

INFORMATION SHEET

Compliance with the Privacy Act: what this means for Regions, Centres, Clubs

December 2019

Background:

LAVic has informed the Office of the Australian Information Commissioner of its desire to 'opt in' to abide by the Australian Privacy Principles (APPs), as set out in the Privacy Act (1988, Commonwealth). As part of this process, LAVic has revised and updated its Privacy Policy, which serves to outline how LAVic collects, holds, uses and discloses personal and sensitive information of its members. Accordingly, and by extension, there are implications for Centres pertaining to the processes by which they collect, hold, use and disclose membership information sourced from LAVic and its systems.

The purpose of this document is to inform Little Athletics Australia (LAA), Regions, Centres and Clubs that LAVic has 'opted in' to be covered by the conditions set out in the Privacy Act, the reasons why, and the associated implications.

LAVic Privacy Policy

LAVic sought to 'opt in' and to update its Privacy Policy to enhance the standards of its governance, and reduce the associated risks, around the management of what are significant volumes of membership and stakeholder data it collects, holds, uses and discloses. Higher standards of governance will better protect members' rights. In rare instances, these changes may enhance the overall experience of Little Athletics; for most, hopefully, the Policy will have little if any bearing, from week to week.

Much of the member information is of a personal and sensitive nature and with this comes the enormous responsibility of ensuring it is handled properly at all times. While the standards required of the Australian Privacy Principles are high, and may even be, at times, inconvenient, compliance will significantly reduce the risk of the occurrences of data breaches – deliberate or accidental - at LAVic, Region, Centre and Club levels.

There are 13 [Australian Privacy Principles](#) and they are as follows:

- APP 1 — Open and transparent management of personal information
- APP 2 — Anonymity and pseudonymity
- APP 3 — Collection of solicited personal information
- APP 4 — Dealing with unsolicited personal information

- APP 5 — Notification of the collection of personal information
- APP 6 — Use or disclosure of personal information
- APP 7 — Direct marketing
- APP 8 — Cross-border disclosure of personal information
- APP 9 — Adoption, use or disclosure of government related identifiers
- APP 10 — Quality of personal information
- APP 11 — Security of personal information
- APP 12 — Access to personal information
- APP 13 — Correction of personal information

The APPs are legally binding principles which are the cornerstone of the privacy protection framework in the Privacy Act. The APPs set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.

Click **HERE** to view LAVic's Privacy Policy. Regions, Centres & Clubs are advised to familiarise themselves with the document.

In a practical sense, what does this mean for Regions, Centres and Clubs?

Centres, being incorporated bodies, may, if they wish, also opt in to be covered by the Privacy Act. This is not mandatory, and Centres would be required to have their own Privacy Policy aligning to the APPs. Further information about opting in can be found **HERE**.

It is expected that few, if any Centres, will elect to 'opt in' (LAVic is the first athletics-related entity in Australia to do so at time of writing). Moving forward, LAVic will be required to revise its data handling procedures to ensure compliance. While there is expected to be some room for improvement, LAVic has largely been compliant with the APPs for some years now, and few, if any, major changes to its data handling procedures are anticipated.

Nonetheless, activities that may be affected include the provision of member information from LAVic or LAVic systems to LAA/Regions/Centres/Clubs pertaining to:

- Membership registration
- Event registration
- Competition entries
- Clinics and courses
- Camps and high performance athlete development activities;
- Race results
- LAA-run activities, such as the Australian Little Athletics Championships, and U15 National Camp.

In each case the necessity for the requirement of the provision of private information with each of the associated requests, activities, reports etc – such as email addresses, home addresses, contact details – will be assessed.

Accordingly, Regions, Centres and Clubs, will, by extension, be required to adhere to the same standards of data management for any data provided by LAVic or sourced from an LAVic database.

Access to Centre's/Club's own member records and associated private and sensitive information is not expected to be significantly impacted. However, the management and distribution of this information, should it be sourced from the LAVic database, must be consistent with the terms set out in the LAVic Privacy Policy.

Other key points of the LAVic Privacy Policy:

Some additional points in LAVic's Privacy Policy of relevance to Regions/Centres/Clubs:

- Anonymity & pseudonymity: members have the option of remaining anonymous or using a pseudonym. This may have relevance when a member is being registered, entering an event, or having their SUBWAY bib printed, for example.
- Collection of information: LAVic and Affiliated Centres (by extension) can not collect personal information unless it is reasonably necessary for Little Athletics related activities. The 'that's the way it's always done' processes all organisations have, carried over from year to year, may now actually contravene the APPs.
- Means of collection: LAVic collects the majority of its personal information via the official online registration system.
- Security of personal information: LAVic is responsible for its member's personal information. This responsibility extends to other stakeholders, such as LAA, Regions, Centres and Clubs – should personal information be shared with these. Accordingly, these procedures may be refined in due course so as to attain compliance with the Act.
- Access to personal information: the Policy sets out formal processes whereby members can request access to their personal information held by LAVic.
- Notifiable data breaches: LAVic is obligated to notify affected individuals and the Australian Information Commissioner in the event of an eligible data breach. An eligible data breach may occur if LAVic, LAA, Regions, Affiliated Centres, Clubs or other parties with whom personal data is shared for the purposes of Little Athletics activities experience:
 - unauthorised access to, or disclosure of its personal information;
 - serious harm to one or more individuals;
 - no reduction in risk of serious harm with remedial action undertaken.
- Complaints: the Policy sets out a process where complaints are to be directed in writing to the CEO of LAVic in the first instance.