

## **MATES in Construction Privacy Policy**

MATES in Construction Aust Ltd (ACN 166 347 539) and its members (MATES in Construction Qld, NSW, SA and WA Ltd (“we”, “our”, “us”) are bound by the Australian Privacy Principles (**APPs**) and the *Privacy Act 1988* (Cth) (**Privacy Act**). We have drafted this privacy policy to comply with the APPs.

Our privacy policy reflects the policies and procedures that we have in place to protect your personal information that we collect and hold.

### **1. Key terms used in our privacy policy**

For guidance on the following key terms used in our Privacy Policy, please refer to the dictionary at section 16 below: “collect”, “consent”, “personal information” and “sensitive information”.

### **2. Why do we collect personal information and what personal information do we collect?**

- (a) We will only collect personal information if it is reasonably necessary to pursue our mission of reducing suicide and improving mental health and wellbeing in the Australian Construction Industry. In support of our main function, we also carry out the following related functions and activities:
  - (i) Train construction workers in suicide prevention;
  - (ii) Maintain and support a peer support network of “Connectors’ and “ASIST workers”.
  - (iii) Provide information and knowledge around good mental health practice.
  - (iv) Provide case management support to individuals seeking to assist them in improving their mental health and wellbeing.
  - (v) Offer support on sites following a suicide or a significant and stressful event
  - (vi) Raise funds for our operations through partnerships, sponsorships, grants, gifts and fundraising activities.
  - (vii) Statistical depersonalised reports to external funders and thirdparties
  - (viii) Fee for service work outside the construction industry
  - (ix) Public relations activities.
- (b) Your personal information that we collect will vary depending on the functions and activities that we engage in. Some examples of personal information that we may collect are:
  - (i) your contact details such as your physical address, telephone number and email address;
  - (ii) details of your occupation, trade, worksite and your employer; and
  - (iii) information that we are required or authorised to collect and keep under an Australian law or a court/tribunal order.

- (c) If you apply for a job with us by sending us a copy of your CV, this will be a collection by us of your personal information such as your educational qualifications, career history, interests, hobbies and job interests and such other information as may be routinely included in a CV. We collect this information from you as part of our recruitment activities.
- (d) Some information that we collect about you will be sensitive and very personal information. We will only collect sensitive information from you if:
  - (i) our collection of that sensitive information is reasonably necessary for one or more of our activities or functions;
  - (ii) is required to document support provided by us to you; and
  - (iii) we have your consent to collect the sensitive information about you.
- (e) The APPs list a number of circumstances that permit us to collect sensitive information about you without your consent. These include:
  - (i) if our collection of the sensitive information is authorised by or under an Australia law or court/tribunal order; or
  - (ii) a permitted general situation applies, for example, it is necessary for us to collect the sensitive information for the establishment or defence of a legal claim.

We only collect sensitive information in the circumstances listed in the APPs.

### **3. How do we collect personal information?**

#### Collection of personal information

- (a) The way we collect your personal information:
  - (i) will be lawful, for example we will not collect information from you in threatening way;
  - (ii) will be fair, for example we will not collect information from you by intimidating or deceiving you; and
  - (iii) will not be intrusive.
- (b) We may collect information from you in a number of different situations:
  - (i) Information you provide on training forms
  - (ii) In conversation with MATES in Construction case managers
  - (iii) Your participation in MATES in Construction events or fund raising activities.
  - (iv) From third parties such as your colleagues, employer or union if they call us with concerns for your wellbeing.
- (c) If you supply us with personal information of a third party, such as a spouse, colleague or friend, or the executor of your will, we accept that information on the condition that you have permission from that third party to provide that personal information to us to use for our functions and activities.

