



P16 – Privacy Policy

April 2024

cancercouncil.com.au

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1. Introduction

- 1.1 Cancer Council NSW (Cancer Council) recognises the importance the community places on the maintenance of privacy of individuals' personal and/or sensitive information.
- 1.2 As an "APP entity" under the Privacy Act, Cancer Council is bound by the Privacy Act and the Australian Privacy Principles. Cancer Council is also bound by the Health Records Act which governs the handling of health information in NSW.
- 1.3 This policy sets out Cancer Council's approach to handling your Personal Information, including sensitive information and health information.
- 1.4 This policy may be reviewed and varied from time to time in accordance with the relevant legislation requirements and to meet the ongoing needs of Cancer Council.

2. Policy Summary

- 2.1 **Collection:** Cancer Council will only collect your personal information where reasonably necessary for one or more of its functions or activities and will only collect as much information as is reasonably necessary. Cancer Council will only collect sensitive information, including health or financial information, with your consent, or in other lawful circumstances outlined in this policy. If Cancer Council can provide its services to you without having to request personal information, you will be able to engage anonymously.
- 2.2 **Notice:** Cancer Council will notify you if your personal information is being collected, and Cancer Council will collect personal information directly from you, except where it would be impractical or unreasonable to do so.
- 2.3 **Use:** Cancer Council will only use your personal information for the primary purpose for which it was collected, a secondary purpose to which you have consented, or another lawful purpose, as set out in this policy. Cancer Council may also use your personal information to market its services to you and will ensure that you are able to easily opt out of receiving further marketing communications if you choose. Cancer Council may disclose your personal information to other Cancer Councils and certain third parties, such as its service providers, as outlined in this policy.
- 2.4 **Security:** Cancer Council takes the privacy and security of your personal information and will take reasonable steps to protect your personal information, as outlined in this policy. This includes destroying or permanently de-identifying personal information if it is no longer needed for the authorised purpose.
- 2.5 **Enquiries and complaints:** You are entitled to request access to your personal information or to have it corrected. Cancer Council also has a complaints process. Information on how to contact us for these purposes is set out in this policy.

3. Application and review

- 3.1 This policy was last updated in April 2024 and will be reviewed on or before April 2026. It replaces all other versions of this policy.

4. Definitions

- 4.1 In this policy:

APP means Australian Privacy Principle, as set out in the *Privacy Act 1988 (Cth)*.

Cross Border Disclosure means a disclosure of personal information to an entity that is located outside Australia

Disclosure means in relation to personal information, a release of that personal information from the effective control of Cancer Council, including but not limited to:

- (a) an automatic release, to a person or body that Cancer Council knows has a general authority to access that personal information; or
- (b) in response to a specific request.

Storage of personal information in the cloud may or may not constitute disclosure. Where the cloud solution is infrastructure-as-a-service (IAAS), the personal information stays in the effective control of Cancer Council and there is therefore no disclosure. Where the cloud solution is software-as-a-service (SAAS), a disclosure is likely to have occurred. If unsure, consult IT Operations.

Do Not Call Register Act means the *Do Not Call Register Act 2006 (Cth)*.

Government-related identifier means a number, letter or symbol (or combination of these things) which is assigned to you by a Commonwealth, State or Territory government body, and includes the official record of those identifiers, e.g.: passports, drivers' licences, Medicare Cards, birth certificates, tax file numbers, passport number, drivers' licence number, Medicare card number, and working with children check number.

Health Records Act means the *Health Records and Information Privacy Act 2002 (NSW)*

Personal information 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.

Privacy Act means the *Privacy Act 1988 (Cth)*.

Sensitive information is a subset of personal information, which is information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, health information genetic information, biometric information and biometric templates.

Spam Act means the *Spam Act 2003 (Cth)*.

Supporter means an individual or organisation who has donated money, goods or services, or participated in fundraising activities in support of Cancer Council or has participated in a research study or is a volunteer.

Use means, in relation to personal information, any accessing by an agency of personal information in its control, including searching records for any reason, using personal information in a record to make a decision and passing a record from one part of Cancer Council to another part.

Worker means any Cancer Council employee (including casual employees), contractors and volunteers

5. Compliance with the Privacy Act and APPs

- 5.1 Cancer Council takes reasonable steps to put practices, procedures and systems in place to ensure that it complies with the APPs, and that it is able to deal with enquiries and complaints from individuals about its compliance with the APPs.
- 5.2 Cancer Council implements practices, procedures and systems to ensure that it complies with all relevant obligations under the Privacy Act. This includes this Privacy Policy, internal data management policies and procedures, training, its Data Breach Response Plan.
- 5.3 Cancer Council takes steps to ensure that:
- (a) reviews and audits of these practices, procedures and systems are periodically undertaken to ensure their ongoing effectiveness in terms of compliance, and
 - (b) a complaints handling procedure that facilitates the management of complaints regarding privacy is implemented and followed.

