

## **Our privacy commitment**

Windgap Foundation Limited ACN 050 095 077 ("Windgap") is committed to managing your personal information openly and transparently and to keeping your personal information safe. We will take all necessary measures to fulfil this commitment, including to:

- Comply with the Australian Privacy Principles ("APPs");
- Ensure that we manage your personal information openly and transparently;
- Only collect personal information from you that we need in order to offer you the best possible service;
- Tell you how we might use your personal information;
- Let you know if we need to disclose your personal information to anyone else (including anyone overseas) and if so, in what circumstances this might occur;
- Keep your personal information secure;
- Promptly respond to any request by you not to receive direct marketing material from us;
- Make sure your personal information is kept accurate and up to date and to properly dispose of any personal information which is no longer required by us; and
- Ensure that, where appropriate, you can access and correct your personal information.

## **About this policy**

This policy is intended to explain clearly and in plain language some of the key processes and procedures that we have implemented to manage your personal information, to protect your privacy and to comply with the *Privacy Act 1988*, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* ("Act") and the Australian Privacy Principles.

References to "our", "us" and "we" in this policy are references to Windgap. [www.windgap.org.au](http://www.windgap.org.au) ("Website") is owned and administered by Windgap.

This policy gives a broad overview of our policies in relation to privacy but if you require further information, you are welcome to contact us or to read any of the privacy statements or notices that will be issued to you as and when personal information is collected.

You must read this privacy policy before providing us with any personal information and before submitting personal information through the Website. By providing us with your personal information or by using the Website, you are confirming your agreement to the policies and procedures described in this privacy policy.

## **What sorts of personal information do we collect?**

We will only collect from you information that is necessary and relevant to our relationship with you, including to enable us to provide to you the best possible service.

Depending on the exact nature of our relationship with you, we may request that you provide some or all of the following information:

- Information that we may require to initially identify you, including your name, home address and your date of birth;
- Further information we may require to confirm your identity, including your driver's licence number, passport details, business name, Medicare card;

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- Information that we can use to contact you, including your telephone number, Mobile number, email address, work address, mailing address;
- Information that may be required to process payments by you, including your credit card details.
- Information that may be required to provide you with a service including family details, emergency contact details and supports you may have in the community, health information and medical history, your likes and dislikes.
- Information that may be required for recruitment purposes, including citizenship, residency or visa details, work and educational history, areas of interest, criminal records checks, information arising from criminal records checks, pre-employment screening and employment references.

The information we will require will depend on the specific service or services that we are providing to you. We will only collect personal information from you that we reasonably require in order to satisfactorily perform the services that you require from us.

The Act places restrictions on us collecting sensitive information about you (which includes information about your religion, political views, ethnicity, criminal records and sexual preferences). Generally we will not collect this type of information, however we may need to collect some sensitive information if you are applying for a job with us, and you have provided us with your consent to do so.

#### **Why do we require your personal information?**

There are various reasons why we might need to collect, hold, use or disclose your personal information and this will depend upon the specific services that we are providing to you but we will tell you the main reason for asking for your personal information at the time when we ask you to provide it.

Usually, the main reason that we will need to collect your personal information will be relating to a service that we are providing to you or are about to provide to you and for contacting you in relation to those services, fundraising, donations, sponsorship and events. Our main services include the provision of support to people with a disability and related services.

We may also use your personal information for other reasons, including:

- To contact you in relation to an event, special offer or particular service that you might be interested in;
- Preventing fraud and other criminal activities;
- To assist us to run our business and to improve our services and performance, including staff training, accounting, risk management, record keeping, archiving, systems development, developing new products and services and undertaking planning, research and statistical analysis; and
- .Fundraising, donations sponsorship and events
- To comply with our legal obligations.

There is no obligation for you to provide us with any of your personal information but if you choose not to provide us with your personal information, we may not be able to provide the information, goods or services that you require.

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#### **How do we collect your personal information?**

The means by which we collect your personal information will depend on the nature of the service that we are providing to you.

We may collect your personal information:

- (a) Directly from you, either in person or over the phone;
- (b) When you access and interact with the Website;
- (c) From publically available sources, for example, the electoral role, the telephone directory or from other websites; or
- (d) From other sources, including from our referrers.

We will always collect your personal information directly from you unless it is impracticable to do so. This would usually be done through application forms, over the telephone, in person or over the internet.

Your personal information will not be collected if you are only browsing the Website.

