

Profile

Author
Trustee

Access
Public

Adoption Date
01/07/2019

Review dates
Each anniversary of the
Adoption Date

Edit history
As setout at Annexure A

Application

For use in all dealings concerning Personal Information (as defined in this policy)

1.

Compliance with Foundation purpose

The overarching purpose of the Foundation is to achieve change for the better in the provision of public health services for the people of Papua New Guinea (**Foundation Purpose**).

This policy (**Policy**) is made under and supports the Foundation Purpose.

2.

Definitions & interpretation

2.1 In this document, unless the context otherwise requires:

Adoption Date means the date the Policy was adopted by the Trustee;

Annexure means an annexure to the Policy;

Board means the board of directors of the Trustee;

Core Principle has the meaning set out at paragraph 4.1;

Court includes a tribunal;

Fit for Purpose means accurate, current and complete;

Foundation Purpose has the meaning given at section 1;

Individual has the meaning given in paragraph 5.1;

Law includes any statute, regulation, ordinance, code, and applicable and authorised direction;

Personal Information has the meaning given to that term in the Privacy Act;

Policy has the meaning given at section 1 and includes this document as amended from time to time;

Privacy Act means the Privacy Act 1988 (Cth);

Sensitive Information has the meaning given to that term in the Privacy Act;

Trustee means the trustee of the Foundation; and

Website means the website for the Foundation.

2.2 In this document, unless the context otherwise requires:

(a) the singular includes the plural and vice versa;

(b) words denoting any gender include all genders;

(c) reference to a person includes any other entity recognised by law and vice versa;

(d) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;

(e) reference to an annexure is a reference to the corresponding annexure in this document;

(f) reference to any statutory enactment shall mean and be construed as references to the said enactment as amended modified and re-enacted from time to time;

(g) reference to a section or paragraph means that section or paragraph in the Policy, unless otherwise stated.

2.3 The Policy cover page and Annexures form part of the Policy.

3. Policy

3.1 This Policy is:

- (a) modelled on the Australian Privacy Principles; and
- (b) intended to provide a clear outline of the Trustee's approach to managing Personal Information.

3.2 The Trustee must handle all Personal Information in accordance with this Policy.

3.3 In the adoption and conduct of this Policy, the Trustee is not and must not be construed as "opting in" to the legal regime for the collection and use of Personal Information as set out in the Privacy Act.

3.4 A copy of this Policy is to be displayed on the Website at all times together with a cover page:

- (a) notifying individuals about material in this Policy; and
- (b) providing contact details should any Individual have a privacy related complaint or wish to discontinue receiving marketing material from the Foundation.

4. Principle

4.1 This Policy is founded on the principle that all Individuals must be treated with respect (**Core Principle**).

4.2 The Trustee must interpret this Policy against the Core Principle.

5. Personal Information other than Sensitive Information

5.1 What is Personal Information?

The Trustee adopts the definition of Personal Information set out in the Privacy Act. This means that, at the Adoption Date, Personal Information is information or an opinion about a natural person (**Individual**) that identifies or reasonably identifies the Individual. Importantly, it will still be Personal Information even if the information or opinion is not true and regardless that the information or opinion may not be in a material form.

5.2 What are some examples of Personal Information?

Examples of an Individual's Personal Information include any of the following:

- name
- physical address
- postal address
- email address
- telephone number
- facsimile number

See, also, section 6 headed **Sensitive Information**.

5.3 Will the Trustee collect Personal Information?

The collection of Personal Information is not a core activity of the Trustee, but the Trustee may collect Personal Information from time to time.

The information that the Trustee is most likely to collect is the information at paragraph 5.2.

5.4 How will the Trustee collect Personal Information?

The Trustee can collect Personal Information about an Individual in many ways. Common ways in which the Trustee will collect Personal Information include from:

- letters sent to the Trustee (or the Foundation more broadly) by the Individual;
- telephone conversations with the Individual;
- meetings with the Individual;
- email correspondence from the Individual;
- forms, questionnaires or similar documents returned to the Trustee by the Individual;
- information available in the public domain;
- cookies;
- third parties, including industry contacts and contacts associated with the provision of health care equipment and services;
- requests received by the Foundation to be included on a mailing or similar list to receive communication from or about the Foundation.

The Trustee may also collect Personal Information from referees, employers and former employers in certain specific circumstances (e.g., if an Individual is applying to work with or provide goods or services to the Foundation, or make a donation of goods or services to any cause supported by the Foundation).

The internet service provider for the Foundation and the Trustee may record information from any visit made to the Website or any email sent to the Foundation or the Board. The information may include any or all of the following:

- internet address;
- domain name;
- internet service provider;
- viewing and interaction activity with the Website, including:
 - date and time of Website visit;
 - pages accessed and material downloaded from the Website;
 - length of Website session;
- browser details and the operating system used by the Visitor in accessing the Website.

