

Privacy, Confidentiality & Access Policy



WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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1. PURPOSE

This policy reflects the Western Australian Institute of Sport (WAIS) commitment to all aspects of organisational privacy and confidentiality, and its compliance with the Privacy Act (1988).

2. OBJECTIVES

To establish a working environment that promotes secure information requests and handling of confidential information in accordance with the Australian Privacy Principles (APP's), and acts efficiently on any complaints or issues that may arise.

3. STANDARDS

To ensure that no aspect of privacy is compromised, WAIS adheres to the following standards:

- 3.1 Collecting personal information which is necessary for organisational activities in a manner that is both fair and lawful and allowing personal information to be accessed by the individual concerned upon request;
- 3.2 Keeping all personal information accurate and up to date;
- 3.3 Ensuring individuals understand why they are collecting personal information, what laws give them authority to collect it and to whom they usually disclose it;
- 3.4 Securely storing personal information and data to minimise the risk of it being accessed without authorisation, modified, lost or misused;
- 3.5 Allowing any personal information which is incorrect or misrepresentative to be amended;
- 3.6 Checking the accuracy of the personal information and only using that information for which it is relevant; and
- 3.7 Appropriate personal information disclosure with the individual's consent or in special circumstances.

4. POLICY REVIEW

WAIS will monitor privacy adherence to ensure they meet privacy objectives. Management will periodically review the policy to ensure its appropriateness and effectiveness in promoting continuous improvement.

Privacy Contact Officer

Name: Corporate Services Manager

Telephone: (08) 9387 8166

Email: dfitzpatrick@wais.org.au

5. PROCESS

5.1 The Western Australian Institute of Sport's activities and services include:

- 5.1.1 Development and Coaching of elite athletes;
- 5.1.2 Providing support to athletes (medical, financial, social or other as required);
- 5.1.3 Sports Science Research;
- 5.1.4 Development and education of students; and
- 5.1.5 Providing education and sports information (e.g. anti-doping education, integrity in sport).

5.2 The type of personal information that WAIS collects and holds

WAIS collects personal information in order to undertake its business activities successfully. The personal information that WAIS holds will depend on the nature of the activity or service. It may include (but is not limited to) a person's name, contact details, date of birth, occupation, family background, qualifications, medical records and financial records.

WAIS also holds sensitive and confidential information about both staff and athletes. This may include, but is not limited to, human resource files, and records relating to ethnicity, health, disability, employment histories, bank account details and tax file details.

The Privacy Act places restrictions on collecting sensitive personal information about persons. WAIS will only collect personal information as required, relevant for the relationship it has with each person, and which is required for the organisation's business activities.

WAIS may collect sensitive information for:

- 5.2.1 the purpose of meeting legal employment obligations;
- 5.2.2 assessing eligibility for employment (e.g. Criminal record checks, qualifications checks, Working with Children Checks); and
- 5.2.3 providing health services, screenings and recommendations relating to the individual's health (for example, to an athlete).

If WAIS conducts online collaboration, social media, stakeholder engagement or market research, it may also ask for public opinions about its services or staff. WAIS will store and use this feedback as personal information per the APP's.

5.3 The collection and storage of personal information

WAIS will always endeavour to collect personal information directly from the individual, with their consent. The methods of collecting this information may include but is not limited to:

- 5.3.1 State Sporting Organisation;
- 5.3.2 National Sporting Organisation;
- 5.3.3 Associated third-party provider;
- 5.3.4 Person's representatives (such as next of kin, coach, manager);
- 5.3.5 Law enforcement agencies; and
- 5.3.6 Other government agencies.

Athletes are required to log into WAIS' Performance Management System, where information will be collected to confirm their identity. This includes email addresses, date of birth, and information relating to security questions to confirm the individual's identity. User log-ins are also tracked for security and audit purposes.

