, including advice of any Parenting Order, Family Violence Intervention Order or Personal Safety Intervention Order, provided to them – and advise the Member and, as relevant, their parent /guardian / carer of any such arrangements.
- Where requested in writing by a Member to not provide their personal contact details (such as a phone number) to other Members, not provide such contact details to any other Member for the purpose of communications between Members.

Custodial parents, guardians and carers of Youth Members, and Adult Members

Custodial parents, guardians and carers of Youth Members, and Adult Members, are expected to provide their 'leader-in-charge' with relevant information and documentation about any Parenting Order, Family Violence Intervention Orders or Personal Safety Intervention Orders that may impact the way that the Member participates in the Scout program.

PROCEDURES

Personal Identifier

Scouts Victoria will assign a 'scout number' to uniquely identify Members. This number is to have no relationship to any identifier assigned by any other organisation.

Collection of Personal Information

Scouts Victoria will generally collect personal information about an individual by way of forms filled out by custodial parents or Members, face-to-face meetings and interviews, emails and telephone calls. In some circumstances Scouts Victoria may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another organisation.

To the extent possible, where personal information is required to be provided to the Victorian State Office, such as information accompanying application forms for new leaders, that information will be provided via a secure area of the Scouts Victoria extranet system and not by way of pdf attachments to emails.

Personal information will not be actively collected from archived emails or Scouts Victoria's website and social media platforms.

Access to Personal Information

Scouts Victoria is the custodian of consolidated electronic membership databases. Access to information stored electronically is to be restricted to authorised personnel who require that level of access only, including restrictions on the nature of that access.¹ All authorised personnel must require logins and passwords for access to this information. All Members and employees are to maintain the confidentiality of Member information and ensure appropriate security of all usernames and passwords used to access Scout membership systems.

Access to personal information will not be provided to non-Members, except custodial parents, guardians, carers and authorised volunteer adults, other than as provided for in other provisions of this policy.

Disclosure of Personal Information to Third Parties

Scouts Victoria will not sell, trade or share personal information, including mailing address data-bases, to others.

Scouts Victoria may, where the information is reasonably necessary for a function or activity of Scouts Victoria, disclose personal information, including sensitive information, held about an individual, to:

- The Scout Association of Australia
- Other member organizations of the World Organisation of The Scout Movement;
- Government departments;
- Medical practitioners;
- People providing services to Scouts Victoria;
- Scouts Victoria's insurer/s and insurance agent/s
- Publishers and/or distributors of Scouts Victoria publications, such as newsletters and magazines;
- Custodial parents and/or guardians and/or carers;
- Anyone the individual authorizes Scouts Victoria to disclose information to; and
- Anyone to whom Scouts Victoria is required to disclose the information to by law.

Where sensitive information held about an individual is provided to a third party listed above, unless otherwise prohibited by law, the individual shall be notified of the disclosure.

Where any third party other than those listed above, seeks access to personal information of an Adult member, Scouts Victoria will seek the consent of that Member. Where any other third party seeks access to personal information of a Youth Member, Scouts Victoria will refer such requests to the Youth Member's custodial parents and/or guardian and/or carer. Scouts Victoria will treat consent given by custodial parents and/or guardian and/or carer as consent given on behalf of the Youth Member, and notice to custodial parents and/or guardian and/or carer will act as notice given to the Youth Member. Scouts Victoria will not provide access if consent is not given, unless there is a requirement under law to provide the information.

Sending and Storing Information Overseas

¹ For example, 'Read-only' or 'Edit' access.

Scouts Victoria may, where the information is reasonably necessary for a function or activity of Scouts Victoria, disclose personal information about an individual to overseas recipients, for instance, to facilitate participation in Scout Association of Australia approved international activities. However, Scouts Victoria will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied); and
- Ensuring that the overseas recipient complies with the Australian Privacy Principles as well as any applicable local personal data or privacy legislation.²

Where the Victorian State Office engages a third party to store data on the internet (ie 'cloud storage'), it will endeavour to avoid the use of an overseas storage provider where an on-shore storage provider with similar or better performance and security is available. To the extent possible, other Scouts Victoria formations using a 'cloud storage' facility for personal data, should store such data on the Scouts Victoria extranet system.

