

# Privacy Policy

# Privacy Policy

<b>Name of Policy</b>	Privacy	
<b>Policy number</b>	POLS2020OCEOS055	
<b>Description of Policy</b>	This policy details ANMAC practices with respect to the collection, use, disclosure and storage of personal information in accordance with the <i>Privacy Act 1988 (Cth)</i> and Australian Privacy Principle 1 (APP).	
<b>Category</b>	Office of the Chief Executive Officer (OCEO)	
<b>Audience</b>	This policy applies to ANMAC, the ANMAC Board and its Board Committees and associated working groups.	
<b>Status</b>	<input checked="" type="checkbox"/> New policy	<input type="checkbox"/> Revision of existing policy
<b>Date developed</b>	January 2020	
<b>Next Review</b>	January 2023	

<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• <i>Privacy Act 1988 (Cth)</i></li> <li>• Australian Privacy Principles</li> <li>• <i>Freedom of Information Act 1982 (Cth)</i></li> <li>• <i>Spam Act 2003 (Cth)</i></li> <li>• <i>Medicare Australia Act 1973 (Cth)</i></li> <li>• <i>Health Insurance Act 1973 (Cth)</i></li> <li>• <i>National Health Act 1953 (Cth)</i></li> <li>• <i>Migration Act 1958 (Cth)</i></li> <li>• <i>Health Practitioner Regulation National Law Act 2009</i></li> </ul>
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<b>Endorsed by</b>	ANMAC Board	Date: 24 February 2020
<b>Responsible Officer</b>	Director Corporate Services	
<b>Author</b>	Chief Executive Officer	
<b>Approved by</b>	Chair of the Board	
<b>Signed</b>		

# Privacy Policy

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## 1. Introduction

- 1.1 This Privacy Policy is governed by the Australian Privacy Principles under the *Privacy Act 1988 (Cth)* (**Privacy Act**). This Privacy Policy does not create any rights or obligations for either you or us in addition to those imposed by the Privacy Act or the National Law (please refer to definitions).

## 2. Purpose

- 2.1 The purpose of this Privacy Policy is to ensure that our practices with respect to the collection, use, disclosure and storage of personal information are open and transparent in accordance with Australian Privacy Principle 1 (APP) and that members of the public are aware of their rights under the Privacy Act in relation to the management of personal information by the Australian Nursing and Midwifery Accreditation Council Ltd (ANMAC).

## 3. Definitions

- 3.1 Unless the contrary intention appears:
- a. **ANMAC** means Australian Nursing & Midwifery Accreditation Council Ltd ABN 91 021 040 318.
  - b. **APP** means a reference to a particular principle in the Australian Privacy Principles.
  - c. **APPs** means the principles under Schedule 1 of the Privacy Act.
  - d. **Commonwealth** means the Commonwealth of Australia.
  - e. **Extranet** means the services platform of ANMAC provided in a controlled, private network as a sub-domain of the Website.
  - f. **FOI Act** means the Freedom of Information Act 1982 (Cth).
  - g. **Identifier** means a unique number assigned to a user of the Website or Extranet for our services by ANMAC or another organisation to identify the user for the purposes of that organisation's operations.
  - h. **National Law** means:
    - i. the Health Practitioner Regulation National Law Act 2009 (QLD)
    - ii. the Health Practitioner Regulation National Law (ACT) Act 2010 (ACT); and
    - iii. any other uniform legislation named Health Practitioner Regulation National Law enacted in each state and territory of Australia
  - i. **Notifiable Data Breach Scheme** means Part IIIC of the Privacy Act.
  - j. **Personal Information** means personal information as defined under the Privacy Act.

- k. **Post** includes comments, images, photos, writings or any other material that you upload on our Website or Extranet.
- l. **Privacy Act** means the Privacy Act 1988 (Cth).
- m. **Sensitive Information** means sensitive information as defined under the Privacy Act.
- n. **You** (whether in capitals or not) means the user of our Website and Your and Yours have corresponding meanings.
- o. **We** (whether in capitals or not) means ANMAC and our related body corporates, and Us and Ours have corresponding meanings.
- p. **Website** means: anmac.org.au or any other website we operate where this Privacy Policy is published.

3.2 The word 'include' is used without any limitation.

## 4. Collection of Information

4.1 We collect information from you in the course of performing our functions under the National Law. These functions include (but are not limited to):

- a. development of accreditation standards for nursing and midwifery programs leading to registration or endorsement in Australia;
- b. accreditation of Australian nursing and midwifery programs leading to qualifications that enable registration or endorsement as a nurse or midwife;
- c. accreditation of Australian education providers of nursing and midwifery programs leading to registration or endorsement;
- d. assessment of internationally qualified nurses and midwives for the purposes of permanent migration; and
- e. development, review and provision of policy advice on matters relating to the accreditation of nurses and midwives and their migration to Australia pursuant to the General Skilled Migration category.

