

PRIVACY ACT

ADVICE

The *Privacy Act 1988* (the **Act**) is Federal legislation. The objectives of the Act include “to recognise that the protection of the privacy of individuals is balanced with the interests of entities in carrying out their functions or activities” and to “provide a means for individuals to complain about an alleged interference with their privacy”.

Are Rotary Clubs bound by the privacy principles?

Probably not. As a general proposition Australian Government Agencies and all businesses and not for profit organisations with an annual turnover of more than \$3 million have responsibilities under the Act, subject to some exceptions.

If Rotary Clubs see themselves as leaders in their community, then it is appropriate for them to aspire to the higher standards imposed on “bigger” organisations, insofar as they able.

The balance of this advice assumes that Rotary Clubs propose (insofar as is possible) to ensure that their activities are conducted in accordance with the Australian privacy principles. The material below draws heavily on (and may constitute plagiarism of) information provided from the Office of Information Commissioner.

What can you collect?

You may only collect images of identifiable individuals if it is reasonably necessary for one of the Club’s functions or activities. Consent is not required to collect images of identifiable individuals unless the image records sensitive information about the individual. However you must take reasonable steps to make sure that the individual is aware of the following:

1. Who you are and how they contact you.
2. How, when and from where the images are being taken.
3. If the collection of the image is required or authorised by law.
4. What you are taking an image for.
5. If there are any consequences for them if you do not collect the image.
6. Any other organisation or people with whom you usually share personal information.
7. How they can get access to it later.
8. Whether you are likely to send the images overseas.

Appropriate notification:

An example

The Rotary Club of XYZ is taking photographs at today's/tonight's function/activity.

The photographs will be used internally at the Club, on the Club's website, and on the Club's Facebook page.

If you do not want to have your photograph taken please tell the photographer.

If you subsequently see a photograph on the Club's website or Facebook page that includes you and it is of concern, please contact the Club on *(insert email address)* so your concern can be addressed.

**David Whiting
Governance Director
Rotary District 9800 Inc**

August 2015