



MercyWorks

SISTERS OF MERCY
IN AUSTRALIA & PAPUA NEW GUINEA

PRIVACY POLICY

Policy Number:	07	Version:	3
Updated by:	Paul Taylor and Frank Elvey	Approved by Board on:	22 May 2024
Reason of Review:	Scheduled Review	Scheduled review date:	May 2025

INTRODUCTION

Established in 2000, Mercy Works Limited (MWL) is the development arm of the Sisters of Mercy in Australia and Papua New Guinea.

We work in partnership with vulnerable communities and local organisations domestically and in the Asia Pacific region. We work with the people of these communities and organisations to build capacity, dignity and self-reliance.

1. SCOPE

This policy provides guidance to workers (see definition 3.10) in relation to their work with or for MWL.

This Privacy Policy explains:

- a) why MWL collects personal information
- b) what personal information MWL collects
- c) how MWL collects and uses personal information
- d) how MWL discloses personal information, including to overseas recipients
- e) your right to access personal information
- f) your right to correct personal information
- g) how MWL protects the integrity of personal information
- h) the right to make a privacy complaint
- i) how to contact MWL regarding privacy concerns
- j) how MWL deals with breaches.

2. PURPOSE

The purpose of this policy is to ensure that MWL manages personal information in an open and transparent way and complies with the Privacy Act 1988 (Cth), the National Australian Privacy Principles, and the Payment Card Industry Data Security Standard. It is also designed to confirm compliance with the Privacy Amendment (Notifiable Data Breaches) Act 2017 (subject to the conditions prescribed in the Privacy Act). MWL acknowledges the responsibilities it holds as an Australian Privacy Principles (APP) entity.

The purpose of this policy is also to ensure observance with the Australian Council for International Development (ACFID) Code of Conduct Principles, in particular:

- Commitment 6.2 - We collect and use information ethically.

- Commitment 7.2 - We meet our legal and compliance obligations.
- Commitment 7.3 - We are accountable to our stakeholders.

Any exemption to this policy must be applied for in writing, for approval by the Executive Director. Any exemption granted by the Executive Director must be in writing.

3. DEFINITIONS & ACRONYMS

Terms used in this policy are:

Australian Privacy Principles (APP) - As laid out in Schedule 1 of the Privacy Act 1988 (Cth).

Australian Privacy Principles (APP) Entity - Is an agency or organisation.

Notifiable Data Breach (NDB) Scheme - Any organisation or agency subject to this scheme must notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to an individual whose personal information is involved.

Health information - Includes personal information collected from you in order to provide a health service. There are greater restrictions that apply to our collection, storage, use and disclosure of sensitive information under the Privacy Act 1988 (Cth).

OAIC – Office of the Australian Information Commissioner

Personal Information - Information or an opinion about an identified individual or an individual who is reasonably identifiable:

- a) whether the information or opinion is true or not; and
- b) whether the information or opinion is recorded in a material form or not. As defined in the Privacy Act 1988 (Cth).

Payment Card Industry Data Security Standard – This standard was created jointly in 2004 by four major credit card companies: Visa, MasterCard, Discover and American Express. It is a widely accepted set of policies and procedures intended to optimise the security of credit, debit and cash transactions to protect cardholders against misuse of their personal information.

Primary Purpose - Under the Privacy Act 1988 (Cth), an APP Entity can only use or disclose personal information for a purpose for which it was collected (known as the 'primary purpose', or for a secondary purpose if an exemption applies as defined by the Act).

Sensitive information - Is a special category of personal information and includes, but is not limited to, information about your health, race or ethnic origin, political or religious beliefs, membership of a trade union or association, or criminal record.

Workers – all MWL Board Directors, committee members, employees, contractors and volunteers.

4. APPLICATION

4.1 Collection of personal information

MWL collects personal information for the following purposes (Primary Purpose):

- a) to lawfully carry out MWL functions and activities;
- b) to deliver the services that have been requested, or to deal with donations
- c) to provide further information about the services that have been requested or about donations
- d) to personalise and customise experiences with MWL
- e) to help MWL review, manage and enhance its services
- f) to develop insights used in reports or other content developed by MWL
- g) to communicate with all stakeholders
- h) for administration purposes, including charging, billing and collecting debts
- i) to promote and market those of its other services which MWL considers may be of interest
- j) when considering making offers to job applicants and prospective employees or for employment purposes
- k) to receive services from individuals or the organisation they represent.

