



THE
GUMALA TRUST

a safe pair of hands

Privacy Policy

July
2019

**Gumala Investments Pty Ltd
As Trustee for the General Gumala
Foundation Trust**

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1. Introduction

1.1 Purpose and Objectives

Protecting the privacy of individuals, especially that of GIPL Beneficiaries, and maintaining the confidentiality of personal information is fundamental to the way Gumala Foundation Entities conduct their day-to-day business. GIPL acknowledges the ongoing trust individuals bestow in them to protect personal information.

GIPL has efficient and effective systems and procedures in place to protect privacy whenever they collect, store, use or disclose personal information. Any person can request details about the information GIPL retains about them and they have a right to ask to correct any information that is not accurate.

The objective of the policy is to establish and communicate a standard set of procedures for the accurate management and maintenance of the personal information held by Gumala Foundation Entities.

1.2 Background/Context

This policy has been prepared by Gumala Investments Pty Ltd as Trustee for The General Gumala Foundation Trust ("GIPL") and is a policy which will apply to all employees of GIPL.

The policy will be reviewed annually.

GIPL Executive Officer will ensure that training on privacy obligations and employee requirements is conducted for all staff on an ongoing basis.

Gumala Foundation Entities includes:

- (i) Gumala Investments Pty Ltd as Trustee for the General Gumala Foundation Trust,
- (ii) Gumala Aboriginal Corporation

1.3 Authority

The GGF Privacy Policy is approved by the Board of Gumala Investments Pty Ltd (GIPL) and the Foundation Audit & Risk Committee.

2. Australian Privacy Principles (APPs)

All GIPL Employees are bound by the *Privacy Act 1988* (Cth) and the thirteen (13) Australian Privacy Principles (APPs) set out in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth), which came into effect on 12 March 2014. The following policy has been developed and updated to meet its requirement under this legislation and considers the below APPs:

APP 1- Open and transparent management of personal information APP 2-
Anonymity and pseudonymity
APP 3- Collection of personal information
APP 4- Dealing with unsolicited personal information
APP 5- Notification of the collection of personal information APP 6-
Use or disclosure of personal information
APP 7- Direct marketing
APP 8- Cross-border disclosure of personal information
APP 9- Adoption, use or disclosure of government related identifiers APP
10- Quality of personal information
APP 11- Security of personal information APP
12- Access to personal information APP 13-
Correction of Personal Information

3. Policy

This Policy will outline GIPL's information handling practices, and explain how personal information is managed including the:

- collection, use, disclosure and storage of personal information; and
- dealing with requests to access or correct personal information held by Gumala Foundation Entities.

The APPs regulate how the GIPL must collect, use, disclose and store personal information. The APPs also give individuals the right to access and correct their personal information in certain circumstances.

3.1 Why does GIPL Collect Personal Information

To enable GIPL to provide appropriate services, especially to its Beneficiaries, they may ask beneficiaries for personal information including, but not limited to, the following:

- name;
- address;
- telephone number;
- e-mail address;
- date of birth;
- language group;
- details of family members;
- personal signature; or
- personal photograph.

GIPL collects this information for proof of identity purposes, the administration of programs and services, and for research and analysis.

Privacy legislation requires GIPL to collect personal information about the person, only from the person, if it is reasonable and practicable to do so, where the information is reasonably necessary for or directly related to Gumala Foundation Entities functions or services.

Beneficiaries of GIPL, who are aged 18 or above, can also apply to become Members of Gumala Aboriginal Corporation. Gumala Aboriginal Corporation (“GAC”) delivers benefits to Beneficiaries on behalf of GIPL. For efficiency, GIPL and GAC are consolidating the application process for adult applicants for each entity into a joint application. As such, membership details are shared with both entities from the adult application. For GAC to deliver programs on behalf of GIPL Beneficiaries, GAC is provided access to Beneficiary records and personal details.

GIPL may collect personal information about you from third parties, such as: the Australian Taxation Office or other government agencies; educational institutions; correctional facilities; banks and financial institutions; or private businesses such as real estate agents. This may be to verify information you have provided or to gather additional information about your circumstances.

We collect personal information about employees and prospective employees in order to conduct employment and employment-related activities such as: payroll services; recruitment and selection; performance management; and work health and safety. The collection of personal information about employees and prospective employees may also be authorised by the Public Service Act 1999.

3.2 Collection of Sensitive Information

The Australian Privacy Principles impose additional obligations on an entity when collecting, using or disclosing sensitive information. Gumala Foundation Entities may only collect sensitive information where:

- the person consents to the collection and the information is reasonably necessary for GIPL to function or conduct its activities; OR
- the collection is required or authorised by law or a court/tribunal order.

GIPL may collect sensitive information for the purposes of assessing eligibility for programs, services or for employment opportunities.