At the time of collecting your personal information, we will remind you of the following, usually by issuing to you a disclosure or collection notice:

- (i) Our details, including our contact details;
- (ii) That we are collecting your information and the reasons why we are collecting your information;
- (iii) If the collection is required or authorised by law, the details of the law, court or tribunal order;
- (iv) What happens if we cannot collect your personal information;
- (v) Any third parties to whom we may disclose the personal information;
- (vi) How you can access and correct your personal information;
- (vii) How you can complain about any breach of the APPs and how we will handle any such complaints; and
- (viii) Whether your personal information is likely to be disclosed to anyone overseas and if practicable, the countries in which those recipients are located.

#### **Collecting and disclosing personal information about others**

Wherever possible, we will collect personal information directly from the relevant individual to whom that information relates.

You represent and warrant to us that where you provide personal information to us about another person:

- (a) You are authorised to provide that information to us;
- (b) You have obtained the express consent of the individual to disclose their personal information to us for its relevant use, including for use in our business and to provide our services;
- (c) You have complied with the APPs in collecting that personal information, including by making all relevant notifications required under APP 5; and
- (d) You have informed that person about the contents of this privacy policy including who we are, how we use and disclose personal information, and that they can gain access to, and correct, that information.

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**Unsolicited personal information**

From time to time we may receive personal information about you that we have not requested or taken steps to come to know. In these circumstances, we will only hold onto such information where the information is necessary in our dealings with you. If we determine that the information received is not necessary to our relationship with you then we will take steps to de-identify or destroy the information as soon as is practicable. Any determination as to whether or not the information is required to be retained by us will be made within a reasonable period after the information is received by us. Any information that has not been requested but is subsequently retained by us will be subject to the procedures and requirements set out in this privacy policy.

We may use and disclose your personal information for the purposes for which it was collected or for a related purpose such as:

- (a) To consider your request for a product or service;
- (b) To enable us to provide a product or a service to you;
- (c) To facilitate the provision of a product or service to you;
- (d) To carry out or respond to your requests;
- (e) To our third party service providers to assist us in providing and improving our services to you, and to analyse trends in sales and better understand your needs or to develop, improve and market our products and services to you;
- (f) For regulatory reporting and compliance with our legal obligations;
- (g) To various regulatory bodies and law enforcement officials and agencies to protect against fraud and for related security purposes;
- (h) To perform administrative and operational tasks (including risk management, systems development and testing, staff training and collecting debts);
- (i) To include in a database compiled by us for use in fundraising, donations, sponsorship, events, direct marketing of promotions, products and services we think may be of interest to you;
- (j) To seek your feedback in relation to customer satisfaction and our relationship with you;
- (k) To monitor or improve the quality and standard of service that we provide to you;
- (l) To consider any concerns or complaints you may raise against us;
- (m) To our successors and/or assigns;
- (n) To notify you of offers that may be of interest to you; and
- (o) To better understand your preferences.
- (p) Doctors and health care professionals, who assist us to deliver our services;
- (q) Referees and former employers of Windgap employees and volunteers, and candidates for employee and volunteer positions at Windgap;
- (r) Professional advisors, including our accountants, auditors and lawyers.

Windgap will not disclose personal information about a person to a third party unless one of the following applies:

- The individual has consented;

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- The individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
- It is otherwise required or authorised by law.
- It will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety.
- It is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities;
- It is reasonably necessary to assist in locating a missing person;
- It is reasonably necessary to establish, exercise or defend a claim at law;
- It is reasonably necessary for a confidential dispute resolution process;
- It is necessary to provide a health service;
- It is necessary for the management, funding or monitoring of a health service relevant to public health or public safety;
- It is necessary for research or the compilation or analysis of statistics relevant to public health or public safety;

By agreeing to accept the terms of this privacy policy and in providing your personal information to us, you are taken to have consented to the use of your personal information for the above purposes.

At the time that we collect your personal information, we will make it clear to you why we are collecting your information, including through this privacy policy where appropriate.

We will not use your personal information for any other purpose without your consent or where we do use your information for another purpose, it will either be for a purpose which we believe is related to the purpose for which you first provided us with the information or for a purpose which you would expect.

We may also provide your personal information to third parties as outlined below. Other than the above, we will not disclose your personal information without your consent unless disclosure is either necessary to prevent a threat to life or health, authorised or required by law, reasonably necessary to enforce the law or necessary to investigate a suspected unlawful activity.

#### **Do we share your personal information with others?**

We may share your personal information with other entities that are related to Windgap. By providing your personal information to us, you consent to your personal information being shared with controlled entities of Windgap.

