

MATES Privacy Policy

This privacy policy (**this Policy**) applies to each of MATES in Construction (Aust) Limited (ACN 166 347 539) and its members (MATES in Construction (Qld & NT) Ltd ACN 129 828 397; MATES in Construction NSW Ltd ACN 159 975 809; MATE S in Construction SA Ltd ACN 160 280 473; and MATES in Construction WA Limited ACN 157 745 170) (each referred to in this Policy as “MATES”, “we”, “our”, “us”).

MATES provides suicide prevention through community development programs on sites, and by supporting workers in need through case management and a 24/7 help line. We serve the construction industry in Queensland and Northern Territory, New South Wales, South Australia and Western Australia, the Energy industry in Queensland and New South Wales, the Manufacturing industry in New South Wales, and nationally to the Mining industry.

We are committed to the protection of your personal information.

This Policy sets out the way we will collect, use, disclose, store and protect personal information collected from you (“you”, “your”). This Policy also describes the way in which you may access or correct the personal information we hold about you, and how to contact us if you have any complaints in relation to your privacy.

We will handle your personal information in accordance with applicable privacy laws, including the *Privacy Act 1988* (Cth) and its Australian Privacy Principles (**APPs**).

1. Key terms used in this Policy

For definitions of the following key terms used in this Policy, please refer to the dictionary at **section 17** of this Policy: “collect”, “consent”, “disclosure”, “health information”, “personal information”, “sensitive information”, and “use”.

2. Why do we collect personal information and what types of personal information do we collect?

- (a) We will only collect personal information if it is reasonably necessary for our functions and activities, including activities aimed at reducing suicide and improving mental health and wellbeing in relevant industries, including the Australian Construction Industry. In particular, we may collect your personal information for the following activities:
 - (i) To train workers in suicide prevention.
 - (ii) To maintain and support a peer support network of “Connectors” and “ASIST workers”.
 - (iii) To provide information and knowledge around good mental health practice, including through site meetings.
 - (iv) To provide case management support to individuals seeking to assist them in improving their mental health and wellbeing.
 - (v) To offer support on sites following a suicide or a significant and stressful event.
 - (vi) To raise funds for our operations through partnerships, sponsorships, grants, gifts and fundraising activities.

- (vii) Fee for service work outside the construction industry.
- (viii) Public relations activities.
- (b) Your personal information that we collect will vary depending on your interactions with you and the functions and activities that we engage in with you. 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;
 - (iii) information about your health and wellbeing; and
 - (iv) 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 may be sensitive information, such as health 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, and we have your consent to do so; or
 - (ii) we are otherwise required or permitted by law to do so.
- (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 required or authorised by or under an Australia law or court/tribunal order; or
 - (ii) if our collection of the sensitive information is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
- (f) We only collect sensitive information in the circumstances listed in the APPs.
- (g) You are not required to disclose your personal information to us. However, if you do not provide the information requested, we may not be able to provide you with appropriate services, provide you with relevant information regarding our services, or engage in relevant activities with you.

3. How do we collect 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, your responses to surveys, and other feedback you provide.
 - (ii) In conversation with MATES case managers.
 - (iii) Your participation in MATES events or fund-raising activities.
 - (iv) From third parties such as your colleagues, employer, union, family or friends, if they call us with concerns for your wellbeing.
- (c) We will usually collect your personal information directly from you through your interactions with us.
- (d) 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.
- (e) 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. 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.

5. How do we use and disclose your personal information?

- (a) We will use and disclose your personal information for the purpose for which it was collected from you (the primary purpose). The types of primary purposes for which we may collect your personal information are set out in **section 2(a)** of this Policy. The specific primary purpose for which we collect your information will depend on your interaction with us.
- (b) We will only use or disclose your personal information for other purposes (secondary purposes):
 - (i) if we receive your consent to do so; or
 - (ii) the APPs otherwise permit us to do so.
- (c) The APPs permit us to use or disclose personal information for a secondary purpose without your consent only in limited circumstances, including:
 - (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; or
 - (iii) where the use or disclosure is necessary to prevent or lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- (d) We may use external service providers located in Australia to help us provide our services to you. These service providers may include information and communications technology (“ICT”) service providers who maintain and update our ICT systems and databases, data entry providers who manage and enter data for us, and training providers who we work with. Your information may be shared between us and these service providers, but only on a strict need to know basis, and only to the extent needed for these service providers to provide these services for us. We take all reasonable steps to ensure these service providers comply with the privacy laws when handling your personal information, including the APPs.
 - (e) We may use information from surveys you complete to keep accurate training records, inform process/training improvements and support statistical reporting to external funders of our activities.
 - (f) We may also use any survey responses you provide to us in research projects related to the work carried out by MATES, but only if you separately provide your consent.
 - (g) As a charity we receive funding to raise awareness and training on mental health and suicide prevention. As part of obtaining and maintain such funding we may de-identify your personal information (so that you cannot reasonably be identified from the information), and use this information to generate statistical reports for external funders of our activities and other third party stakeholders.

