



Median Technologies

Privacy Principles Document

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V 4.0

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References

Reference Name	Author	Date
The Privacy Act 1988	Office of the Australian Information Commissioner	1988
13 Australian Privacy Principles	Office of the Australian Information Commissioner	Schedule 1 of the <i>Privacy Act 1988</i>

Reviewers

Reviewed By	Position	Date
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Table of Contents

Introduction	5
Introduction	5
Definitions	5
1 Principle 1 – Open and transparent management of personal information	6
1.1 Compliance with the Australian Privacy Principles	6
2 Principle 2 – Anonymity and pseudonymity	7
2.1 Anonymity & pseudonymity	7
3 Principle 3 – Collection of solicited personal information	8
3.1 Collection of personal information other the sensitive information	8
3.2 Sensitive information	8
3.3 Means of Collection	8
4 Principle 4 – Dealing with unsolicited personal information	9
4.1 Dealing with unsolicited personal information	9
5 Principle 5 – Notification of the collection of personal information	10
5.1 Notification of the collection of personal information	10
6 Principle 6 – Use or Disclosure of personal information	12
6.1 Use or Disclosure	12
6.2 Written note of use or disclosure	13
6.3 Exceptions	13
7 Principle 7 – Direct Marketing	14
7.1 Direct Marketing	14
7.2 Exceptions – Personal information other than sensitive information	14
7.3 Exceptions – Sensitive information	15
7.4 Interaction with other legislation	15
8 Principle 8 – Cross-Border disclosure of personal information	16

8.1 Cross-Border disclosure of personal information	16
9 Median Principle 9 – Adoption, Use or disclosure of government related identifiers	17
9.1 Government related identifiers	17
9.2 Use of disclosure of government related identifiers	17
9.3 Regulations about adoption, use or disclosure	18
10 Median Principle 10 – Quality of personal information	19
10.1 Quality of personal information	19
11 Median Principle 11 – Security of personal information	20
11.1 Security of personal information	20
12 Median Principle 12 – Access to personal information	21
12.1 Access	21
12.2 Exception to access	21
12.3 Dealing with requests for access	22
12.4 Other means of access	22
12.5 Refusal to give access	22
13 Median Principle 13 – Correction of personal information	23
13.1 Correction	23
13.2 Notification of correction to third parties	23
13.3 Refusal to correct information	23
13.4 Request to associate a statement	24
13.5 Dealing with requests:	24
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Introduction

Introduction

The purpose of this document is to define Median Technologies Privacy Principles. Median has based our Privacy Principles on the 13 Australian Privacy Principles (Privacy Act 1988) published by the Office of the Australian Information Commissioner.

As per Privacy Principle 1, Median has established a privacy policy which is available free of charge from our website or by request.

Definitions

- Median – Median Technologies Pty Limited (ABN 74 111 111 356).
- Client - Median refers to those individuals or organisations that Median has agreed to provide services on behalf of as “clients”
- APP - Australian Privacy Principles
- Personal Information - as per the privacy act 1988 in general terms, is any information that can be used to personally identify you. For example your name/address & contact details, financial details and profession or occupation etc.

1 Principle 1 – Open and transparent management of personal information

1.1 Compliance with the Australian Privacy Principles

Median Technologies Pty Ltd will manage personal information in an open and transparent way in accordance with the 13 Australian Privacy Principles.

Median will establish and maintain a privacy policy containing the following information:

- (a) the kinds of personal information Median collects and holds;
- (b) how Median collects and holds personal information;
- (c) the purposes for which Median collects, holds, uses and discloses personal information;
- (d) how an individual may access personal information held by Median and seek the correction of such information;
- (e) how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any), and how Median will deal with such a complaint;
- (f) whether Median is likely to disclose personal information to overseas recipients;
- (g) if Median is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy;

Median will ensure its Privacy policy is free of charge & easily available.

2 Principle 2 – Anonymity and pseudonymity

2.1 Anonymity & pseudonymity

Individuals have the option of not identifying themselves, or of using a Pseudonym in relation to a particular matter.

However this does not apply if, in relation to that matter:

- (a) Median is required or authorised by or under an Australian law, or a court/ tribunal order, to deal with individuals who have identified themselves; or
- (b) it is impracticable for Median to deal with individuals who have not identified themselves or who have used a pseudonym.

3 Principle 3 – Collection of solicited personal information

3.1 Collection of personal information other the sensitive information

Median will only collect personal information that is reasonably necessary to conduct it's business operations. Generally this will be the personal information of Median's employees/clients & suppliers.