6. Collection of personal information

6.1 General principle

- (a) Cancer Council will only collect personal information about you where the collection is reasonably necessary for one or more of Cancer Council's functions or activities. Where Cancer Council can perform a function or activity without collecting certain personal information, then it will not collect that personal information.
- (b) Cancer Council will only collect as much personal information as is reasonably necessary for one or more of its functions or activities. For example, if only your name and phone number are needed, then other identifying information, such as your address or date of birth will not be collected.

6.2 Anonymity

- (a) Where practicable, you will be given the opportunity to engage with Cancer Council on an anonymous basis or using a pseudonym or alias.
- (b) If you ask not to be identified, and Cancer Council does not need personal information to engage with you or provide the information requested, personal information will not be collected.

6.3 Consequences of not providing personal information

If Cancer Council cannot pursue its function or activity without collecting your personal information, and you decline to provide necessary personal information, then Cancer Council may decline to provide that function or activity to you.

6.4 Types of information collected

- (a) Cancer Council collects personal information from people who are connected to its operations and activities, including workers, donors, event participants, research study participants, recipients of support services, participants in advocacy campaigns or health promotion projects, health professionals, suppliers, volunteers and service providers.
- (b) Cancer Council may collect personal information that is directly relevant to the service being provided. This may include your:
 - contact information (both home and work) such as full name (first and last), email address, current postal address and phone numbers,
 - date of birth,

- employment details, including but not limited to job title, training and skills,
- financial details, including insurance policies and details, if applicable,
- opinions via surveys and questionnaires, if applicable,
- details relating to goods and services,
- details relating to donations made,
- any relevant payment or billing information (including bank account details, credit card details, billing address and invoice details),
- usernames and passwords when setting up an account on our website, and
- health information and other relevant sensitive information.

6.5 Sensitive information

- (a) Cancer Council may need to collect sensitive information about you where it is necessary to deliver certain services to you, including information and support programs, to conduct research according to an approved research protocol, to evaluate the performance of Cancer Council's services, or for the purpose of any personal media stories.
- (b) Cancer Council will only collect your sensitive information with your consent, unless such collection is required or authorised by law, or where it relates to unlawful activity or serious misconduct, legal action or confidential dispute resolution.

6.6 Government-related identifiers

- (a) A Government-related identifier is typically used to verify that an individual has truthfully identified themselves or a fact about themselves, for example, that they hold a valid drivers' licence or working with children clearance.
- (b) Cancer Council will not collect Government-related identifier information from you unless it is reasonably necessary to collect that information to accurately identify you, for example for employment purposes.
- (c) If it is necessary to verify your identity using a Government-related identifier, then wherever possible, this will be done without collecting a copy of that information. For example, your Government-related identifier may be sighted by a staff member in order to establish your identity or that the relevant fact about you is accurate, without taking a copy or recording any details of the Government-related identifier.
- (d) If it is not reasonable or practicable to only sight a Government-related identifier, then it may be reasonable to collect a copy of it. For example, where Cancer Council is assisting you with an application for access to a government service requiring verification of identity.
- (e) If Government-related identifier information is collected in accordance with this policy, or if it is received on an unsolicited basis, it will be destroyed as soon as possible after your identity has been established.

6.7 Collection method

- (a) Cancer Council will collect personal information directly from you, except where it would be impractical or unreasonable to do so.
- (b) Where collection directly from you would be impractical or unreasonable, or where you have given specific consent, personal information may be collected from third parties such as contractors, service providers, vendors, health professionals, government agencies, social and community workers, referees, family members or your representatives.
- (c) Where your personal information is collected from a third party, Cancer Council will take reasonable steps to ensure that you are aware of the collection.

- (d) Research studies with ethics approval from an Australian Human Research Ethics Committee (HREC) may have additional obligations in relation to collection of personal information. Cancer Council will comply with the conditions of the ethics approval by the relevant HREC.

6.8 Unsolicited personal information

Where you provide personal information that has not been requested by Cancer Council and that could not have been lawfully collected if it had been solicited by Cancer Council will be destroyed as soon as is reasonably practicable. Information that could have been lawfully obtained if it had been solicited by Cancer Council will be managed in accordance with this policy.