Employees are required to log into WAIS' Human Resource Information System, where information will be collected from them to confirm their identity. This includes residential addresses, email addresses, date of birth and employment information. WAIS will hold information it collects in both paper format and on electronic systems. Paper documents are stored in a locked cupboard with access restrictions to prevent misuse, unauthorised access or modification of information. All electronic systems meet minimum security requirements.

5.4 When WAIS will not need to collect personal information

Depending on the nature of a person's relationship with WAIS, they may not need to personally identify themselves.

Persons generally have a right to pseudonymity or anonymity when dealing with WAIS unless:

- 5.4.1 WAIS is required or authorised by or under Australian law or a court/tribunal order to deal with individuals who have identified themselves;
- 5.4.2 it is impracticable to deal with individuals who have not identified themselves;
- 5.4.3 WAIS is requested to release or provide information relating to the individual; and
- 5.4.4 the person is receiving a service or financial benefit from the WAIS - which necessitates assurance that the service or monies is being directed to an identified person.

5.5 How WAIS will keep personal information accurate and up-to-date

WAIS seeks to maintain the quality of its record management by taking reasonable administrative and technical steps to ensure that the information collected, used and disclosed is accurate, complete and up-to-date. These steps may include, but are not limited to:

- 5.5.1 Mailouts to confirm contact information;
- 5.5.2 Email-outs to confirm contact information; and
- 5.5.3 Direct person-to-person contacts to confirm information.

Where contact information is required for the purpose of WAIS business and direct liaison with the individual is not an option, WAIS may contact a third-party provider, government agency, or sporting organisation to request reasonable additional information to make contact with the individual to further confirm required details.

5.6 How WAIS will keep information and data secure

WAIS computer and network system maintains appropriate access controls, firewalls and secure passwords to protect information stored electronically. All passwords have minimum complexity requirements.

Paper files are stored in a locked cabinets, with only approved staff accessing this information to prevent unauthorised access, modification or misuse. Approved staff are those who need personal information to perform the duties of their role. All employees of WAIS are bound by the WAIS code of conduct, which enforces honesty, integrity and clear behavioural guidelines.

If we no longer require an individual's personal information, we will take reasonable steps to de-identify the information and destroy it in a secure manner; this is subject to any legal obligations that require WAIS to keep information for a certain period of time.

5.7 In what circumstances would WAIS provide personal information to others

At times, WAIS may provide personal information to external organisations. Generally, these are organisations that help WAIS conduct its programs and activities. These organisations may include:

- 5.7.1 sport partners (sporting organisations with whom we have agreements to provide funding or services);
- 5.7.2 authorised representatives of WAIS;
- 5.7.3 superannuation funds;
- 5.7.4 our accountants, auditors or lawyers; and
- 5.7.5 person's representatives (for example, a parent, coach, legal adviser, or manager).

WAIS may also need to provide personal information to others outside of the organisation without prior informed consent where:

- 5.7.6 the information is related to the performance of the functions of Sport Integrity Australia and as such may be provided to Sport Integrity Australia
- 5.7.7 WAIS is compelled by the law or has a public duty to provide information by way of subpoena, court order or police request.
- 5.7.8 person's have expressly consented to their personal information being supplied to others for particular purposes.

5.8 Disclosure of WAIS held personal information to overseas recipients

WAIS will reasonably refrain from providing personal information to overseas recipients.

WAIS may need to provide personal information to overseas recipients, where:

- 5.8.1 the information relates to providing information to an international sporting organisation for the purposes of administering or assisting sport and sporting competition;

- 5.8.2 the information relates to a sports drug and/or safety matter or is otherwise relevant to the functions of the World Anti-Doping Authority;
- 5.8.3 the information is provided in the management of travel or logistics for administrating staff, athletes and teams; and
- 5.8.4 a person has expressly consented to their personal information being supplied to overseas recipients.

5.9 Access to personal information held by WAIS

Any person who believes that WAIS holds personal information about them may contact the organisation to seek access to that information in accordance with APP 12 – Access to Personal Information.