6. Do we disclose your personal information overseas?

- (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 comply with the requirements of the APPs and other applicable privacy laws when doing so.
- (b) Provided we are first permitted to disclose your information under the APPs (as set out in this Policy above), we will only disclose your personal information overseas if:
 - (i) you have provided your prior consent to disclose your personal information overseas; or

- (ii) the receiving person or organisation is subject to a law, binding scheme or binding contract that provides substantially similar protection to the APPs which you can access and enforce; or
 - (iii) the disclosure is otherwise required or authorised by law.
- (c) We will in all cases take reasonable steps to ensure that any such recipient of your personal information does not breach the APPs.

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 expressly consented to us using or disclosing your personal information for direct marketing, or your consent can reasonably be implied or understood based on our relationship with you.
- (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* (Cth) and the *Spam Act 2003* (Cth).

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. How do we hold and protect your personal information?

- (a) We may hold your personal information in a number of ways including electronically and in physical format.
- (b) Electronic copies of records will be kept in a manner consistent with the requirements of the APPs and applicable electronic transactions legislation.
- (c) 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.
- (d) We use a variety of physical and technological security measures to protect the personal information we hold.

- (e) If we hold personal information about you which we no longer require or need to retain under law, 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. Data breaches

- (a) We are required to comply with mandatory 'notifiable data breach' scheme (the "NDB scheme") under the *Privacy Act 1988* (Cth). The NDB scheme applies when an "eligible data breach" of personal information occurs.
- (b) An "eligible data breach" occurs when:
 - (i) there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that an organisation holds; and
 - (ii) this is likely to result in serious harm to one or more individuals; and
 - (iii) the organisation has not been able to prevent the likely risk of serious harm with remedial action.
- (c) An organisation may take remedial steps to prevent the likelihood of serious harm occurring for any affected individuals after a data breach has occurred, in which case, the data breach is not an eligible data breach.
- (d) If we have reasonable grounds to believe that we have experienced an eligible data breach (and remedial action cannot be used), we will promptly notify affected individuals and the Office of the Australian Information Commissioner about the breach in accordance with the *Privacy Act 1988* (Cth).

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 privacyofficer@mates.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, and do so 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) giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety.
- (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. The Privacy Officer may be contacted at privacyofficer@mates.org.au
- (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.
- (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 this, 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 and would like to make a complaint, or if you have any other privacy-related concerns, you may contact our Privacy Officer. The Privacy Officer may be contacted at privacyofficer@mates.org.au
- (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 you of its decision within 30 days of receiving the complaint.
- (c) If you are unhappy following the determination of the Privacy Officer, or if you do not wish to raise a complaint or concern with us directly, you may wish to contact the Office of the Australian Information Commissioner. See www.oaic.gov.au.

16. Changes to this Policy

- (a) We may revise this Policy from time to time. We will update you on any changes to this Policy through our website at www.mates.org.au, and we will make the most current version of the Policy available when you receive services from us, or on your request.

17. Dictionary of key terms

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| “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: <ul style="list-style-type: none">(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. |

- “disclosure”** Your personal information will be ‘disclosed’ if we share the information or make it accessible or visible to others outside our organisation, and releases the subsequent handling of the personal information from our effective control.
- “health information”** Health information is a type of both personal information and sensitive information. It includes information or an opinion about:
- (a) a person's health, a person's wishes about the future provision of health services, or a health service provided or to be provided to a person; and
 - (b) other personal information collected to provide or in providing a health service to a person.
- “personal information”** Personal information is defined in the *Privacy Act 1988* (Cth). 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.

“use”

We 'use' your personal information when we handle and manage the information within our organisation's effective control. Examples include:

- (a) accessing and reading the personal information;
- (b) searching records for the personal information;
- (c) making a decision based on the personal information; and
- (d) passing the personal information from one part of the entity to another.