

## 1.0 Overview

Diabetes WA is covered by the Privacy Act 1988 ('the Privacy Act') and the Australian Privacy Principles ('APPs') which commenced on 12 March 2014. The APPs set out the way organisations can collect, use, disclose and provide access to Personal and Sensitive Information.

Diabetes WA is committed to the protection of your privacy. This Privacy Policy sets out how Diabetes WA handles your Personal and Sensitive Information and ensures we manage Personal and Sensitive Information consistently with the APPs.

This Privacy Policy applies to all employees, consultants, contractors and agents of Diabetes WA, and covers all information collected by Diabetes WA,

### **Relevant Legislation:**

Privacy Act 1988

Australian Privacy Principles 2014

Spam Act 2003

## 2.0 Definitions

'**Personal Information**' is any information that identifies or could identify a person, whether it is true or not. It includes, for example, your name, age, gender and contact details.

Personal Information can also include '**Sensitive Information**', which is information about your health and health services provided to you.

## 3.0 Who is Diabetes WA?

Diabetes WA is the peak body for people affected by diabetes in Western Australia. Diabetes WA delivers a range of programs and services for the benefit of those affected by or at risk of developing diabetes in Western Australia.

Diabetes WA acts as a National Diabetes Services Scheme (NDSS) Agent to administer the NDSS in Western Australia on behalf of Diabetes Australia. This Privacy Policy provides information on how Diabetes WA handles Personal and Sensitive Information related to its programs and services including the NDSS. Please refer to Diabetes Australia's Privacy Policy for information on how Diabetes Australia handles Personal and Sensitive Information related to the NDSS.

## 4.0 Type of Information

Diabetes WA collects your Personal and Sensitive Information only if you have consented to the information being collected, if the information is reasonably necessary for one or more of our functions or activities or if one of the other exceptions applies under the APPs.

We may collect Personal Information about you, including the following which may not all be relevant to you depending on the services you access:

- your full name and contact details, gender and date of birth
- Medicare or Department of Veterans' Affairs number
- country of birth
- details of your parent or carer and details of your medical practitioner
- payment and purchasing details (where you make payments to us);
- any other information you provide to us

We may also collect Sensitive Information about you, such as:

- whether you are of Aboriginal or Torres Strait Islander origin
- main language spoken at home
- diabetes type
- health and lifestyle information you provide us during the provision of Diabetes WA;s programs or services such as height, weight, daily physical activities, nutrition and lifestyle choices
- whether your immediate relatives have had diabetes
- treatment information
- insulin status
- any other information you provide to us

Diabetes WA may combine the information which you provide to us with other information we collect from other sources and, if we do so, our use of the resulting combined information will be subject to our Privacy Policy and our Website Terms and Conditions.

### **5.0 Information Collection and storing**

We only collect your information by lawful and fair means. We collect your information in a few different ways, including:

- forms you provide to us
- electronically, such as through our websites
- phone calls
- information you provide while visiting us or participating in programs or services provided by us
- other correspondence, such as email and mail.

We will always collect Personal Information from you directly unless it is unreasonable or impractical for us to do so. When a person with diabetes is under 15 years old, or lacks the mental

capacity and legal competence to make decisions, the person's primary carer or guardian must consent to the collection of the person's information.

### **6.0 Internet Cookies**

The Websites may use software known as 'cookies' to enable Diabetes WA to retrieve user details for each visit. Cookies are used in some areas of our Websites to enable the functionality of that area and ease of use. Some of our affiliate partners may also use cookies. By agreeing to these terms and conditions through your use of the Websites, you consent to the use of cookies by Diabetes WA.

### **7.0 Use of your information**

We only use your Personal and Sensitive Information for purposes which are directly related to the reason you provided us with your information and where you would reasonably expect us to use your information. We will not use your Personal Information for another purpose unless you have given consent.

We will not use your Personal Information for another purpose unless you have given consent or one of the exceptions under the Privacy Act applies. For example, if the use of the information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

### **8.0 Disclosure of your information**

Diabetes WA will only transfer your Personal Information to third parties in the following circumstances:

- where you have consented to the disclosure;
- where other organisations deliver services on our behalf or to us, government agencies, mailing houses and other organisations. All external parties who receive your information must sign a confidentiality agreement that requires them to comply with the Privacy Act and our Privacy Policy.
- to protect or defend the legal rights or property of Diabetes WA, our affiliated and group companies or their employees, agents and contractors (including enforcement of our agreements);
- to protect against fraud or for risk management purposes;
- if we believe your actions violate this Privacy Policy;
- to comply with law or legal process; or
- to enable the sale of Diabetes WA or its assets.