4.2 We collect personal and sensitive information when you:

- a. interact with us:
  - i. through the phone
  - ii. in person
  - iii. via email
  - iv. via our main Website, or
  - v. via our Extranet

and you provide us with your details;

- b. enquire, purchase or subscribe to our services, or
- c. subscribe to our mailing list or otherwise sign-up to receive correspondence from us on a regular or irregular basis.

- 4.3 In circumstances where you have applied for recognition of overseas qualifications, we may also collect some personal information from:
- a. international government departments and authorities
  - a. your migration agent
  - b. international educational institutions
  - c. international hospitals and health providers
  - d. other international organisations and institutions
  - e. our related entities, and
  - f. your past and/or present employer.
- 4.4 We will only collect your personal and sensitive information using fair and lawful means in accordance with the Privacy Act and the National Law.
- 4.5 We may collect and hold (but are not limited to) the following types of personal information:
- a. your first name and surname
  - b. date of birth
  - c. business name
  - d. billing address
  - e. postal address
  - f. email address
  - g. fax number
  - h. phone number
  - i. bank account and credit reference details
  - j. credit card details
  - k. occupation
  - l. educational qualifications, and
  - m. employment details.
- 4.6 We may collect and hold the following types of sensitive information, as defined in the Australian Privacy Principles:
- a. health information
  - b. membership of professional organisations
  - c. nationality, and
  - d. criminal convictions (if applicable).
- 4.7 We will only collect sensitive information about you if:
- a. you have consented to its collection, or
  - b. collection is required by law, or

- c. the collection is necessary for the establishment, exercise or defence of a legal or equitable claim against ANMAC.
- 4.8 Subject to complying with the requirements in clause 4.7, we will collect health information about you if:
  - a. the information is necessary to provide a health service to you, or
  - b. the information is collected:
    - i. as required or authorised under the National Law and the Privacy Act; or
    - ii. in accordance with binding rules established by competent health bodies that deal with obligations of professional confidentiality.
- 4.9 Your health information will be de-identified to the reasonable fullest extent before it is disclosed to any other individual or organisation.
- 4.10 In the process of collecting information about you, we may assign you with an Identifier. We will not use any other Identifier that has been assigned to you by another agency or service provider for a Commonwealth contract unless it is required to do so by law or in accordance with the Australian Privacy Principles.
- 4.11 As soon as reasonably practicable from the time of collection your personal information, we will take reasonable steps to ensure you are aware of:
  - a. our identity and contact information – see clause 11.4 for these details
  - b. the fact that you are able to gain access to the information in accordance with clause 11.1
  - c. the purposes for which the information is collected – see clause 5
  - d. the organisations to which we may usually disclose information of that kind
  - e. any law that requires information to be collected, and
  - f. the main consequences, if any, that you will face if all or part of the information is not provided.

## 5. Use of Personal Information

- 5.1 We collect personal information to:
  - a. improve our products and services
  - b. provide our product or service to you
  - c. administer and manage those services and products, including charging and billing
  - d. communicate with you
  - e. offer you promotional products or market our products that you are interested in
  - f. keep a record of your order for possible refund or exchange
  - g. keep our customer database
  - h. to investigate any complaints that you make

- i. verify your identity
  - j. comply with the law or to use your information as permitted under the law, and
  - k. use your information for purposes that are related to the above.
- 5.2 We will only use personal information about you for a proper purpose in connection with the primary reason(s) that it was collected for.
- 5.3 With your permission, we may send you emails about our company, new products and other updates.
- 5.4 We will not send you unsolicited commercial electronic messages in contravention of the *Spam Act 2003 (Cth)*.
- 5.5 We may use the non-sensitive information you gave us for the purpose of promoting and marketing our services to you if we:
  - a. use the information that you reasonably expected us to use for promoting and marketing our services to you, and
  - b. provide you a simple method to opt-out.
- 5.6 We will not contact you to promote or market our services to you if you requested us not to.
- 5.7 You can unsubscribe from our mailing list at any time by following the prompts in our emails or by contacting us directly.