3.3 Notification of the Collection of Personal Information

At, or before the time, or if that is not reasonably practicable as soon as possible after, GIPL collects personal information about an individual, GIPL must take steps that are reasonable in the circumstances, to notify:

- the individual of the GIPL's contact details;
- the fact that the GIPL has collected, or so collects, the information, and the circumstances to that collection;
- if the collection of the information has been required or authorised by an Australian Law or Court Order/Tribunal Order, the fact that the collection is so authorised;
- the purpose for which the information has been collected;
- the main consequence of the personal information being collected;
- if the type of personal information collected is usually disclosed to another entity;
- information regarding how the individual can access their personal information; and
- how the individual can seek correction of their personal information and how the individual can make a complaint regarding the breach of the APPs.

3.4 Cultural Sensitivity of Personal Information

The privacy legislation sets out broad rules to protect the Personal Information of everyone in Australia against unnecessary, unfair, or overly intrusive collection by organisations or businesses. However, cultural differences mean that these rules will often have different effects for different types of information. The cultural sensitivity of some personal information means that it requires increased protection.

Anybody has a right to be told 'why' their personal information is being collected, and to be protected against:

- unnecessary collection of culturally sensitive personal information;
- methods of collecting personal information which are culturally sensitive;
- and other unreasonably intrusive collection of personal information.

Any culturally sensitive information collected by GIPL must be necessary for GIPL purposes. Where that information is culturally sensitive, it is especially important for the enquirer to address alternative methods of achieving the desired purpose, other than collecting the culturally sensitive information. Less intrusive alternatives to collecting culturally sensitive information should be exhausted before culturally sensitive information is sought. GIPL employees who are likely to deal with culturally sensitive information should engage in cultural awareness training.

Culturally sensitive information should only be sought on a voluntary basis, unless it is absolutely essential to GIPL purpose of using personal information. If there is no other option but to ask for culturally sensitive information, the request should be made carefully, and with all possible steps to minimise intrusion. The reason for the request must be explained.

Examples of Culturally Sensitive Information:

- information about people who have passed away;
- previous names;
- ceremonial business; and
- skin names.

3.5 How Personal and Sensitive Information is Collected

GIPL collects personal and sensitive information through a variety of channels, including:

- paper forms or notices;
- electronic or paper correspondence;
- face-to-face communication during meetings; and
- over the phone.

If GIPL collects personal information from someone other than the individual or GAC, or the individual is not aware the information has been collected, as soon as practicable, GIPL will notify the individual that this has occurred.

Any information collected by GIPL which should not be in its possession will be destroyed or de-identified as soon as practicable, in a secure manner.

3.6 Storage and Data Security

GIPL understands the importance of storing all personal information securely and takes reasonable steps to protect the personal information they hold against misuse, interference and loss, and from unauthorised access, modification or disclosure. These steps include:

- maintaining security systems such as locks over hard copy documents, restricting access to stored data through the use of usernames and passwords and server firewalls;
- access to personal and sensitive information being on a need-to-know basis only and accessible by authorised employees only;
- Gumala Foundation Entities having secure access to the personal and sensitive information of Members and Beneficiaries stored on our network, including each staff member's access being restricted with usernames and passwords in accordance with their authorised clearance level;
- GIPL staff members being made aware, during their induction and throughout their employment, of appropriate procedures for accessing, storing and protecting information and data in the Entities' possession; and
- storage and data security systems and protections being regularly monitored and assessed for breaches or risks.

When no longer required, personal information is destroyed in a secure manner, or archived or deleted in accordance with our obligations under the Privacy Act.

Under no circumstances will Gumala Foundation Entities adopt a government- related identifier for an individual (for example: a Centrelink reference number; or a Medicare number).

3.7 Purposes of Using and Disclosing Personal and Sensitive Information

Personal information will generally be used and disclosed to assist GIPL in delivering goods and services to Gumala Beneficiaries, most often through the GAC Member Services Team.

Other examples include:

- informing Beneficiaries about particular services that may be of interest to them;
- assisting Beneficiaries in arrangements or meetings with other organisations (both government and non-government);
- assessing eligibility for particular programs; and
- performing other administrative and operational tasks, including Member Service Surveys.

Personal Information will not be used for purposes unrelated to the purposes for which it was originally collected, unless:

- the individual concerned authorises GIPL to use their information for this other purpose;
- it is required or permitted by an Australian law or by a Court/Tribunal order; or
- it is reasonably necessary for an enforcement activity of an enforcement body.

3.8 Disclosing Personal and Sensitive Information to Other Parties

Gumala Foundation Entities will not disclose Personal Information to anyone, including other organisations or third parties unless:

- the disclosure is necessary for GIPL or GAC to deliver a service to the Beneficiary, or to perform one of its functions; or
- consent has been given; or
- the disclosure is required under an Australian law or by a Court/Tribunal order; or
- the disclosure is otherwise permitted by the APPs.

Gumala Foundation Entities recognise the importance of keeping personal information of their Members and Beneficiaries confidential. However, it is acknowledged that it can sometimes be intrusive to ask individuals to provide the same information repeatedly to similar organisation with which the relevant Entity is partnered. There may also be certain

circumstances where individuals may expect GIPL to liaise with partner organisations on the individual's behalf.

