

## YMCA Geelong – Privacy Policy



### OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG-126-G	27/05/2014	20/03/2017 07/03/2019	APPROVED- YMCA Geelong Board

## 1. INTRODUCTION

The YMCA Geelong respects the privacy of our clients, members, participants, staff, volunteers and visitors. This Policy meets the requirements of the [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#) (Privacy Amendment Act) which made many significant changes to the [Privacy Act 1988](#) (Privacy Act). These changes commenced on 12 March 2014.

The [Privacy Regulation 2013](#), made under the Privacy Act, also commenced on 12 March 2014, and related Victorian Government legislation (Health Records Act 2001 and the Information Privacy Act 2000).

## 2. POLICY

The YMCA reserves the right to make changes or amendments to the **YMCA Privacy Policy** as required by law.

### 2.1 Collection, use and disclosure of information

#### a. Collection of personal or health information

The YMCA collects personal information directly from our clients, members, Third party agencies, referral agencies, participant representatives/guardians/carers/ support agencies, staff, volunteers and visitors through electronic, verbal, and written correspondence by means of email, phone, online, in person, via competitions, enrolments, social media.

Data collected includes but is not limited to;

Phone numbers, emails, addresses, date of birth, gender, medical conditions, medication plans, risk and behaviour management plans, payment details, bank account details, concession card details, Family Assistance Officer CRN, Court Order information and emergency contact details.

#### b. Use of personal or health information

The YMCA may use personal/health information for:

- programs and service provision
- administration
- training
- payroll
- research and development purposes

c. Collection of personal or health information relating to children

The YMCA does not collect, use or disclose personal information about anyone under the age of 18 unless we have the consent of a parent or legal guardian.

The Privacy Act extends rights to individuals of any age and does not specify an age at which an individual is capable of giving consent. Under common law, considerations of what an appropriate age is, take into account factors like the maturity of the child and the child's ability.

d. Disclosure of personal or health information

The YMCA may disclose personal & health information to organisations/individuals outside the YMCA in order to provide the range of services and programs offered. The consent of the individual will be sought prior to any disclosure of personal or health information.

Disclosure of personal and health information will be in accordance with the National Privacy Principles.

e. COVID SAFE requirements

In accordance with the Victorian and Federal Government requirements for the return to active sport and recreation, DHHS requirements, DET requirements in Children's services personal data collection is required for the purposes of contact tracing for the COVID -19 infection.

*"If the activity is run by an operator of an indoor physical recreation facility (such as a gym, health club or fitness centre), a personal training facility (indoors or outdoors) or an arena or stadium, then the operator must keep a record of attendees including first name, phone number, date and time of attendance"* **Return to Play Guidance for Community Sport and Recreation Organisations-** <https://sport.vic.gov.au/our-work/return-to-play/return-to-play-for-community-sport-and-active-recreation>

These provisions also apply to YMCA Geelong operations inclusive of recreation and camping program and children's services.

The data collected will be *first name, phone number, date and time of attendance. Data will be collected electronically or manually and stored on security software systems and will be provided on written request to the Department of Health and Human Services (Victoria) or Department of Health (Federal)*

## 2.2 Data Quality

The YMCA takes reasonable steps to ensure that personal information is accurate, complete and up to date whenever it is collected, used or disclosed. We require customers to annually update their enrolment information.

## 2.3 Data Security, Storage & Retention

The YMCA takes reasonable steps to protect personal information from loss, misuse, unauthorised disclosure or destruction.

Only authorised YMCA staff, volunteers, or sub contractors have access to information for

approved purposes.

Data is stored in third party secure hosted data centres and comply with data security standards. Annually these suppliers are asked to provide a compliance report and to validate our audit requirements.

Health information will be retained for a minimum of 7 years following the last occasion on which service was provided. Where information was collected while the individual was a child it shall be retained until the individual is 25 years old, or for 7 years whichever is the greater.

## **2.4 Openness**

The YMCA Privacy Policy is available to:

- The community, members and clients through external promotional material brochures and websites.
- staff and volunteers on the extranet and through induction processes,

## **2.5 Access and Correction**

Access to personal information collected and stored by the YMCA will be administered according to the provisions of the Commonwealth Privacy Legislation.

