



## **CSBA PRIVACY POLICY**

This document details the policy of CSBA in relation to their member's private information under the member protection policy.

### **A. Intent of the policy**

This particular policy has been designed to

- Provide guidelines in the collection, use, security surrounding, and disclosure of personal information.
- Outline appropriate and acceptable access to the database.
- Ensure CSBA meets obligations under the Associations Incorporations Act.

### **B. Policy Background and Rationale**

CSBA's membership database is one of the organisation's most valuable assets.

In December 2000 the Federal Government passed an amendment to the 1988 Privacy (private sector) Act. This amended Act came into effect from December 2001. The amended Act sets out how private sector organisations should collect, use, keep secure and disclose personal information. The principles of this Act also allow an individual the right to know what information an organisation holds about him or her and a right to correct it if it is wrong.

The policy serves to meet the requirements of the new Act while also addressing major concerns surrounding the membership database as CSBA currently operates.

Database Access - This policy serves to outline when access is appropriate and how it can be facilitated as CSBA Incorporated does not sell their membership database.

### **C. How the policy works**

CSBA has set the policy to provide guidelines for CSBA Board Members and staff on membership privacy, affiliation and database access matters.

### **D. Our respective roles in making the policy work.**

a. CSBA's role and contribution in making this policy work is to:

1. Prepare policy statement on membership privacy and database access
2. Use the policy in relation to membership privacy and database access matters.
3. Ensure appropriate training is provided to Staff members accessing and using the database.



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b. The Association's role and contribution

- Ensure the policy is provided to CSBA Board Members.
- Ensure the policy is advised to all Clubs.
- Ensure any changes to the policy are distributed to appropriate personnel.

c. The Club's role and contribution is

- Ensure the policy is provided to Board Members.
- Make known to CSBA any barriers in fulfilment of the policy at a Club level.
- Reporting to CSBA any membership information in order to affiliate in an accurate and timely manner.
- Ensure the policy is advised to any members who request information.
- Ensure any changes to the policy are distributed to appropriate personnel.

d. The individual's role and contribution is to:

- Contact CSBA with any queries, so they can be answered.
- Contact CSBA with any changes or corrections to their information, so that they may be facilitated.
- Advise CSBA of any legal proceedings, eg AVO's, that would require the information to be "flagged" to prevent any dissemination of information even to family members.

## **E. The Policy**

### **1. Introduction**

CSBA utilise a detailed data management system.

The database is designed for professional associations and organisations. It provides an integrated management system that allows the organisation to record its members in a single database.

### **2. Objectives**

The objectives of the CSBA database are to:

- a. Improve member services and retention by creating opportunities for value added services.
- b. Facilitate administrative efficiencies including Insurance;
- c. Report generating for a range of registration and accreditation details,
- d. Maintain historical records of CSBA,
- e. Promote communication,
- f. Develop new marketing opportunities,
- g. Provide accurate statistics on sport participation for government and other relevant agencies;
- h. Facilitate planning and future development.



### **3. Database Policy Coverage**

This policy covers the activities of CSBA and any organisation affiliated with CSBA.  
The database will contain all or part of the following information:

- a) Name, address, phone numbers, e-mail and other contact details if applicable;
- b) Gender
- c) Date of Birth
- d) Participation details
- e) Club/Team details
- f) Registration history
- g) Home affiliate
- h) Type and duration of membership where applicable
- i) Member type (junior, senior, non-player etc)
- j) Accreditation details
- k) Committee membership

**Data held on participants will be used for three primary purposes:**

#### **1. Statistics**

Personal information will be collated and used to produce statistics that will be supplied to government agencies as required by them and others as necessary. They will also be used by Basketball administration for purposes of researching, developing and managing new and existing programs, for strategic and other planning, and for promoting the sport of Basketball.

#### **2. Administration**

Personal information will be used for the purpose of communicating with participants about their membership and/or their involvement in programs, competitions and Basketball activities.

#### **3. Information**

Personal information will be used for the purpose of providing information to participants about matters pertaining to Basketball, activities of Basketball administration and its sponsors. Any participant may request not to receive mail communications that do not directly relate to their participation in programs or their membership.

### **4. Information Access**



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CSBA will facilitate database access for sponsors through enabling sponsors the opportunity to provide inserts that are included in the CSBA mail outs. At no time will a sponsor receive individual contact information.

CSBA Incorporated will facilitate the distribution of sponsor information via the database on no more than four occasions in each calendar year. The CSBA Incorporated General Manager will be responsible for negotiating access to the database by CSBA sponsors and other interested parties. In all instances a fee will be charged to access the database.

The fee will vary depending on status of user. The three potential users are:

1. CSBA sponsors (ie State sponsors)
2. Basketball NSW sponsors (ie State sponsors)
3. Basketball Australia sponsors (ie national sponsors)
4. Other interested corporations.

#### Values

- Our preference is to make database access available to sponsors
- To the best of our knowledge we will not allow a sponsor's competitor access to a mail out or electronic direct mail (EDM)
- We value forming relationships with organisations that wish to make a long-term contribution to Basketball
- The information inserted to a mail out must potentially be of relevance to our membership
- CSBA at all times reserves the right to refuse access to our database.
- The timing of all mail outs and EDM's is at discretion of CSBA
- Membership data will not be provided to sponsors.

#### Operational

- The membership database contains 'tracking data' to monitor its use.
- CSBA must approve any 'response mechanism' that enables data collection used through any mail out.