3.2 Sensitive information

Median will not collect sensitive information about an individual unless the individual consents to the collection of the information and the information is reasonably necessary to the individuals functions or activities.

The below subclauses apply in relation to sensitive information about an individual if:

- (a) the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (b) a permitted general situation exists in relation to the collection of the information by Median
- (c) If a permitted health situation exists in relation to the collection of the information by Median

3.3 Means of Collection

Median will collect personal information only by lawful and fair means.

Median will collect personal information about an individual only from the individual unless it is unreasonable or impracticable to do so.

4 Principle 4 – Dealing with unsolicited personal information

4.1 Dealing with unsolicited personal information

If Median receives personal information not solicited Median will within a reasonable period after receiving the information determine whether or not Median could have collected the information under Australian Privacy Principle 3.

Median may use or disclose the personal information for the purposes of making that determination.

If Median determines they could not have collected the personal information it will as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

5 Principle 5 – Notification of the collection of personal information

5.1 Notification of the collection of personal information

At or before the time or, if that is not practicable, as soon as practicable after Median collects personal information about an individual, Median will take such steps (if any) as are reasonable in the circumstances to:

- (a) notify the individual of such matters referred to below as are reasonable in the circumstances; or
- (b) otherwise ensure that the individual is aware of any such matters.

The matters are as follows:

- (a) the identity and contact details of Median Technologies;
- (b) if Median collects the personal information from someone other than the individual and the individual may not be aware that Median has collected the personal information, Median will advise it has collected the information and the circumstances of that collection.
- (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order— the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- (d) the purposes for which Median collects the personal information;
- (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by Median;
- (f) any other entity, body or person to which Median usually discloses personal information of the kind collected;
- (g) that the Median privacy policy contains information about how the individual may access the personal information about the individual that is held by Median and seek the correction of such information;
- (h) that the Median privacy policy contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the Median, and how Median will deal with such a complaint;
- (i) whether Median is likely to disclose the personal information to overseas recipients;

- (j) if Median is likely to disclose the personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise

6 Principle 6 – Use or Disclosure of personal information

6.1 Use or Disclosure

If Median holds personal information about an individual that was collected for a particular purpose (the primary purpose), Median will not use or disclose the information for another purpose (the secondary purpose) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) subclause 6.2 applies in relation to the use or disclosure of the information.

Subclause 6.2

This subclause applies in relation to the use or disclosure of personal information about an individual if:

- (a) the individual would reasonably expect Median to use or disclose the information for the secondary purpose and the secondary purpose is:
 - if the information is sensitive information—directly related to the primary purpose; or
 - if the information is not sensitive information—related to the primary purpose; or
- (b) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (c) a permitted general situation exists in relation to the use or disclosure of the information by Median; or
- (d) a permitted health situation exists in relation to the use or disclosure of the information by Median or
- (e) Median reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body If subsection 16B(2) applied in relation to the collection of the personal information Median will take such steps as are reasonable in the circumstances to ensure that the information is de-identified before Median discloses it in accordance with subclause 6.2.

6.2 Written note of use or disclosure

If Median uses or discloses personal information in accordance with paragraph 6.2(e), the entity must make a written note of the use or disclosure.

6.3 Exceptions

This principle does not apply to the use or disclosure by an organisation of:

- (a) personal information for the purpose of direct marketing; or
- (b) government related identifiers.

7 Principle 7 – Direct Marketing

7.1 Direct Marketing

Our clients provide Median with databases containing personal information including names and addresses, email addresses, mobile phone numbers, ID numbers, financial information and other information that is relevant to the bulk communication services they engage Median to perform.

This personal information is not directly collected by Median from the individual concerned, our client has already collected the personal information from the individual or another 3 party.

Median does seek assurances from our clients that the personal information supplied to Median has been collected lawfully and in compliance with the privacy act 1988. Median accepts no responsibility/liability in respect of failure by our client to do so.

If Median collects and holds personal information about an individual, Median will not use or disclose the information for the purpose of direct marketing.

7.2 Exceptions – Personal information other than sensitive information

Despite subclause 7.1, Median may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- (a) Median has collected the information from the individual; and
- (b) the individual would reasonably expect Median to use or disclose the information for that purpose; and
- (b) Median provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- (d) the individual has not made such a request to Median.

7.3 Exceptions – Sensitive information

Despite subclause 7.1, Median may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

7.4 Interaction with other legislation

This principle does not apply to the extent that any of the following apply:

- (a) the Do Not Call Register Act 2006;
- (b) the Spam Act 2003;
- (c) any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.

