



ORDER OF MALTA AUSTRALIA

Australian Association of the Order of Malta Limited Privacy Policy as approved at January 2021 (Policy Number: AAOML_P_011)

Effective Date: 27 January 2021

Review Date: 31 January 2022

1 Purpose

This Policy outlines the Australian Association of the Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta (“Order of Malta” or “Australian Association of the Order of Malta” or “the Order”) practices for the protection and managing of personal information.

2 Policy Principles

The Order of Malta is committed to respect the confidentiality of personal information and the privacy of individuals and does so by complying with the Australian Privacy Principles (‘APPs’) included in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and set out in Schedule 1 of the *Privacy Act 1988* (Cth) and in any other legislation in force in the States and Territories.

The Order of Malta is committed to protect personal information held from misuse and loss and from unauthorised access and modification.

Where the Order of Malta no longer requires personal information for a permitted purpose under the APPs, reasonable steps will be taken to destroy it

The European Union (“EU”) has enacted the 2016/679 *General Data Protection Regulation* which is applicable as of May 25th, 2018 in all member states to harmonise data privacy laws across Europe The EU’s *General Data Protection Regulation* is applicable to the Australian Association of the Order of Malta if it qualifies as a Data Controller or a Data Processor within the meaning of the EU Regulation and it manages data in accordance with its requirements.

The Order of Malta will review and update this Privacy Policy as to reflect changes in legislation and technology.

3 Scope

This Policy applies to the Order of Malta’s Personnel who is engaged in the collection or handling of private information on behalf of the Order.

This policy deals with personal information collected and regarding:

- Order of Malta’s Personnel;
- individuals who access or receive the Order of Malta’s services and any other person who has contact with the Order;
- donors and prospective donor information from third parties for fundraising purposes

4 Definitions

For purposes of this Policy, unless otherwise stated, the following definitions shall apply:

- Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.
- Sensitive information is a type of personal information and includes health information, genetics, race, political opinion or membership, religion, philosophical beliefs, union membership, sexual preference and criminal record.
- Australian Privacy Principles (APPs): A set of inalienable principles entrenched in the *Privacy Act 1988 (Cth)* and ratified by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)* which address individual privacy consideration and outline legal requirements
- Eligible Data Breach: Unauthorised access to or disclosure of, or loss of personal information held by an organisation where this is likely to result in serious harm to any of the individuals to whom the information relates.
- Personnel: Any person (or group of people) engaged by the Order of Malta to assist in its works. This includes members, candidates, volunteers, employees, the Board of Directors and other relevant stakeholders.

5 Policy Statements

5.1 Purposes for collecting personal information

In general, the Order of Malta collects personal information for the following primary purposes:

- to provide, administer, improve and personalise its services and goods, process donations and payments;
- to identify individuals;
- to maintain and update its records related to members, candidates, volunteers, employees and donors;
- to provide support and assistance to the Poor and the Sick;
- to assess employee, volunteer or candidate applications;
- to communicate with the Order of Malta's members, candidates, staff, volunteers, donors and other relevant stakeholders;
- to protect its lawful interests and respond to a person's queries or concerns;
- to purchase products; and
- to manage and enhance its services.

The Order of Malta may also collect, use and disclose personal information in connection with lawful information requests from courts, government agencies and lawyers and in connection with suspected fraud, misconduct or unlawful activity.

The Order of Malta deals with a range of people and organisations. In those dealings the types of individuals about whom the Order may collect, use, hold and disclose include (but are not limited to):

- members of the Order of Malta;
- candidates;
- donors;
- employees;
- volunteers; and
- other relevant stakeholders.

5.2 Kinds of personal information the order of Malta may collect

In general, the type of personal information the Order of Malta collects, holds, uses and discloses includes (but is not limited to) names, addresses and contact details (both physical as well as virtual), occupations and other information which assists us in serving the Poor and the Sick.

