



Privacy Policy

October 2020



Mentally healthy people,
Mentally healthy communities

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1. Preamble

1.1 Introduction

Mental Health Australia is the peak, national non-government organisation representing and promoting the interests of the Australian mental health sector. The organisation was established in 1997 as the first independent peak body in Australia to represent the full spectrum of mental health stakeholders and issues. Mental Health Australia members include national organisations representing consumers, carers, special needs groups, clinical service providers, public and private mental health service providers, researchers, and state/territory community mental health peak bodies. Mental Health Australia is committed to the protection of an individual's privacy.

1.2 Purpose

This Privacy Policy sets out how Mental Health Australia handles personal and sensitive information and ensures we manage an individual's personal and sensitive information consistently with the Australian Privacy Principles (APPs).

1.3 Scope

This Privacy Policy applies to all stakeholders, employees, consultants, contractors and agents of Mental Health Australia and covers all information collected and/or disseminated by Mental Health Australia.



2. What is Privacy

Mental Health Australia is subject to the Commonwealth *Privacy Act 1988* ('the Privacy Act'). Revised privacy laws commenced on 12 March 2014 (1 September 2014 for the ACT).

The Australian Privacy Principles (APPs) set out the way government agencies and organisations such as Mental Health Australia can collect, use, disclose and provide access to personal and sensitive information.

Personal information is any information that identifies or could identify a person, whether it is true or not. It includes, for example, the name of an individual, the age, gender and contact details of an individual. Personal information can also include more sensitive information, such as information about an individual's work place history or health record.



3. Consideration of Personal Information Privacy

3.1 Open and Transparent Management of Personal Information

Mental Health Australia is committed to complying with APP 1 that all information collected will be freely accessible by its employees. All information collected will also conform to Clause 5 of this policy set out below under the heading; Managing Personal Information.

This Privacy Policy is to be made available to any individual or organisation that requests a copy in such form as is appropriate. This policy is available to the public on the Mental Health Australia website, www.mhaustralia.org.

3.2 Anonymity and Pseudonymity

Except for employees as provided under the *Fair Work Act 2009*, an individual wherever it is lawful and practicable, can exercise the option not to identify him or herself in dealing with Mental Health Australia.

This may entail the use of a fictional name when interacting with Mental Health Australia. An individual may remain anonymous regarding certain matters. However, it may be necessary for Mental Health Australia to collect personal or sensitive information if Mental Health Australia is required or authorised to do so under an Australian law, or by a court or tribunal.



4. Collection of Personal Information

4.1 Collection of Solicited Personal Information

Mental Health Australia collects personal and sensitive information only if an individual has consented to the information being collected, if the information is reasonably necessary for one or more of our functions or activities, or if one of the other exceptions applies under the APPs.

Employees

If the individual is an employee, Mental Health Australia will collect personal information such as name, contact details (address, email, phone number), date of birth, citizenship or residency status, and details of an emergency contact person. We also collect sensitive information about an employee such as bank details for direct credit of salary, tax file number, superannuation and reimbursement of work related expenses.

If the individual is a candidate seeking employment with Mental Health Australia we will collect information including name, contact details, employment history, references, resume and qualifications.

Board Directors and Committee Members

To fulfil Mental Health Australia's reporting requirements as a charity registered with the ACNC, Mental Health Australia will collect personal information of Board Directors or Board Committee members such as name (and previous name/s), contact details (address, email, phone number), qualifications, other directorships, contact details of an Executive Assistant (if applicable), airline memberships and travel preferences. We may also collect sensitive information such as date of birth, place of birth, bank details, tax file number, and details of an emergency contact person.

Consumer and Carer Representatives

If the individual is a representative on the National Mental Health Consumer and Carer Forum (NMHCCF), the National Register of Mental Health Consumer and Carer Representatives (National Register) or participating as a consumer or carer representative on any Mental Health Australia projects and committees, Mental Health Australia will collect personal information including name and contact details (address, email, phone number). We also collect sensitive information about representatives such as bank details for direct credit of sitting fees and reimbursements, tax file number or ABN, airline memberships and travel preferences.