Treatment of Sensitive Information

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information as allowed or required by law. Secure storage and confidentiality of such information will be paramount.

Information relating to Access and Intervention Orders

Where a parent and/or guardian and/ or carer of a Youth Member advises Scouts Victoria of the details of a parenting order under the Family Law Act 1975 (C'th) or an intervention order under the Family Violence Protection Act 2008 (Vic) or Personal Safety Intervention Orders Act 2010 (Vic), this information will be treated as if it were sensitive information and be dealt with in accordance with this policy and its procedures.

Access and Correction of Personal Information

Under the Privacy Act 2001 (C'th), and the Health Records Act 2001 (Vic), an individual has the right to access to any personal information which Scouts Victoria holds about them and advise Scouts Victoria of any perceived inaccuracy.

Youth Members will generally be able to access and update their information through their custodial parents and/or guardian and/or carer, but Youth Members 16 years of age or above may seek access and correction themselves. There are some exceptions to these rights set out in the applicable legislation.

Custodial parents and/or guardian and/or carer may seek access to personal information held by Scouts Victoria about a Youth Member for whom they are the parent / guardian / carer, however, there will be occasions where access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of Scouts Victoria's duty of care to the Youth Member.

Scouts Victoria may, at its discretion, on the request of a Youth Member grant that youth member access to information held by Scouts Victoria about them, or allow the youth member to give or withhold consent to use their information, independently of their custodial parents and/or guardian and/or carer. This would normally be done only when the maturity of the Youth Member and/or the Youth Member's personal circumstances so warranted.

To make a request to access or update any personal information Scouts Victoria holds about a person the Privacy Officer should be contacted in writing. Scouts Victoria may require a person to verify their identity. Scouts Victoria may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any information requested. If the information sought is extensive, Scouts Victoria will advise the likely cost in advance. If Scouts Victoria cannot provide a person with access to that information, Scouts Victoria will provide written notice explaining the reasons for refusal.

² For example, European Union legislative protection is more comprehensive than the Australian standards.

Requests for access will be responded to within a reasonable time (usual no more than 10 business days).

Data Security and Retention

'Multi-factor authentication' will be required for access to all Scouts Victoria Office 365 accounts and for access to the Scouts Victoria Extranet. Cyber security training will be made available to staff and volunteers.³

Unauthorised Disclosure of Personal Information

In accord with the Notifiable Data Breaches Scheme, where any formation identifies that there has or may have been an unauthorised disclosure of personal information, the member and/or leader-in-charge is to immediately contain the data breach, assess the nature of the breach, and seek the advice of the Privacy Officer. The Privacy Officer will advise on the appropriate response which may include taking action to remediate any risk of harm, notification to any individuals possibly affected and to the Australian Information Commissioner,⁴ and reviewing the incident to prevent future breaches.

Inquiries and Complaints

A person can obtain further information about the way Scouts Victoria manages the personal information it holds, or lodge a complaint if they believe Scouts Victoria has breached the Australian Privacy Principles, by contacting the Privacy Officer. Scouts Victoria will investigate any complaint and will notify the person of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

After an initial complaint, if you are unsatisfied with our resolution, and in accordance with the Privacy Act, you may escalate your complaint to the Office of Australian Information Commissioner (OAIC) – details can be found at www.oaic.gov.au/privacy/privacy-complaints/ or contact them on 1300 363 992.

Removal/Destruction of Information

Where personal information held is no longer required for the purposes for which it was provided, and the deletion of the record is allowed by law, or required by law, Scouts Victoria may delete or destroy or de-identify information relating to an individual. Any such removal or destruction will be undertaken in accord with the Scouts Victoria 'Records Management Policy' and, if a personal health record, be subject to a written note of the name and address of the individual, the period covered to which the deleted information relates and/or the nature of the deleted record, and the date the record was deleted being recorded.