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When a person, in his/her capacity such as a candidate, member, donor, volunteer or supplier deals with the Order of Malta, the Order will also collect personal information (such as bank account and other financial details) necessary for the carrying out its work. In most cases, if personal information which is requested is not provided, the Order may not be able to supply the relevant service (for example, the Order may not be able to communicate with a person or respond to his/her enquiries).

5.3 How the Order of Malta collects personal information

The Order of Malta will generally collect personal information by way of forms provided either in hard, soft copy or on-line documents, face to face meetings, interviews, business cards, telephone conversations, social media and other publically available sources.

5.4. Use and purpose for disclosure of personal information

The Order of Malta may use and disclose personal information for the primary purpose for which it is collected (as set out above) for reasonably expected secondary purposes which are related to the primary purpose, where the Order is legally required to do so (for example in the course of compliance with taxation obligations) and in other circumstances authorised by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*.

The Order of Malta will not disclose personal information about an individual for the purpose of direct marketing.

5.5 Disclosure of personal information

The Order of Malta may disclose personal information to:

- other companies or individuals who assist the Order in providing products or services or who perform functions on the Order's behalf (such as banks);
- courts, tribunals and regulatory authorities if required by law; and
- anyone else to whom the Order is authorised to disclose it by consent.

The Australian Association of the Order of Malta may exchange personal information with other Order of Malta Associations or entities which are located overseas and with other non-for-profit organisations and service providers, including government agencies, who may assist the Order with archival, auditing, accounting, legal, business, banking, payment, delivery, data processing, storage and analysis, research, investigation, website or technology services, which may be located in other countries. The Order of Malta acknowledges that while those entities will often be subject of confidentiality or privacy obligations may not always follow the particular requirements of Australian privacy laws.

In either case, this does not change the Order of Malta commitment to safeguard the individual's privacy. The Australian Association of the Order of Malta expects other Order of Malta Associations and external service providers located overseas to take adequate measures to safeguard the individual's personal information. The Order will take all reasonable steps to confirm that any overseas recipient of personal information will not be in breach of the Australian Privacy legislation.

5.6 The Order of Malta's websites and online presence privacy practices

The Order of Malta uses social media platforms such as Facebook and Twitter to assist with delivering its services and to inform about events and activities. Individuals who interact with the Order through social media platforms are responsible for reviewing and accepting their privacy policies prior to interacting with the Order.

Social media platforms may use cloud based data storage services and may store information overseas. The Order of Malta acknowledges that the privacy laws of these countries may not provide the same level of protection as the Australian Privacy Laws do. Individuals providing information to the Order cannot seek redress against these services under Australian Privacy

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Laws and may not be able to seek redress overseas.

The Order of Malta's public website (www.orderofmalta.org.au) collects limited generic user information to identify generic user behaviours such as webpages visited and popular content. Where the website allows individuals to make comments, give feedback or make credit card payments, the Order may collect email addresses and other contact details. The Order may use email addresses provided to respond to feedback and, on occasion, to make direct contact for surveying purposes and ongoing communication. The personal information from the website is stored on servers located in Australia.

The Order of Malta's public website uses cookies to save the User's session, in order to carry out necessary functions such as the distribution of traffic. Cookies are pieces of data, normally stored in text files, that websites place on visitors' computers to store a range of information, usually specific to that visitor, such as the browser or the device they are using to view the site, eg tablet or mobile phone. Cookies are made up of sections of installed code within the User's browser that help the Owner to supply the best service. Some of the objectives of the installation of the Cookies could require consent of the User.

The Order of Malta's public website uses Cookies to save navigation preferences and to optimise the user's navigation experience. Some of these Cookies store the actions and information of the User, such as language settings and grouped statistics which can be managed by the Owner's statistics.

Some of the services listed below gather statistics in a grouped format and may not need the consent of the User. They could be managed directly by the Owner with no help from a third party. Further, the services contained in the present section allow for the Owner to monitor and analyse the traffic data. They also serve to track the User's actions.