- (d) We will only collect your personal information from third parties if:
  - (i) it is provided to us so that we can carry out at least one of our functions or activities, for example it is necessary for us to collect your personal information from your employer so that we are able to collect your redundancy pay contribution from your employer on your behalf;
  - (ii) it is unreasonable or impracticable to collect the information directly from you; or
  - (iii) if we are concerned about your wellbeing and/or safety
  - (iv) we are required or authorised by an Australian law, or a court/tribunal order, to collect the information from someone other than you.

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

- (a) We store hardcopy documents containing your personal information in secured facilities.
- (b) Electronic documents are stored with security measures implemented to ensure the security and confidentiality of the documents and the personal information contained in them.

#### **5. What do we do with your personal information?**

- (a) We will only use or disclose your personal information for the purpose for which it was collected (the primary purpose). The primary purposes for which we will collect your personal information are set out in section 2(a) above.
- (b) However, we may use or disclose your personal information for secondary purposes:
  - (i) if we receive your consent to do so; or
  - (ii) the APPs permit us to do so.
- (c) The APPs permit us to use and disclose personal information for a secondary purpose without your consent if, for example:
  - (i) you would reasonably expect us to use or disclose the information for a certain secondary purpose and the secondary purpose is:
    - A. directly related to the primary purpose (for sensitive information); or
    - B. related to the primary purpose (for non-sensitive personal information); or
  - (ii) the use or disclosure of the information is permitted or authorised by or under an Australian law or a court/tribunal order.
- (d) You can reasonably expect that your personal information may be used or disclosed for the purposes of us carrying out at least one of our functions or activities.

#### **6. Notification of collection**

- (a) At or before the time we collect your personal information (or, if that is not practicable, as soon as practicable after), we will take such steps as are reasonable in the circumstances to notify you of the following (“**Collection Information**”):
- (i) our identity and contact details;
  - (ii) that we have collected your personal information, including where we have collected your personal information from someone other than you, and the circumstances of that collection;
  - (iii) if our collection of your 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;
  - (iv) the purpose for our collection of your personal information;
  - (v) the main consequences (if any) for you if we do not collect all or some of your personal information;
  - (vi) the organisations, or types of organisations, to which we usually disclose personal information similar to the personal information collected from you;
  - (vii) the fact that our privacy policy contains information about you can access the personal information that we hold about you and how you may correct the personal information we hold about you;
  - (viii) the fact that our privacy policy contains information about how you may complain about a breach of the APPs by us and how we will deal with such a complaint; and
  - (ix) whether we are likely to disclose your personal information to overseas recipients, and if so, the countries in which such recipients are likely to be located (if practicable to do so).
- (b) We may give you this information by including a note in the forms we require you to complete for membership.
- (c) Circumstances may arise where we would not be required to provide you with the Collection Information, including:
- (i) if you are aware that we are collecting personal information from you and you are aware of the purpose for this collection of your personal information;
  - (ii) if we collect personal information about you on a recurring basis over a short period of time in relation to the same matter, and you are aware (or reasonably ought to be aware) that a separate notice will not be issued for each instance of collection; and
  - (iii) if notification would be inconsistent with a legal obligation, such as legal professional privilege.

## 7. Direct marketing

- (a) We may, from time to time, use or disclose your personal information (other than sensitive information) for direct marketing to you of our services that may

interest you, for example by sending you our newsletter or other information about us or our activities, if:

- (i) we collected the personal information we use for the direct marketing from you; and
  - (ii) you have consented to us using or disclosing your personal information for direct marketing, or you would reasonably expect us to use or disclose the your personal information for direct marketing.
- (b) We will not use or disclose sensitive information about you for direct marketing purposes unless we have your consent to do so.
  - (c) If we do use or disclose your personal information for direct marketing purposes we will provide you with a simple way to unsubscribe from receiving our direct marketing communications. If you follow our process for unsubscribing, we will no longer send you these communications.
  - (d) We will also act in accordance with the *Do Not Call Register Act 2006* and the *Spam Act 2003*.

