



BY-LAW – PRIVACY

NSW Stoma Limited ("NSW Stoma") is a not-for-profit company dedicated to the support of members who have undergone surgery resulting in a Colostomy, Ileostomy, Ileal Conduit, Urostomy or other external pouch procedure.

NSW Stoma is committed to client service and this By-Law outlines our ongoing obligations to you in respect of how we manage your Personal Information.

Effective Date

This By-Law version is effective from **1 July 2016** and will remain in force until its duly authorised cancellation, or replacement by an amended version.

Applicability

This By-Law shall apply to all Directors and employees of the Company at all times.

NSW Stoma recognises the importance of privacy issues and are committed to protecting the privacy of your personal information.

Your personal information is information or an opinion about you that allows us to identify you. This Privacy By-Law tells you how we manage your personal information and how to contact us if you have any privacy concerns. This Privacy By-Law also confirms our obligations under the Privacy Act 1988 (Cth) (the Privacy Act), including the National Privacy Principles (or **NPPs**).

This Privacy By-Law applies to NSW Stoma members, visitors to our website, subscribers to our mailing lists and any other individual who interacts with us.

We also have terms and conditions that apply to your NSW Stoma membership and when you order or purchase goods and services from us.

Compliance with the National Privacy Policy

There are thirteen National Privacy Principles contained in the Privacy Act. These NPPs came into effect on 21 December 2001 and govern the way in which we collect, use, disclose, store, secure and dispose of your Personal Information. They also allow individuals to access that information and have it corrected if it is wrong.

NSW Stoma have adopted all thirteen of these NPPs.

However, as NSW Stoma must specifically identify and verify the eligibility of all individuals wishing to claim ostomy appliances via the Federal Government's Stomal Appliance Scheme (SAS), we are exempted from NPP Australian Privacy Principle #2 (**APP 2 - Anonymity and pseudonymity - Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.**) per its Subclause 2.2.

Subclause 2.2 states "...does not apply if, in relation to that matter: the APP entity is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or it is impracticable for the APP entity to deal with individuals who have not identified themselves or who have used a pseudonym."

All correspondence to: PO Box 164, Camperdown NSW 1450

A Plain English Summary of the NPPs is included within this Policy document. If you want more detail, the full text of the NPPs and the NPP Guidelines may be obtained from the website of the Office of the Australian Privacy Commissioner at www.oaic.gov.au/privacy/about-privacy.

Your Consent

If we need to use or disclose your personal information for a purpose that is not set out in our Privacy By-Law, or that is otherwise unrelated to the purpose for which we collected your personal information, we will obtain your consent first.

There are some circumstances where we may not need your consent, and these are set out in the Privacy Act. This covers things like our dealings with Australian federal departments such as Medicare and the Department of Health.

Collecting Your Personal Information

We collect your personal information so that we can provide you with our services and any products that you may have requested and also to carry out our functions and activities. This means collecting things like your contact details so that we can process your membership application and administer your membership.

We also collect your personal information so that we can improve the service we provide and also to let you know about events we think might interest you.

We also collect personal information from you if a law requires us to.

If we ask you for your personal information and you do not provide it to us, we may not be able to provide you with any or all of our services or products.

What is Personal Information and why do we collect it?

Personal Information is information or an opinion that identifies an individual.

Examples of Personal Information we collect include: names, addresses, email addresses, phone and facsimile numbers. This Personal Information is obtained in many ways including interviews, correspondence, by telephone and facsimile, by email, via our website and from third parties. We don't use cookies. We don't guarantee website links or policy of authorised third parties.

NPP APP 9 provides for NSW Stoma to collect and use government related identifiers (ie. Medicare and Department of Veteran's Affairs identification numbers), which are necessary for our services to you. These government related identifiers will not be released to any other third party.

We collect your Personal Information for the primary purpose of providing our services to you, providing information to our clients and marketing. We may also use your Personal Information for secondary purposes closely related to the primary purpose, in circumstances where you would reasonably expect such use or disclosure. You may unsubscribe from our mailing/marketing lists at any time; all you need to do is let us know.

When we collect Personal Information we will, where appropriate and where possible, explain to you why we are collecting the information and how we plan to use it.