6.9 Website usage information and cookies

- (a) When you access Cancer Council's main website and certain other websites under the control of Cancer Council, Cancer Council may use software embedded in its website (such as JavaScript) and may place small data files (or cookies) on your computer or other device.
- (b) The purpose of these cookies is to collect information about which of Cancer Council's pages you view and how you reach them, what you do when you visit a Cancer Council page, the length of time you remain on the page, and how Cancer Council performs in providing content to you. This also helps Cancer Council to serve you more efficiently if you revisit the site.
- (c) Cancer Council's website may use Google Analytics features, which tracks internet usage and discloses this to other members of the Google Ad network. You can also opt out of Google Analytics by clicking on Ad Settings.
- (d) Cancer Council does not currently associate such information with an identifiable person, and as such, the information so collected is not personal information.

7. Notification of collection of personal information

7.1 Collection notices

- (a) Information will be collected lawfully and fairly, and individuals will be made aware that their personal information is being collected.
- (b) Where Cancer Council collects personal information (including sensitive information) from you, you will be provided with a collection notice. The collection notice will cover as many of the following matters as is reasonably practicable in the circumstances:
- Cancer Council's name and contact details
 - if the personal information was collected from someone other than you, how it was collected
 - whether the collection is authorised or required by law (if applicable),
 - the purposes for which the information is being collected
 - the type of other entities to which Cancer Council usually discloses the type of information collected
 - information about how to find or obtain our Privacy Policy, as well as information on access to and correction of personal information and how you may complain about a breach of the Australian Privacy Principles, and
 - whether Cancer Council is likely to disclose personal information to overseas recipients, and the countries where they are located, and
 - the consequences to you of not providing the information.

- (c) Collection notices will be provided at the time the information is collected. Where this is not practical (for example, where information is collected from a third party), the collection notice will be provided at the time of first contact with you, by the worker making that first contact.

7.2 **Collection by third parties as agent for Cancer Council**

Where personal information is collected by third parties as agent for Cancer Council (for example, social workers collecting information for referral to support services, or fundraising services suppliers collecting information for direct marketing):

- (a) wherever possible, the agent will provide Cancer Council's standard collection notice, and
- (b) where the third party does not show Cancer Council's collection notice to you, a collection notice will be provided by Cancer Council at the time of the first use of the information (that is, the first contact with you by Cancer Council).

8. **Use of personal information**

8.1 **Use for primary and secondary purposes**

- (a) Cancer Council will only use your personal information for the primary purpose for which it was collected, a secondary purpose to which you have consented, or:
- for a purpose related to the primary purpose of collection and you would reasonably expect the personal information to be used for such a purpose
 - where Cancer Council reasonably believes that the use is necessary to lessen or prevent a serious or imminent threat to your life, health or safety or to lessen or prevent a threat to public health or safety
 - where Cancer Council has reason to suspect that unlawful activity has been, or is being, engaged in, or
 - for legal purposes (for example, in relation to legal claims or alternative dispute resolution).
- (b) Primary purposes (and secondary purposes for which consent is required) will be set out in collection notices, and may include:
- marketing: to communicate with you about donations, products, services, campaigns, causes and events
 - support services: to provide you with information and support services, and to evaluate and report on these services
 - research: to conduct and/or fund research into cancer causes, as well as prevention, diagnosis, treatment and survivorship
 - health promotion: to provide you with information about cancer risk factors, such as UV exposure, tobacco and obesity, and to seek their support for campaigns
 - volunteering and other support: to enable you to assist us with volunteering, community fundraising, advocacy and other activities where we seek the community's assistance, and
 - communicating with you in relation to our operations, activities and objectives, to verify your identity, to improve and evaluate our programs and services and to comply with relevant laws.

8.2 **Use of Information collected as part of approved research studies**

Research studies that have been approved by a Human Research Ethics Committee may have different obligations in relation to use of personal information, including

health information. Those obligations will apply in addition to this Privacy Policy.

9. Use of Personal Information for direct marketing

9.1 General principles

Cancer Council may use your personal information for direct marketing purposes, but only where:

- the direct marketing communication contains a prominent statement that you may opt out of receiving that type of communication, and provides an easy means of opting out, and
- you have not opted out of receiving direct marketing or made such a request by other means.