Presently, the Trustee does not actively pursue the collection of this sort of information other than email addresses. If the Trustee intends to collect more detailed information concerning the use of the Website or information transmitted with an email (other than an email address), it will update this Policy.

5.5 Why will the Trustee collect Personal Information?

In collecting Personal Information, the Trustee will be interested only in raising awareness of the Foundation and its purpose (**PI Purpose**). The Trustee must use Personal Information only for the PI Purpose and purposes closely related to the PI Purpose (collectively, the **PI Purposes**).

In considering whether a purpose is closely related to the PI Purpose, the Trustee will take a cautious and conservative approach.

The Trustee considers that the following activities fall within the scope of the PI Purpose or a purpose closely related to the PI Purpose:

- sending an Individual information on the Foundation and its activities, including by way of newsletters;
- responding to queries;
- compiling and analysing data with respect to the Foundation Purpose;
- planning for fundraising events;
- complying with the Trustee's legal obligations;
- assessing applications with respect to any position with the Foundation;
- assessing proposed legal arrangements involving the Foundation to which the Trustee is a party.

The Trustee will not target children under 16 years of age in the conduct of its activities for the Foundation.

5.6 Will the Trustee use Personal Information for direct marketing?

The Trustee may use Personal Information to:

- promote itself, including by sending material to Individuals on the activities and upcoming events of the Foundation;
- advertise (to the extent permitted by law) opportunities for an Individual to include the Foundation in an Individual's philanthropic giving program; and
- invite (to the extent permitted by law) Individuals to support the Foundation

(collectively **Direct Marketing**).

The Trustee may disclose Personal Information to third parties to facilitate Direct Marketing but not for any other purpose.

Any Direct Marketing by email must include a facility allowing Individuals to "opt out" of receiving emails from the Trustee concerning the Foundation.

The Trustee will not use Personal Information to promote the products or services of third parties.

5.7 Will the Trustee allow the disclosure of Personal Information?

In the ordinary conduct of its activities, the Trustee may disclose Personal Information to:

- its professional advisers (e.g., accountants, lawyers and auditors);
- referees, employers and former employers (with respect to the engagement or appointment of job applicants, suppliers, contractors, consultants and agents); and

- if required or authorised by law, regulatory bodies, government agencies and authorities, law enforcement bodies and courts.

5.8 Will the Trustee deal with Individuals who do not wish to identify themselves and/or who wish to deal with the Trustee only under a pseudonym?

In the circumstances of the Foundation, other than with respect to general enquiries only it is not practical or appropriate for the Trustee to deal with Individuals who do not wish to identify themselves or who wish to liaise with the Trustee only under a pseudonym. Other than for general enquiries only or with the approval of the Board, the Trustee will only deal with Individuals who will identify themselves.

Before any Board approval is given pursuant to this paragraph, the Board must ensure that dealing with the Individual will not inadvertently, directly or indirectly, facilitate terrorism or money-laundering, or prejudice efforts to prevent or prosecute activities related to terrorism or money-laundering.

5.9 Will the Trustee send Personal Information to any location outside Papua New Guinea?

The Trustee may send Personal Information to a recipient situated outside Papua New Guinea, but must not do so if it suspects, or has reasonable cause to suspect, that the Personal Information will be dealt with in a manner that does not observe the Core Principle.

6. Sensitive Information

6.1 What is Sensitive Information?

The Trustee adopts the definition of Sensitive Information set out in the Privacy Act. The Privacy Act defines Sensitive Information as follows:

- (a) *information or an opinion about an [I]ndividual's:*
 - (i) *racial or ethnic origin; or*
 - (ii) *political opinions; or*
 - (iii) *membership of a political association; or*
 - (iv) *religious beliefs or affiliations; or*
 - (v) *philosophical beliefs; or*
 - (vi) *membership of a professional or trade association; or*
 - (vii) *membership of a trade union; or*
 - (viii) *sexual orientation or practices; or*
 - (ix) *criminal record;*

that is also personal information; or
- (b) *health information about an [I]ndividual; or*
- (c) *genetic information about an [I]ndividual 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.*

Sensitive Information is a form of Personal Information, but the Trustee must treat Sensitive Information differently to other Personal Information.

6.2 Can the Trustee collect Sensitive Information and how will it use any Sensitive Information collected?

The Trustee must only ever collect Sensitive Information if the Individual the target of that Sensitive Information has consented to the collection, or where the Trustee is required to collect the information by law.

The Trustee must not use or disclose Sensitive Information for Direct Marketing or for any purpose other than the purpose for which it was collected.

