



Wangki Yupurnanupurru Aboriginal Corporation
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PRIVACY POLICY AND PROCEDURES

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How to Use this Manual

This Manual has been prepared to provide you with a comprehensive reference for satisfying the requirements of the Privacy Act. For more details visit: www.privacy.gov.au.

Implementation Process:

- Appoint a Privacy Officer and amend his/her duty statement to clearly indicate this duty.
- Print a copy of this manual and conduct a Privacy Act training session with all staff. This could be as simple as reading through the content headings of this Manual and addressing any questions that arise.
- Provide all Staff with a copy of 'Complaints handling Process'.
- Request all staff sign the 'Employee Privacy Agreement' and file this in Employee Records.
- Delegate to the Privacy Officer the task of reviewing current administration and data collection procedures to ensure they comply with this Manual. Amend procedures and document any changes to procedures.
- Request that the Privacy Officer schedule a review of Privacy Procedures every 12 months or upon changes to the legislation.

10 Scope and Objectives

The Privacy Policies and Procedures implemented by Wangki Yupurnanupurru Aboriginal Corporation, extend to and cover all operations and functions of the organisation. All directors, management, employees, contractors, sub-contractors, vendors, service providers, customers, agents or any other third parties that have access to and/or utilise personal information collected and/or held by Wangki Yupurnanupurru Aboriginal Corporation, will abide by these Privacy Policies and Procedures.

The objectives of these Privacy Policies and Procedures are to ensure that a sound privacy foundation and framework is established and maintained by Wangki Yupurnanupurru Aboriginal Corporation.

NOTE: Privacy Policies are defined as the broad statements describing required privacy objectives and incorporate the 'National Privacy Principles'. Privacy Procedures are defined as the measures intended to ensure that the Privacy Policies or objectives are properly met.

20 Ownership

All personal information collected, held or shared by Wangki Yupurnanupurru Aboriginal Corporation, will be done so in accordance with its Privacy Policies and Procedures. Wangki Yupurnanupurru Aboriginal Corporation, retains the right to take reasonable steps to ensure that its Privacy Policies and Procedures are properly adhered to.

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For every operation or function of Wangki Yupurnanupurru Aboriginal Corporation, where personal information is collected, an appropriate person or owner will be appointed and be responsible for ensuring compliance with these Privacy Policies and Procedures.

30 Responsibilities

It is the responsibility of management to inform employees and other relevant parties that Privacy Policies and Procedures are established, maintained and enforced. Management will ensure that they periodically advise Wangki Yupurnanupurru Aboriginal Corporation, employees and other relevant parties of any changes or any new Privacy Policies and Procedures in a timely manner.

It is the responsibility of all employees and other relevant parties to ensure that they understand and adhere to all Privacy Policies and Procedures implemented by Wangki Yupurnanupurru Aboriginal Corporation and that they maintain up-to-date knowledge of changes or any new Privacy Policies and Procedures.

Ignorance of the existence of any Privacy Policies or Procedures will not be an acceptable excuse for non-compliance.

40 Privacy Training

All new employees will be provided with timely and appropriate access to Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures. All employees will be provided with opportunities to attend appropriate and periodic Privacy awareness training and will ensure that they understand the Privacy related issues that could adversely affect Wangki Yupurnanupurru Aboriginal Corporation position if not properly adhered to.

40.10 New Employees Privacy Training

As part of Wangki Yupurnanupurru Aboriginal Corporation induction process, all new employees will be provided with access to and training on Wangki Yupurnanupurru Aboriginal Corporation, Privacy Policies and Procedures.

40.20 Existing Employees Privacy Training

All existing employees will be provided with access to and periodic training on Wangki Yupurnanupurru Aboriginal Corporation, Privacy Policies and Procedures.

50 Non-compliance & Disciplinary Actions

Any Wangki Yupurnanupurru Aboriginal Corporation employee or relevant third party that identifies knows about or suspects a Privacy breach will immediately report the matter to management.

Employees or other relevant parties that contravene or do not comply with Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures may be subject to disciplinary action.

