

PRIVACY POLICY

The Club is subject to the Provisions of the Privacy Act 1988. The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* introduced 13 new 'Australian Privacy Principles' (APPs) which replaced the 'National Privacy Principles' (NPPs). These reforms took effect from 12 March 2014.

The 13 APP's regulate the handling of personal information by the government and business. The Club has a commitment to privacy and the safeguarding of member, visitor and staff personal information.

PART 1 - CONSIDERATION OF PERSONAL INFORMATION PRIVACY

Australian Privacy Principle 1- open and transparent management of personal information

The Club will ensure that it manages personnel information in an open and transparent way that complies with the Australian Privacy Principles.

The kinds of personnel information that the Club collects and holds is: title, first name, middle name, surname, address, date of birth, occupation, phone number, email address, drivers license, whether you have you ever been suspended, expelled, or asked to resign from membership of any club, whether you have you ever requested self-exclusion from any gaming venue, bar and café purchases and gaming turnover.

The Club collects personnel information in the following ways: at the time of applying for membership, at the time of signing in as a temporary member or guest, using a membership card to make a bar or café purchase, using your membership card at the rewards kiosk or playing a gaming machine with a membership card in the console.

The Club uses the personnel information collected to comply with the Registered Clubs Act 1976, the Gaming Machine Act 2001 and the Corporations Act 2001. Personnel information collected from members of the Club may be used for marketing purposes to improve our services and provide you with information about our facilities, promotions and services. The Club does not collect personnel information from the ATM.

The Club has the option to conduct its elections via electronic means. In this situation the third party, Elections Australia, requires the Club to share the following member details; membership number, first name, surname, in order to conduct the election. Personnel information is not disclosed to any other organization unless there is a legal requirement to do so.

An individual may access personnel information held about them and seek the correction of such information by contacting the Club's administration by phone on 9567 5157 or by emailing info@brightonrsl.com.au.

An individual may complain about a breach of the Australian Privacy Principles by contacting the Club's administration by phone on 9567 5157 or by emailing info@brightonrsl.com.au. The Club will deal with such a complaint by immediately investigating the matter and rectifying any breach.

The Club does not disclose personnel information to overseas recipients.

The Clubs Privacy Policy is available free of charge from the Club's website. The Club will take reasonable steps to provide a copy of the Privacy Policy in the particular format requested by an individual or body by contacting the Club's administration on 9567 5157.

Australian Privacy Principle 2 - anonymity and pseudonymity

Individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with the Club in relation to a particular matter. This does not apply if, in relation to that matter:

- a) the Club is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- b) it is impracticable for the Club to deal with individuals who have not identified themselves or who have used a pseudonym

PART 2—COLLECTION OF PERSONAL INFORMATION

Australian Privacy Principle 3 - collection of solicited personal information

Personal information other than sensitive information

The Club will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of the Club's functions or activities.

Sensitive information

The club will not collect sensitive information about an individual unless the individual consents to the collection of the information and the information is reasonably necessary for one or more of the Club's functions or activities.

The Club will also not collect sensitive information about an individual unless; the collection of the information is required or authorised by or under an Australian law or a court/tribunal order, a permitted general situation exists in relation to the collection of the information, a permitted health situation exists in relation to the collection of the information and as a non-profit organization both of the following apply: the information relates to the activities of the Club and the information relates solely to the members of the Club or to individuals who have regular contact with the club in connection with its activities.

Means of collection

The Club will collect personnel information only by lawful and fair means.

Solicited personal information

This principle applies to the collection of solicited information.

Australian Privacy Principle 4 – dealing with unsolicited personal information

If the Club receives personal information that it did not solicit it will determine whether or not it could have collected the information under *Australian Privacy Principle 3* if it had solicited the information. The Club may use or disclose the unsolicited information for the purposes of making a determination.

If the Club determines that it could not have collected the personal information and that the information is not contained in a Commonwealth record it will immediately, if it is lawful and reasonable to do so, destroy the information or ensure that the information is de identified.

If the club does determine that it could have collected the personal information or that the information is contained in a Commonwealth record, *Australian Privacy Principles 5 to 13* apply in relation to the information as if the Club had collected the information under *Australian Privacy Principle 3*.

Australian Privacy Principle 5 - notification of the collection of personal information

At or before the time or, if that is not practicable, as soon as practicable after, the Club collects personal information about an individual, the Club will take such steps (if any) as are reasonable in the circumstances:

- a) to notify the individual of such matters referred to below as are reasonable in the circumstances; or
- b) to otherwise ensure that the individual is aware of any such matters.

The matters for the purposes of notification of collection of personal information are as follows:

- a) the identity and contact details of the Club;
- b) if:
 - i) the Club collects the personal information from someone other than the individual; or
 - ii) the individual may not be aware that the Club has collected the personal information; the fact that the Club so collects, or has collected, the information and the circumstances of that collection;
- c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order - the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorizes the collection);
- d) the purposes for which the Club collects the personal information;
- e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the Club;

- f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the Club usually discloses personal information of the kind collected by the Club;
- g) that the APP privacy policy of the Club contains information about how the individual may access the personal information about the individual that is held by the Club and seek the correction of such information;
- h) that the APP privacy policy of the Club contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the Club, and how the Club will deal with such a complaint;
- i) whether the Club is likely to disclose the personal information to overseas recipients;
- j) if the Club is likely to disclose the personal information to overseas recipients - the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

PART 3 – DEALING WITH PERSONAL INFORMATION

Australian Privacy Principle 6 – use or disclosure of personal information

Use or disclosure

Where the Club holds personal information about an individual that was collected for a particular purpose (the primary purpose), the Club will not use or disclose the information for another purpose (the secondary purpose) unless:

- a) the individual has consented to the use or disclosure of the information; or
- b) the individual would reasonably expect the Club to use or disclose the information for the secondary purpose and the secondary purpose is:
 - (i) if the information is sensitive information - directly related to the primary purpose; or
 - (ii) if the information is not sensitive information - related to the primary purpose; or
- c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- d) a permitted general situation exists in relation to the use or disclosure of the information by the Club; or
- e) a permitted health situation exists in relation to the use or disclosure of the information by the Club; or
- f) the Club reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body. In this instance the club will make a written note of the use or disclosure.