From time-to-time, Diabetes WA will provide statistical information to the Western Australian Department of Health, the Commonwealth Department of Health universities or other

organisations that provide funding to Diabetes WA. This information is statistical information and does not identify individuals. By agreeing to these terms and conditions you consent to your information being de-identified, included in this statistical information and presented to the Western Australian Department of Health, the Commonwealth Department of Health, universities or other organisations that provide funding to Diabetes WA.

We do not currently disclose your Personal Information to overseas parties. If your Personal Information is transferred overseas, we will comply with our obligations under the APPs.

### **9.0 Accessing and Correcting Information**

We will take reasonable steps to ensure that all Personal Information that we collect, use or disclose is accurate, up-to-date, complete, relevant and not misleading.

We will correct any Personal Information that we believe to be incorrect, out-of-date, incomplete, irrelevant or misleading. This includes taking reasonable steps to notify any organisation or government agency to which information was disclosed about the correction. You may request to access or correct your Personal Information at any time by contacting the Privacy Officer using the details below. We will give you access to the information unless one of the exceptions under the Privacy Act applies. For example, if providing access would be unlawful or denying access is authorised by law.

We are not responsible for any problems that may arise if you do not give us accurate, truthful or complete information or if you fail to update such information. We will reject and delete any entry that we believe in good faith to be false, fraudulent or inconsistent with these terms and conditions.

If you wish to amend any of your details or the information you have provided to us please contact us using the details on the Websites.

If you request to access or correct your information, we will respond within a reasonable time (usually within 30 days). If your request is refused, we will give you a written notice that sets out the reasons for refusal and how to complain about the decision.

### **10.0 Anonymity**

It is your choice to provide information to us. Wherever it is lawful and practicable, you have the option not to identify yourself or to use a fictional name when interacting with us.

You can remain anonymous when using some parts of our Websites. However, it may be necessary for us to collect your Personal or Sensitive Information if you would like to access certain materials or services. If you choose to withhold the information we require, we may not be able to provide the services you have requested.

### **11.0 Security of your information**

We take appropriate steps to protect your Personal and Sensitive Information held by us from misuse, interference, unauthorised access, modification, loss or disclosure. This includes during storage, collection, processing, transfer and destruction of the information.

Information is stored in access-controlled premises or in secure electronic databases. Employees of Diabetes WA, contracted third parties and other parties to whom we disclose your information sign a confidentiality agreement that requires them to comply with the Privacy Act and our Privacy Policy.

When we no longer need Personal Information for any purpose we will take reasonable steps to destroy the information or ensure that the information is de-identified. This will apply except where the information is part of a Commonwealth record, or we are required by law or a court/tribunal order to retain the information.

### **12.0 Direct communications and promotional materials**

From time to time, we may send out promotional materials. If you do not wish to receive these communications, please contact Diabetes WA to unsubscribe (see contact details below). Your information may also be used by us to provide you with details of our services and events where permitted by the Privacy Act or where you have consented to the use or disclosure of your Personal Information for direct communications and promotional materials.

It is our policy that any direct communication or promotional material will include a statement advising that you may request not to receive further material by contacting us using the details provided. Please note that, even if you unsubscribe, if you are registered with the National Diabetes Services Scheme (NDSS) you will still receive important information about diabetes and NDSS product safety issues.

### **13.0 Spam Mail**

It is our policy that all electronic communications will include an unsubscribe facility. The Spam Act prohibits sending unsolicited commercial emails, SMS and MMS messages for commercial purposes. Examples of unsolicited communications are ones that do not directly relate to a service you have previously signed up with or agreed to. While not-for-profit organisations such as Diabetes WA do have some exemptions from the Spam Act, we are guided by the Code of Practice developed by the Australian Direct Marketing Association.

See [www.adma.com.au/comply/code-of-practice/](http://www.adma.com.au/comply/code-of-practice/) for further information.

### 14.0 Complaints and Enquiries

Diabetes WA is committed to the protection of your privacy. If you have any questions about how we handle Personal Information, would like to complain about how we have handled your information, or would like further information about our Privacy Policy, please submit a written query or complaint to our Privacy Officer.

Our Privacy Officer will assess any complaints and liaise with you to resolve any issues within a reasonable time (usually within 30 days). If you are unhappy with the outcome, you may lodge a complaint with the Australian Information Commissioner who can order the payment of compensation by Diabetes WA in certain circumstances.

See <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> for further information.

### Contact Details

Privacy Officer  
Diabetes WA  
PO Box 1699  
Subiaco WA 6904  
Phone: 08 93257699  
Email: [privacy@diabeteswa.com.au](mailto:privacy@diabeteswa.com.au)

### 15.0 Updating our Privacy Policy

We will update our Privacy Policy from time to time. Our website will have the most current Privacy Policy [www.diabeteswa.com.au](http://www.diabeteswa.com.au).