We deal with third party service providers who may assist us with a variety of functions including with research, mail and delivery, security, insurance, professional advisory (including legal, accounting and auditing advice), banking, payment processing, credit reporting, offsite storage or technology services. Where we engage third party service providers to perform services for us, those third parties may be required to handle your personal information. Under these circumstances, those third parties must safeguard this information and must only use it for the

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purposes for which it was supplied and we will make all reasonable enquiries to try to ensure that this is the case.

Wherever possible, we will limit the information provided to independent third parties to that information required for those third parties to properly perform their functions.

Further, our contracts with these third parties will always require the third parties to comply with the APPs (or equivalent standards).

#### **Do we use your personal information for marketing purposes?**

As part of the services that we provide to you, we may:

- (a) Use personal information that we have collected about you to identify a product or service that may benefit you;
- (b) Contact you from time to time to let you know about fundraising, sponsorship, an event, a product or service that we believe you might be interested in; and
- (c) Disclose your personal information to our related entities or business partners to enable them to tell you about fundraising, sponsorship, an event, a product or service that you might be interested in.

By providing your personal information to us, you consent to your personal information being included in our database to be used for direct marketing purposes, , including those described above, however, you can opt-out, unsubscribe or make a request to not receive direct marketing communications from us, by emailing [privacy@windgap.org.au](mailto:privacy@windgap.org.au), calling our Privacy Officer on (02) 83373600 or by writing to us at Att: Privacy Officer, Windgap Foundation Limited, PO Box 756, Rosebery NSW 1445, or by logging such a request through the Website at any time. Additionally, each direct marketing communication, including all emails and SMS, will include an opt-out or "unsubscribe" option which will immediately indicate to us that you no longer wish to receive materials of this kind. If you make a request not to receive direct marketing communications from us, we will stop sending you these materials.

You may make a request that we do not disclose your personal information to facilitate direct marketing by another organisation and you may request that we provide you with the source of any personal information we use for direct marketing purposes. Any such requests will be actioned within a reasonable period and there will be no charges to you for making, or to you from us actioning, such requests.

#### **How do we store your personal information?**

We have implemented appropriate processes and techniques (including physical security such as locks and security systems and computer and network security, including firewalls, and passwords) to protect personal information from loss, misuse and interference and from unauthorised access, modification or disclosure. In addition, access to your personal information is limited to those who specifically need it to conduct their responsibilities.

We and our third party service providers take all necessary steps to destroy or permanently de-identify your personal information where it is no longer required and to protect your personal information from loss, misuse and interference and from unauthorised access, modification or disclosure.

While care is taken to protect your personal information on the Website, unfortunately no data transmission over the Internet is guaranteed as 100% secure. Accordingly, we cannot ensure or warrant the security of any information you send to us or receive from us online.

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This is particularly true for information you send to us via email as we have no way of protecting that information until it reaches us. Once we receive your personal information, we are required to protect it in accordance with the Act.

#### **Maintaining your personal information**

We take reasonable steps to ensure that:

- (a) The information that we collect about you is accurate, complete and up-to-date at the time of collection;
- (b) When we use your personal information, it is accurate, up-to-date, complete and accurate at the time of use; and
- (c) If we disclose your personal information, it is accurate, up-to-date, complete and accurate at the time of disclosure.

#### **Will we disclose your personal information to anyone overseas?**

There may be circumstances where we need to disclose your personal information to a third party overseas. This may occur, for example, where we have a database or server hosted outside Australia.

APP 8.1 requires that we will take all reasonable steps to ensure that the third party recipient of your information complies with the APPs (other than APP 1) in relation to your information, or that the third party recipient is bound by laws that offer you at least as much protection as the APPs and that you are able to enforce your rights under those international laws in the event of any breach. Now that you are aware of this general requirement, please confirm your consent to us disclosing your personal information to overseas third parties by reading the following paragraph and ticking the box below.

- I am aware of the obligations of Windgap and protections for me contained in APP 8.1 and as summarised above and I consent to Windgap disclosing my personal information to overseas third parties on the understanding that in so consenting, I will not be afforded the protections otherwise provided by APP 8.1.

#### **How can you access your personal information?**

Usually we will be able to provide you with access to your personal information upon receipt of your written request, either by email sent to [privacy@windgap.org.au](mailto:privacy@windgap.org.au) or by post sent to Att: The Privacy Officer, Windgap Foundation Limited, PO Box 756, Rosebery NSW 1445, and confirmation of your identity. There are some limited circumstances in which we may not be able to provide you with access to your personal information when requested. Such circumstances might include where access would pose a serious threat to the life, health or safety of another person or where such access would unreasonably impact on the privacy of others.

