

REGULATION 41 - PRIVACY MATTERS

(20 October 2003)

This Regulation should be read in conjunction with all other Squash Australia Regulations and Policies in particular Regulation 10 – Disciplinary Matters and Regulation 18 the Member Protection Policy

CONTENTS

	Page
Introduction	3
Policy Coverage	3
National Privacy Principles	3
Collection of Personnel Information	4
Use and Disclosure	4 - 6
Data Quality	6
Data Security	6
Data Availability	6
Access and Correction	6 - 7
Identifiers	7
Anonymity	7
Overseas Transfer / Transborder Data flows	7 - 8
Sensitive Information	8
Complaints	8
Breaches of Privacy Policy	8
Policy Amendments	8
Implementation	8

Introduction

1. Squash Australia respects the privacy rights of individuals participating in the sport of squash and other sports in squash centres. Squash Australia recognises the responsibility to produce accurate statistics on the sport's participants to governments and to stakeholders.
2. This policy sets out the procedures of Squash Australia in relation to protecting the privacy of personal information provided by individuals. Squash Australia and where agreed, its members and squash centre affiliates, will only use such information in accordance with the stated aims and in the manner specified in this policy.
3. Squash Australia recognises that privacy is important and that individuals have a right to access and control their personal information. Unless an individual gives Squash Australia consent to act otherwise, the following policy and procedures govern how Squash Australia handles the personal information of individuals. Squash Australia is committed to protecting personal information and to complying with the National Privacy Principles set out in the Privacy Act.

Policy Coverage

4. This policy covers the activities of Squash Australia and its members and Squash centre affiliates and will apply to players who are registered participants with the following organizations:
 - a. Squash Australia Squash Australia Limited, National Sporting organization for the sport of Squash in Australia.
 - b. Members Those State/Territory associations who are members of Squash Australia.
 - c. Squash Centre Affiliates Those Squash centers, which are affiliated with one of Squash Australia's members.

(The organisation listed in paragraph 2.1.4 a, b, and c will be referred to as "Squash administration" in this document.)

- d. Registered Players Those players, who participate in squash at a competition or recreational level and are registered with one of Squash Australia's members or a club affiliated with one of Squash Australia's members.

National Privacy Principles

5. Player data collected by Squash Australia and its members is to be dealt with in a manner consistent with the National Privacy Principles as specified in the Privacy Act 1988.
6. Information can be categorised as personal or sensitive.
7. **Personal Information.** Personal information held on a player could include, but may not necessarily include the following:
 - a. Name, address, phone number(s) and other contact details if applicable.

- b. Sex
- c. Occupation
- d. Date of Birth
- e. Participation details (past and present competitions played in)
- f. Registration History
- g. Home squash centre
- h. Type and duration of membership where applicable

8. **Sensitive Information.** This type of personal information may not be collected without the individuals consent. It includes information about an individual's racial/ethnic origin, political opinion or association, religious/philosophical beliefs or associations, professional/trade association, sexual preferences, criminal record or health information.

Collection of Personal Information

9. Squash administration will, at all times, collect personal information in a fair, lawful and non-intrusive manner. At the time player information is being collected (or as soon as practicable thereafter) the player is to be informed:

- a. player data is being sought by Squash Australia and its State / Territory members and how these two organisations can be contacted;
- b. the player is able to access his/her information held on State / National player databases;
- c. the purposes for which the information is to be collected;
- d. the type of organisation to which player data may be disclosed; and
- e. The main consequences (if any) for the individual if all or part of the information is not provided.

Use and Disclosure

10. Squash administration is not to use or disclose personal information about an individual for a purpose (a secondary purpose) other than the primary purpose of collection unless one of the following applies:

- a. both of the following apply:
 - (1) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection; and

- (2) the individual would reasonably expect the squash administration to use or disclose the information for secondary purposes; or
- b. the individual has consented to the use of the disclosure; or
- c. the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
- (1) if it is impracticable for the squash administration to seek the individual's consent before that particular use; and
 - (2) squash administration will not charge the individual for giving effect to a request by the individual to the squash administration not to receive direct marketing communications; and
 - (3) if the individual has not made a request to the squash administration not to receive direct marketing communications; and
 - (4) in each direct marketing communication with the individual, the squash administration draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
 - (5) each written direct marketing communication by the squash administration with the individual sets out the squash administration's business address and telephone number; or
- d. the squash administration reasonably believes that the use or disclosure is necessary to lessen or prevent:
- (1) a serious and imminent threat to an individual's life, health or safety; or
 - (2) a serious threat to public health or public safety; or
- e. the squash administration has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- f. the use or disclosure is required or authorised by or under law; or
- g. the squash administration reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
- (1) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - (2) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (3) the protection of the public revenue;
 - (4) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (5) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