The YMCA requires any person requesting access to their individual's personal information put their request in writing/email and attention to the CEO and forward to geelong@ymca.org.au. All requests are processed within 30 days of receipt of application at no charge. Access to personal/health information for the purposes of viewing or correction will only be available to people requesting changes to their specific information or authorised carers/guardians with the consent of the person requesting the information.

Annually all members/customers will be required to provide an updated enrolment/registration/booking form to ensure that personal and health information is accurate.

In accordance with the Health Records Act, all Health information collected by the YMCA will not be deleted. Amendments or alterations to the health information will be recorded on a separate form and attached to the original file.

## **2.6 Unique Identifiers**

The YMCA may be required to collect an individual's identifier such as Tax File number, Medicare number or Social Security number for the provision of services. These identifiers will only be disclosed to agencies as required by law.

## **2.7 Anonymity**

Wherever it is lawful and reasonable to do so, the YMCA provides an opportunity to remain anonymous.

## **2.8 Transferred data flows**

The YMCA does not transfer any personal/ health information overseas without the consent of the individual.

## **2.9 Sensitive information**

The YMCA collects sensitive information such as religion, gender, disability, custody records, concession card details and criminal records where:

- the individual has consented; or
- the collection is required by law;

The YMCA does not disclose this information without consent or as required by law.

This information is recorded in secure, password protected and lockable facilities.

## **2.10 Transfer/Closure of Health Service**

In the event of a YMCA managed health service (i.e. medical suite, massage service, physiotherapy service, sports medicine service, health and fitness club, recreation centre) being transferred, sold, leased, or ceasing operation; the YMCA will enact appropriate notification and transfer procedures as directed by the Health Records Act.

## **2.11 Info to another Health Service Provider**

If requested by an individual the YMCA shall transfer their health information to a designated/ recognised health provider (i.e. medical suite, massage service, physiotherapy service, sports medicine service, health and fitness club, recreation centre, medical practitioners) free of charge on the completion of a "Personal Health Information Transfer Form".

The transfer of health information will be completed within 14 working days.

## **2.12 Consent**

By acquiring, booking or using the YMCA services, products or facilities, individuals consent to the reasonable collection, use and disclosure of personal information.

Consent may be directly implied in the completion of an application, membership or registration form or indirectly implied. e.g. YMCA requests personal details to forward program information and the customer supplies their name and address for this purpose, social media, online competitions etc.

### **2.13 Complaints Procedure**

Formal complaints regarding the manner in which personal information is collected, used, or disclosed are to be handled in accordance to the "YMCA Complaints Handling Procedures".

### **2.14 YMCA websites**

The YMCA collects personal or sensitive information through websites, e-commerce systems, etc. The YMCA protects web sites through the use of encryption technology.

### **2.15 Credit Card Processing**

YMCA collects credit card details for the purpose of processing payments. Data is immediately entered into the EFTPOS terminal at the time of payment and not recorded, or it is provided with on a booking form, processed and shredded.

### **2.16 Direct debit Processing**

YMCA processes customers direct debit payments with the written authorisation of the customer on a Direct Debit Authorisation Form. Personal and sensitive information is collected, input in to Point of Sale system and payment is processed by a third payment identified on the DDR Form. Forms are retained in a secure location for the duration of the customer's membership with the YMCA.

### **2.17 Access to the Policy**

The YMCA Privacy Policy is available on YMCA Geelong website and may be updated at any time without notice.

A copy of the Policy or alternate formats of the policy can be made available on request [geelong@ymca.org.au](mailto:geelong@ymca.org.au)

### **2.18 Notification of Data Breaches**

Notifications to the Office of Australian Information Commission (OAIC) is required for incidents of unauthorised access to, or disclosure or personal information; breaches of a secure storage and handling of information; or accidental loss of data such as personal details and credit information. Refer to the following documents on the OAIC website.