Delegates of Member Organisations

Mental Health Australia will collect personal information of member delegates including name and contact details. If the delegate attends Mental Health Australia functions or



activities, additional information related to event logistics may be collected such as travel and any special needs or dietary requirements.

Consultants

If the individual is a consultant or supplier, Mental Health Australia will collect information including name, contact details, ABN, business records, relevant insurance policies, billing information and information about goods and services supplied.

Mental Health Australia will only collect information by lawful and fair means. Mental Health Australia may collect information in different ways, including:

- forms, such as the employment or member information forms
- electronically, via email or website
- phone calls
- member and stakeholder lists
- organised meetings or conferences
- mailing lists
- direct personal contact.

Mental Health Australia will always collect personal information directly from an individual unless it is unreasonable or impractical for Mental Health Australia to do so.

4.2 Sensitive Information

In addition, and in accordance with APP 3.4(e) Mental Health Australia's policy sets out the following additional requirements for the collection of sensitive information for a non-profit organisation:

- i. The information relates to the activities of the organisation
- ii. The information relates solely to the employees or members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities (eg. National Mental Health Consumer and Carer Forum members).

4.3 Dealing with Unsolicited Personal Information

If Mental Health Australia receives personal information about an individual that was not requested and the information was not by the means set out above, Mental Health Australia will destroy or de-identify the information (i.e. any information that could reasonably identify an individual is removed) as soon as practicable. This will apply except where the information is required by law or a court or tribunal order to retain the information.

4.4 Notification of the Collection of Personal Information

When Mental Health Australia collects personal information about an individual, the information will be held within Mental Health Australia's records management system. If Mental Health Australia collects the information from someone other than the individual, or if the individual may not be aware Mental Health Australia has collected the personal



information, Mental Health Australia must take steps as are reasonable in the circumstances to notify the individual of such matters or ensure the individual is aware of such matters.

Under guidance from the Office of the Australian Information Commissioner (OAIC), Mental Health Australia will provide:

- details of how an individual can access their information
- why Mental Health Australia is collecting the information
- the main consequences (if any) for an individual who does not provide all or part of the information Mental Health Australia has requested
- the organisations or types of organisations to which Mental Health Australia would normally pass on personal information, such as Government agencies
- access to an individual's personal information in order to make corrections and an explanation as to how such changes can be made
- information about how an individual can complain if any individual considers Mental Health Australia may have breached the APPs and how Mental Health Australia will handle that complaint
- Information to an individual about disclosing personal information to overseas parties and if so, the countries in which those parties are located.

4.5 Clickstream Data

Mental Health Australia may also collect non-personal information about an individual when accessing our website, such as details of their computer, network and browser. More specifically, information collected may include an individual's server address, operating system, search terms used, and pages accessed. This information is used for statistical purposes only to help administer and improve Mental Health Australia's website. The information is not used to personally identify an individual.

4.6 Cookies

Cookies are pieces of information that a website can transfer to an individual's computer when accessing information on that site. Cookies can make websites easier to use by storing information about an individual's preferences on a particular website. This information remains on the individual's computer after they close their browser. Some pages on Mental Health Australia's site may use cookies to collect anonymous traffic data. This data does not collect personal information.

Where non-personal information is collected the Australian Privacy Principles do not apply.

4.7 Webinar data

In response to the COVID-19 pandemic, Mental Health Australia has moved many of its member and stakeholder engagement events to a virtual/ video arrangement. We use a range of platforms to hold video webinars and online 'chat' discussions.

Administrators can identify individuals and their comments by the name the attendee joins the event by. This means if an attendee nominates their name and/or permits video to be



used, the administrator would be able to attribute any comment made by that person either verbally or in the 'chat' function.

Mental Health Australia only utilises verbal and written comments to inform its policy and advocacy positions and will not pass on comments as attributable to any individual.

Mental Health Australia seeks explicit agreement with video/webinar presenters and attendees if it is going to record and or/publicise any video, or any section of video, from its webinars with members and stakeholders.