- **Google Analytics:** Google Analytics is a web traffic analytics tool provided by Google Inc. (Google) that allows the website Owner to track and monitor how their site is being used. Google uses gathered Personal Data with the aim of tracking and examining the use of the Application and to write up reports and share them with other services developed by Google. Google could use the Personal Data to contextualise and personalise advertisements on their own publicity network. For more information on the privacy practices of Google, please visit the Google Privacy Terms web page: <https://policies.google.com/privacy?hl=en>

Within the pages of the Order of Malta's website, there are third party services which can set up to use cookies/similar technologies. The use of these cookies and similar technologies by such companies is regulated by the privacy rules of the companies themselves, and not by the rules of this document as the Data Regulator is not connected to the management of such tools and to the treatment of data. Provided below is an (incomplete) list of some of the company partners which can use cookies while the User navigates this website:

- Google Analytics.
- Google AdSense.
- Google.

5.7 Accuracy and up-to-date of personal information

The Order of Malta endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. The Order encourages individuals to contact it for updating any personal information held about them. The relevant contact details are set out below. The Order will require any person contacting it for this purpose to properly identify itself in order to establish the bona fides of any such request. The Order of Malta will accept no responsibility for any inaccurate or fraudulent information provided.

The Order of Malta's Personnel, subject to the exceptions set out in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth), has the ability and/or right to gain access to personal information the Order holds by emailing info@orderofmalta.org.au or telephone

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(02) 9331 8477. The Order of Malta requires any applicant to verify their identity and to specify what information they require.

5.8. Data breach

The Order of Malta undertakes a range of measures to ensure that there are no data breaches where personal data held by the Order is accessed by persons who are not authorised to access it or the data is misused in any manner. However, in the unlikely event that a data breach occurs, the Order notes that it is required to comply with the requirements of the Notifiable Data Breaches Scheme. The requirements of the Notifiable Data Breaches Scheme are summarised at:

<https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme#which-data-breaches-require-notification>

Despite the Order of Malta's best efforts to protect and safeguard individuals' privacy, information data breaches may occur including:

- unauthorised access (including the Order's Personnel, contractors or external third parties such as by hacking)
- unauthorised disclosure (whether intentional or unintentional through human error – for example an employee accidentally sends personal information of individuals accessing a particular service to the wrong email address)
- loss or theft (for example, hardcopies of documents, electronic devices and storage devices being misplaced or stolen).

The Order of Malta must notify the Office of the Australian Information Commissioner (OAIC) and affected individuals of 'eligible data breaches' when:

- there is unauthorised access to, or unauthorised disclosure of, personal information, or loss of personal information
- unauthorised access to or disclosure of personal information is likely to result in serious harm to one or more individuals
- efforts to contain the harm with remedial action have been unsuccessful.

In these circumstances the Order of Malta must notify the OAIC and the affected individuals of:

- the contact details of the Order;
- a description of the eligible data breach;
- the kinds of information concerned (for example, sensitive information); and
- recommended steps individuals can take relating to the breach.

5.10. Dealing with privacy complaints

Individuals, or their authorised representative, with any questions or concerns regarding a possible privacy breach, should contact the Order's Communication Office using the details set out below. The Order is committed to respond to any concerns raised in a timely, satisfactory, fair and transparent manner and to provide a response to written complaints within 30 days.

The Communications Officer
Australian Association of the Order of Malta
Email: info@orderofmalta.org.au
Phone: (02) 9331 8477
Address: PO Box 79, Caringbah, NSW 1495, Australia

For information about privacy generally, or where individuals are not satisfied with the results of the complaint, they may contact the Office of the Australian Information Commissioner at www.oaic.gov.au and on 1300 363 992.

5.11 Roles and responsibilities

The Executive Council is responsible for promoting, monitoring and upholding a positive compliance culture towards this Policy and identifying the need to engage support and/or training the Order of Malta's Personnel to implement the Policy.

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The Executive Council shall send the Order of Malta's Personnel regular reminders regarding information security and their privacy responsibilities.

5.12 Publication of the Privacy Policy

The Order of Malta publishes and updates this policy on its website and makes hard copies available on request

5.13. Enquiries

If you have any questions about privacy-related issues contact info@orderofmalta.org.au or telephone (02) 9331 8477.