8 Principle 8 – Cross-Border disclosure of personal information

8.1 Cross-Border disclosure of personal information

Before Median discloses personal information about an individual to a person (the overseas recipient):

- (a) who is not in Australia or an external Territory; and
- (b) who is not the entity or the individual;

Median will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.

Subclause 8.1 does not apply to the disclosure of personal information about an individual by Median to the overseas recipient if:

Median reasonably believes that:

- (i) the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
- (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or

both of the following apply:

- (i) Median expressly informs the individual that if he or she consents to the disclosure of the information, subclause 8.1 will not apply to the disclosure;
- (ii) after being so informed, the individual consents to the disclosure; or

The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or

A permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the disclosure of the information by Median.

9 Median Principle 9 – Adoption, Use or disclosure of government related identifiers

9.1 Government related identifiers

Median will not adopt a government related identifier of an individual as its own identifier of the individual unless:

- (a) the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- (b) subclause 9.3 applies in relation to the adoption.

9.2 Use of disclosure of government related identifiers

Median will not use or disclose a government related identifier of an individual unless:

- (a) the use or disclosure of the identifier is reasonably necessary for Median to verify the identity of the individual for the purposes of Median's activities or functions; or
- (b) the use or disclosure of the identifier is reasonably necessary for Median to fulfil its obligations to an agency or a State or Territory authority; or
- (c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- (d) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the use or disclosure of the identifier; or
- (e) Median reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (f) subclause 9.3 applies in relation to the use or disclosure

9.3 Regulations about adoption, use or disclosure

This subclause applies in relation to the adoption, use or disclosure by Median of a government related identifier of an individual if:

- (a) the identifier is prescribed by the regulations; and
- (b) Median is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations; and
- (c) the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

10 Median Principle 10 – Quality of personal information

10.1 Quality of personal information

Median will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that Median collects is accurate, up to date and complete.

Median will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that Median uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

11 Median Principle 11 – Security of personal information

11.1 Security of personal information

Median will take such steps as are reasonable in the circumstances to protect the personal information held:

- (a) from misuse, interference and loss; and
- (b) from unauthorised access, modification or disclosure.

If:

- (a) Median holds personal information about an individual; and
- (b) Median no longer needs the information for any purpose for which the information may be used or disclosed by the entity under this Schedule; and
- (c) the information is not contained in a Commonwealth record; and

Median is not required by or under an Australian law, or a court/tribunal order, to retain the information;

Median will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

12 Median Principle 12 – Access to personal information

12.1 Access

If Median holds personal information about an individual, Median on request by the individual will give the individual access to the information.

12.2 Exception to access

As Median is an organisation then, despite subclause 12.1, the Median is not required to give the individual access to the personal information to the extent that:

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

(j) giving access would reveal evaluative information generated within Median in connection with a commercially sensitive decision-making process.

12.3 Dealing with requests for access

Median will:

- (a) respond to the request for access to the personal information within a reasonable period after the request is made; and
- (b) give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

12.4 Other means of access

If Median refuses:

- (a) to give access to the personal information because of subclause 12.2 or 12.3; or
- (b) to give access in the manner requested by the individual;

Median must take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of the entity and the individual.

Without limiting subclause 12.5, access may be given through the use of a mutually agreed intermediary.

12.5 Refusal to give access

If Median refuses to give access to the personal information because of subclause 12.2 or to give access in the manner requested by the individual, Median must give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

If Median refuses to give access to the personal information because of paragraph 12.3(j), the reasons for the refusal may include an explanation for the commercially sensitive decision.

13 Median Principle 13 – Correction of personal information

13.1 Correction

If Median holds personal information about an individual and either:

- (a) Median is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- (b) the individual requests the entity to correct the information;

Median will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

13.2 Notification of correction to third parties

If Median corrects personal information about an individual that Median previously disclosed to another APP entity and the individual requests Median to notify the other APP entity of the correction, Median will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

13.3 Refusal to correct information

If Median refuses to correct the personal information as requested by the individual, Median must give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

13.4 Request to associate a statement

If Median refuses to correct the personal information as requested by the individual and the individual requests Median to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading, Median will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

13.5 Dealing with requests:

If a request is made under subclause 13.1 or 13.4 Median will respond to the request within a reasonable period after the request is made; and

Median will not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

Acknowledgment

I acknowledge I have received, read and understood Median's Privacy Principles document v 4.0.

Date: _____

Employee's Signature

Name: _____

Date: _____

Signature of Employer

Name: _____