Australian Youth Orchestra

# Privacy Policy

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| Purpose: | The Australian Youth Orchestra (AYO) is bound by the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth**)**. This statement outlines the privacy policy of the AYO and describes how it uses and manages personal information provided to or collected by it. | |
| Scope: | This Policy applies to all AYO employees, and AYO representatives who collect and maintain personal information about staff members, participants, parents, volunteers, contractors, donors, audiences and alumni. | |
| References: | • Privacy Act 1988 (Cth)<br>• Privacy Amendment (Enhancing Privacy Protection) Act 2012<br>• AYO Child Protection Policy | |
| Supersedes: | AYO Privacy Policy (2004)<br>Updated (2012) | |
| Authorised by: | AYO Board of Directors | Date of Authorisation: 26 May 2023 |
| Review Date: | As appropriate, to take account of new laws and technology, changes to operations and practices and to make sure it remains appropriate to the changing environment. | Next Review Date: Q2, 2027<br>Or as required |

**Definitions**

In the context of this Privacy Policy:

1.1 **AYO, We, Us, Our** refers to the Australian Youth Orchestra (ABN 42 004 355 739)

1.2 **Parent** refers to parent and/or guardian.

1.3 **Participant** refers to any child/young person engaging in AYO programs as student or performer.

1.4 **Employee** refers to any person engaged and/or remunerated for such services to the organisation (AYO), including contractors and tutors.

1.5 **Personal Information** means information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true of not, and whether the information is recorded in material form or not. It includes all personal information regardless of its source. In other words, if the information of opinion identifies an individual or allows an individual to be identified it will be personal information. It can range from detailed information such as medical records to less obvious types of identifying information such as an email address.

1.6 **Sensitive information** is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's race/ethnicity, religious beliefs or affiliations, membership of a professional or trade association, membership of a trade union, gender identification, criminal record or working with children check. It also includes health information and credit card information.

1.7 **Health Information** is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and health service provided, currently or in the future, to an individual. It also includes personal information collected in the course of providing a health service. Health information is a subset of sensitive information.

## TERMS

Protecting your privacy and the confidentiality of your personal information is important to Us. Your rights to privacy are protected by the law, and this Privacy Policy does not limit those rights. This Privacy Policy explains why We collect personal information and how We collect, use, disclose, store and protect your personal information.

We comply with the *Australian Privacy Principles* (**APPs**) contained in the *Privacy Act 1998* (Cth) (**the Privacy Act**), which regulate how We use, disclose, store and protect your information.

We may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to AYO operations and practices and to make sure it remains appropriate to the changing environment of the various AYO activities.

## 2. What kind of personal information does AYO collect and how is it collected.

2.1 The type of information AYO collects and holds may include (but is not limited to) personal information, including sensitive information about:

- Participants and parents before, during and after the course of the participant's engagement in an AYO activity, including:
    - Name, address, contact details (including next of kin), date of birth, gender identification.
    - Occupation, education and language background.
    - Health information (e.g. details of disabilities and/or allergies, medical reports and names of doctors)
    - Health fund details and Medicare numbers
    - Photos and Videos at AYO performances and events.
    - Credit Card information, bank account, direct credit information.
- Job applicants, staff members, volunteers and contractors, including:
    - Name, address, contact details (including next of kin), date of birth, gender identification.
    - Information on job application
    - Professional development history
    - Salary and payment information, including superannuation details, medical information
    - Complaint records and investigation reports
    - Leave details
    - Photos and videos at AYO events and performances
    - Work emails and private emails (when using work email address) and internet browsing history.
    - Tax File Numbers.
    - Bank account details.
- Donors and Members
    - Name, address, contact details
    - Occupation, education (as applicable).
    - Medical information
    - Credit Card information
    - Photos and videos at AYO events and performances
- Other people who come into contact with AYO activities, including name and contact details and any other information necessary for the specific activity.

2.2 **Personal Information provided by the participant and/or parent**: AYO will generally collect personal information held about an individual by way of AYO program application forms, audition feedback, program reports, interviews, emails, face-to-face meetings and telephone calls.

