



Masonic Care Queensland  
**Central & Southern Region**

## **PRIVACY POLICY**

Masonic Care Queensland acts in accordance with the Privacy Act 1988 and the Privacy Amendment Act 2001.

### **Privacy Act 1988**

#### 1. INTRODUCTION

This document sets out how we manage Personal Information.

#### 2. DEFINITIONS

2.1 In this Privacy Policy, unless the contrary intention appears:

- (a) the expressions "we", "us" and "our" are a reference to The Board of Benevolence and of Aged Masons, Widows & Orphans' Fund.
- (b) a reference to "the Act" means the *Privacy Act 1988* (Cwth); and
- (c) a reference to a word or phrase beginning with uppercase letters is a reference to a defined term in section 6 of the Act.

#### 3. COLLECTION

3.1 We will only collect Personal Information:

- (a) necessary for our functions or activities;
- (b) fairly, lawfully and not in an unreasonably intrusive way;
- (c) if reasonable steps are taken to notify the Individual at, or below, or if that is not practicable, as soon as practicable after, the time we collect Personal Information about the Individual from the Individual, of:
  - (i) our identity and how to contact us;
  - (ii) the fact that the Individual may gain access to the information collected;
  - (iii) the purposes for which the information is collected;
  - (iv) the Organisations or types of Organisations, to which we usually disclose the information;
  - (v) any law that requires the information to be collected; and
  - (vi) the main consequences for the Individual if all or part of the information is not provided and
- (d) wherever reasonable and practicable, directly from the Individual. Where that is not possible, we will take reasonable steps to ensure that the Individual is or has been notified of the matters set out in paragraph 3.1 (c) except to the extent that would pose a serious threat to the life or health of any Individual.



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### 4. USE AND DISCLOSURE

- 4.1 We will only use or disclose Personal Information for a purpose (the 'Secondary Purpose') other than the primary purpose of collection where:
- (a) the following apply:
    - (i) the Secondary Purpose is related to the primary purpose and, if the Personal Information is Sensitive Information, directly related to the primary purpose; and
    - (ii) the Individual would reasonably expect us to use or disclose the information for that purpose;
  - (b) the Individual has consented to that use or disclosure;
  - (c) if the information is not sensitive information and is for the secondary purpose of direct marketing:
    - (i) it is impracticable for us to seek the individual's consent beforehand;
    - (ii) we do not charge the individual for giving effect to a request by the individual not to receive direct marketing communications;
    - (iii) the individual has not made a request not to receive direct marketing communications;
    - (iv) in each direct marketing communication with the individual, we draw to the individual's attention that the individual may elect not to receive further direct marketing communications; and
    - (v) in each written direct marketing communication with the individual, we set out our business address and telephone number and, if the communication is made by fax, telex or other electronic means, a number or address at which we can be directly contacted electronically;
  - (d) if the information is Health Information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or safety:
    - (i) it is impracticable for us to seek the individual's consent beforehand;
    - (ii) the use or disclosure is conducted in accordance with the guidelines approved by the Privacy Commissioner under Section 95A of the Act; and
    - (iii) in the case of disclosure, we reasonably believe that the recipient will not disclose that information or Personal Information derived from that information;
  - (e) we reasonably believe that the use or disclosure is necessary to lessen or prevent:
    - (i) a serious and imminent threat to an individual's life, health or safety; or
    - (j) a serious threat to public health or safety;
  - (f) we have reason to suspect that unlawful activity has been, is being or may be engaged in, and we use or disclose personal information as a necessary part of our investigation of the matter or in reporting our concerns to the relevant authorities: or
  - (g) the use or disclosure is required or authorised by or under law; or



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- (h) we reasonably believe that the use or disclosure is reasonably necessary for:
- (i) 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;
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
  - (iii) the protection of the public revenue;
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
  - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal;
- by or on behalf of an Enforcement Body.

4.2 If we use or disclose Personal Information under paragraph 4.1 (h), we will make a written note of the use or disclosure.

4.3 Paragraph 4.1 operates in relation to Personal Information that we have collected from a related Body Corporate as if our primary purpose of collection of the information were the primary purpose for which the related Body Corporate collected the information.

4.4 Despite paragraph 4.1, if we provide a Health Service to the individual, we may disclose health information about the individual to a person who is responsible for the Individual if:

(a) the Individual:

- (i) is physically or legally incapable of giving consent to the disclosure; or
- (ii) physically cannot communicate consent to the disclosure;

(b) a natural person (the “Carer”) providing the Health Service on our behalf is satisfied that either:

- (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
- (ii) the disclosure is made for compassionate reasons;

(c) the disclosure is not contrary to any wish:

- (i) expressed by the individual before the individual became unable to give or communicate consent; and
- (ii) of which the Carer is aware, or of which the Carer could reasonably be expected to be aware; and

(d) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph 4.4 (b).



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### 5. DATA QUALITY AND SECURITY

#### 5.1 We will take reasonable steps to:

- (a) make sure the personal information we collect, use or disclose is accurate, complete and up-to-date;
- (b) protect the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure; and
- (c) destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under paragraph 4.