5. Dealing with Personal Information

5.1 Use or Disclosure of Personal Information

Mental Health Australia will only use personal and sensitive information for purposes which are directly related to the reason provided to an individual and where an individual would reasonably expect Mental Health Australia to use the information.

Mental Health Australia will not use personal information for another purpose unless an individual has given consent or one of the exceptions under the *Privacy Act* applies. For example, if the use of information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

When an individual employee provides Mental Health Australia with their personal and sensitive information through the induction process, Mental Health Australia will seek the consent of the individual to disclose the information for the purpose of administering payroll.

Mental Health Australia will only disclose personal and sensitive information for purposes which are directly related to the reason provided to the individual with the personal information in the first place and where an individual would reasonably expect us to disclose the information. For example, information related to payroll data will be provided to the Australian Taxation Office, superannuation companies chosen by the individual, and the company responsible for undertaking payroll services for Mental Health Australia.

Mental Health Australia will take all reasonable steps to ensure personal details remain confidential at all times. Mental Health Australia keeps an employee contact list which is regularly updated. Individual employees who have provided permission for mobile phone numbers to be disclosed outside the organisation are clearly marked. All other contact information is kept confidential. This also applies to the information provided by stakeholders, members, and consumer and carer representatives working with Mental Health Australia. All external parties (such as consultants) who receive any personal information sign Mental Health Australia's Confidentiality and IP Agreement that requires them to comply with the *Privacy Act* and our Privacy Policy.

Mental Health Australia does not currently disclose personal information to overseas parties. If personal information is transferred overseas, we will comply with our obligations under the APPs.

5.2 Direct Marketing and Information Materials

Mental Health Australia on occasion receives requests from Government research bodies to assist them to gather statistical data. Mental Health Australia conforms to all research requests on specific criteria, such as aggregate but not individual salary and wage information. Any



personal information such as names, addresses and phone numbers are not divulged by Mental Health Australia as the information is given anonymously.

From time to time, Mental Health Australia may send out information materials for the purposes of its business. If an individual does not wish to receive these communications they can contact Mental Health Australia to unsubscribe (see contact details below). Personal information may also be used by Mental Health Australia to provide an individual with details of our services and events where permitted by the Privacy Act or where an individual has consented to the use or disclosure of personal information for direct communications and promotional materials.

Any direct communication or promotional material will include a statement advising that an individual may request not to receive further material by contacting Mental Health Australia using the details provided.

Even if an individual unsubscribes, if the individual is an employee or member of Mental Health Australia they will continue to receive important information about Mental Health Australia and its operation.

The Spam Act 2003 prohibits sending unsolicited commercial emails, SMS and MMS messages for commercial purposes. Examples of unsolicited communications are ones that do not directly relate to a service an individual may have previously signed up with or agreed to.

See <https://www.acma.gov.au/avoid-sending-spam> for further information.

All of our electronic communications include an unsubscribe facility.

5.3 Cross Border Disclosure of Personal Information

Mental Health Australia does not directly engage in business activities outside Australia requiring the disclosure of personal information about an individual. Mental Health Australia is compliant with the Australian Charities and Not-for-profit Commission (ACNC) External Conduct Standards.¹ Should Mental Health Australia deal with overseas entities in the future it will take all necessary steps to comply with the Privacy Act that covers this principle and the compliance requirements outlined in the External Conduct Standards.

¹ ACNC (2019). *External Conduct Standards*. www.acnc.gov.au



6. Integrity of Personal Information

6.1 Quality of personal information

Mental Health Australia will take reasonable steps to ensure all personal information collected, used or disclosed is accurate, up-to-date, complete, relevant, and not misleading.

Mental Health Australia will correct any personal information it believes to be incorrect, out-of-date, incomplete, irrelevant, or misleading. This includes taking reasonable steps to notify the correction to any organisation or Government agency to which information was disclosed. An individual may request access to or correct their personal information at any time by contacting Mental Health Australia. Mental Health Australia will provide access to the information unless one of the exceptions under the Privacy Act applies. For example, if providing access would be unlawful or denying access is authorised by law.

