

Privacy – Acts, policies and procedures

Privacy can be defined as the claim of an individual, groups or institutions to determine when, how and to what extent information about them is communicated to others. Privacy is a person's right to control what happens to personal information about them.

Privacy has become a very important issue in information and communication technology (ICT), due mainly to the increase in the amount of data stored electronically in business databases. With advances in computer networks, it is now possible to share databases between businesses and organisations via the Internet. An increase in e-commerce and e-banking has also increased the amount of information about an individual that is held electronically.

This increase in stored, personal information has caused increased concern for people who fear that it will be misused and their privacy invaded. This fear has led to an increased awareness of issues surrounding privacy and computers. Government, industry groups and social justice advocates have pushed for and developed legislation to protect a person's right to privacy in cyberspace.

Privacy in business

Businesses operating in Australia have to abide by the Privacy Act 1988. Further to this act, information stored and transmitted within a computer system is subject to the information privacy principles within the act.

From 2001, businesses dealing with an individual's personal details are now regulated by law. The ten National Privacy Principles outline the roles and responsibilities placed on businesses that collect, store or transmit private information.

To view the Privacy Act follow this link:

www.privacy.gov.au/act/ipps/index.html

To view the ten National Privacy Principles follow this link

http://www.privacy.gov.au/privacy_rights/npr.html

Privacy audits

A privacy audit is a check to ensure that a business's privacy policies and procedures comply with the Privacy Act. A privacy audit is a planned activity in which the auditor compares the business's procedures and policies against the privacy legislation that applies to that particular information.

A business might do a privacy audit in order to determine if it complies with the National Privacy Principles (NPP). Their motivation may be that they are required to comply, they want to voluntarily comply or wish to 'opt-in' to be covered by the Privacy Act. Ultimately, non-compliance with privacy legislation can cost the business money. This can happen when customers lose confidence in the business and its ability to ensure information about them is being handled correctly. A privacy audit will discover any flaws or gaps in existing privacy policies and procedures. The summary of the audit should be used to further define or improve privacy policies.

Privacy policies and procedures

A business must be prepared to give information about its personal information handling practices to any one who asks for it (with some exceptions of course). This information is commonly called a 'privacy policy'.

Why have a privacy policy?

- to conform to the National Privacy Principles, particularly principle five
- to give a business a competitive edge by giving customers assurance that their personal information will only be used for the purpose for which it was disclosed
- to remove doubt and ambiguity from the process of interacting with customers regarding sensitive information.

What is in a privacy policy?

Most importantly, a privacy policy must contain the information specified in National Privacy Principle, Number five. The following is a direct quote of that principle in full, as it is critical that a business understand its requirements:

- 5.1 An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it.
- 5.2 On request by a person, an organisation must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

The key elements of a privacy policy are:

- the kind of personal information the business holds
- the main purposes for which the business uses that information
- the steps a person needs to take if they think the organisation may hold personal information about them and they wish to get access to it

- other statements regarding how the business conforms to the National Privacy Principles
- whether the business has decided to be bound by a code approved under the Privacy Act rather than the NPPs
- any other relevant matters, for example, any outsourcing of the business's activities.

Examples of privacy policies

The following is a typical example that could be found on many Australian websites:

Example: Privacy Policy

ADELAIDE BUSINESS HOUSE: ONLINE PRIVACY POLICY

Respecting your privacy (a general statement and introduction)

Adelaide Business House Limited is committed to supporting the 'National Privacy Principles for the Fair Handling of Personal Information' which set clear standards for the collection, access, storage and use of personal information which we obtain as part of our business operations.

Our respect for our customers' right to privacy of their personal information is paramount. We have policies and procedures to ensure that all personal information, no matter how or where it is obtained, is handled sensitively, securely, and in accordance with the National Privacy Principles.

This Privacy Policy sets out:

- Matters of which you should be aware regarding information we may collect about you
- Our policies on the management of personal information
- Generally, what sort of information we hold, for what purposes, and how we collect, hold, use and disclose that information.

What personal information do we collect and store? (Element 1 – type of information collected and stored)

So that we can provide services to you, we may ask for personal details such as your name, address, telephone number or email address. Some examples of where we may need these details are lay-bys, home delivery of groceries, or in-store competitions. Privacy law requires us to collect personal information about you only if it is reasonable and practical to do so.

Adelaide Business House takes measures to ensure your personal information is protected from unauthorised access, loss, misuse, disclosure or alteration. We also take measures to destroy or permanently de-identify personal information when it is no longer required. The types of measures we take vary with the type of information, and how it is collected and stored.

Generally, you have no obligation to provide any information requested by us. If you choose to withhold requested information however, we may not be able to provide you with the goods and services that depend on the collection of that information, particularly if the collection of that information is required by law.

How is personal information used? (Element 2 – what the information is used for)

The personal information that we ask for is generally used to provide goods or services to you. For example, for a credit card transaction we need your card number, and for a competition we need your contact details so we can contact you.

We may also use your personal information in other ways to provide you with superior service. This may include using your personal information to advise you of new products and services. You have the right to tell us that you do not want us to send information to you other than for the main purpose for which we have collected your personal details.

Where possible, we try to ensure that our disclosure of information to other organisations (for example market researchers, and others with whom we have commercial arrangements) is in a way which does not personally identify individuals.

Access to your personal information (Element 4 – Access to and update of personal information)

We will provide you with access to any of your personal information we hold (except in the limited circumstances recognised by privacy law).

If you require access to your personal information, please contact our Privacy helpline on 1000 100PRV. Of course, before we provide you with access to your personal information we will require some proof of identity. For most requests, your information will be provided free of charge, however we may charge a reasonable fee if your request requires a substantial effort on our part.

If you need to update your information, eg if you change your address, please contact the relevant part of the Adelaide Business House group to which you supplied that information so we can make the change.