Visitors to the Scouts Victoria website

The servers used by Scouts Victoria may record information sent by an individual's browser, including the server's address, pages visited and so forth and the Scouts Victoria website may use cookies that identify an individual's browser, and make use of analytics on website activity and internet usage. Opt-out settings may be available on an individual's browser.

DEFINITIONS

Australian Privacy Principles: Being the principles contained in the Privacy Act 1988 (Cth). A summary of the principles is included as an attachment to this policy.

Data Breach Response Plan: A plan that outlines strategy to contain, access and manage any data breach incident in order to meet the requirements of the Notifiable Data Breaches Scheme.

Family Violence Intervention Order: Being a Court Order made under the Family Violence protection Act 2008 (Vic).

Leader-in-Charge: Being the person listed as being the leader-in-charge of the relevant formation in the Scouts Victoria extranet membership records listing.

³ It is intended that a separate 'Data Security and Retention Policy' will be created to compliment this Privacy Policy. Amongst other things, this separate policy will cover the use of 'cloud storage' facilities used by Scouting personnel that is not centrally managed by Scouts Victoria.

⁴ It is mandatory to notify the Australian Information Commissioner of certain categories of data breach.

Member, Youth Member: As defined by 'Policy 3.1 Members' of Policy and Rules 2015 (National Council of the Scout Association of Australia).

Multi-factor Authentication (MFA): The use of several log-in credentials for a user to access their account ie as well as a username and password, users need to enter a generated code and/or answer a security question.

Notifiable Data Breaches Scheme: A scheme under the Privacy Act 1988 (C'th) that requires notification of data breaches that are likely to result in serious harm to an individual whose personal information is involved.

Parenting Order: A set of orders made by a court about parenting arrangements for a child under the Family Law Act 1975 (C'th).

Personal Information: As per the Privacy Act 1988 (C'th) means information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.

According to the Office of the Australian Information Commissioner, personal information includes a broad range of information, or an opinion, that could identify an individual. The key is whether a person can be identified or is reasonably identifiable in the circumstances.

Personal Safety Intervention Order: Being a Court Order made under the Personal Safety Intervention Orders Act 2010 (Vic).

Privacy Officer: Being an employee of Scouts Victoria specifically designated as the 'Privacy Officer'.

Scouts Victoria Extranet System: Being an internal internet network accessible only to authorised personnel. Includes 'Scout Central, 'E-learning' and 'Operoo'.

Sensitive Information: As per the Privacy Act 1988 (C'th) means

- a) information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record that is also personal information; or
- b) health information about an individual; or
- c) genetic information about an individual that is not otherwise health information; or
- d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- e) biometric templates.

In addition, for the purposes of this policy and Scouts Victoria, information about family violence orders is also treated as Sensitive Information.

RELATED DOCUMENTS, REFERENCES

Carers Recognition Act 2012 (Vic).

Child Protection Policy 2016 (Scouts Victoria)

Family Law Act 1975 (C'th).

Family Violence Protection Act 2008 (Vic).

Health Records Act 2001 (Vic) – Schedule 1 - The Health Privacy Principles.

Personal Safety Intervention Orders Act 2010 (Vic).

Privacy Act 1988 (C'th).

Records Management Policy / Data Security and Retention Policy [in preparation].

Scouts Australia Policy and Rules (2017), as revised 2018.

Scouts Australia Privacy Policy (2018).

Note: This policy supersedes the 'Privacy Policy 2016'.

ATTACHMENTS

- Australian Privacy Principles
- How will Scouts Victoria use the personal information provided.

PROCEDURE OWNER

The Executive Manager - exec.manager@scoutsvictoria.com.au.

CONTACT US

Any enquiries, complaints and requests for access can be made to: The Privacy Officer, Scouts Victoria, by mail to 152 Forster Road, Mt Waverley, 3149, or by email to privacy.officer@scoutsvictoria.com.au.