6 Appendices

1. Instructions for the most popular browsers to help carry out their personal Cookie configuration.
2. Basic Privacy Legislation and Principles in the States and Territories.
3. Example of Privacy Disclosure Form.

7 Related Policies and Documents

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8 Policy Review

This Policy will be reviewed periodically and updated when required.

The Chancellor and Company Secretary is responsible for overseeing the review, and recommending changes to the National Executive Council.

This Policy is approved by the National Executive Council.

Appendix 1

Instructions for the most popular browsers to help carry out their personal Cookie configuration

Microsoft Internet Explorer:

1. Click on 'Settings' in the browser at the top of the page
2. Select 'Options'
3. Select the 'Privacy' tab to set and manage your options
4. To activate the cookies, set the level of Privacy as 'Medium' or below. (Setting up the level of Privacy above 'Medium' use of cookies will deactivate them.)

Mozilla Firefox:

1. Click on 'Open Menu' in the browser at the top of the page
2. Click on 'Preferences'
3. Select 'Privacy & Security'
4. Go to 'Enhanced Tracking Protection' and 'Cookies and Site Data' to select and manage your preferences

Google Chrome:

1. Click the 'Google Chrome' icon on the menu
2. Select 'Settings'
3. Select 'Privacy and security' to select and manage your settings via the 'Cookies and other site data' and 'Site Settings' sub menus.

Apple Safari:

1. Click on the 'Safari' tab on the top of the browser
2. Select 'Preferences'
3. Click on 'Privacy'
4. Set your preferences for accepting cookies next to 'Block Cookies'.

For more and the latest information on the use of Cookies on the various browsers and the different versions of each of the browsers please visit: www.allaboutcookies.org

Appendix 2

Basic Privacy Legislation and Principles in the States and Territories

Australian Capital Territory

- *ACT Information Privacy Act 2014 (ACT)*
- Australian Capital Territory Privacy Principles- Privacy Fact Sheet 42

New South Wales

- *Privacy and Personal Information Protection Act 1998 (NSW)*

Northern Territory

- *Information Act 2002 (NT)*

Queensland

- *Information Privacy Act 2009 (Qld)*

South Australia

- Information Privacy Principles Instruction, Premier and Cabinet Circular PC012 ("IPPI"). The IPPs also include a right for an individual to access and amend their own personal information via the *Freedom of Information Act 1991 (SA)*

Tasmania

- *Personal Information and Protection Act 2004 (Tas)*.

Victoria

- *Privacy and Data Protection Act 2014 (Vic)* ("PDP Act").
- *The Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017 (Vic)* ("FOI Amendment Act 2017")
- *Freedom of Information Act 1982 (Vic)* (FOI Act).
- In Victoria, a right to privacy is also included in section 13 of the *Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)*, which states that everyone has the right to keep their lives private, and to not have their family, home or personal information interfered with

Western Australia

- *Freedom of Information Act 1992 (WA)*



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Privacy Disclosure Form

The Australian Association of the Sovereign Order of Malta (the “Order of Malta”) needs to collect, record, store and use personal information about you to make assessments about provision of services and to provide services and ongoing support to you. To do so, the Order of Malta sometimes needs to share your information with other organisations and government agencies, and your permission to do that is required.

The supply of this information is voluntary. Your personal information will be treated strictly in accordance with the Order of Malta Privacy Policy and the *Privacy Act 1988* (Cth). You can request access to the information we hold about you and obtain a copy of the Order of Malta Privacy Policy by emailing info@orderofmalta.org.au or telephone (02) 9331-8477 or by visiting our website on www.orderofmalta.org.au.

I _____ have read the above information and understand the reasons for the collection of my personal information and the ways in which the information may be used and disclosed and I agree to that use and disclosure.

I am aware that I can access my personal and treatment information on request and if necessary, correct information that I believe to be inaccurate.

I have been provided with or have been given an opportunity to obtain a copy of the Order of Malta privacy policy.

Signature:..... **Date:**.....