

# PRIVACY POLICY

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Approved by:	Tim Blackwell, Executive Director Corporate Resources

# 1 PURPOSE

The purpose of the Privacy Policy is to disclose:

- How the Australia Council collects, uses, stores, discloses and manages your personal information;
- How you can access the information we hold about you;
- When we might use your information to contact you;
- How we protect your personal information; and
- How the Australia Council uses “cookies” to collect information, and how you can control or delete these cookies.

# 2 POLICY STATEMENT

The Australia Council for the Arts (ABN 38 392 626 187) (**us, we, our**) maintains a policy of strict confidence concerning your (**you, your**) personal information.

This Privacy Policy has been developed in accordance with the Commonwealth *Privacy Act* 1988 (**Privacy Act**). The Privacy Policy applies to the collection, use, storage and dissemination of your personal information by us. Access to our website (<http://www.australiacouncil.gov.au>) referred to in this Privacy Policy as “our website”, or our services, is conditional on your acceptance of the terms of this Privacy Policy. This Privacy Policy applies to information provided to us whether via our website or any other means and demonstrates how we will comply with the Australian Privacy Principles under the Privacy Act.

Although we will comply with this Privacy Policy in respect of information provided to us by persons under the age of 18 years, those persons must obtain the consent of a parent or guardian prior to using our website and the parent or guardian will be responsible for appropriately supervising the person’s use of our website.

If you have any further questions or if you wish to receive more information on our information practices and use of our Privacy Policy, please contact our Privacy Officer at [privacyofficer@australiacouncil.gov.au](mailto:privacyofficer@australiacouncil.gov.au)

## Collecting personal information

The types of personal information we collect includes contact details such as the name, email, phone and mailing address of individuals. We may also collect Australian Business Numbers (ABNs), bank details and payment transactions.

If it is reasonable and practical to do so, we will collect personal information directly from you. This will include contact details and other information relevant to providing services to you. This may occur in a number of ways, such as when you make a grant funding

application, register to become a peer assessor, subscribe to our communications, provide contract services, or otherwise contact us regarding the functions of the Australia Council for the Arts.

We may also collect personal information from third parties such as our related agencies, other grant funding applicants, credit reporting agencies, your representatives or publically available sources of information. All personal information that we collect is reasonably necessary for the purposes and functions of the Australia Council. These include:

- keeping you informed of relevant upcoming events, grants, funding initiatives and outcomes as well as our activities in general;
- improving our website and other services; and
- allowing the functions and services offered on the website to be provided to you.

If we receive personal information about you that we did not ask for, from someone other than you, and we determine that we could have collected this information from you had we asked for it, we will notify you, as soon as practicable, that we have collected your personal information. If we could not have collected this personal information, we will lawfully de-identify or destroy that personal information.

We will not collect any sensitive information from you, revealing your racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record or details of your health or disability. Exceptions to this include:

- where you have given express consent to us to do so and the information is reasonably necessary for us to carry out our functions or activities;
- the use of this information is required or authorised under Australian law or a court or tribunal order; or
- when the information is necessary for the establishment, exercise or defence of a legal claim.

We will not collect personal information unless the information is reasonably necessary for, or directly related to, one or more of our functions or activities. If we are unable to collect personal information we reasonably require, we may not be able to do business with you or the organisation with which you are connected.

## **Cookies**

When you visit our website the server may attach a "cookie" to your computer's memory. A "cookie" assists us to store information on how visitors to our website use it and the pages that may be of most interest. This information may be used to make assumptions about who uses your computer and to provide users of your computer with information that we think may interest the users of your computer. You should be able to configure your computer so that it disables "cookies" or does not accept them if you wish. However, this information is not linked to any personal information you may provide and cannot be used to identify you.

## Use and disclosure of information

We may use personal information about you for the primary purpose of providing you with our services, and for which you would reasonably expect us to use that information for. This could include sending you information about new initiatives and programs, grant funding, our services or special events. We may send this information via post, telephone or any form of electronic communication. We may use any email address or other personal information you provide to us at any time for this purpose.

We will not disclose information that personally identifies you to any third party other than as set out in this Privacy Policy. In order to deliver the services that we provide to you, we may disclose your personal information to organisations outside of us, only in relation to providing our services to you. We take reasonable steps to ensure that these organisations are bound by privacy obligations in relation to the protection of your personal information.

## Direct marketing

We may use personal information about you for the primary purpose of providing you with information about our services, and for which you would reasonably expect us to use that information for. This could include sending you information about new initiatives and programs, grant funding, our services or special events. We may send this information via post, telephone or any form of electronic communication. We may use any email address or other personal information you provide to us at any time for this purpose.

You can, at any time, opt out of receiving marketing material by contacting us. You agree and acknowledge that even if you opt out of receiving marketing material, we will still send you essential information that we are legally required to send you relating to the services we provide. Once you opt out of receiving marketing material from us, you agree and acknowledge that this removal from our distribution lists may take several business days after the date of your request to be removed.