#### **8. Anonymity and Pseudonymity**

- (a) When interacting with us, you may choose to remain anonymous or to use a pseudonym. However, we may choose not to deal with you this way if:
  - (i) we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with you in accordance with your identity; or
  - (ii) it is impracticable for us to deal with you in this way.
- (b) In some circumstances, it may not be possible for us to provide a service without the knowledge of your identity.

#### **9. Receipt of unsolicited personal information**

- (a) If we receive personal information that we did not take any active steps to collect, we will, within a reasonable period of receiving the information, determine whether we would have been permitted to collect the information pursuant to the APPs.
- (b) If we determine that we have received personal information that we would not have been permitted to collect pursuant to the APPs (and the information is not contained in a Commonwealth record), we will as soon as practicable and where it is lawful and reasonable to do so, destroy the information or ensure that it is de-identified.
- (c) If we determine that we would have been permitted to collect the personal information pursuant to the APPs, we will ensure that the information is dealt with in a manner that complies with the APPs.

#### **10. Quality of personal information**

- (a) We will endeavour to take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date and complete. Further, we will endeavour to take reasonable steps to ensure that the personal information that we use or disclose is, having regard to the purpose of our use or disclosure, accurate, up-to-date, complete and relevant.

- (b) The reasonable steps described above that we may undertake include:
  - (i) ensuring that updated and new personal information is promptly added to relevant existing records;
  - (ii) reminding you to update your personal information when we engage with you;
  - (iii) with respect to personal information in the form of an opinion, we may take the following steps to verify the accuracy of the opinion:
    - A. checking that the opinion is from a reliable source;
    - B. providing the opinion to you before we use or disclose it;
    - C. clearly indicating on our record that the information is an opinion and identifying the person who formed that opinion.

## **11. Security of personal information**

- (a) We will take such steps as are reasonable in the circumstances to protect personal information that we hold from:
  - (i) misuse, interference and loss; and
  - (ii) unauthorised access, modification or disclosure.
- (b) If we hold personal information about you which we no longer require, we will take reasonable steps to destroy the information or ensure that it is de-identified (unless our compliance with the APPs or a law requires us to avoid taking such steps).

## **12. Disclosure to overseas recipients**

- (a) We do not disclose your personal information to overseas recipients. However, if circumstances arise where we need to disclose your personal information to an overseas recipient, we will do so in an APP compliant manner. This may occur in a range of circumstances, for example if we make a decision to store and access data by way of cloud computing and other electronic means.
- (b) Before disclosing personal information to an overseas recipient, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient also complies with the APPs in relation to that information, unless the APPs do not require us to do so.
- (c) We will not be required to take the steps described in paragraph 12(b) above if:
  - (i) we reasonably believe that:
    - A. the recipient of the information is subject to a law or a binding scheme that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information; and
    - B. there are mechanisms that could be taken to enforce the law or binding scheme; or

- (ii) both of the following apply:
  - A. we expressly inform you that if you consent to the disclosure of your personal information to the overseas provider, we will not be required to take the steps described in paragraph 12(b) above; and
  - B. after being so informed, you consent to the disclosure; or
- (iii) the disclosure of the information is required or authorised pursuant to an Australian law or a court/tribunal order; or
- (iv) the APPs otherwise allow us to refrain from taking the steps described in paragraph 12(b) above.