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50.10 Definitions of Non-compliance

Non-compliance is defined as follows:

- a) A breach of Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures;
- b) The compromise of Privacy controls exposing Wangki Yupurnanupurru Aboriginal Corporation, to potential or actual loss, monetary or otherwise;
- c) Any action that is perceived to be illegal, harassing, offensive or that can adversely affect the integrity and reputation of Wangki Yupurnanupurru Aboriginal Corporation.;
- d) An attempt, successful or otherwise, to gain unauthorised access to Wangki Yupurnanupurru Aboriginal Corporation information systems resources;
- e) The use of unauthorised Wangki Yupurnanupurru Aboriginal Corporation information for personal gain;
- f) The refusal to co-operate with any reasonable investigation;
- g) Unauthorised access, viewing, disclosure or manipulation of confidential data, information, applications, systems and other of Wangki Yupurnanupurru Aboriginal Corporation information systems resources; and
- h) Using the assistance of or soliciting a third party to circumvent Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures.

50.20 Disciplinary Actions for Non-compliance

The following disciplinary actions for non-compliance with Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures are within management's discretion:

- a) Further education and training;
- b) Counselling;
- c) Issue of warnings;
- d) Suspension of system access rights;
- e) Financial penalties and recovery of costs;
- f) Immediate dismissal;
- g) Termination of contractual agreements;
- h) Civil or criminal prosecution; and
- i) Other disciplinary actions.

60 Incidents/Complaints Handling

Wangki Yupurnanupurru Aboriginal Corporation will have an effective incidents/complaint handling process in place to manage privacy risks and issues. The incidents/complaints handling process will:

- Identify (and address) any systemic/ongoing compliance problems;
- Increase consumer confidence in Wangki Yupurnanupurru Aboriginal Corporation privacy procedures; and
- Help build and preserve Wangki Yupurnanupurru Aboriginal Corporation reputation and business.

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60.10 Incidents/Complaints Handling Framework

An appropriate framework will be established to manage and address privacy related breaches and complaints (and other incidents) relating to Wangki Yupurnanupurru Aboriginal Corporation.

60.20 Incidents/Complaints Register

A detailed Incident/Complaints Register will be established and maintained to record privacy related incidents, complaints and breaches of Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures.

70 Contractual Arrangements

Wangki Yupurnanupurru Aboriginal Corporation will ensure that all contractual arrangements with third parties adequately address privacy issues.

70.10 Adherence to National Privacy Principles

All contractual arrangements entered by Wangki Yupurnanupurru Aboriginal Corporation with third parties will where applicable include the way in which the National Privacy Principles will be adhered to.

70.20 Review of Contractual Arrangements

All contractual arrangements entered by Wangki Yupurnanupurru Aboriginal Corporation with third parties will be independently reviewed to ensure privacy issues are adequately addressed.

80 Information Classification

All Wangki Yupurnanupurru Aboriginal Corporation data and personal information will be classified and secured according to its level of sensitivity.

80.10 Data Classification Type

The following classification will be used for Wangki Yupurnanupurru Aboriginal Corporation data resources:

- High - Data of high importance, confidentiality or sensitivity.
- Medium - Data of moderate importance, confidentiality or sensitivity.
- Low - Data of low importance, confidentiality or sensitivity.

80.20 Protecting Classified Data

With reference to Policy Number 140 - National Privacy Principle 4, appropriate security measures for data and information will be defined according to its classification type. In addition, the respective retention periods for data will also be defined.

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90 Privacy Audits

Wangki Yupurnanupurru Aboriginal Corporation will conduct periodic privacy audits in order to ascertain:

- What sort of personal/sensitive information is collected and held;
- How that information is collected;
- What the reasons are for collection of that information;
- Where and how that information is stored;
- How that information is secured;
- Who has access to that information;
- Whether that information is shared with anyone;
- Whether the intended use of collection is communicated; and
- Whether that information is current and necessary.

90.10 Periodic Privacy Audits

Periodic Privacy Audits will be conducted on Wangki Yupurnanupurru Aboriginal Corporation practices to ensure compliance with Privacy Legislation.

90.20 Identification of Information Collected

The audit process will include the appropriate inquiries to identify the personal information that Wangki Yupurnanupurru Aboriginal Corporation collects and retains and whether that information is of a sensitive nature.

90.30 Manner of Collection

The audit process will include the appropriate inquiries to identify how Wangki Yupurnanupurru Aboriginal Corporation collects personal information.

90.40 Reasons for Collection, Use and Disclosure

The audit process will include the appropriate inquiries to identify why Wangki Yupurnanupurru Aboriginal Corporation has collected personal information and what is done with that information.

