



# Spark Health Australia

## Privacy Policy and Collection Statement

October, 2018

### *1.1 Our privacy obligations and commitments*

Spark Health Australia Pty Ltd (Spark Health) is a profit for purpose social enterprise and Supply Nation registered Aboriginal Business. Spark Health is required to comply with the following laws when collecting, holding, using and disclosing personal information, including sensitive and health information: *Privacy Act 1988* (Cth) (**Privacy Act**) and the Australian Privacy Principles in that Act ( **APPs**), the *Health Records Act 2001* (Vic) ( **Health Records Act**) and the Health Privacy Principles ( **HPPs**) in that Act.

We are committed to protecting personal and health information in accordance with these laws:

- in providing support and advice services to program participants, their families, health professionals, and the community, collecting registrations, carrying out research, conducting fundraising and advocacy activities ( **Services**); and

This Privacy Policy sets out how we manage your personal information, including sensitive and health information. It describes the types of information we collect and hold and why we do so, how we keep the information secure, how to access and correct the information, and how to make a privacy complaint.

## **2. Definitions**

### *2.1 What is personal information?*

*Personal information* is information or an opinion, whether it is true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from that information or opinion.

For the purposes of this Privacy Policy, a reference to personal information should be read as including sensitive and health information, unless otherwise specified.

### *2.2 What is sensitive information?*

*Sensitive information* is a subset of personal information which is afforded a higher level of protection under the APPs. This includes information which relates to an individual's race or ethnic origin, political opinions or memberships of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or union, sexual preferences or practices, criminal record, health information, genetic information that is not otherwise health information about an individual and biometric information. Our collection, use and disclosure of personal information, including sensitive information, will comply with the APPs.



### 2.3 What is health information?

*Health information* is personal information that is also information or an opinion about the physical, mental or psychological health of an individual, a disability of an individual, an individual's expressed wishes for the future provision of their healthcare, or a health service provided to an individual. Health information also includes personal information that is collected to provide a health service or in connection with the donation of an individual's body parts, organs or body substances, or personal information that is genetic information about an individual that is predictive of the individual's health. . Our collection, use and disclosure of health information will also comply with the HPPs.

## 3. What personal information do we collect?

### 3.1 Types of information we collect

We collect personal information from individuals both to whom we provide, and who help us provide, our Services. This includes program participants and their next of kin, employees, job applicants, research study participants, recipients of support services, participants in advocacy campaigns, participants in education and training programs, health promotion projects or fundraising campaigns, health professionals, suppliers, volunteers, users of our social media pages and applications and our service providers.

The personal information we collect will depend on who you are and the purpose for which it is collected. We only collect personal information that is reasonably necessary to perform our functions or activities.

The kinds of personal information we may collect when dealing with you may include:

- your name, date of birth and gender;
- your contact information including address, postcode, email, telephone number and mobile number;
- your details regarding ethnicity eg country of birth, whether you are an Aboriginal or Torres Strait Islander or language spoken at home;
- payment or billing information (including bank account details, credit card details, billing address and invoice details) for donations or the supply of our Services;
- your current location, if you are using one of our mobile applications and consent to this collection;
- details relating to the Services we have supplied you; and

We may also collect the following types of personal information from you if you are a:

**Program Participant and next of kin:**



- your health information and medical history in particular your history with and relationship to diabetes and cancers including the type of cancer you have or your next of kin has suffered, your/their treatments, genetic and biometric information and biometric templates; and

#### **Research participant:**

- health information and medical history, family history of cancer and diabetes, genetic and biospecimen samples, biometric information, lifestyle information.

#### **Job applicant or employee:**

- your employment history, qualifications, resume and job references;
- your fitness for work, including police checks and security information from government agencies or departments (including Working with Children checks), health assessments and other personal information as part of your job application (only if appropriate and in compliance with the law);
- your banking details to process payments such as wages; and
- government related identifiers, such as your Tax File Number in compliance with the law.

## **4. How do we collect your personal information?**

### *4.1 From you*

Where reasonably practicable, we will collect your personal information directly from you. This may be in person (for example, where you purchase a retail product in-store or attend an event), or online (for example, if you participate in an online survey, sign up for an event online or set up an account with us).

### *4.5 Online*

When you access our website, we or our third-party service providers, may use “Cookies” (small data files placed on your device that do not identify individuals personally but do identify devices). We may also use software (such as Javascript), or similar technology.

This allows us to:

- Maintain the continuity of your browsing session (eg. maintaining a shopping cart);
- Remember your details and preferences when you return;
- Use Google Analytics to collect information such as demographics and interests, visits to our websites, length of visit and pages viewed; and
- Tailor our advertising through advertising networks on other websites.



You can set your browser to notify you when you receive a Cookie and this will provide you with an opportunity to either accept or reject it in each instance. Please note that if you do this, it may affect some of the functions on our website.

We may also gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our Services. This information does not identify you personally.

When you use our mobile applications, we may collect information from you, such as your profile, location and other relevant information, which is used to provide our Services. By providing us with this information, you are consenting to our collection and use of this information.

## **5. Why do we collect your personal information and how do we use it?**

In addition to collecting and using your personal information in order to carry out our Services, we collect and use your personal information for the purposes explained below:

### *5.1 Research purposes*

Personal information collected for research purposes is not used for direct marketing unless your consent is obtained for that purpose.

Research studies which require ethics approval from an Australian Human Research Ethics Committee (HREC) may have additional obligations in relation to collection of personal information. Such projects will comply with the conditions of the ethics approval by the relevant HREC.

