



Sydney Metropolitan League

Draft Privacy Policy

This policy sets out Sydney Metropolitan Baseball League Privacy Protection Principles. These Principles have been adopted by SMBL to protect information that is supplied by individuals about themselves. These Principles deal with the collection, use and disclosure of information, the quality of the data supplied, the security of the data supplied and, as well, the access to the information and possible uses by other organisations.

The policy adopted by SMBL sets out the Principles that will be used when considering the introduction of any future services provided or the use of technology relating to those services, either now or at a future date.

The Principles comply with – The National Privacy Principles (NPP1 to NPP10 inclusive)

SMBL Privacy Protection Principles are:

Collection

- 1.1 SMBL will not collect personal information unless the information is necessary for one or more of its functions or activities.
- 1.2 SMBL will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time SMBL collects personal information about an individual from the individual, SMBL will take reasonable steps to ensure that the individual is aware of:
 - (a) the identity of SMBL and how to contact it; and
 - (b) the fact that he or she is able to gain access to the information;
 - (c) the purposes for which the information is collected.
- 1.4 If it is reasonable and practicable to do so, SMBL will collect personal information about an individual only from that individual.
- 1.5 If SMBL collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

Use and Disclosure

- 2.1 SMBL will not use or disclose personal information about an individual for a purpose other than the primary purpose of collection unless:
 - (a) both of the following apply:
 - (i) the secondary purpose is related to the primary purpose of collection and directly related to the primary purpose of collection;
 - (ii) the individual would reasonably expect SMBL to use or disclose the information for the secondary purpose; or
 - (b) the individual has consented to the use or disclosure; or
 - (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
 - (i) it is impracticable for SMBL to seek the individual's consent before that particular use; and
 - (ii) SMBL will not charge the individual for giving effect to a request by the individual to SMBL not to receive direct marketing communications; and

- (iii) the individual has not made a request to SMBL not to receive direct marketing communications; and
- (iv) in each direct marketing communication with the individual, SMBL draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
- (v) each written direct marketing communication by SMBL with the individual (up to and including the communication that involves the use) sets out SMBL business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which SMBL can be directly contacted electronically; or
- (d) if the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety:
 - (i) it is impracticable for SMBL to seek the individual's consent before the use or disclosure; and
 - (ii) the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A for the purposes of this subparagraph; and
 - (iii) in the case of disclosure—SMBL reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or
- (e) SMBL reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - (i) a serious and imminent threat to an individual's life, health or safety; or
 - (ii) a serious threat to public health or public safety; or
- (f) SMBL has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- (g) the use or disclosure is required or authorised by or under law; or
- (h) SMBL reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

2.2 If SMBL uses or discloses personal information under paragraph it must make a written note of the use or disclosure..

- **3 - Data Quality**

SMBL will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

- **4 - Data Security**

4.1 SMBL will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

4.2 SMBL will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under National Privacy Principle 2.

- **5 - Openness**

- 5.1 SMBL sets out in this document clearly expressed policies on its management of personal information. This document is available to anyone who asks for it by contacting the SMBL offices via the SMBL website (www.sydneymetrobaseball.com)
- 5.2 On request by a person, SMBL will 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.

- **6 - Access and Correction**

- 6.1 As SMBL holds personal information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that:
 - (a) in the case of personal information other than health information—providing access would pose a serious and imminent threat to the life or health of any individual; or
 - (b) in the case of health information—providing access would pose a serious threat to the life or health of any individual; or
 - (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
 - (d) the request for access is frivolous or vexatious; or
 - (e) the information relates to existing or anticipated legal proceedings between SMBL and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - (f) providing access would reveal the intentions of SMBL in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (g) providing access would be unlawful; or
 - (h) denying access is required or authorised by or under law; or
 - (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (j) providing access would be likely to prejudice:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - the protection of the public revenue; or
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement body; or
 - an enforcement body performing a lawful security function asks the organisation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- 6.2 However, where providing access would reveal evaluative information generated within SMBL in connection with a commercially sensitive decision-making process, SMBL may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- 6.3 If SMBL is not required to provide the individual with access to the information SMBL will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 6.4 If SMBL charges for providing access to personal information, those charges:
 - (a) must not be excessive; and
 - (b) must not apply to lodging a request for access.

- 6.5 If SMBL holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, SMBL will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 6.6 If the individual and SMBL disagree about whether the information is accurate, complete and up-to-date, and the individual asks SMBL to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, the organisation must take reasonable steps to do so.
- 6.7 SMBL will, if requested, provide reasons for denial of access or a refusal to correct personal information.

- **7 - Sensitive information**

- 7.1 SMBL will not collect sensitive information about an individual unless:
 - (a) the individual has consented; or
 - (b) the collection is required by law; or
 - (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection; or
 - (d) if the information is collected in the course of the activities of a non-profit organisation—the following conditions are satisfied:
 - (i) the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - (ii) at or before the time of collecting the information, the organisation undertakes to the individual whom the information concerns that the organisation will not disclose the information without the individual's consent; or
 - (e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.
- 7.2 SMBL may collect health information about an individual if:
 - (a) the collection is necessary for any of the following purposes:
 - (i) research relevant to public health or public safety;
 - (ii) the compilation or analysis of statistics relevant to public health or public safety;and
 - (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained; and
 - (d) the information is collected:
 - (i) as required by law (other than this Act); or
 - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation; or
 - (iii) in accordance with guidelines approved by the Commissioner under section 95A for the purposes of this subparagraph.
- 7.3 If SMBL collects health information about an individual SMBL will take reasonable steps to permanently de-identify the information before the organisation discloses it.