In addition to the Primary Purpose, MWL may use the personal information it collects with consent to use:

- a) to provide news about any MWL services or donation matters
- b) to send marketing and promotional material that may be of interest
- c) to communicate including by email, telephone and mail
- d) to manage and enhance services on the MWL website and domains
- e) to conduct surveys or promotions
- f) to verify identity
- g) to investigate any complaints or suspected breachers of relevant MWL terms and conditions
- h) as required or permitted by any law.

Unless otherwise provided by law, MWL will not collect, hold, use or disclose sensitive information without consent.

4.2 The type of personal information MWL collects

MWL is committed to ensuring the security and privacy of personal information it collects.

The nature and extent of personal information that MWL collects varies depending on the particular interaction with MWL and the nature of its functions and activities.

Personal information that is commonly collected in these interactions could include (but is not limited to):

- a) name, position, date of birth
- b) address, email address, telephone numbers, gender, driver's licence number, passport number
- c) financial information including credit card and banking information, business references, details about your business, Australian Business Number
- d) nature of services being sought
- e) insurance details, rates and fees
- f) a worker's occupation, career history and references.

MWL also collects information that is not personal information, such as data relating to activity on our website.

If you believe that the personal information that MWL is requesting at any point is not information that you wish to provide, please raise this matter with MWL.

4.3 How MWL collects personal information

Generally, personal information is collected by MWL from a variety of sources, including when dealing with members of the public or customers, when dealing with individuals, undertaking marketing initiatives, or when recruiting.

For example, MWL may collect personal information from you in the following circumstances:

- when you are dealing with donor services, fulfilling registrations to events, webinars, participating in surveys or purchasing/accessing service
- when you deal with MWL as an independent contractor
- when you apply for a job.

Personal information may be provided using the MWL website or by telephone, business cards, contracts, applications, survey entries, mail or email, registration forms, face-to-face or in writing, whether verbally, in hardcopy or electronic format.

Where possible, MWL collects personal information directly from you. In some circumstances, MWL may obtain personal information from a third party.

If you provide personal information about another person to MWL, MWL may require that you:

- inform the other person that you have done so and provide the person with a copy of this policy
- confirm to MWL that you have obtained the person's consent to provide such information for the purpose specified has been obtained.

If MWL receives unsolicited personal information about a person that it could not have collected in accordance with this Privacy Policy and the Privacy Act, MWL will within a reasonable period, destroy or de-identify such information received.

4.4 Website and Google Analytics

Information MWL collects may include:

- a) the internet protocol address and a component of the domain name used (e.g. .com or .net)
- b) the type of browser and operating system that has been used
- c) the date and time the MWL website was visited
- d) the web pages or services accessed at the MWL website
- e) the time spent on individual pages and the MWL website
- f) which files that have been downloaded
- g) information about computer and internet connections using cookies.

MWL uses Google Analytics Demographics, and Interest Reports to obtain a more detailed understanding of MWL website users and their potential needs. MWL does not collect personal information by such methods; only aggregate data is used for planning purposes.

4.5 Social Media

Authorisation will be obtained before posting photos on social media. Personal phone numbers and email addresses will not be made available on social media.

4.5 Use of your personal information

MWL will only use and disclose personal information:

- for purposes which are related to the Primary Purpose
- if MWL otherwise obtains your consent, in accordance with this Privacy Policy and the Privacy Act.

This will include:

- maintaining accurate records of fundraising
- establishing and maintaining donor relationships and networks
- establishing and maintaining membership of Friends of MWL
- communicating the services of MWL online and through publications
- ensuring that programs of MWL are appropriate and effective
- meeting professional and legal requirements related to government funding, where the use or disclosure is required or authorised by law.

MWL will not use personal information for any purpose for which it is not reasonable to expect MWL to use that personal information. Additionally, MWL will not disclose sensitive information without consent, unless there is a need to disclose such information in accordance with the Privacy Act or to comply with any other regulatory requirement.

MWL takes special care with card payment details according to the Payment Card Industry Data Security Standard.

MWL will only use or disclose your personal information for the purposes of direct marketing if:

- MWL collected the personal information
- it is reasonable in the circumstances to expect that MWL would use or disclose the information for direct marketing purposes
- MWL provides you with a simple means to 'opt-out' of direct marketing communications from MWL
- you have not elected to 'opt-out' from receiving such direct marketing communications from MWL.