11. **Primary Purposes.** Data held on participants may be used for three primary purposes:
- a. **Statistics.** Personal information, in de-identified form, may be collated and used to produce statistics which will be supplied to government agencies as required by them and others as necessary. They will also be used by squash administration for purposes of researching, developing and managing new and existing programs, for strategic and other planning, and for promoting the sport of Squash.
 - b. **Administration.** Personal information may be used for the purpose of communicating with participants about their membership and/or their involvement in programs, competitions and Squash centre activities.
 - c. **Information.** Personal information may be used for the purpose of providing information to participants about matters pertaining to squash, activities of squash administration and its sponsors. Any participant may request not to receive mail communications which do not directly relate to their participation in programs at a squash centre (e.g. direct marketing communications), by marking the nomination form in the space provided.
12. Player data will not be used for a purpose other than those specified above without the players consent, except in circumstances related to public interest, law enforcement or public or individual health and safety.

Data Quality

13. Squash administration will endeavour to ensure that personal information it collects is accurate and complete by updating on an annual basis.

Data Security

14. Squash administration ensure that all personal information it holds is protected from misuse, loss and unauthorised access, modification or disclosure. These reasonable steps could include the adoption of security passwords for access to electronic databases and physical security measures for paper based records.
15. Squash administration will also take reasonable steps to destroy or de-identify personal information if it is no longer needed and it is no longer current.

Data Availability

16. Squash administration has documented its policy on the management of personal information. This document is titled the Squash Australia Privacy Policy and is available to anyone who asks for it. It is also recorded for public access on the Squash Australia website.
17. The general nature of personal information held, why it is held, how it is collected, held, used and disclosed, will be available to anyone on request.

Access and Correction

18. In general, squash administration will, subject to reasonable notice, provide a player with access to any personal information it holds about the player. If a player demonstrates that the personal information held is not completely accurate, the records will be amended to bring them up to date. Personal information will not be given to a player if:

- a. providing access would pose a serious and imminent threat to the life or health of any individual; or
- b. providing access would have an unreasonable impact upon 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 squash administration and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- e. providing access would reveal the intentions of the squash administration in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- f. providing access would be unlawful; or
- g. providing access would be likely to prejudice an investigation of possible unlawful activity; or
- h. providing access would be likely to prejudice:
 - (1) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - (2) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (3) the protection of the public revenue; or
 - (4) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (5) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement body. The squash administration may impose reasonable charges for providing access to personal information.

Identifiers

19. Squash administration will not adopt, use or disclose a personal identifier that has been assigned by a Commonwealth government Agency. (An ABN is not defined as an identifier under the relevant Act).

Anonymity

20. Squash administration will permit players the option of not identifying themselves when it is lawful and practicable to do so.

Transborder Data Flows

- 21. Squash administration will only transfer personal information to a recipient in a foreign country if:
 - a. the squash administration reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or

- b. the individual consents to the transfer; or
- c. the transfer is necessary for the performance of a contract between the individual and AYF, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- d. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between AYF and a third party; or
- e. all of the following apply:
 - (1) the transfer is for the benefit of the individual;
 - (2) it is impracticable to obtain the consent of the individual to that transfer;
 - (3) if it were practicable to obtain such consent, the individual would be likely to give it; or
- f. the squash administration has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

Sensitive Information

22. Squash administration will not collect sensitive information unless the individual has consented, it is required by law or is required in relation to health service provision.

Complaints

23. Any complaints in relation to the collection, use, disclosure, quality, security and access of your personal information, may be made to the Squash Australia Privacy Officer, who may be contacted (07) 33673200.

Breaches of Privacy Policy

24. Any breaches or suspected breaches of this policy will be dealt with by the squash administrations Disciplinary policy (eg. For Squash Australia it would be dealt with under Regulation 10).

Policy Amendments

25. Squash administration will review annually its procedures and policies in relation to the processing of player data, having regard to new technology and new marketing techniques, which may impact on the privacy of participants of squash centre programs.

26. The Board of Squash Australia may amend this Regulation from time to time.

Implementation

27. Enquiries concerning the implementation of this policy should be directed to the Squash Australia Privacy Officer on 07 33673200 or email squashoz@squash.org.au.