If a request to access or correct personal information is made, Mental Health Australia will respond within a reasonable time (usually within 30 days).

6.2 Security of personal information

Mental Health Australia will take appropriate steps to protect personal and sensitive information from misuse, interference, unauthorised access, modification, loss, or disclosure. This includes during storage, collection, processing, transfer, and destruction of the information.

Information is stored at Mental Health Australia's office and at our off-site records management facility, with controlled access. Mental Health Australia complies with the best practice security principles outlined in the National Institute of Standards and Technology (NIST) Cybersecurity Framework which includes restricting access of confidential information and data to only authorised persons, locking computers and devices when leaving desks, and the secure disposal of hard copy documents.

Employees of Mental Health Australia, contracted third parties, and other parties to whom we disclose your information (such as Government departments) sign a confidentiality agreement that requires them to comply with the Privacy Act and our Privacy Policy.

Mental Health Australia will take steps to ensure the security of the organisation's website and does not ask for personal or sensitive details about an individual over the website. Mental Health Australia staff, Board Directors, sub-tenants, contractors and consultants must comply with the Mental Health Australia Cybersecurity Policy and adhere to the procedures within, providing an extra level of protection and accountability for the security of confidential and personal information.

When Mental Health Australia no longer requires personal and/or sensitive information for any purpose it will take reasonable steps to destroy the information. This will apply except



where the information is part of a Commonwealth record, or we are required by law or a court or tribunal order to retain the information.



7. Access to Personal Information

7.1 Access to personal information

Mental Health Australia will provide an individual access for relevant people to their personal information upon written request and at a time to suit both parties.

7.2 Correction of personal information

Mental Health Australia will seek to correct any personal information if it is inaccurate, out of date, incomplete, irrelevant, or misleading or if requested Mental Health Australia will amend any information that is incorrect. Mental Health Australia will advise the individual as soon as practicable of the corrections.

Mental Health Australia is committed to privacy protection. If anyone has questions or concerns about how Mental Health Australia is handling personal information, or would like to lodge a complaint, or would like further information about Mental Health Australia's Privacy Policy, please submit a written query or complaint to Mental Health Australia's Privacy Officer.

Our Privacy Officer will assess complaints and liaise with the individual to resolve any issues within a reasonable time (usually within 30 days). If any individual is unhappy with the outcome, a complaint may be lodged with the Australian Information Commissioner who can order the payment of compensation by Mental Health Australia in certain circumstances.

See <https://www.oaic.gov.au/privacy/privacy-complaints/> for further information.

7.3 Contact Details

Privacy Officer
Mental Health Australia

PO Box 174
Canberra ACT 2601
Australia

Phone: +61 (02) 6285 3100

Email: admin@mhaustralia.org



8. Supporting documents

Australian Government, OAIC, Australian Privacy Principles quick reference tool

- <https://www.oaic.gov.au/assets/privacy/guidance-and-advice/app-quick-reference-tool.pdf>

Australian Government, Privacy Act 1988, Registered 29 July 2020

- <https://www.legislation.gov.au/Details/C2020C00237>

Australian Government, Fair Work Act 2009

- <https://www.legislation.gov.au/Details/C2020C00289>

Mental Health Australia documents

- Code of Conduct
- Confidentiality and IP Agreement
- Cybersecurity Policy
- Data Breach Response Plan
- Feedback and Complaints Guidelines
- Whistleblower Policy



9. Documentation and Approvals

9.1 Document Location

Document Title	ECM Location
Privacy Policy	15/3371

9.2 Document History

Version	Date	Description	Author
1	1 July 2015	Privacy Policy endorsed by the Board	Melanie Cantwell and Delia Witney
2	October 2020	Revised Privacy Policy endorsed by the Board	Melanie Cantwell

9.3 Date for review

Review period	Date for next review
Biennial	October 2022



Mental Health Australia



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mentally healthy communities

Mental Health Australia is the peak independent, national representative body of the mental health sector in Australia.

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