### *5.2 Direct marketing and opting out*

We may use personal information, including your name, contact phone number, address and email address, to send marketing and promotional information by post, email, social media or telephone including SMS . You may opt-out of receiving direct marketing communications from us at any time. If you do not opt-out, we will assume we have your ongoing consent to send information and communications.

If you wish to stop receiving direct marketing communications from us, please tell us at any time by following the opt-out instructions on the communication we send you or you can contact us using the details set out in item 11.1.

### *5.3 Other general purposes*

Depending on what Services we are carrying out, we may collect personal information for a number of purposes, including:

- Employment: to manage queries from or about a prospective, current or past employee;
- Support services: to provide with information and support services, and to evaluate and report on these services;



- Health promotion: to provide information about chronic disease cancer risk factors, such as UV exposure, tobacco and obesity, and to seek your support for campaigns;
- Other purposes: communicating with individuals in relation to our operations, activities and objectives, to verify their identity, to improve and evaluate our programs and Services and to comply with applicable laws.

Whenever practicable, we will provide you with a collection statement setting out the purpose for the collection and how you can contact us regarding your personal information.

## **6. Who do we disclose personal information to?**

In order to carry out our Services and statutory functions and for the collection and purposes explained above, we may disclose appropriate personal and health information to others as set out below, but never disclose your information to an unreasonable/unrelated third party.

### *6.1 Disclosure for research*

With your informed consent, we may disclose your personal and health information to researchers to conduct research studies. Typically information provided for research projects is de-identified unless consent is obtained. Disclosure of personal and health information for research purposes will be subject to our legal obligations, as well as our strict internal policies and codes of practice.

### *6.2 Other general disclosures*

- External support services: to health care professionals, lawyers, counsellors, auditors, financiers, volunteers, agencies and not-for-profits that provide us or you with support services (only in limited and appropriate circumstances necessary to carrying out our Services);

## **6. How do we store and secure personal information?**

We store personal and health information in both hardcopy and electronic form. We take reasonable steps to protect it from misuse, interference and loss, and from unauthorised access, modification or disclosure.

Some of the ways we do this include:

- storage of electronic information using a password protected electronic database;
- storage of hardcopy information on secure premises only accessible by authorised people;
- using Secure Socket Layer (**SSL**) certificates for encrypting your credit card and debit card numbers;



- financial information is encrypted on our servers and access to this information is restricted to authorised Spark Health staff; and

Where personal information is stored with a third party, we have arrangements which require those third parties to maintain the security of the information. We take reasonable steps to protect the privacy and security of that information. Because of the nature of our Services and functions, and the purposes for which we collect personal and health information, we generally retain and hold much of this information indefinitely.

If you communicate with us via email or over the internet we cannot guarantee its security.

If you believe that any of the personal information we may hold about you has been compromised in any way please let us know immediately so that we can investigate by contacting us on the details at item 11 at the end of this policy.

## **9. Can you access personal information that we hold about you?**

### *9.1 Research participants*

If you are a participant in any research studies, you have the right to access certain information about you that is collected and held by us. This will include genetic information that is health or sensitive information about you. You also have the right to ask for certain information to be corrected.

### *9.2 General access*

We will, upon your request, and subject to any exemptions in applicable privacy laws, provide you with access to the personal information that we hold about you. We will need to first identify you and know the type/s of information you require access to. We will endeavour to deal with access requests within 30 days.

## **10. How can you update and correct your personal information?**

You can ask Spark Health to correct or update personal information we hold about you at any time. We will need to verify your identity before making any corrections or changes to your information. We also have obligations to take reasonable steps to correct personal information we hold once we have been notified that it is inaccurate, out-of-date, incomplete or irrelevant or misleading for the purpose for which it is held.

If you require access to, or wish to update your personal information, please contact us on the details provided below. If we refuse your request, we will notify you in writing of our reasons and explain how you can complain.

## **11. How can you contact us or complain about our handling of your personal information?**

### *11.1 Our contact details*

For all queries, requests and information about our Privacy Policy or our management of personal and health information, please contact our Privacy Officer on the following details:



**Address:**

Spark Health Australia Pty Ltd

Office Address: Level One, 248 High Street Preston VIC 3072

Postal Address: PO BOX 1630, Preston South, VIC 3072

**Telephone:** 0437 584 123

**Email:** [hello@sparkhealth.com.au](mailto:hello@sparkhealth.com.au)

*11.2 Complaints to Spark Health*

If you wish to make a complaint about our handling of your personal information, please contact us on the details set out in item 11.1. To provide you with an appropriate response, we may need you to provide us with more information about your complaint and to verify your identity. We will investigate your complaint and endeavour to provide you with a response within 30 days of receipt of your complaint. If we cannot respond in the timeframe specified, we will contact you and explain the reason for the delay and give you a new timeframe for our response.

If you are not satisfied that we have resolved your complaint you can request that the matter is escalated to the Managing Director at the contact details set out in item 11.1.

*11.3 External complaints about personal information*

If you are still not satisfied that your complaint has been resolved by us, you may make a complaint to:

- The Office of the Australian Information Commissioner (OAIC) which deals with complaints under the *Privacy Act 1988* in relation to personal information. The OAIC can be contacted at:

Website: <http://www.oaic.gov.au/about-us/contact-us-page>

Telephone number: 1300 363 992

In writing: Office of the Australian Information Commissioner, GPO Box 5218, Sydney, NSW, 2001

Telephone number: 1300 582 113

**12. Updates and availability to this Privacy Policy**

This Privacy Policy may be reviewed and amended from time to time to reflect changes to our practices, policies, systems and legal obligations. Any changes to this Privacy Policy will take effect from the date of posting on our website.

A copy of this Privacy Policy is available for download from our website or by contacting the Privacy Officer on the details set out in item 11.1.

**Effective date: October 2018**