Where you request access to your personal information, we will respond to any such request within a reasonable period after the request is made and if possible, we will provide you with access to your information in the manner requested by you, if specified. In any event, we will take all reasonable steps to give you access to your information in a way that meets your needs.

If we deny you access to your personal information for any reason, or if we are unable to provide you with access to your information in the manner requested by you, then we will provide you with a written notice confirming:

- (a) The reason for such refusal; and

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(b) The procedure to complain about the refusal.

We may recover from you our reasonable costs of supplying you with access to your personal information but we will not charge you for any request you might make to access your information

#### **How can you seek to correct your personal information?**

We do what we can to ensure that the information we hold about you is accurate, complete, up-to-date, relevant and not misleading. To assist us to do this, please ensure that you provide us with correct information at the time you provide it to us and immediately inform us if your details change at any time. If we are concerned that any of your information is inaccurate, incomplete, out-of-date, irrelevant or misleading, or if you request that we correct any of your information, then we will take all reasonable steps to correct the information to ensure that it is accurate, complete, up-to-date, relevant and not misleading in the context of the purpose for which it is held.

If we correct any of your personal information and that information has previously been disclosed to another entity that is required to comply with the APPs, then, upon your request to do so, we will take reasonable steps to notify that other entity of the correction unless such notification is impracticable or unlawful.

If we refuse to correct your personal information following a request by you to do so, then we will provide you with a written notice confirming:

- (a) The reason for such refusal; and
- (b) The procedure to complain about the refusal.

If we refuse to correct your personal information following a request by you to do so and you request that we associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading then we will take reasonable steps to associate the statement with the information so that the statement is apparent to users of the information.

We will respond to any requests regarding the correction of your personal information within a reasonable period after the request is made.

We will not charge you for any request to correct your personal information, nor will we pass on to you any costs incurred by us in correcting your personal information or for associating a statement with your personal information.

#### **What if you want to make a complaint about some aspect of our privacy procedures?**

We are committed to maintaining and protecting your privacy but it is possible that in limited circumstances, mistakes might be made. If you are concerned with the way your personal information has been handled then you are entitled to make a complaint. If you would like to lodge a complaint, please contact us through our Privacy Officer, whose details are set out below.

Privacy Officer  
Windgap Foundation Limited  
PO Box 756  
Rosebery NSW 1445

Telephone: 8337 3600

Email: [privacy@windgap.org.au](mailto:privacy@windgap.org.au)

If your personal information has not been handled in an appropriate way, we will do our best to remedy your concerns as quickly as possible, including by acknowledging receipt of your complaint within 48 hours and trying to resolve the complaint within 10 working days.

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Where this is not possible, we will contact you within this period to let you know an anticipated time frame within which your complaint will be resolved.

If your complaint is not satisfactorily resolved, you may approach an external dispute resolution service or apply to the Office of the Australian Information Commissioner ("OAIC") to have the complaint heard and determined.

### **Protecting your identity**

Wherever it is practicable, we will always provide you with the option not to identify yourself when dealing with us. Alternatively, you may elect to use a pseudonym to protect your identity.

### **Link to other websites**

Windgap's Website may contain links to websites which are owned or operated by other parties.

You should make your own enquiries as to the privacy policies of these parties. We are not responsible for information on, or the privacy practices of, such websites.

### **Changes to this policy**

From time to time it may be necessary for us to review and revise this privacy policy. We reserve the right to change our privacy policy at any time.

### **How can you contact us?**

Please find below our contact details. Please do not hesitate to contact us in relation to any privacy-related concerns and we will use our best endeavours to address any such concerns thoroughly and in a timely manner.

If it is practical to do so, you can contact us without identifying yourself. However, if you choose not to identify yourself, it may be more difficult for us to assist you with your enquiry. This will depend on the nature of your enquiry.

Windgap Foundation Limited  
PO Box 756  
Rosebery NSW 1445  
Telephone: 8337 3600

Email: [privacy@windgap.org.au](mailto:privacy@windgap.org.au)

Please note that the Act contains certain exemptions which may permit us to use your personal information in a particular way if specific circumstances arise. Any such exemptions under the Act will take priority over this privacy policy to the extent of any inconsistency.

<b>About this release</b>	
<b>Title</b>	Privacy Policy
<b>Reviewed by</b>	Compliance Manager
<b>Review date</b>	12 March 2014
<b>Document number</b>	POL-OPS-043
<b>Changes in this issue</b>	Created in accordance with the Privacy Act 1988, the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Australian Privacy Principles
<b>Authorisation</b>	
<b>Chief Executive Officer</b>	<b>12/3/14</b>
<b>Board of Directors</b>	<b>Chris Brown Approved 12 March 2014</b>