

## Should our Association have a Privacy Policy?

The short answer can be summarised as:

1. If you turnover less than \$3 million per year you don't need a privacy policy.
2. If you believe your members will be more confident in your privacy practices if you do have a policy, then create one using the suggestions below.
3. If you feel that privacy is of great concern to your members you might wish to develop your own privacy policy and opt-in to the official register requiring you to comply with all aspects of the Privacy Act. This demonstrates a strong commitment to privacy but may be unnecessary in the professional association context.

### **Do we have to have a privacy policy as a professional association?**

The answer is **no** unless you have an annual turnover of more than three million dollars or collect confidential health information from your members. So, for most of us this means we are in the clear and are not required to have a privacy policy and are not bound by the Privacy Act.

For associations that collect members' health information the question of whether they are bound by the Act is unclear but most likely they are not bound unless they are "health service providers". If in doubt, the checklist link below will help to clarify your position.

There is a useful checklist called "Does my small business (*read not for profit*) need to comply with the Australian Privacy Principals?" available at <https://www.oaic.gov.au/agencies-and-organisations/business-resources/privacy-business-resource-10>

### **So if you don't have to have a privacy policy why would you?**

The answer comes back to the expectations of your members. As they provide you with many of their personal details (name, address, email, contact details, etc.) they might want reassurance that their information is going to be treated appropriately. They may want to know that you will protect their privacy and therefore their identity and only use it for the professional purposes for which it was provided.

Creating your own privacy policy does not legally bind you to the Privacy Act but just serves as a public statement on how you manage members' private information.

If you think that is the case or you want to reassure members even before they raise any issues then you might like to develop your own privacy policy and then publish it on your website.

There are some simple ways to do this:

1. Go to and use the Educators SA privacy policy. Simply adapt it to your context and change the name in all the right places and you have a readymade privacy policy. We deliberately didn't copyright it so that members could use it as a resource. Our policy is at <https://ceasa.asn.au/privacy/>
2. Develop your own from scratch. Simply go to <https://www.oaic.gov.au/agencies-and-organisations/guides/guide-to-developing-an-app-privacy-policy>
3. Research privacy policies on other people's websites but make sure they are not copyrighted.

Of these three options we recommend using the Educators SA policy as a base. It was developed for us by our sponsors at **Andersons Solicitors**, so it has passed all legal requirements.

If you choose to do your own, you might like to run it past **Andersons** because as a member of Educators SA you receive discounted legal services – and so do your members if they say they are part of your association when they contact **Andersons**.

### **Opting In** -the full commitment

While associations are not covered by the Privacy Act if they have a turnover of less than three million per annum, they can choose to be bound by the Act by voluntarily "opting-in" to an official register. The main benefit of this is to build member confidence in your privacy practices. Whether there is any real benefit in this for professional associations is debatable particularly if you have a good privacy policy already in place. However, if you feel that your members and potential members would be more confident in your privacy practices if you opt-in to the register than it is worth researching it in detail at <https://www.oaic.gov.au/privacy-law/privacy-registers/opt-in-register>

### **More Information**

If you haven't read enough already or want to research the whole privacy issue in more detail go to <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

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