2.3 **Personal information provided by other people**: In some circumstances AYO may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from a teacher.

2.4 **Personal information provided by job applicants, volunteers and contractors**: AYO will generally collect personal information held about an individual by way of job application forms, various employment related forms, volunteer application forms, contractor tenders and contractual agreements.

2.5 **Exemption in relation to employee records:** The *Privacy Act* and *the Australian Privacy Principles* do not apply to an employee records. To fall within this exemption, , where the personal information collected must directly relate to the employment relationship between the employer and employee and an employee record held by AYO. This means there must be an absolute, exact or precise connection to the employment relationship to be covered by the exemption. To be clear, this exemption does not apply to personal information collected from unsuccessful job applicants, contractors or volunteers.

## 3. Why does AYO collect personal information and how will AYO use the personal information provided by the individuals?

3.1 AYO will use the personal information it collects from individuals for the primary purpose of administering and implementing AYO programs, and for such other secondary purposes that are related to the primary purpose and reasonably expected, by the individual or to which the individual has consented.

3.2 Participants and Parents: In relation to personal information of participants and parents, AYO's primary purpose of collection is to enable the organisation to provide residential programs for the participant enrolled at AYO, exercise its duty of care, and perform necessary associated administrative activities.

3.3 In some cases where AYO requests personal information about a participant or Parent, if the information requested is not provided, AYO may not be able to permit the participant to take part in a particular activity.

3.4 AYO operational staff ensure the appropriate permissions are obtained from all participants and/or Parent before the commencement of each AYO program (refer to AYO Participant Agreement).

3.5 **Job applicants and contractors**: In relation to personal information of job applicants and contractors, AYO's primary purpose of collection is to assess and (if successful) to engage the applicant or contractor, as the case may be.

3.6 The purposes for which the AYO uses personal information of job applicants and contractors include:

- Administering the individual's employment or contract, as the case may be
- For insurance purposes

• Satisfying AYO's legal obligations, for example, in relation to child protection legislation.

3.7 **Volunteers**: AYO obtains personal information about volunteers who assist in its functions or conduct associated activities, such as alumni associations.

3.8 **Marketing and fundraising:** AYO treats marketing and seeking donations for the future growth and development of AYO as an important part of ensuring that AYO continues to provide a quality training program. Personal information held by AYO may be disclosed to organisations that assist in AYO fundraising, for example an external fundraising organisation.

3.9 Parents, staff, contractors and other AYO stakeholders from time to time, may receive fundraising information. AYO publications, like newsletters and social media which include personal information, may be used for marketing purposes.

## 4. Who might the AYO disclose personal information to and store personal information with?

4.1 AYO provides information to Government and regulatory authorities and other organisations, as required or authorised by law. AYO does not, unless required by law, disclose personal information to other organisations. AYO does not supply our database information to other marketing organisations. AYO may disclose personal information including sensitive information about an individual for administrative and support purposes. This may include to:

- Medical practitioners
- Caterers, travel and accommodation providers
- Anyone the individual authorises AYO to disclose information to
- Anyone to whom AYO is required or authorised to disclose the information to by law, including child protection laws.

4.2 Sending and storing information overseas: AYO may disclose personal information about an individual to overseas recipients, for instance, to facilitate an artist exchange or international tour. However, AYO will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied) or
- Otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

4.3 AYO uses online or 'cloud' service providers to store personal information and to provide services to AYO that involve the use of personal information, such as services relating to email. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

## 5. How does AYO treat sensitive information?

5.1 Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

5.2 AYO staff are required to respect the confidentiality of participants' and parents' personal information and the privacy of individuals.

5.3 AYO has in place steps to protect the personal information AYO holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and two factor authentication access rights to computerised records.

## 6. Access to Personal Information

6.1 Under the Privacy Act and the Health Records Act an individual has the right to seek and obtain access to any personal information which AYO holds about them and to advise AYO of any perceived inaccuracy. Participants who are under the age of 18 will generally be able to access and update their personal information through their Parents, but older participants may seek access and correction themselves.