## Accuracy of your information

All reasonable steps are taken by us to ensure that your personal information held by us is accurate, up-to-date, complete, relevant and not misleading. If you believe that any of your personal information is not accurate, not up-to-date, incomplete, irrelevant or is misleading, please contact us (see below) and we will take all reasonable steps to correct it within a reasonable time.

## Third Parties and your information

We will only collect, store, use or disseminate information that personally identifies you as set out in this Privacy Policy unless we are required to protect our rights or property (or those of any third party), or to avoid injury to any person, by law.

Although our website may link directly to websites operated by third parties (Linked Sites), you acknowledge that Linked Sites are not operated by us. We encourage you to always read the applicable privacy statement or policy of any Linked Site on entering the Linked

Site. We are not responsible for the content or practices of the Linked Sites nor their privacy policies regarding the collection, storage, use and dissemination of your personal information.

### **Disclosure of Information Overseas**

From time to time we may transfer any of your personal information to people in foreign countries to fulfil the purposes and functions of the Australia Council for the Arts.

An example would be where we are required to pass the shortlist of applications in a particular grant round to an overseas third party to make the final funding decision (e.g. an overseas studio residency program).

In many cases the transfer will be necessary for the performance of our contract with you or for the implementation of measures taken in response to a request by you or for the performance of a contract with a third party which is included in your interests.

Unless you advise us that you do not agree to this transfer it will be understood that when you apply for that particular grant round, you have agreed and consented to this transfer if and when it is necessary and in order for us to perform our functions.

### **Your consent**

By your use of our website you consent to the collection, storage, use and dissemination of your personal information in accordance with this Privacy Policy and as otherwise permitted under the Privacy Act.

### **Storage and security**

We will use all reasonable endeavours to keep your personal information in a secure environment, by employing appropriate technical, administrative and physical procedures. These measures are designed to assist in your personal information not being accessed by unauthorised personnel, or from being lost or misused. If you reasonably believe that there has been unauthorised use or disclosure of your personal information please contact us (see below).

If we no longer need your personal information, unless we are required under Australian law or a court or tribunal order to retain it, we will take reasonable steps to destroy or de-identify your personal information.

### **Variation and consent to variation**

We may at any time vary the terms of this Privacy Policy. You should check this Privacy Policy regularly so that you are aware of any variations made. You will be deemed to have consented to such variations by your continued use of our website following such changes being made.

## Access to information we hold about you

If you request access to the personal information we hold about you, we will respond to your request within a reasonable period of time and, where reasonable and practicable, give access to the information in the manner you request. This will be subject to any exemptions allowed under the Privacy Act. You may request this information by writing to:

The Privacy Officer  
Australia Council for the Arts  
372 Elizabeth Street  
Surry Hills NSW 2010

or by sending an email to us at [privacyofficer@australiacouncil.gov.au](mailto:privacyofficer@australiacouncil.gov.au)

You have the option to either not identify yourself or to use a pseudonym when you contact us, unless it is impracticable for us to communicate with you in that manner or unless we are required or authorised under Australian law, or a court or tribunal order, to deal with individuals who have identified themselves.

## Privacy complaints and enquiries

The Australia Council welcomes feedback about privacy issues and will attend to all questions and complaints promptly.

You can contact the Australia Council about any privacy issues as follows:

- By sending an email to us at [privacyofficer@australiacouncil.gov.au](mailto:privacyofficer@australiacouncil.gov.au)
- By telephone: (02) 9215 9000
- By mail: The Privacy Officer  
Australia Council for the Arts  
372 Elizabeth Street  
Surry Hills NSW 2010

If the Australia Council takes more than 30 days to respond to your privacy complaint, or if you are dissatisfied with the outcome, you can make a complaint to the Privacy Commissioner at the Office of the Australian Information Commissioner ('OAIC').

The OAIC can be contacted on 1300 363 992 or at [www.oaic.gov.au](http://www.oaic.gov.au)

## 3 SCOPE

This policy applies to any individual for whom the Australia Council holds personal information.

## 4 DEFINITIONS

“**Individual**” means a natural person.

“**Personal information**” means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

“**Sensitive information**” means:

- (a) information or an opinion about an individual’s:
  - (i) racial or ethnic origin; or
  - (ii) political opinions; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual orientation or practices; or
  - (ix) criminal record;

that is also personal information; or

- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

## 5 INTERACTING POLICIES AND INFORMATION

The Privacy Procedures Checklist is located on Sharepoint for internal use only.

## 6 CHANGE HISTORY

Date	Change description	Reason for change	Author	Issue no:
March 2014	Document creation		Rebecca Kenny	1.0
February 2016	Updated to conform to the Australia Council's style guide and policy template. Complaints and Enquiries section added	Two year scheduled review.	Rebecca Kenny	2.0