#### 4.1 Information Access – Negotiated through CSBA for CSBA sponsors and other interested corporations.

##### 4.1.1 Criteria

- CSBA will clarify the following information with the sponsor or interested party:
  - Objectives of the promotion
  - Benefits to the sport
  - Who the organisation wishes to communicate with (ie. specific market segments).
  - When the organisation wishes to undertake the communication.
  - What the organisation is promoting.



**Criteria for consent:**

The offer must be available only to CSBA members and should not be an offer available to the general public. The current or potential sponsor cannot be a direct competitor of any CSBA current sponsor.

**In regard to the offer:**

- It must be seen as a joint offer from the sponsor and CSBA.
- CSBA must approve all copy prior to distribution.
- CSBA must approve any use of the CSBA Comets logo
- The data may be handled by a third party. This party will sign a confidentiality agreement with the provider of the raw data and will inform the purchaser of the number of items that has been handled. At the expiration of the agreement, the raw data (that is normally provided on disc) shall be returned to the provider.

**5. Collection**

5.1. CSBA collects personal information necessary for one or more of purposes as outlined in Clause 3.

5.2. CSBA collects personal information only by lawful and fair means and not in an unreasonably intrusive way.

5.3. CSBA ensures that the individual is aware of:

- the identity of the organisation and how to contact it;
- the fact that he or she is able to gain access to the information;
- the purposes for which the information is collected; and
- the organisations (or the types of organisations) to which CSBA usually discloses information of that kind.

The above information will be provided on the CSBA registration form.

5.4. CSBA collects personal information about an individual only from that individual. This is collected on behalf of CSBA by CSBA staff, affiliates and/or agents.

**6. Use and disclosure**

6.1. CSBA will not use or disclose personal information about an individual for any purpose (the secondary purpose) other than the primary purposes of collection unless (refer Clauses 2 and 3):

a. both of the following apply:

- the secondary purpose is related to the primary purpose of collection
- the individual would reasonably expect the organisation 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:

- It is impractical for the organisation to seek the individual's consent before that particular use; and
- The organisation will not charge the individual for giving effect to a request by the individual to the organisation not to receive direct marketing communications; and
- The individual has not made a request to the organisation not to receive direct marketing communications; and
- The organisation gives the individual the express opportunity at the time of first contact to express a wish not to receive any further direct marketing communications.

d. the organisation reasonably believes that the use of disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:

- The prevention, direction, investigation, prosecution or punishment of criminal offences, breaches of the law imposing a penalty or sanction or breaches of a prescribed law;
- The enforcement of laws relating to the confiscation of the proceeds of crime;
- The protection of the public revenue;
- The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of the court or tribunal.

If CSBA uses or discloses personal information, it will make a written note of the use or disclosure. CSBA will keep and maintain a register of disclosure of information and requests for changes to be made to information.

## **7. Data quality**

7.1. CSBA takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

## **8. Data security**

- 8.1. CSBA takes reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Membership data will be protected by password security.
- 8.2. CSBA takes 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.



## **9. Openness**

9.1 CSBA sets out in this document clearly expressed policies on its management of personal information. CSBA makes this document available to anyone whom asks for it.

9.2 On request by a member, CSBA takes reasonable steps to let the member know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

## **10. Access and correction**

10.1 CSBA holds personal information about individuals, and as such, provides individuals with access to the information on request by the individual.

10.2 If individuals are able to establish that the information is not accurate, complete and up-to-date, CSBA takes reasonable steps to correct the information so that it is accurate, complete and up-to-date.

10.3 If the individual and CSBA disagree about whether the information is accurate, complete and up-to-date, and the individual asks CSBA to associate with the information a statement claiming that the information is not accurate, complete and up-to-date, CSBA will take reasonable steps to do so.

10.4 CSBA will provide reasons for denial of access or a refusal to correct personal information.

## **11. Identifiers**

Membership numbers are allocated randomly by the database to individuals and organisations as identifiers.

## **12. Anonymity**

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation.

12.1. CSBA 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 individuals whom the information concerns:

- is physically or legally incapable of giving consent to the collection; or
- physically cannot communicate consent to the collection; or

c. if the information is collected in the course of the activities of a non-profit organisation - the following conditions are satisfied:

- the information related solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;



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- 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 individuals consent; or

d. the collection is necessary for the establishment, exercise or defence of legal or equitable claim.

12.2 Despite subclause 12.1, an organisation 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;
  - (iii) the management, funding or monitoring of a health service; 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
- (c) it is impracticable for the organisation to seek the individuals consent to the collection; and
- (d) the information is collected:
  - (i) as required by the 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.

12.3 If CSBA collects health information about an individual the organisation must take reasonable steps to permanently de-identify the information before the organisation discloses it.

### 13. Delegations and Accountabilities

Who is able to access; negotiate facilitating access, change or update, membership information on behalf of CSBA?

a. Access

- CSBA staff members.
- The General Manager can approve use of the database.
- Those people or organisations contracted by CSBA to act as consultants on the database (providing a confidentiality agreement is signed)
- Those people or organisations (third party) contracted by CSBA to provide services to CSBA and its members ie call centre or mail house (providing a confidentiality agreement is signed)





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- b. Negotiate Facilitating Access
  - CSBA will not sell its database. CSBA will however facilitate access for a fee.
  - The General Manager may negotiate this access.
  - The General Manager will make a recommendation to the Board Members, for approval.
- c. Change or update
  - CSBA staff members can change or update information on the Database.