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**Policy Name:** Privacy and Disclosure of Information Policy

**Date Approved:** May 2005

**Review Date:** November 2008

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## 1.0 PURPOSE

The purpose of this policy is to ensure that personal information about individuals which is held in the Society records, either hard copy or electronic format is treated in accordance with the standards set by legislation within Australia and New Zealand. The policy also complies with the Australian Privacy Amendment (Public Sector) Bill, which will be presented to Federal Parliament in February 2000.

## 2.0 BACKGROUND

The Neurosurgical Society of Australasia collects information relating to members and Surgical Trainees in Neurosurgery for the purpose of fulfilling its objects and administering the Surgical Training Education and Training Program in Neurosurgery. As the custodian of this information the Society has an obligation to ensure that requests for information are responded to in a way which is in accordance with the objects of the Society and which complies with legal boundaries of laws within Australia and New Zealand.

## 3.0 POLICY

### 3.1 Collection

3.1.1 The Society will only collect personal information that is necessary for one or more of its functions or activities. Information, where practical, will be collected directly from the individual and will only be collected by lawful and fair means. Where the Society collects personal information for inclusion in a record, hard copy or electronic, the Society will take all reasonable steps to ensure that the individual is made aware of:

- (a) The identity of the Society and its applicable contact details
- (b) The purpose for which the information is being collected
- (c) The Privacy Policy of the Society which details the disclosure practices
- (d) The process by which individuals can access their personal information
- (e) The consequences if the individual fails to provide any information.

### 3.2 Use and Disclosure

3.2.1 Personal information collected by the Society will be used and disclosed for the primary purpose for which it was collected. The Society will not sell, rent, exchange or otherwise supply to a third party any personal information obtained without the individuals consent.

3.2.2 Individuals have the option at any time by way of writing to opt out of receiving such information.

3.2.3 Some the primary purposes for which the Society collects personal information about individuals include:

- (a) Processing and maintaining membership records
- (b) Identifying status as a member or applicant for membership
- (c) Promoting and administering Society endorsed activities, including the Annual Scientific Meeting
- (d) Administering the Surgical Education and Training Program in Neurosurgery
- (e) Forwarding information for research or educational purposes endorsed by the Society
- (f) Inclusion in the Directory of Members
- (g) Collation of data about the profession for statistical and profile purposes
- (h) Any purpose deemed to be of interest to the Members by the Society
- (i) The functioning of the Society and the satisfaction of its objects
- (j) Provision of the Journal of Clinical Neuroscience

3.2.4 The Society may use or disclose personal information about an individual for a secondary purpose provided that the individual has consented or the secondary purpose is related to the primary purpose and might reasonably be expected. If the personal information is sensitive information, the secondary purpose must be directly related to the primary purpose. Endorsement for such secondary purposes must satisfy the requirement of proven genuine usefulness at the professional standard to members, and must not have any perceived or real possibility of conflict of interest, as in the promotion of particular products or services. Requests for endorsement which are commercial, sales or related activities will not be considered.

3.2.5 In conducting mail-outs or disseminating information to members for primary purposes or endorsed secondary purposes under no circumstances will individual member lists or contact details be provided to any third parties without the prior written consent of the individuals. Rather, mail-out material for all purposes must be sent out by the Society Executive Director. If the purpose relates to the third party request that party may be charged for the cost of conducting the mail-out.

### **3.3 Data Quality & Security**

3.3.1 The Society will take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, up-to-date and complete. The Society will take reasonable steps to ensure that the personal information it holds is safeguarded from misuse, loss and unauthorised access, modification and disclosure. Information that is no longer required will be disposed of in an appropriate manner.

### **3.4 Openness**

3.4.1 This policy sets out the Society's policies on the management of personal information and is available to all members, staff and public. On request by a member or an employee, the Society will take reasonable steps to advise, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information. The policy will be published on the Society's web page.

### **3.5 Access and Correction**

3.5.1 The Society will take all reasonable steps to ensure, upon request, that individuals have the opportunity and means to access and update personal information where appropriate. When a request is made, it must be in writing and acted upon in an expeditious manner. Members may seek to correct inaccurate personal information provided the member can establish that the information is not accurate, up-to-date or complete. When such corrections are not supported by the Society it

will, if requested, include a statement with the information about the individual's allegations. Where access is denied, or there is a refusal to correct personal information, the Society will tell the individual the reason why.

- 3.5.2 The Society is not required to give access in some circumstances such as:
- (a) it would be unlawful to provide the information
  - (b) it would pose a serious and imminent threat to the life or health of any individual
  - (c) it would have an unreasonable impact upon the privacy of other individuals
  - (d) the request is frivolous or vexatious

- 3.5.3 Where providing access to information would reveal evaluative information about a decision-making process the Society will give an explanation rather than direct access to the information.

### **3.6 Identifiers**

- 3.6.1 A membership number will be allocated to each member as an identifier of that member for the purposes of the Society's operations. An identifier assigned to an individual by another agency or body will not be used or disclosed, unless required by law. An individual's name is not an identifier.

### **3.7 Anonymity**

- 3.7.1 Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering into transactions with the Society.

### **3.8 Transborder Data Flows**

- 3.8.1 Personal information about an individual may be transferred to someone (other than the Society or the individual) who is in a country outside Australia or New Zealand only if:
- (a) the Society reasonably believes a law, binding scheme or contract applies at the destination which effectively delivers privacy standards substantially similar to the Australia National Privacy Principles
  - (b) the individual consents to the transfer
  - (c) the transfer is for the benefit of the individual and it's impracticable to obtain consent, but it's likely consent would have been given
  - (d) the transfer is required by a contract between the individual and the Society, or a contract between the Society and a third party in the interests of the individual
  - (e) the Society has taken reasonable steps to ensure the information won't be held, used or disclosed by its recipient inconsistently with the National Privacy Principles

### **3.9 Sensitive Information**

- 3.9.1 The Society will not collect sensitive information about an individual unless:
- (a) the individual has consented
  - (b) collection is required or authorised by law
  - (c) the information is required to establish or defend a legal or equitable claim

- (d) the individual is incapable of consenting and the information is needed because of a serious and imminent threat to the life or health of the individual

### **3.10 Public Enquiries Regarding Members**

- 3.10.1 The Society regularly receives queries from the public requesting confirmation of the status of a member. The Society is able to advise if a named person is a member of the Society and in what capacity. The Society is unable to release lists of member's in particular geographical locations or details on the procedures undertaken by members.
- 3.10.2 It is important that the recipient of this information is aware that it is a confirmation of the status of a member and not an endorsement. No other information on a member may be divulged.

### **3.11 Member Enquiries Regarding Other Members**

- 3.11.1 Requests for the practice address of members may be provided verbally on request for individual members. Any other information about a member cannot be provided without their permission. Mailing lists or contact lists for groups of members cannot be provided.

## **4.0 FINANCIAL POLICY**

- 4.1.1 As detailed in item 3.2 of this policy, mail-out material for all purposes must be sent out by the Society Executive Director. If the purpose relates to the third party request that party may be charged for the cost of conducting the mail-out using the following pricing list which is revised on the 1 January each year. The cost per standard DL size envelop for Australian or New Zealand postage is \$AUD0.50 plus an administration cost of \$AUD100.

## **5.0 CONTACT OFFICERS**

Alterations to this Policy should be reviewed by the following contact officers prior to processing approval at the Board of the Neurosurgical Society of Australasia level:

President of the Neurosurgical Society of Australasia  
Secretary of the Neurosurgical Society of Australasia