You may opt-out of receiving such communications by:

- clicking a link in the email communications sent by MWL
- contacting the MWL office by telephone on 02 9564 1911
- contacting MWL at mercyworks@mercyworks.org.au
- in writing to the Mercy Works Executive Director, PO Box 2023, North Parramatta, NSW 1750.

You are not obliged to give MWL personal information. If you would like to access any of MWL's services on an anonymous basis or using a pseudonym, MWL will take reasonable steps to comply with that request. However, MWL will require you to provide identity details if:

- MWL is required by law to deal with individuals who have identified themselves
- it is impracticable for MWL to deal with you if you do not identify yourself or choose to use a pseudonym.

Please also be aware that a request to be anonymous or to use a pseudonym may affect MWL's ability to provide you with the requested goods and/or services and the range of options available to

you may be limited.

For example, MWL may not be able to provide the full range of services or allow you to participate in functions, seminars or events if personal information is not provided .

For the purposes referred to above in this Privacy Policy, you acknowledge and agree that MWL may disclose personal information and consents to us disclosing such personal information to:

- a) MWL's affiliated entities
- b) third parties engaged by MWL to perform functions or provide services or deal with donations on MWL's or their behalf such as mail-outs, marketing or advertising
- c) third parties that sponsor or promote MWL
- d) third party contractors engaged to provide online credit card account processing and related services. When an account is paid online, a secure server is used which encrypts the information sent through the MWL website. MWL make no warranty in respect of the strength or effectiveness of that encryption, and is not responsible or liable for events arising from unauthorised access of the information received.
- e) a worker's referees and former employers
- f) credit agencies
- g) MWL's professional advisors, including its accountants, auditors and lawyers
- h) persons authorised by a worker to receive information held by MWL
- i) any persons as required or permitted by any law.

MWL will not rent, sell or exchange your information without your consent.

MWL does not send personal information overseas.

4.7 Access to personal information

If you require access to personal information held by MWL, you should contact the MWL Executive Director, putting the request in writing and providing proof of identity.

MWL is not obliged to allow access to personal information if:

- a) MWL reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or public health or public safety
- b) giving access would have an unreasonable impact on the privacy of other individuals
- c) the request for access is frivolous or vexatious
- d) the information relates to existing or anticipated legal proceedings and would not ordinarily be accessible by the discovery process in such proceedings
- e) giving access would reveal our intentions in relation to negotiations in a way that would prejudice those negotiations
- f) giving access would be unlawful
- g) denying access is required or authorised by or under an Australian law or a court/tribunal order
- h) MWL has reason to suspect that unlawful activity, or misconduct of a serious nature relating to its functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter
- i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body
- j) access would reveal internal evaluative information in connection with a commercially sensitive decision-making process.

If you make a request for access to personal information, MWL will:

- respond to the request within a reasonable period
- if reasonable and practicable, give access to the information in the manner requested.

If MWL refuses to give access to the personal information because of an exception or in the manner requested, MWL will provide a written notice that sets out at a minimum:

- MWL's reasons for the refusal (to the extent it is reasonable to do so)
- the mechanisms available to complain about the refusal.

MWL reserves the right to charge reasonable expenses for providing access to personal information, for example, a fee for photocopying any information requested.

Nothing in this Privacy Policy replaces other informal or legal policies by which you can be provided with access to personal information.

4.8 Correction of personal information

MWL requests that you keep personal information as current as possible. If you consider that the provided information is not accurate or personal details have or are about to change, you can call MWL on 02 9564 1911, and MWL will correct or update personal information.

If you make a request to correct personal information, MWL will:

- respond to the request within a reasonable period
- if reasonable and practicable, correct the information in the manner requested.

If MWL refuses a request to correct personal information, MWL will:

- provide a written notice setting out the reasons for the refusal and how to make a complaint
- take reasonable steps to include a statement with the personal information MWL refuses to correct.

MWL reserves the right to charge reasonable expenses for making a correction to the personal information, for example, a fee for photocopying relevant information.

Nothing in this Privacy Policy replaces other informal or legal Policies by which you can correct personal information.