7. Government related identifiers

- 7.1 The Trustee will not take active steps to collect any identifier which is government related, e.g., passport number, driving licence number, birth certificate number, car registration number, etc (GRI).
- 7.2 If the Trustee comes into possession of any GRI, it will not:
- (a) use that GRI for the purpose of identifying any Individual in the Trustee's records, including through any internal filing system;
 - (b) use or disclose that GRI, other than if a circumstance at paragraph 7.3 applies.
- 7.3 The circumstances for paragraph 7.2 are:
- (a) in the absence of the use or disclosure the Trustee would be unable to:
 - (i) identify an Individual in the context of one or more of the PI Purposes; or
 - (ii) fulfil a legal obligation of the Trustee or comply with a Court order;
 - (b) the Trustee, acting reasonably, believes the use or disclosure is necessary for the administration of justice by a properly authorised body with respect to that administration.

8. Quality and security of Personal Information

- 8.1 The Trustee will take reasonable steps in the circumstances to ensure that:
- (a) it collects only Personal Information that is Fit for Purpose;
 - (b) any Personal Information it uses or discloses is Fit for Purpose and relevant in the circumstances.
- 8.2 The Trustee will take reasonable steps to protect Personal Information from each of the following:
- misuse;
 - interference;
 - loss;
 - access, modification or disclosure by any person or in any way not authorised by the Trustee.
- 8.3 The Trustee will ensure that Personal Information is:
- stored such that it would not be readily available to any person outside the control of the Trustee;

- copied only to the extent necessary.
- 8.4 To the extent it is not prohibited by law, the Trustee will, in a timely manner, destroy or de-identify any Personal Information it:
- (a) no longer requires for a PI Purpose;
 - (b) receives but has not solicited and which is not substantially useable by the Trustee for a PI Purpose.

9. Access to Personal Information

- 9.1 The Trustee will give an Individual access to the Personal Information that the Trustee holds on that Individual on the request of the Individual (**Access Request**), subject to paragraphs 9.2 and 9.3.
- 9.2 The Trustee must take reasonable steps to satisfy itself as to the identity of any Individual placing an Access Request.
- 9.3 The Trustee is not required to comply with an Access Request if the Trustee is prohibited by law or the order of a Court from releasing the requested information or if acting reasonably the Trustee considers that:
- (a) complying with the Access Request would:
 - (i) endanger others;
 - (ii) result in disclosure of Personal Information not applicable to the Individual;
 - (iii) reveal commercially sensitive information of the Trustee or Foundation;
 - (iv) facilitate, further or in any way assist in the commission of an unlawful act, or hinder the prevention of such act;
 - (v) hinder or prejudice enforcement action by a properly authorised enforcement body; or
 - (b) the Access Request is:
 - (i) frivolous or vexatious; or
 - (ii) made to advantage the Individual in actual or anticipated legal proceedings involving the Trustee or the Foundation.
- 9.4 The Trustee will respond to an Access Request within a reasonable time of the Access Request being made and, deliver Personal Information in the manner requested, provided that to do so would be neither unreasonable or impractical.
- 9.5 The Trustee may charge a reasonable fee for:
- (a) any request that the Trustee make a copy of Personal Information; and
 - (b) delivery of the Information the subject of the Access Request.
- 9.6 In the event that the Trustee is not reasonably able to deliver Personal Information in a manner acceptable to the recipient, the Trustee will act reasonably to deliver the Personal Information acceptable to the recipient.

10. Correction of Personal Information

10.1 If the Trustee holds Personal Information about an Individual:

- that the Trustee believes is misleading, not accurate, not current, not complete or not relevant; or
- subject to paragraph 10.2, the Individual requests that the Personal Information be corrected (**Correction Request**),

the Trustee will, in a timely manner, take reasonable steps to correct the Personal Information.

10.2 The Trustee may require proof as determined by the Trustee as to any statement made in a Correction Request.

10.3 If the Trustee does not agree to comply with a Correction Request, the Trustee must in a timely manner notify the Individual making the request the reason(s) for not complying with the Correction Request, other than where it would not be reasonable for the Trustee to make such notification.

10.4 A notification made for the purpose of paragraph 10.3 must be in writing.

10.5 In the circumstances of the Foundation, it would be impractical for the Trustee to notify third parties of any correction to Personal Information made by the Trustee.

10. Photographs

The Trustee utilises photographs to promote the Foundation, including on the Website.

The Trustee holds certain photographs as at the Adoption Date (**Current Photographs**).

The Trustee will cease using any Current Photographs upon request.

For all photographs not being Current Photographs, the Trustee will use reasonable endeavours to ensure that any Individual in a photograph has consented to appearing in the photograph before it is taken or, in any event, published.

11. Complaints

The Trustee will at all times encourage Individuals to contact the Trustee with any complaint concerning Personal Information. A contact for any complaints will be published on the Website.

Annexure A

Edit history

Author	Date	Edit(s)