



BASKETBALL AUSTRALIA POLICY

Title:	Privacy
Last Review Date:	November 2019
Responsible Portfolio/Person:	Board/CEO/Privacy Officer

The protection of personal information is important to Basketball Australia (BA). BA is committed to respecting the right to privacy and the protection of personal information. BA has developed this Policy in its role as the peak body of Basketball in Australia. This policy applies to all personal information in conjunction with BA, and also to various Basketball organisations across Australia to the extent that they do not have their own policy.

For the purposes of this Policy, an Australian Basketball Entity (ABE) is defined as:

- BA;
- State Organisations, being the governing bodies of Basketball in each Australian State and Territory;
- Associations, being those Basketball associations recognised by BA or the respective State Organisation;
- Leagues, being those Basketball leagues recognised by BA or the respective State Organisation; and
- Affiliated clubs, being those Basketball clubs, which are a member of or affiliated to an Association or League.

This document sets out:

- What personal and sensitive information ABEs collect;
- How ABEs collect and store personal and sensitive information;
- How ABEs use or disclose personal and sensitive information;
- How individuals can access or seek correction of information held by an ABE; and
- Who to contact regarding privacy issues and complaints.

By providing your personal information to an ABE you consent to its use, storage and disclosure in accordance with this Policy.

This Policy provides for the way in which ABEs may collect, use, store and disclose information. Third party commercial entities and subsidiaries, whether owned or acting on behalf of an ABE may be subject to the same privacy laws and may be governed by their own privacy policies. BA will always do its utmost to ensure that personal information is respected and protected.

1. WHAT PERSONAL AND SENSITIVE INFORMATION IS COLLECTED?

1.1 Personal Information

Personal information is information or an opinion (including information or an opinion forming part of a database) from which it is possible to determine someone's identity.

The information collected by an ABE about a particular person will vary depending on the circumstances of collection. It may include, but not be limited to, a person's contact details (name, email and/or postal address, phone number), date of birth, gender, credit card details, drivers licence number, passport number, insurance details, employment history, qualifications or communication history with an ABE. Only relevant personal information is collected. BA uses its best endeavours to not collect personal information that is not needed.

1.2 Sensitive Information

Sensitive information is a type of personal information that also includes information or an opinion about:

- 1.2.1 racial or ethnic origin;
- 1.2.2 political opinions;
- 1.2.3 membership of a political association, professional or trade association or trade union;
- 1.2.4 religious beliefs or affiliations or philosophical beliefs;
- 1.2.5 sexual preferences or practices;
- 1.2.6 criminal record; or
- 1.2.7 health, genetic information or disability.

If it is reasonably necessary in the circumstances, an ABE may also collect sensitive information such as a person's medical history, nationality, their ethnic background and languages spoken or the details of any disabilities.

ABEs are required by law to obtain consent when collecting sensitive information. An ABE will assume consent to the collection of all sensitive information that is provided to it for use in accordance with this Policy, unless told otherwise. Whenever possible ABEs will alert persons providing sensitive information that, by providing the information, they are consenting to its use and disclosure in accordance with this Policy.

2. HOW IS PERSONAL AND SENSITIVE INFORMATION COLLECTED?

2.1 Collecting information

Information may be collected when you:

- become a member of an ABO;
- subscribe to any publication of an ABO, including electronic publications;
- provide details to an ABO in an application form, consent form, survey, feedback form or incident report;
- enter personal information into, or agree to having your personal information entered into, any ABE online system;
- access the BA or any ABE website;
- contact an ABE via email, telephone or mail or engage with an ABE via social media;
- participate in any program, activity, competition or event run by BA or an ABE;
- purchase tickets to a Basketball related event from an ABE or an authorised agent or licensee;
- purchase merchandise, products or services from an ABE or an authorised agent or licensee;

- are elected or appointed to the Board or a committee of an ABE;
- apply for employment or a volunteer position with an ABE; or
- where the ABE is required to do so by law (for education, VET training, child protection, work health and safety laws, AVETMISS, visa applications, charitable collections, medical treatment, insurance requirements or other legislation in Australia).

2.2 Providing information

Depending on the circumstances of a request for information, some types of information will be required and others might be optional. If you do not provide some or all of the information requested by an ABE, this may affect the ABE's ability to communicate with you or provide the requested products or services may be affected.