Accordingly, GIPL will provide Beneficiaries with the option of allowing us to share their information with other organisations, where reasonably necessary, to assist with the provision, management and monitoring of services. Beneficiaries are also provided with a choice to opt out of allowing us to share their information with Other Gumala Foundation Entities. A Beneficiary's choice of disclosure is recorded and kept in the records.

Where information is likely to be held by another organisation, the wishes of the Beneficiary will be determined at the outset of any arrangement GIPL Entities may have with the other organisation. If there is a preference for that information to be obtained from the other organisation, the Member's consent will be formally obtained. Existing coordination and liaison arrangements will then be used to obtain the information from the other organisation. GIPL is also committed to ensuring they have appropriate agreements in place with their partner organisations which protect the rights and confidentiality of individuals.

3.9 Sharing of Personal Information Across Gumala Foundation Entities

Personal information may be shared across Gumala Foundation Entities unless instruction has been given by the Beneficiary not to.

3.10 Cross-Border Disclosure of Information

It is unlikely that GIPL will need to disclose personal information to overseas recipients (other than to Beneficiaries themselves), however if it is or becomes necessary then GIPL will seek the effected Beneficiary's permission in writing before disclosing any personal information.

GIPL will take reasonable steps to ensure any overseas recipient does not breach the APPs in relation to the information.

3.11 Electronic Messaging Services (SMS and email)

From time to time GIPL may send individuals an SMS alert or email reminder. Particularly, this would be the case if the individual has provided their mobile phone number or an email address to GIPL.

The purpose of these alerts is to provide relevant information regarding GIPL to relevant individuals, this may include:

- alerts about services;
- changes that may be occurring; or
- surveys; or
- particular forms that may need to be filled out.

GIPL considers that a message had been received once it has been sent to the service provider and has been forwarded to an account. An SMS will not contain any personal information, for example name or contact details. Individuals should ensure that personal safeguards are in place to protect themselves, computers and mobile phone from security threats.

Beneficiaries are able to withdraw from this service at any time, which will be recorded by the administration Team.

3.12 Unsolicited Personal Information

If GIPL receive unsolicited personal or sensitive information it will, as soon as practicable, determine whether or not it could have collected the information while remaining in line with the APPs. If it is determined that the information could not have been solicited in an acceptable manner then GIPL will, as soon as practicable, destroy the information or ensure that the information is deidentified.

3.13 Updating Personal Information

GIPL recognise that having accurate information about individuals, especially Beneficiaries, enables them to provide the best possible services.

GIPL always take reasonable steps to ensure that all personal information is accurate, complete and up to date at the time of collecting, using or disclosing the information.

Any request to update information will be actioned immediately or as soon as practicable. There will not be any charges for Members or Beneficiaries to update their personal information.

If, for some lawful reason, GIPL refuses to correct the personal information requested by the individual, they will provide a written explanation which sets out:

- the reasons for the refusal except to the extent that it would be unreasonable to do so;
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

GIPL endeavour to ensure they maintain high quality information that is accurate, up-to-date, complete and relevant

3.14 Access to Personal Information

GIPL will provide an individual access to any of their personal information (except in the limited circumstances recognised by the privacy legislation).

This Privacy Policy will be made available for access on GIPL's website. www.gumalatruster.com

A person should contact GIPL if they wish to find out about the personal information that is being held about them, they can do this by calling 08 9287 3900 or emailing to gipl@gumalatruster.com

GIPL will always need to verify an identity before giving access to such information.

GIPL will normally be able to deal with such requests immediately. If the request is complex, the request will usually be dealt with within ten (10) working days.

In some limited situations, GIPL may not be able to inform an individual of what personal information is held about them. Such examples include, but are not limited to:

- if it will jeopardise the privacy of another person;
- if it relates to existing or anticipated legal or negotiation proceedings;
- where there is reasonable belief that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- where the request for access is frivolous or vexatious;
- where the disclosure could reveal organisational sensitive decision-making processes;
- where required to by an Australian law or a Court/Tribunal order;
- where disclosing the information would be unlawful; and
- there is reason to suspect that unlawful activity or misconduct of a serious nature, that relates to GIPL functions or activities has been or may be engaged in.

If GIPL is unable to inform the person what personal information is held about them, then will provide them the reasons why and the mechanisms available regarding complaints.

GIPL will attempt to obtain other ways to make it possible for them to access their personal information, in circumstances where access has been refused.

4. Feedback

GIPL encourages individuals who believe their personal or sensitive information has not been handled in accordance with our obligations under the *Privacy Act 1988* (Cth) to provide their feedback (complaint, compliment or suggestion). GIPL is bound to act in accordance with the *General Gumala Foundation Complaints Policy* and any relevant procedures that exist due to that policy.

5. Version Control

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|---------------------------------|-------------------|
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