If after accessing information held about any person, they consider that it is inaccurate, out-of-date, incomplete, irrelevant or misleading for the purposes for which it is held, then they may request WAIS amend it in accordance with APP 13 – Correction of Personal Information.

In the first instance, a person can request access to their personal information by contacting WAIS.

By post: Corporate Services Manager
Western Australian Institute of Sport
PO Box 139
CLAREMONT WA 6910

WAIS may not always be able to provide access to all the personal information it holds about a person. For example, it may not be able to provide access to information that would reveal personal information about another person. Any person may also obtain access to their personal information held by WAIS through the Privacy Act 1988 and the Freedom of Information Act 1982.

5.10 Notifiable data breaches

Effective 22 February 2018, the Notifiable Data Breach (NDB) scheme takes place. An NDB is a data breach that is likely to result in serious harm to any of the individuals to whom the information relates. The NDB scheme only requires WAIS to notify when there is a data breach that is likely to result in serious harm to any individual to whom the information relates

A data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure.

An eligible data breach is defined as;

- Unauthorised access to, or disclosure of personal information, or loss of personal information where unauthorised access or disclosure is likely to occur, and where;
- A reasonable person would conclude that access or disclosure would likely be to results in serious harm to any of the individuals to whom the information relates.

Personal information may include any information that may identify an individual, including name, signature, address, phone number, date of birth, medical records, bank account details or credit card information. Where disclosure of or access to this information would be likely to result in serious physical, psychological, emotional, economic, financial or reputational harm, the breach is required to be reported.

If it is suspected a breach may have occurred, WAIS must conduct an assessment into the circumstances within 30 days to determine whether notification is required.

Notifications to the commissioner and the affected individuals must include;

- Identity and contact details of the affected organisation
- A description of the data breach
- Details of the information that has been compromised
- Recommendations as to steps that affected individuals should take in response to the data breach (e.g. changing passwords, cancelling credit cards)

5.11 Complaints

WAIS will be efficient and fair when investigating and responding to any privacy complaints.

The WAIS complies with the Guidelines published by the Office of the Australian Information Commissioner in relation to complaints management.

Any privacy complaints received by the WAIS must be in writing and will be initially investigated by the WAIS Corporate Services Manager and will be escalated as required. The WAIS will respond to all complaints within a reasonable time period appropriate to the specific complaint.

Any person may also complain to the Australian Information Commissioner, who may investigate WAIS' actions. The Commonwealth Ombudsman may also investigate complaints about WAIS' actions.

5.12 WAIS Website Privacy Statement

WAIS is committed to protecting online privacy.

The WAIS records visits to this website and logs the following information for statistical purposes:

5.12.1 user's cookies

5.12.2 user's searches

The information is used to analyse our server traffic. No attempt will be made to identify users or their browsing activities except where authorised by law. For example, in the event of an investigation, a law enforcement agency may exercise their legal authority to inspect the internet service provider's logs.

If you send us an email message, we will record your contact details (in accordance with government record-keeping standards). This information will only be used for the purpose for which you have provided it. We will not use your email for any other purpose and will not disclose it without your consent except where such use or disclosure is permitted under an exception provided in the Privacy Act.

When users choose to join a mailing list, their details are added to that specific mailing list and used for the stated purpose of that list only. You will not be added to any mailing list without your consent.

As a user, you need to be aware of inherent risks associated with the transmission of information via the Internet. If you have concerns in this regard, the ASC has other ways of obtaining and providing information. Normal mail, telephone and fax facilities are available.

6. STAFF OBLIGATIONS TO MAINTAIN CONFIDENTIALITY OF INFORMATION STORED AT WAIS

The contractual arrangement between the Western Australian Institute of Sport and its employees and contractors is founded on trust. WAIS employees and contractors have an obligation to respect and maintain the confidentiality of all staff and athletes.