By not providing requested information, you may jeopardise your ability to participate in programs or competitions or apply for employment or volunteer positions with an ABE. If it is impracticable for an ABE to deal with you as a result of you not providing the requested information or consents, the ABE may refuse to do so.

2.3 Collection from third parties

An ABE may collect personal information regarding a child from the parent or other responsible person associated with that child.

In some circumstances, ABEs may collect information from third parties. Examples of such third parties could include, without limitations, the Australian Institute of Sport (AIS), the Australian Olympic Committee (AOC), the Australian Sports Anti-Doping Authority (ASADA), Commonwealth Games Australia (CGA), Paralympics Australia (PA), other ABEs, non-affiliated Basketball organisations, affiliated or associated schools or other educational institutions, government and law enforcement bodies.

2.4 Information storage and protection

ABOs store information in different ways, including in paper and electronic form. Much of the information ABOs collect is added to BA's database *The Basketball Network* which is hosted by a third party database storage provider. When information is entered into this database, the information may be combined or linked with other information held about you.

Security of personal information is important to BA. BA has taken steps to protect the information it holds from misuse, loss, unauthorised access, modification or disclosure. Some of the security measures BA uses includes strict confidentiality requirements of its employees, volunteers, affiliates and service providers of ABEs, as well as security measures for system access and security measures for BA's website such as firewalls and system encryption.

ABEs are required to comply with the Federal Government Notifiable database Breaches Scheme (NDBS). When an ABE has had a database breach that could result in serious harm, the ABE will notify the individual(s) that is/are affected. The ABE, when notifying the individual(s) and the Australian Information Commissioner,

will also outline what steps will be undertaken in response to the breach. A review of the breach will be undertaken and action(s) implemented to prevent a future breach.

3. HOW IS PERSONAL AND SENSITIVE INFORMATION USED AND DISCLOSED?

3.1 Use

ABEs, and third parties to whom they may disclose personal information in accordance with this Policy, may use personal information to:

- verify a person's identity;
- complete background checks;
- research, develop, run, administer and market competitions, programs, awards, activities and other events relating to a variety of Basketball events and activities including but not limited to competitions and events, membership management, education offerings and organisation and social events;
- assist police and/or other legal agencies for the purposes of investigation or advising regarding medical treatment amongst others;
- research, develop and market products, services, merchandise and special offers made available by BA and third parties;
- respond to emergency situations involving or requiring medical treatment;
- administer, manage and provide you with access to BA database(s), self service portal and other IT based applications; and
- keep you informed of news and information relating to various Basketball events, activities and opportunities via various mediums.

ABEs may use health information to ensure that programs they operate are run safely and in accordance with any special health needs participants may require. Health information may also be kept for insurance purposes. In addition, an ABE may use de-identified health information and other sensitive information to carry out research, to prepare submissions to government or other regulatory bodies, or to plan events and activities. ABEs will not use health information for the purposes of providing a Health Service as defined under the *Privacy Act 1988* and are not, and should not be considered, to be a Health Service.

3.2 Disclosure

Your personal information may be disclosed to a range of organisations which include, but are not limited to:

- Other ABEs and other organisations involved in Basketball;
- companies engaged to carry out functions and activities on an ABE's behalf, including direct marketing;
- professional advisers, including its accountants, auditors and lawyers;
- insurers;
- relevant sporting bodies such as Sport Australia, ASADA, AOC, PA, CGA, AIS, other national sporting organisations and government departments of sport amongst others;
- police and other investigatory agencies; and
- in other circumstances permitted by law.

In some circumstances, personal information may also be disclosed outside of Australia. In such circumstances, ABEs will use reasonable endeavours to ensure such parties are subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are suitably similar to the Australian Privacy Principles.

Any disclosure will be on such terms and conditions as the ABE determines taking into account the circumstances of the disclosure but always with the best interests of the parties whose personal information is being disclosed.

Furthermore, an ABE's electronic data may be stored by third party providers, and may be stored offshore. Where personal information is stored off shore, the ABE will use reputable companies and have contracts in place with the service providers to maintain the security and integrity of the information.