DATE APPROVED: 24/11/20

EFFECTIVE DATE: 8/12/2020

REVIEW DATE: November 2023

ATTACHMENT – AUSTRALIAN PRIVACY PRINCIPLES SUMMARY

Australian Privacy Principles — a summary for APP entities

from 12 March 2014



APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

For private sector organisations,
Australian Government
and Norfolk Island agencies
covered by the *Privacy Act 1988*

www.oaic.gov.au

ATTACHMENT - HOW SCOUTS VICTORIA WILL USE THE PERSONAL INFORMATION PROVIDED

Personal information shall only be collected and stored where the information is reasonably necessary for a function or activity of Scouts Victoria - to enable it to deliver The Scout Association of Australia's Mission Statement, as defined in 'Policy and Rules'. Scouts Victoria will use personal information it collects for the primary purpose of collection, as defined below, and for such other secondary purposes that are related to the primary purpose of collection or to which a person has consented.

Members & Supporters

In relation to personal information of Members, custodial parents, and supporters, Scouts Victoria's primary purpose of collection includes satisfying the needs of custodial parents, the needs of the Member and/or supporter, and the needs of Scouts Victoria throughout the whole period the individual is a Member or supporter. The purposes for which Scouts Victoria uses personal information of Members, custodial parents, and supporters include:

- To keep Members, custodial parents, and supporters informed about matters related to Scouting through correspondence, newsletters, and magazines
- Day to day administration of Scouts Victoria
- Catering for, and supporting, an individual's educational, social, physical and mental wellbeing
- Seeking donations and marketing for Scouts Victoria
- To satisfy Scouts Victoria's legal obligations and allow Scouts Victoria to discharge its duty of care

In some cases where Scouts Victoria requests personal information about a Member, parent or supporter, if the information requested is not provided, Scouts Victoria may not be able to accept membership or continue membership of an individual or permit the individual to take part in a particular activity.

Members and supporters will always be provided with an option to 'opt-out' of receiving electronic newsletters and marketing material via an 'unsubscribe' link.

Job applicants, employees and contractors

In relation to personal information of job applicants, employees and contractors, Scouts Victoria's primary purpose of collection is to assess and (if successful) to engage the applicant, employees, or contractor, as the case may be. The purpose for which Scouts Victoria uses personal information of job applicants, employees, and contractors include:

- In administering the individual's employment or contract, as the case may be
- For insurance purposes
- Seeking donations and marketing for Scouts Victoria
- To satisfy Scouts Victoria's legal obligations, for example, in relation to child protection legislation.

Volunteers

Scouts Victoria also obtains personal information about volunteers who assist Scouts Victoria in its functions or conduct associated activities, to enable Scouts Victoria and the volunteers to work together.

Marketing and fundraising

Scouts Victoria treats marketing and seeking donations for the future growth and development of Scouts Victoria as an important part of ensuring that Scouts Victoria continues to provide an environment in which all Members, custodial parents, and supporters thrive. Personal information held by Scouts Victoria, but not 'sensitive information', may be disclosed to organizations that assist in fundraising for Scouts Victoria (but only for that specific purpose). Members, custodial parents, employees, supporters, and contractors may from time to time receive fundraising information. Scouts Victoria publications, like newsletters and magazines, which make use of personal information, may be used for marketing purposes. An 'unsubscribe'

option will be provided for all electronic marketing and fundraising material. Photographs of Members undertaking Scouting activities may be used for marketing purposes in accordance with Scouts Australia and Branch Marketing and PR Plans. Approval for such use of photographs shall be included in membership application forms and Members are to be given the opportunity to opt-Out at other times.

Photographs and digital images

As part of its regular activities Scouts Victoria may take photographs and/or digital images and/or audio and/or video images of Members, employees and others participating in Scouting activities for training, recognition, or publicity purposes. Unless an objection in writing is received by Scouts Victoria, it will be assumed that you will have allowed Scouts Victoria to use such material for such uses.

Contact listings

Members, parent/guardian, employee and supporters contact details may be included in a contact listing provided to others involved in a particular formation, event or activity to assist participants communicate with each other and for the provision of relevant information. If an individual does not want their contact details included in such a list, it will be removed on request.