9.2 Direct marketing

- (a) Cancer Council is permitted to use or disclose your personal information for direct marketing where the information was collected directly from you, and you have consented to direct marketing or would reasonably expect that your personal information would be used for that purpose.
- (b) Where your personal information is collected using a collection notice that references this policy, you are taken to consent to the use of your personal information for direct marketing purposes, unless you have specifically opted out.
- (c) Where Cancer Council has collected your direct marketing contact details from a third party, and you request to know how Cancer Council obtained your details, Cancer Council will provide you with the third party's details.

9.3 Opting out of direct marketing

- (a) Email direct marketing communications will contain an 'unsubscribe' link that provides you with the opportunity to opt out of direct marketing communications. You can also contact Cancer Council NSW, Supporter Experience Unit, PO Box 572, Kings Cross NSW 1349, 1300 780 113, feedback@nswcc.org.au to opt out.
- (b) After opting out of direct marketing, you will not receive any further marketing communications from Cancer Council, however you may still receive administrative emails, such as reminders to bank funds raised, to assist Cancer Council to comply with its regulatory obligations.

9.4 Removal of opt-outs

- (a) You will be taken to have 'opted in' once again and may receive direct marketing communications if you register for events, make a donation or otherwise provide your personal information for marketing-related purposes after you have previously opted out of direct marketing communications, and if you do not at the time of re-connecting with Cancer Council advise that you wish to opt-out of direct marketing communications. However, you will still be given the opportunity to opt out, as described above.

9.5 Business-to-business relationships

Where you provide your business contact details (such as a business card), this will be treated as implied consent to be contacted for business purposes, and no additional collection notice will be provided. However, you will not be contacted in relation to marketing activity in your individual capacity unless you have provided specific consent.

As a registered Australian charity, the consent and opt-out procedures described above are subject to the Spam Act and the Do Not Call Register Act, which override

these procedures, where applicable.

10. Disclosure

10.1 Permitted Disclosure

Your personal information may be disclosed for the primary purpose for which the information was collected, a secondary purpose to which you have consented, or would reasonably expect the personal information to be used or disclosed for such a purpose, or:

- (a) where Cancer Council reasonably believes that the disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety,
- (b) where Cancer Council has reason to suspect that unlawful activity has been, or is being, engaged in, or where disclosure is required or authorised by law.

10.2 Usual Disclosures

You are taken to consent to the following disclosures where your personal information is collected using a collection notice that references this Privacy Policy:

- (a) external support services, including health care professionals, lawyers, other professionals, counsellors, funders, financiers, coordinators, volunteers, service providers, agencies and not-for-profits that provide support services
- (b) researchers and research institutions that conduct research studies to cancer causes, as well as prevention, diagnosis, treatment and survivorship
- (c) charitable and other similar organisations, including third party service providers who facilitate the sharing of information between such types of charitable or similar organisations (including data collectives)
- (d) contractors and service providers who perform services on Cancer Council's behalf, such as mailing houses, printers, information technology services providers (including offshore cloud computing service providers), data matching and data washing service providers, database contractors and telemarketing agencies, and
- (e) Cancer Council Australia and State and Territory Cancer Councils that are members of Cancer Council Australia.

10.3 Disclosure of Information collected as part of approved research studies

Research studies that have been approved by a Human Research Ethics Committee may have different obligations in relation to disclosure of personal information, including health information. Those obligations will apply in addition to this Privacy Policy and Cancer Council will refer to the terms of such ethics approval prior to disclosing personal information collected for research studies.

10.4 Disclosure to other Cancer Councils

Where Cancer Council is collecting your personal information on behalf of other Cancer Councils, Cancer Council will take reasonable steps to obtain consent from the relevant individuals for disclosure to those Cancer Councils.

10.5 Cross-border disclosures

- (a) Cancer Council may use data hosting facilities or enter into contractual arrangements with third party service providers to assist it with providing our goods and services.

- (b) As a result, personal information provided to Cancer Council may be transferred to, and stored at, a destination outside Australia, including but not limited to New Zealand, Netherlands, China, Singapore, Hong Kong, Ireland, Canada, United States of America and the United Kingdom.
- (c) Personal information may also be processed by staff or by other third parties operating outside Australia who work for Cancer Council or for one of its suppliers, agents, partners or other Cancer Councils.
- (d) You are taken to consent to the disclosure, transfer, storing or processing of your personal information outside of Australia in the circumstances described where your personal information is collected using a collection notice that references this policy, and you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to personal information.
- (e) Where personal information has been collected as part of a research study conducted by Cancer Council, the terms of the relevant ethics approval will provide that workers may only disclose personal information to offshore entities that are required to comply with Australian privacy laws, or privacy laws that offer equivalent protection. Cancer Council will comply with this standard.
- (f) Before Cancer Council discloses personal information to an overseas recipient, it takes reasonable steps to ensure that the recipient does not breach the APPs, and that personal information is adequately protected.