3.3 Direct Marketing

Unless you advise the ABE otherwise the ABE will assume you have consented to the ABE using non-sensitive personal information to provide to you better services and also for marketing purposes (including disclosure of such information to service providers).

Every person whose data is collected by an ABE has the option to refuse e-mail, SMS or posted offers. You may do this by the opt-out procedures included in any communication from an ABE. Information relating to the option to unsubscribe from those communications may be retained.

If you are still not satisfied at the communication you are receiving, you can also write to BA's Privacy Officer the contact details set out below or alter the direct marketing settings in your user portal in *The Basketball Network*.

3.4 Other disclosures

In addition, an ABE may also disclose personal information:

- 3.4.1 with your express or implied consent;
- 3.4.2 when required or authorised by law;
- 3.4.3 to an enforcement body when reasonably necessary; or
- 3.4.4 to lessen or prevent a threat to an individual or public health or safety.

3.5 Website

When users visit an ABE's website, the ABE's systems may record certain information about their use of the site, including the web pages visited and the time and date of their visit. ABEs use this information to help analyse and improve the performance of websites.

In addition, ABEs may use "cookies" on their websites. Cookies are small text files that help a website to remember the preferences of users to improve the experience of using that website. In some cases, the cookies that we use may collect some personal information. ABEs will treat this information in the same way as other personal information it collects. You may disable cookies on your internet browser to prevent this information being collected; however, you may lose the benefit of an enhanced website experience that the use of cookies may offer.

Websites linked to ABE websites are not subject to BA's privacy standards, policies or procedures. BA does not take any responsibility for the collection, use, disclosure or security of any personal information that you provide to a third party website.

4. ACCESSING AND SEEKING CORRECTION OF INFORMATION HELD

ABEs will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date. Each ABE however, relies on the accuracy of personal information as provided to it both directly and indirectly. Please regularly review and update your personal information on *The Basketball Network*.

BA also relies on other ABEs, staff and volunteers to enter data and take all reasonable steps to ensure that data is accurately recorded.

Individuals may also request access to their personal information held by BA by making a request via the contact details set out below. BA will respond to your request for access within 14 days and endeavour to provide the requested information within 30 days. If you find that the personal information held about you is inaccurate, incomplete or out-of-date, please contact BA immediately so it can be corrected.

5. RESOLVING PRIVACY ISSUES AND COMPLAINTS

Any issues or complaints in relation to the collection, use, disclosure, quality, security of and access to your personal information may be made to the BA Privacy Officer at:

Privacy Officer
Basketball Australia
PO Box 4140, KNOX CITY CENTRE, 3152 VIC
E: privacy@basketball.net.au
P: 03 9847 2333

BA will respond to your complaint within 30 days and endeavour to resolve it within 90 days. If BA is unable to resolve your complaint within this time, or you are unhappy

with the outcome, you can contact the Office of Australian Information Commissioner via its enquiries line 1300 363 992 or website <http://www.oaic.gov.au/> to lodge a complaint.

All employee enquiries, job applications, scoring queries and incidental matters should be referred to the ABE to which you made your application.

For further information on BA's management of personal information, please contact BA. BA may amend this Privacy Policy from time to time.

6. TEMPLATE PRIVACY DECLARATION FOR THIRD PARTY SYSTEMS

Privacy laws require organisations to notify individuals at the time that the information is collected. Below is a declaration that can be used by ABEs at the point of data collection (as a suggestion) in order to comply with the new requirements:

“Privacy: I understand that the information I have provided in this form is necessary for the proper management of this activity and for the administration of Basketball related activities in Australia.

The information is collected in accordance with the BA Privacy Policy (available at <https://australia.basketball/privacy-policy/>).

BA may share my information in accordance with the Privacy Policy and it may also be used to notify me of other events, news, and to offer the provision of services, including by third-party providers, to me.

I understand that the BA Privacy Policy contains information about how I may access and request correction of my personal information held by BA, or make a complaint about the handling of my personal information, and provides information about how a complaint will be dealt with by BA. If the information is not provided, my application may be rejected or services may be unable to be provided to me.

I acknowledge that if I do not wish to receive promotional material from BA sponsors and third parties I may advise in writing or via the opt-out process provided in the relevant communication.

Privacy complaints should be directed to BA.”