- [\*Data breach notification — a guide to handling personal information security\*](#)
- [\*Guide to developing a data breach response plan\*](#)
- [\*Guide to securing personal information\*](#)

## **3 DEFINITIONS**

'Privacy' means many different things to people.

It can mean protecting your personal space by not having others observe you when you are at home or in your backyard. It may be expecting not to be subject to video surveillance when you are

at work. Central to all ideas of 'privacy' is keeping your own actions, conversations, information and movements free from public knowledge and attention.

What privacy means as a general concept is often different to what privacy means under law. Only certain types of information and activities are protected by privacy legislation.

### ***Data protection laws***

Most privacy laws are more correctly described as data protection laws, as they are limited to regulating the handling of personal information by organisations

## **4 SCOPE**

This policy applies to all employees, volunteers and contractors of YMCA Geelong Inc. and associated clubs.

## 5 ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
CEO	CEO is responsible for the development, monitoring and review of the Policy and related systems.
Board	Ensuring suitable resources and support systems to enable compliance with this policy.
Senior Management	Responsible for: <ul style="list-style-type: none"><li>the promotion of a culture that encourages respect and consideration for the privacy and use of people's private information is lawful.</li><li>Adhering to the requirements of the Privacy Policy</li></ul>
All employees (including Managers, Directors, Coordinators, Team Leaders), Volunteers and Contractors	Responsible for adhering to the requirements of the Privacy Policy and attend training to ensure they understand their responsibilities.

## 6 MONITORING, EVALUATION AND REVIEW

Adherence to this policy will be monitored through YMCA's Internal Compliance System procedures. The Incident Reporting system shall record any breaches or complaints received where the privacy of employees, volunteers, contractors or participants has been compromised.

Review of this policy will be undertaken in accordance with the requirements of the policy framework and will be reviewed every three years in consultation with the Board and other stakeholders.

Reporting of incidents of breaches of the Privacy Policy or legal requirement will be presented to the CEO and General Counsel and presented to the Board in the CEO report.

## 7 SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

Privacy rights in Victoria are established in four pieces of privacy and privacy related legislation:

The Information Privacy Act 2000 (Vic)

The Health Records Act 2001 (Vic)

The Charter of Human Rights and Responsibilities Act 2006 (Vic).

<http://www.privacy.vic.gov.au/>

<http://www.privacy.gov.au>

Office of the Australian Information Commissioner: [www.oaic.gov.au](http://www.oaic.gov.au)

*Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act)

*Privacy Amendment (Notifiable Data Breaches) Bill 2016* (pending Gazette 2017)

YG 183-O- Document Development, Archiving, Destructions and Access Policy

Approved by: **YMCA Geelong Board**

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Review date: **07/05/2021**

Policy Owner: CEO

Contact Details policy owner: Ph: 5221 8344 E: geelong@ymca.org.au

Amendment history:

Version	Date	Author	Change Description
V1	11/02/2014	Shona Eland	Uploaded to YMCA Geelong Policy Template included scope, monitoring and evaluation clauses.
V2	27/05/2014	Shona Eland	Included Clauses 2.15, 2.16 , 2.17 Changed Clauses 2.1, 2.2,2.8,2.9, 2.12 updated to reference <a href="#">Privacy Amendment (Enhancing Privacy Protection) Act 2012</a> (Privacy Amendment Act) which made many significant changes to the <a href="#">Privacy Act 1988</a> (Privacy Act). These changes commenced on 12 March 2014.
V3	20/03/2017	Rebecca Johnson	Added Clause 2.18 Notification of Data Breaches Updated section 7. Supporting Documents to include Privacy Amendment
V4	07/05/2018	Shona Eland	Added Clause 7- YG 183-O- Document Development, Archiving, Destructions and Access Policy
V5	07/03/2019	Brenda Bowell	Updated next review date from 27/05/2017 to 07/05/2021
V6	26/05/2020	Shona Eland	Inserted Clause 2.1 e- COVID-19 Requirement for personal data collection

As adopted by the YMCA of Geelong on 26/05/2020



Shona Eland  
Chief Executive Officer YMCA Geelong Inc.