## 6. Cookies

- 6.1 We may, from time to time, use 'cookies' which are small data files placed on your machine or device to store information. Please note that although cookies do not generally store personal and sensitive information, they may contain your IP address and other non-personal identifying information of the device used to access the Website and the Extranet.
- 6.2 You agree that:
  - a. we may store cookies on your device, and
  - b. we may issue and request cookies from your device to collect both personal and non-personal information.
- 6.3 We use cookies in many ways including:
  - a. session cookies that allow you to remain logged in and keep track of your activities until the browser shuts down
  - b. persistent cookies that help us monitor our services by recording your browser activities and they do not expire upon browser shut down, and
  - c. flash cookies to personalise your experience.
- 6.4 We use cookies for many reasons including but not limited to:
  - a. improving the performance by reporting any errors that occur
  - b. providing statistics about how the Website is used
  - c. remembering settings that you used on our Website

- d. identifying that you are logged into the Website, and
  - e. providing ads, links or services that are more tailored to you.
- 6.5 You may disable and delete cookies in your browser if you do not want us to use cookies but doing so may detract from your enjoyment or the functionality of our Website.

## 7. Security

- 7.1 We take reasonable precautions and follow industry best practices to protect your personal information from being inappropriately lost, misused, accessed, disclosed, altered or destroyed.
- 7.2 If we receive unsolicited personal and sensitive information, we will:
- a. within a reasonable period after receiving the information, determine whether we could have collected the information in accordance with the Australian Privacy Principles, and specifically APP 3, and
  - b. if we discover that it could not have been collected in accordance APP 3, we may destroy it or ensure that it is de-identified if it is lawful and reasonable to do so.
- 7.3 We use a database management system to store personal information that contains security features such as encryption, firewall and anti-virus, to ensure the protection and integrity of our data.
- 7.4 All email data is stored securely on a server that is password protected and only accessible by authorised ANMAC personnel.
- 7.5 In circumstances where:
- a. we suspect or are aware that data relating to your personal information has been lost, disclosed without authorisation, or breached by a third party, and
  - b. that loss, disclosure or unauthorised access causes or is likely to cause serious harm to you or another person, and
  - c. the harm that may occur is not able to be prevented by ANMAC;
- we will fully comply with the applicable provisions of the Notifiable Data Breach Scheme, including the notification requirements outlined in clause 7.6
- 7.6 If a notifiable breach occurs, we will notify you, the Office of the Australian Information Commissioner and other persons affected with:
- a. a description of the breach and how it occurred
  - b. the kinds of information that were compromised in the breach, and
  - c. the steps that should be taken to mitigate the harm caused by the breach.

## 8. Anonymity and Pseudonymity

- 8.1 You may interact anonymously or by using a pseudonym, for example when you:
- a. call us
  - b. email us

- c. interact with us using automated chat features, and/or
- d. make a Post

and you may refuse to give your details.

- 8.2 However, you must provide your true and accurate personal information when you:
- a. lodge a complaint; and
  - b. are required to provide personal information under the law.

## 9. Disclosure of Personal Information

- 9.1 We only disclose your personal and sensitive information for purposes that are reasonably related to our business.
- 9.2 We may disclose your personal and sensitive information to third parties, from time to time, including:
- a. co-regulatory authorities, or authorities regulated by law of any participating jurisdiction, including agencies that operate under the legislation listed in clause 9.5(f)
  - b. technology service providers including internet service providers or cloud service providers
  - c. couriers such as Australia Post and/or international postal service entities
  - d. data processors that analyse our website traffic or usage for us
  - e. agents that perform functions on our behalf, such as mailouts, debt collection, marketing, advertising, or other management of the services that we provide to you
  - f. credit reporting and fraud checking agencies
  - g. your agents and representatives, such as legal advisors
  - h. our related bodies corporate, and
  - i. to persons, entities or courts as required under the law, including government and regulatory authorities.
- 9.3 We may disclose your personal and sensitive information to third parties:
- a. to provide the service you wish to use;
  - b. to improve our business, services, products and Website;
  - c. to customise and promote our services which may be of interest to you;
  - d. to comply with or as permitted under the law; or
  - e. with your consent.
- 9.4 We will not disclose your personal information to government agencies, organisations or bodies unless:
- a. you have consented to its disclosure, or
  - b. disclosure is required or authorised by or under law, including the Privacy Act, the National Law, and any other criminal law, or

- c. we reasonably believe that it is necessary to disclose the information to prevent imminent and serious harm to a person's life, health or safety; or
- d. the information has been ordered to be produced by a court or law enforcement agency; or
- e. it is otherwise in accordance with the APPs.