### 6. OPENNESS

#### 6.1 We will make this document available to any one who asks for it.

#### 6.2 On request by a person, we will take reasonable steps to let the person know, generally what sort of personal information we hold, for what purposes and how we collect, hold, use and disclose that information.

### 7. ACCESS AND CORRECTION

#### 7.1 If we hold personal information about an individual we will provide the individual with access to that information on request by the individual, except to the extent that:

- (a) in the case of personal information other than Health Information, providing access would pose a serious and imminent threat to the life or health of any individual; or
- (b) in the case of health information, providing access would pose a serious threat to the life or health of any individual; or
- (c) providing access would have an unreasonable impact on the privacy of other individuals; or
- (d) the request for access is frivolous or vexatious; or
- (e) the information relates to existing or anticipated legal proceedings between us and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- (f) providing access would reveal our intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (g) providing access would be unlawful; or
- (h) denying access is required or authorised by or under law; or
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (j) providing access would be likely to prejudice:



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- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of the law imposing a penalty or sanction or breaches of a prescribed law; or
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
  - (iii) the protection of the public revenue; or
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
  - (v) 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; or

(k) an Enforcement Body performing a lawful society function asks us to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

- 7.2 However, where providing access would reveal evaluative information generated by us in connection with a commercially sensitive decision-making process, we may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- 7.3 If we are not required to provide the individual with access to the information because of any of paragraphs 7.1(a) to (k) (inclusive), we will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 7.4 If we charge for providing access to personal information, those charges:
- (a) will not be excessive; and
  - (b) will not apply to lodging a request for access.
- 7.5 If we hold personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, we will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 7.6 If we disagree about whether the information is accurate, complete and up-to-date, and the individual asks us to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, we will take reasonable steps to do so.
- 7.7 We will provide reasons for denial of access or a refusal to correct personal information.



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### 8. IDENTIFIERS

- 8.1 We will not adopt as our own Identifier of an Individual an Identifier of the Individual that has been assigned by:
- (a) an Agency;
  - (b) an agent of an Agency acting in its capacity as agent; or
  - (c) a Contracted Service Provider for a Commonwealth contract acting in its capacity as Contracted Service Provider for that contract.
- 8.2 We will not use or disclose an Identifier assigned to an Individual by an Agency, or by an agent or Contracted Service Provider mentioned in paragraph 8.1, unless:
- (a) the use or disclosure is necessary for us to fulfil our obligations to the Agency; or
  - (b) any of paragraphs 4.1 (e) to (h) (inclusive) apply to the use or disclosure.

### 9. ANONYMITY

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering into transactions with us.

### 10. TRANSBORDER DATA FLOWS

- 10.1 We may transfer personal information about an individual to someone (other than us or the individual) who is in a foreign country where:
- (a) we reasonably believe 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 us and the individual, 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 us and a third party; or
  - (e) all of the following apply:
    - (i) the transfer is for the benefit of the individual;
    - (ii) it is impracticable to obtain the individual's consent to that transfer;
    - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
  - (f) we have taken reasonable steps to ensure that the information which we have transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.



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### 11. SENSITIVE INFORMATION

11.1 We will not collect Sensitive Information about the individual unless:

- (a) the individual has consented; or
- (b) the collection is required by law; or
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
  - (i) is physically or legally incapable of giving consent to the collection; or
  - (ii) physically cannot communicate consent to the collection; or
- (d) if the information is collected in the course of the activities of a non-profit Organisation – the following conditions are satisfied :
  - (i) the information relates solely to the members of the Organisation or to individuals who have regular contact with it in connection with its activities;
  - (ii) at or before the time of collecting the information, the Organisation undertakes to the Individual whom the information concerns that the Organisation will not disclose the information without the Individual's consent; or
- (e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

11.2 Despite paragraph 11.1, we may collect Health Information about an individual if:

- (a) the information is necessary to provide a Health Service to the Individual; and
- (b) the information is collected:
  - (i) as required by law (other than the Act); or
  - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind us.

11.3 Despite paragraph 11.1, we may collect Health Information about an individual if:

- (a) the collection is necessary for:
  - (i) research relevant to public health or safety;
  - (ii) the compilation or analysis of statistics relevant to public health or safety;
  - (iii) the management, funding or monitoring of a Health Service;
- (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained;
- (c) it is impracticable for us to seek the individual's consent to the collection; and
- (d) the information is collected:
  - (i) as required by law (other than the Act);
  - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which binds us;
  - (iii) in accordance with guidelines approved by the Privacy Commissioners under section 95A of the Act for this purpose.



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- 11.4 If we collect Health Information about an Individual in accordance with paragraph 11.3, we will take reasonable steps to permanently de-identify the information before we disclose it.

**AUTHORISATION:**

A handwritten signature in black ink, appearing to read 'R Gore'.

**Robert Gore**  
**Chief Executive Officer**

**March 2003**