4.9 Integrity of personal information

MWL will take reasonable steps to:

- ensure that the personal information that MWL collects is accurate, up to date and complete
- ensure that the personal information that MWL holds, uses or discloses is, with regard to the specific purpose, accurate, up to date, complete and relevant
- secure personal information while it is being held by MWL.

MWL will take reasonable steps to protect personal information from:

- misuse, interference and loss
- unauthorised access, modification or disclosure.

Electronic information is protected by various security measures (including encryption and password protection), and physical paper files are stored in a secure location. Personal information is de-identified, where appropriate. Data protection includes the use of password access areas and secure servers.

In interacting with MWL you acknowledge that the security of communications sent by electronic means or by post cannot be guaranteed. MWL cannot accept responsibility for misuse, loss or unauthorised access to personal information where the security of information is not within our control. If you suspect any misuse or loss of personal information, you should contact MWL immediately.

MWL will take reasonable steps to destroy or de-identify any personal information held by MWL if there is no longer a need to hold the information for the purpose it was collected and MWL is not otherwise required by law to retain the information.

4.10 Notifiable Data Breaches (NDB)

The Privacy Act states a data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure. Some examples are when:

- a device containing personal information is lost or stolen
- a database containing personal information is hacked
- personal information is mistakenly provided to the wrong person.

Data breaches are not limited to malicious actions, such as theft or 'hacking', but may arise from internal errors or failure to follow MWL's information handling policies that cause accidental loss or disclosure. The NDB scheme requires entities to notify individuals and the Australian Privacy Commissioner about 'eligible data breaches'. An eligible data breach occurs when the following criteria are met:

- an unauthorised access to or disclosure of personal information held by an entity (or information is lost in circumstances where unauthorised access or disclosure is likely to occur)
- this is likely to result in serious harm to any of the individuals to whom the information relates
- the entity has been unable to prevent the likely risk of serious harm with remedial action.

MWL will also conduct an assessment if it is not clear if a suspected data breach meets these criteria. The assessment will determine whether the breach is an 'eligible data breach' that triggers notification obligations.

MWL notifies the Board and the Australian Privacy Commissioner whenever MWL has reasonable grounds to believe that an eligible data breach has happened; or when directed to do so by the Australian Privacy Commissioner.

In the event of a suspected data breach, MWL will perform the following steps:

- Step 1: Contain the breach and complete a preliminary assessment
- Step 2: Evaluate the risks associated with the breach
- Step 3: Notify the affected individual(s)
- Step 4: Notify the MWL Board and the Australian Privacy Commissioner/OAIC following the Notifiable Data Breach (NDB) Scheme as required
- Step 5: Review processes and procedures to prevent future breaches.

5 BREACH

A breach of this policy may result in disciplinary action that may involve severance from the organisation.

6 AUTHORITY

This policy is approved and reviewed by the Board.

7 RELATED POLICIES/DOCUMENTS

Other organisational policies, legislation, and codes etc. that should be read in conjunction with this policy and with MWL's ethical value principles include:

- Code of Conduct Policy
- Management of Concerns, Complaints and Commendations Policy
- Fundraising and Development Policy
- Risk Management Framework
- Social Networking Policy
- ACFID Code of Conduct - Commitment 6.2, 7.2 and 7.3
- Privacy Act 1988 (Cth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- Payment Card Industry Data Security Standard

8 CONTACTS

Complaints about how MWL collects, uses, discloses, manages or protects personal information, or the reporting of a potential breach of the Privacy Act or the Australian Privacy Principles, can be made to the:

Executive Director
 Mercy Works Ltd
 Level 3, 6 Victoria Road
 Parramatta NSW 2150
 02 9564 1911
mercyworks@mercyworks.org.au

9 REVIEW

Review of this Policy, related forms and resources will be undertaken every three years by the Executive Director and approved by the MWL Board.

10 REVISION/MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
21 October 2015	1	MWL Privacy Policy	New	21 October 2015	22 October 2015
28 October 2020	2	Privacy Policy	Rewritten Policy to ACFID Requirements	28 October 2020	29 October 2020
22 May 2024	3	Privacy Policy	New introduction. Stylistic	22 May 2024	23 May 2024

			revisions to ensure consistency, Typographical corrections.		
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11 APPROVAL DATE/REVISION SCHEDULE

Approved by: Board, Mercy Works Limited
Date: 22 May 2024

To be Revised: Annually

Board Chair Signature	<i>Joseph Zabbar</i>
Date	27 May 2024