9.5 In respect of 9.4(b), under the National Law, disclosure is permitted where the information:

- a. has been de-identified;
- b. has already been made public;
- c. is for workforce planning;
- d. is for information management and communication purposes;
- e. is for registration purposes and disclosed to a registration authority;
- f. is disclosed to other Commonwealth, state or territory agencies or entities that exercise functions under:
  - i. the *Medicare Australia Act 1973 (Cth)*
  - ii. the *Health Insurance Act 1973 (Cth)*
  - iii. the *National Health Act 1953 (Cth)*
  - iv. the *Migration Act 1958 (Cth)*, or
  - v. any other legislation that applies to health practitioners or the regulation of health practitioners; or
- g. is for the health and safety of other persons.

9.6 We may disclose your personal information to the following entities:

- a. the Australian Department of Home Affairs
- b. the National Office for Overseas Skills Recognition, and
- c. IELTS Australia.

9.7 We will not sell email addresses or any other information that we collect to third parties for profit under any circumstances.

## 10. Cross-border Disclosure of Personal Information

10.1 We may disclose your personal information (particularly relating to your migration status) to someone in a foreign country in circumstances where:

- a. we reasonably believe that the organisation receiving 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 APPs;
- b. you consent to the disclosure;
- c. it is necessary for us to perform a contract:
  - i. between you and the foreign organisation, or

- ii. to perform a contract between us and a third party in your interest
- d. the disclosure is:
  - i. for your benefit
  - ii. it is reasonably impracticable to obtain your consent, and
  - iii. if it were practicable, you would reasonably and likely provide your consent; or
- e. we have taken reasonable steps to ensure those organisations that we will transfer the information to will hold, use or disclose the information consistently with the APPs.

## 11. Accessing and Correcting Your Personal Information

11.1 You may request access to your personal information that we hold, and we will:

- a. verify your identity;
- b. charge you to cover the cost of meeting your request, if any, but not for the request itself; and
- c. within a reasonable period, comply with your request.

11.2 We may refuse to allow you to access your personal information if we are not required to do so under the APPs or the National Law, and particularly in circumstances where:

- 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 you and us, and the information would not be accessible by the process of discovery in those proceedings (i.e. through court order or subpoena), or
- e. providing access to the information would be unlawful, or
- f. denying access is required or authorised by law, or
- g. providing access would be likely to prejudice an investigation of possible unlawful activity or
- h. otherwise in accordance with the APPs.

11.3 You may request to correct your personal information that we hold, and we will update your personal and sensitive information so that it is up-to-date, accurate, complete, relevant and not misleading.

11.4 If you would like to access or correct your personal information, please contact us by:

- a. email: [anmac@anmac.org.au](mailto:anmac@anmac.org.au);
- b. phone: +61 2 6257 7960;
- c. post: GPO Box 400, Canberra City ACT 2601.

- 11.5 You may also request access to your personal information by making an application under the *Freedom of Information ACT 1982 (Cth)*.

## 12. Third Party Services

- 12.1 In general, the third-party providers used by us will only collect, use and disclose your information to the extent necessary to allow them to perform the services they provide to us.
- 12.2 However, certain third-party service providers, such as payment gateways and other payment transaction processors, have their own privacy policies in respect to the information we are required to provide to them for your purchase-related transactions.
- 12.3 For these providers, we recommend that you read their privacy policies so you can understand the way your personal information will be handled by these providers.
- 12.4 Once you leave our Website or are redirected to a third-party website or application, you are no longer governed by this Privacy Policy.

## 13. Changes to this Privacy Policy

- 13.1 This Privacy Policy is reviewed from time to time to assure compliance with the Privacy Act and the National Law. We reserve the right to update, change or replace any part of this Privacy Policy at any time and without specific notice to you.
- 13.2 You can review the most current version of the Privacy Policy at any time on our website. It is your responsibility to check the website periodically for changes. Changes and clarifications will take effect immediately upon their posting on the website.

## 14. Complaints

- 14.1 If you believe we breached the APPs under the Privacy Act, a registered Australian Privacy Principles Code or the National Law, you may lodge a complaint as follows:
- a. firstly, contact us in writing to the email or postal address in clause 11.4 and include the following in your complaint:
    - i. your contact details;
    - ii. section or provision of the APPs or Code that you believe we breached; and
    - iii. our practice or policy that you believe breaches the relevant APP or Code,and you must allow us a reasonable time, about 30 days, to reply to your complaint; and
  - b. secondly, you may complain to the National Health Practitioner Privacy Commissioner if:
    - i. you are not satisfied with our response; or
    - ii. we do not respond to you within a reasonable time without enough explanation.

## **15. Responsibility**

- 15.1 The Director Corporate Services is responsible for the development, continuous improvement and for providing advice in relation to the implementation of this policy.