Australian Privacy Principle 7 – direct marketing

If an organisation holds personal information about an individual, the organisation must not use or disclose the information for the purpose of direct marketing.

Exceptions - personal information other than sensitive information

The Club may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- a) the Club collected the information from the individual; and
- b) the individual would reasonably expect the Club to use or disclose it for direct marketing to them; and
- c) the Club provides a simple means by which the individual may easily request not to receive direct marketing communications from the Club; and
- d) the individual has not made a request to the Club to stop sending direct marketing material.

If the individual would not reasonably expect their personal information to be used for direct marketing (or the Club obtained that information from someone other than the person concerned), then use or disclosure of that personal information for direct marketing is only permitted if:

- a) the individual has given their consent, or it is impractical to obtain their consent,
- b) the Club provides a simple means by which the individual may easily request not to receive direct marketing communications from the Club,

- c) each direct marketing communication to that individual includes a prominent statement that the individual may request to stop receiving direct marketing communications from the Club or otherwise draws their attention to the means by which they can request to stop receiving direct marketing communications from the Club,
- d) the individual has not made a request to the Club to stop sending direct marketing material.

Exceptions - sensitive information

The Club may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

Australian Privacy Principle 8 – cross border disclosure of personal information

The Club does not disclose personnel information to overseas recipients.

Australian Privacy Principle 9 – adoption, use or disclosure of government related identifiers

The Club does not adopt a government related identifier of an individual as its own identifier.

The Club does not use or disclose government related identifiers of an individual.

PART 4 – INTEGRITY OF PERSONAL INFORMATION

Australian Privacy Principle 10 – quality of personal information

The Club will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the Club collects is accurate, up to date and complete.

The Club will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the Club uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

Australian Privacy Principle 11 – security of personal information

The Club holds personal information and will take such steps as are reasonable in the circumstances to protect the information:

- a) From misuse, interference and loss; and
- b) From unauthorised access, modification or disclosure.

Where the Club holds personal information about an individual and:

- a) The Club no longer needs the information for any purpose for which the information may be used or disclosed; and
- b) The information is not contained in a Commonwealth record; and
- c) The club is not required by or under an Australian law, or a court/tribunal order, to retain the information;

the Club will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

PART 5 – ACCESS TO, AND CORRECTION OF PERSONAL INFORMATION

Australian Privacy Principle 12—access to personal information

Access

The Club holds personal information and will on request by the individual, give the individual access to the information.

Exception to access

The Club is not required to give the individual access to the personal information to the extent that:

- a) the Club reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or
- d) the information relates to existing or anticipated legal proceedings between the Club and the individual, and would not be accessible by the process of discovery in those proceedings; or
- e) giving access would reveal the intentions of the Club in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by or under an Australian law or a court/ tribunal order; or
- h) both of the following apply:
 - (i) the Club has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the Club's functions or activities has been, is being or may be engaged in;
 - (ii) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j) giving access would reveal evaluative information generated within the Club in connection with a commercially sensitive decision-making process.

Dealing with requests for access

The Club will respond to the request for access to the personal information within a reasonable period after the request is made and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

Other means of access

If the Club refuses to give access to the personal information or to give access in the manner requested by the individual, the Club will take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of the entity and the individual. Access may be given through the use of a mutually agreed intermediary.

Access charges

The Club does not charge the individual for the making of the request or for giving access to the personal information.

Refusal to give access

If the Club refuses to give access to the personal information or to give access in the manner requested by the individual, the Club will give the individual a written notice that sets out:

- a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- b) the mechanisms available to complain about the refusal; and
- c) any other matter prescribed by the regulations.

If the Club refuses to give access to the personal information because giving access would reveal evaluative information generated within the Club in connection with a commercially sensitive decision-making process, the reasons for the refusal may include an explanation for the commercially sensitive decision.

Australian Privacy Principle 13 – correction of personal information

Correction

Where the personal information held by the Club about an individual and either:

- a) the Club is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- b) the individual requests the entity to correct the information;

the Club will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

Notification of correction to third parties

If the Club corrects personal information about an individual that the Club previously disclosed to another APP entity; and the individual requests the Club to notify the other APP entity of the correction the Club will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

Refusal to correct information

If the Club refuses to correct the personal information as requested by the individual, the Club will give the individual a written notice that sets out:

- a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- b) the mechanisms available to complain about the refusal; and
- c) any other matter prescribed by the regulations.

Request to associate a statement

If the Club refuses to correct the personal information as requested by the individual and the individual requests the entity to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading, the Club will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

Dealing with requests

If a request is made to correct personal information or associate a statement with personal information the club will respond to the request within a reasonable period after the request is made and not charge the individual for the making of the request.

For further information**Office of the Australian Information Commissioner**

Telephone: 1300 363 992

Email: enquiries@oaic.gov.au

Write: GPO Box 5218, Sydney NSW 2001

GPO Box 2999, Canberra ACT 2601

Website: www.oaic.gov.au