If NSW Stoma is unable to collect sufficient Personal Information from or about an individual, we may not be able to provide our services to that individual.

Sensitive Information

Sensitive information is defined in the Privacy Act to include information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information.

Sensitive information will be used by us only:

- for the primary purpose for which it was obtained;
 - for a secondary purpose that is directly related to the primary purpose;
 - with your consent; or where required or authorised by law.
-

Third Parties

Where reasonable and practicable to do so, we will collect your Personal Information only from you. However, in some circumstances we may be provided with information from third parties. In such a case we will take all reasonable steps to ensure that you are made aware of the information provided to us by such third party.

Disclosure of Personal Information

Your Personal Information may be disclosed in a number of circumstances including the following:

- third parties where you consent to the use or disclosure; and
 - where required or authorised by law.
-

Security of Personal Information

Your Personal Information is stored in a manner that reasonably protects it from misuse and loss and from unauthorised access, modification or disclosure.

When your Personal Information is no longer needed for the purpose for which it was obtained, we will take reasonable steps to destroy or permanently de-identify your Personal Information. However, most of the Personal Information is or will be stored in client files which will be kept by us for a minimum of 7 years.

Access to your Personal Information

NPP APP 12 provides you with the right to access the Personal Information we hold about you and to update and/or correct it, subject to certain exceptions. If you wish to access your Personal Information, please make out your request to us in writing.

NSW Stoma will not charge any fee for your access request, but may charge an administrative fee for providing a copy of your Personal Information.

In order to protect your Personal Information we may require identification from you before releasing such information.

Maintaining the Quality of your Personal Information

It is an important part of providing our services to you that your Personal Information is up to date.

NPP APP 13 provides that we take reasonable steps to make sure that your Personal Information is accurate, complete and up-to-date.

It is important that you advise us at the earliest opportunity of any changes to your Personal Information so that our records can be updated.

Plain English Summary of the National Privacy Principles (NPPs)

With effect from 12 March 2014

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 – Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 – Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 – Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 – Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

Complaints

You can lodge a complaint with us about any breach of our Privacy By-Law and our privacy obligations to you by contacting the NSW Stoma Chairperson or Secretary in writing.

Privacy By-Law Enquiries

If you have any queries about this Procedure please contact our office at:

Office Address:	Unit 5 7-29 Bridge Rd Stanmore NSW 2048	Phone:	1300 OSTOMY (02) 9565 4315 or (02) 9565 4316
Postal Address:	P.O. Box 164 Camperdown, NSW 1450	Fax:	(02) 9565 4317
		Email:	info@NSWstoma.com.au
		Website:	www.NSWstoma.com.au

NSW Stoma Limited By-Law Updates

This By-Law may change from time to time.

This By-Law is available at our office to any member who requests it.

Last updated: **15 June 2016**
Version number: **2.2**

AUSTRALIAN PRIVACY PRINCIPLE 5 NOTIFICATION

The Australian Department of Health is collecting this personal information about you from your medical practitioner or stomal therapy nurse. The purpose of this collection is to assess your eligibility to receive additional stoma supplies under the Stoma Appliance Scheme (SAS) where those supplies exceed four times the maximum quantity allowed. The Department of Health can be contacted by telephone on (02) 6289 1555 or freecall 1800 020 103 or by using the online enquiries form at **www.health.gov.au**.

If you do not provide all of the personal information required, the Department may not be able to process your application for additional stoma supplies.

The Department will disclose your name and details of any additional stoma supplies approved to your stomal therapy nurse/medical practitioner and your ostomy association in providing an assessment of your application for additional stoma supplies.

The Department has an APP privacy policy which you can find at: **http://www.health.gov.au/internet/main/publishing.nsf/content/privacy-policy**.

You can obtain a copy of the APP privacy policy by contacting the Department using the contact details set out above. The APP privacy policy contains information about:

- how you may access the personal information the Department holds about you and how you can seek correction of it; and
- how you may complain about a breach of the Australian Privacy Principles.

The Department is unlikely to disclose your personal information to overseas recipients.

CONSENT TO COLLECTION OF SENSITIVE INFORMATION

I consent to the Department of Health collecting health information related to the management of my stoma(s) for the purpose indicated above.

_____ Date: ____/____/____
Signature (dd/mm/yyyy)