11. Data Security

11.1 General principle

Cancer Council takes reasonable steps to protect the personal information that it holds from misuse, interference, loss and from unauthorised access, modification or disclosure, including by:

- making sure that personal information is accurate, complete and up to date,
- protecting personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods, and
- destroying or permanently de-identifying personal information if it is no longer needed for any authorised purpose.

11.2 Communications and IT security

Cancer Council takes reasonable steps to ensure that electronic records and documentation are handled with appropriate IT security measures, in accordance with its internal policies and procedures.

11.3 Physical security

Cancer Council takes reasonable steps to prevent unauthorised access to documentation containing personal information.

11.4 Retaining personal information

- (a) Unless legally obliged to retain personal information, Cancer Council will only retain personal information for as long as is reasonably necessary for the functions and activities for which it collected that information, as disclosed to you on collection.
- (b) Cancer Council takes a conservative approach when determining the appropriate retention period for personal information after the relationship has ended, or after the you last interacted with Cancer Council, taking into account the possible benefit

to Cancer Council or to you as a recipient of Cancer Council's goods or services, against the risk of harm to the individual in the event of a data breach.

11.5 Destroying personal information

When Cancer Council is destroying personal information, it will do so securely.

11.6 De-identifying personal information

Where destruction of your personal information is not reasonably practicable, Cancer Council will permanently remove from its records any information which may identify you, including by ensuring that you cannot be re-identified in the future.

11.7 Responding to a Data Breach

- (a) A data breach can occur where personal information held by Cancer Council is (or is suspected to have been) lost or subjected to unauthorised access, modification, disclosure or other misuse or interference.
- (b) A data breach can affect hard-copy paper-based records, records held on mobile electronic devices or USB sticks, and records held electronically in Cancer Council's or a service provider's IT systems.
- (c) Cancer Council's Data Breach Response Plan sets out the roles and responsibilities of its workers in managing an appropriate response to a data breach and the steps to be taken if a breach occurs. In the event of an actual or suspected data breach, Cancer Council will refer to and comply with the procedure set out in the Data Breach Response Plan.

12. Access and Correction

12.1 Access

- (a) You are entitled to access your personal information, except in some exceptional circumstances provided by law. Where you request access to your personal information, Cancer Council will need to verify your identity (for example, by asking you to confirm your name, address and date of birth) and, subject to the exceptions described below, will provide you with the information you request.
- (b) Cancer Council is not required to provide you with access to or information about your personal information that Cancer Council holds where:
 - access would pose a serious threat to the life, safety or health of any individual or to public health or public safety,
 - access would have an unreasonable impact on the privacy of other individuals,
 - the request is frivolous or vexatious,
 - denying access is required or authorised by a law or a court or tribunal order,
 - access would be unlawful, or
 - access may prejudice commercial negotiations, legal proceedings, enforcement activities or appropriate action being taken in respect of a suspected unlawful activity or serious misconduct.
- (c) Participants in research studies should note that access to personal information such as DNA sequences is not generally granted. This is notified to participants where applicable, at the time of committing to the research study.

12.2 Correction

- (a) You are entitled to seek to have your personal information corrected. If you make such a request, Cancer Council will correct the information.
- (b) Due to the complexity of Cancer Council's operations, individuals' personal information may be stored simultaneously in more than one database or location. Cancer Council will use reasonable endeavours to update all known instances where a request for correction of personal information by an individual is able to be fulfilled.

12.3 Responding to requests for access or correction of personal information

- (a) Cancer Council will respond to requests for access or correction in a timely manner, and within 30 days.
- (b) If Cancer Council refuses a request for access to or correction of personal information, it will provide you with a written notice setting out the reasons for the refusal or why the request has been handled in a particular way.
- (c) If you have been refused access or correction of personal information or have been subject to some other decision by Cancer Council regarding your personal information with which you do not agree, you can contact the Privacy Officer on privacy@nswcc.org.au.

13. Complaints

13.1 Complaints handling

- (a) All complaints regarding privacy or personal information, whether from the OAIC or an individual, will be referred to the Privacy Officer.
- (b) **If you wish to make a complaint, you can contact the Privacy Officer on privacy@nswcc.org.au.**

14. References / related documents

- 1.2 P17 Data Breach Response Plan