### **13. Access to personal information**

- (a) Requests for access to personal information should be made in writing and addressed to our Privacy Officer. The Privacy Officer may be contacted at [Jorgen@matesinconstruction.org.au](mailto:Jorgen@matesinconstruction.org.au).
- (b) If we receive a request to access personal information, we will within a reasonable period of the request being made, give access to the information in the manner requested (if it is reasonable and practicable to do so), subject to exceptions set out in the APPs.
- (c) The APPs list the situations where we may deny access to personal information. These situations include where:
  - (i) granting access would have an unreasonable impact on the privacy of others;
  - (ii) the request is frivolous or vexatious;
  - (iii) the information relates to existing or anticipated legal proceedings between the person requesting access and us, and would not be accessible by the process of discovery in those proceedings;
  - (iv) access would reveal our intentions in relation to negotiations with the person requesting the information in such a way as to prejudice those negotiations;
  - (v) granting access would be unlawful; and
  - (vi) denying access would be likely to prejudice the taking of appropriate action in relation to the matter.
- (d) If we refuse to give access to personal information in accordance with the APPs, or if we refuse to give access in the manner requested, we will take steps (if any) that are reasonable in the circumstances to give access in a way that meets our needs and the needs of the person requesting access.
- (e) If we refuse to give access to personal information in accordance with the APPs, we will provide a written notice setting out:
  - (i) the reasons for denying access to personal information (except where it would be unreasonable to provide the reasons);

- (ii) the ways which are available to complain about the refusal; and
  - (iii) any other matters prescribed by the regulations.
- (f) Generally, we will not charge fees for giving access to personal information. However, we reserve the right to charge reasonable fees where requests for personal information are complicated or are resource intensive.

#### **14. Correction of personal information**

- (a) Requests for correction of personal information should be made in writing and addressed to our Privacy Officer.
- (b) If, with regard to the purposes for which it is held, we are satisfied that personal information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, or if the individual about whom the information relates makes a request, we will take reasonable steps to correct the information. However, as a matter of practice, when we receive personal information, we will hold the information for a period of 5 years before we consider whether it is inaccurate, out-of-date, incomplete, irrelevant or misleading (unless we are informed otherwise).
- (c) If we correct personal information, we will take reasonable steps to notify any third party to which we had previously disclosed the information, if the individual about whom the information relates, requests and it is not unlawful or impracticable for us to do so.
- (d) If we refuse to correct personal information in accordance with the APPs, we will provide a written notice setting out:
  - (i) the reasons for the refusal (except where it would be unreasonable to provide the reasons);
  - (ii) the mechanisms available to complain about the refusal; and
  - (iii) any other matter prescribed by the regulations.
- (e) If we refuse to correct personal information in accordance with the APPs, you may request that we associate the information with a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. Where such a request is made, we will take reasonable steps to associate the statement so that it is apparent to the users of the personal information.
- (f) We will aim to respond to any request regarding the correction of personal information within 30 days of the request being made.
- (g) We will not charge fees for requests for the correction of personal information or for associating the statement with the personal information.

#### **15. Complaints**

- (a) If you believe that we have breached the APPs in any way in relation to your personal information, you may make a written complaint to our Privacy Officer.
- (b) The Privacy Officer will review your complaint, consider our conduct in relation to the complaint and the requirements of the APPs, and will consider appropriate action. The Privacy Officer will inform the you of its decision within 30 days of receiving the complaint.



- (c) If you are unhappy following the determination of the Privacy Officer, you may make a complaint to the Office of the Australian Information Commissioner.

## 16. Dictionary of key terms

- “collect”** Personal information, including sensitive information, will be ‘collected’ if it is included in a record or a generally available publication.
- “consent”** You can give consent either:
- (a) expressly – express consent is given explicitly either in writing or orally; or
  - (b) impliedly – your consent will be implied where your consent can be inferred from your conduct and our conduct.
- “personal information”** Personal information is defined in the Privacy Act. In summary, personal information is information or an opinion about an identifiable person, or a reasonably identifiable person no matter whether:
- (a) the information or opinion is true or false; and
  - (b) the information or opinion recorded in a material form or not.
- Some examples of personal information include a person’s name, address and date of birth.
- “sensitive information”** Sensitive information is a type of personal information. Some examples of sensitive information include information or an opinion about an individual’s:
- (a) racial or ethnic origin;
  - (b) political opinions or membership of a political association;
  - (c) religious beliefs;
  - (d) philosophical beliefs;
  - (e) membership of a trade union;
  - (f) health;
  - (g) criminal record; or
  - (h) sexual orientation or practices.