6.1 Standards

- 6.1.1 All employees of WAIS as a condition of their employment with the organisation understand that neither during nor after the period of their employment, except in the proper course of their duties or as permitted by the organisation or as required by law, will any staff member divulge to any person any confidential information concerning:
 - 6.1.2 Employee or athlete personal, health and financial information;
 - 6.1.3 The business or financial arrangements or position of WAIS
 - 6.1.4 Any of the dealings, transactions or affairs of WAIS
 - 6.1.5 Staff are not to knowingly access any confidential information about WAIS employees, contractors or athletes unless such information is essential for the staff member to accurately and efficiently perform their duties.
 - 6.1.6 These conditions extend to unnecessary discussion of confidential information within WAIS. In extreme cases, any breach of this trust will render the individual staff member liable to disciplinary action, termination and/or civil proceedings.
 - 6.1.7 WAIS employees are under a duty to maintain the confidentiality of all information that comes to them in the course of their relationship with athletes. The duty protects information created, disclosed or acquired directly or indirectly in the context of the athlete and employee relationship.

6.1.8 The duty of confidence does not end when the professional relationship with the athlete has ceased.

7. DISCLOSURE OF ATHLETE OR EMPLOYEE INFORMATION

There are exceptions to the duty of confidence. These exceptions include:

- Where the athlete or employee (or his/her parent or legal guardian in the case of an athlete or employee who is a minor or a mentally incompetent adult) consents to the disclosure of the information (see section 7.1.2 below).

7.1 Disclosure by consent

7.1.1 Generally, if a mentally competent adult expressly consents to the disclosure of information about him/herself to a third party, it will not be a breach of the duty of confidence to disclose the information provided the disclosure is made in accordance with the consent given. In other words:

- Only the person(s) and/or organisations expressly authorised to divulge the information to the third party may do so.
- Only information within the scope of the consent as outlined in the WAIS athlete terms and conditions may be disclosed.
- The information may only be disclosed to those person(s) or organisations in respect of which consent has been given as outlined in the WAIS athlete terms and conditions
- Consent to the release of athlete information need not be expressly given in each circumstance and may be implied in certain situations.
- Where the information is required for emergency treatment in exceptional circumstances, information should be given, but after verification of the requesting person. A note should be made of the information released, to whom it was released, and the reason for the request. Where the request is non-urgent, the athlete or employees written consent should be obtained before the information is released.

7.1.2 Minors and mentally incompetent adults

- If the athlete is a minor (i.e. a person under 18 years of age) or mentally incompetent adult, the consent of the athlete's parent or legal guardian

is necessary before information pertaining to the athlete can be released to third parties

- Parents have full responsibility for each of their children who is under 18 years. Parental responsibility is not affected by changes to relationships (i.e. if the parents separate, divorce or remarry).
- Parental responsibility can be varied by Court order in which case, consent to the release of confidential information pertaining to the child concerned will have to be obtained in accordance with the Court order.

8. CONCLUSION

8.1 Athletes are required to sign the WAIS Athlete Terms and Condition's as a condition of their scholarship, which defines organisations and situations to which WAIS may need to disclose their information, for the purposes of business. This may include National Sporting Organisations, State Sporting Organisations, ASADA and service providers on an agreement with WAIS.

8.2 All staff should notify their manager if they become aware of any breach of privacy or security relating to athlete or employee information. This restriction ceases to apply to any information or knowledge which subsequently comes into the public domain by way of authorised disclosure.

8.3 Any concerns regarding the breach of athlete or employee confidentiality will be investigated by the Department Manager and Corporate Services Manager.

9. REVIEW AND REVISION

This policy, and all related appendices, will be reviewed as it is deemed appropriate.

Policy review will be undertaken by the Corporate Services Manager and any revisions approved by the Chief Executive Officer.

Revision History

Date	Version	Reviewed by	Changes made
February 2022	1.7	Corporate Services Manager	Minor revisions to improve readability and update titles
January 2021	1.6	Corporate Services Manager	Policy updated

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