6.2 There are some exceptions to these rights set out in the applicable legislation.

6.3 To make a request to access or update any personal information the AYO holds about an individual or their child, a request in writing should be made to AYO Systems Personnel, with escalation to the CEO as required. AYO may require verification of identity and specifics of what information you require.

6.4 AYO may charge a fee to cover the cost of verifying the application, locating, retrieving, reviewing and copying any material requested. If access to information cannot be provided, written notice will be given explaining the reasons for refusal.

6.5 In the case of a participant who is under the age of 18, AYO will refer any requests for consent and notices in relation to the personal information of the participant to the participant's Parents. AYO will treat consent given by Parents as consent given on behalf of the participant, and notice to Parents will act as notice given to the participant.

## 7. How long does AYO hold the personal information?

7.1 We will not retain your data for longer than necessary for the purposes set out in this Privacy Policy. Different retention periods apply for different types of data.

## 8. How does AYO protect the personal information?

8.1 AYO is committed to keeping your personal information safe and secure. Our security measures include:

8.1.1 Encryption of data.

8.1.2 Where possible the deidentification of data.
8.1.3 Security controls which protects AYO's IT infrastructure from external attacks and unauthorised access.
8.1.4 Internal policies setting out AYO's data security approach and training for employees.

## 9. Promotional Communications

9.1 By proving AYO with your email address or other contact details, you consent to AYO to send direct marketing materials. If you do not wish to consent or receive direct marketing from AYO, you can unsubscribe at any time to receive any communication from AYO. You have the right to opt out of receiving promotional communications at any time by:

9.1.1 Making use of the "unsubscribe" link in emails or other electronic communications.
9.1.2 Contacting AYO via the contact channels set out in this Privacy Policy.

9.2 At all relevant times when contacting you, AYO will comply with its obligations pursuant to the *Spam Act 2003* (Cth).

## 10. Contacting AYO about correction of personal information:

10.1 You have the right to access, update or amend your personal information. If you need to access, update or amend your personal information, please contact AYO with your requests through the details provided below. AYO may ask for verification of your identity to ensure that all personal information held by AYO is not improperly accessed.

10.2 Your rights

10.2.1 Additionally, you have the following rights in respect of your personal information:

10.2.1.1 the right to ask for a copy of personal information that AYO holds about you (the right of access);
10.2.1.2 the right (in certain circumstances) to request that AYO deletes personal information held on you; where AYO no longer has any legal reason to retain it (the right of erasure or to be forgotten);
10.2.1.3 the right to ask AYO to update and correct any out-of-date or incorrect personal information that AYO holds about you (the right of rectification);
10.2.1.4 the right to opt out of any marketing communications that AYO may send you and to object to AYO using / holding your personal information if AYO have no legitimate reasons to do so (the right to object);
10.2.1.5 the right (in certain circumstances) to ask AYO to 'restrict processing of data'; which means that AYO would need to secure and retain the data for your benefit but not otherwise use it (the right to restrict processing); and
10.2.1.6 the right (in certain circumstances) to ask AYO to supply you with some of the personal information that AYO holds about you in a structured machine-readable format and/or to provide a copy of the data in such a format to another organisation (the right to data portability).

10.3 If you wish to exercise any of the above rights, please contact Us by emailing info@ayo.com.au.

## 11. Enquiries and Complaints

11.1 If you have any questions regarding AYO's Privacy Policy or wish to complain about a potential breach by AYO of the APPs or similar legislation, please contact AYO through the details provided below and AYO will endeavour to respond to your request as quickly as possible:

**Australian Youth Orchestra**
**PO Box Q1255**
**Queen Victoria Building, NSW 1230**
**Phone: 1300 668 500**
**Email: info@ayo.com.au**

11.2 This Privacy Policy is not intended to extend the responsibilities of AYO beyond the law.

11.3 AYO reserves the right to change or modify this Privacy Policy at any time by notice on the AYO's website.

## 12 Related Documents

12.1 Privacy Act 1988 (Commonwealth)
12.2 Australian Privacy Principles
12.3 Health Privacy Principles
12.4 AYO Data storage and destruction guidelines
12.5 Employee records exemption