90.50 Location and Manner of Storage

The audit process will include the appropriate inquiries to identify where and how Wangki Yupurnanupurru Aboriginal Corporation stores personal information.

90.60 Information Security

The audit process will include the appropriate inquiries to identify how Wangki Yupurnanupurru Aboriginal Corporation ensures the security of personal information.

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90.70 Accessibility to Information

The audit process will include the appropriate inquiries to identify who has access to personal information collected by Wangki Yupurnanupurru Aboriginal Corporation.

90.80 Information Disclosure and Dissemination

The audit process will include the appropriate inquiries to identify whether personal information is disclosed and/or disseminated by Wangki Yupurnanupurru Aboriginal Corporation and to whom it is disclosed and/or disseminated.

90.90 Communication of Intended Use

The audit process will include the appropriate inquiries to identify whether the intended use of collecting personal information by Wangki Yupurnanupurru Aboriginal Corporation is communicated to those supplying that information.

90.100 Information Currency and Relevance

The audit process will include the appropriate inquiries to identify whether the information collected by Wangki Yupurnanupurru Aboriginal Corporation is up-to-date and whether it is relevant and necessary for that information to be held.

100 Privacy Statements

The statements and/or comments that are either required to be or are made about privacy or privacy related issues will be done so about Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and Procedures.

100.10 Communication and Accessibility

With reference to: *Policy Number 150 - National Privacy Principle 5*, Wangki Yupurnanupurru Aboriginal Corporation will set out in a document its policies relating to the management of personal information and will make such a document appropriately accessible.

100.20 Adherence to Privacy Policies and Procedures

All communication relating to privacy or privacy related issues will be in adherence with Wangki Yupurnanupurru Aboriginal Corporation Privacy Policies and procedures.

110 Collection (NPP 1)

Collection of personal information by Wangki Yupurnanupurru Aboriginal Corporation will be fair, lawful and not intrusive. A person will be told our organisation's name, the purpose of collection that the person can get access to their personal information and what happens if the person does not give the information.

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110.10 Necessary Information

Wangki Yupurnanupurru Aboriginal Corporation will not collect personal information unless the information is necessary for one or more of its functions or activities.

110.20 Lawful and Fair Collection

Wangki Yupurnanupurru Aboriginal Corporation will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

110.30 Awareness and Notification

At or before the time (or, if that is not practicable, as soon as practicable after) Wangki Yupurnanupurru Aboriginal Corporation collects personal information about an individual from the individual, Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to ensure that the individual is aware of:

- The identity of Wangki Yupurnanupurru Aboriginal Corporation and how to contact it; and
- The fact that he or she is able to gain access to the information; and
- The purposes for which the information is collected; and
- The organisation (or the types of organisations) to which Wangki Yupurnanupurru Aboriginal Corporation usually discloses information of that kind; and
- Any law that requires the particular information to be collected; and
- The main consequences (if any) for the individual if all or part of the information is not provided.

110.40 Direct Collection

If it is reasonable and practicable to do so, Wangki Yupurnanupurru Aboriginal Corporation will collect personal information about an individual only from that individual.

110.50 Collection from a Third Party

If Wangki Yupurnanupurru Aboriginal Corporation collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in procedure 110.030 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

120 Use and Disclosure (NPP 2)

Wangki Yupurnanupurru Aboriginal Corporation should only use or disclose information for the purpose for which it was collected unless the person has consented, or the secondary purpose is related to the primary purpose and a person would reasonably expect such use or disclosure, or the use is for direct marketing in specified circumstances, or in circumstances related to public interest such as law enforcement and public or individual health and safety.

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120.10 Secondary Purpose of Collection

Wangki Yupurnanupurru Aboriginal Corporation will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:

- a) Both of the following apply:
 - i. The secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
 - ii. The individual would reasonably expect Wangki Yupurnanupurru Aboriginal Corporation 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:
 - i. It is impracticable for Wangki Yupurnanupurru Aboriginal Corporation to seek the individual's consent before that particular use; and
 - ii. Wangki Yupurnanupurru Aboriginal Corporation will not charge the individual for giving effect to a request by the individual to Wangki Yupurnanupurru Aboriginal Corporation not to receive direct marketing communications; and
 - iii. The individual has not made a request to Wangki Yupurnanupurru Aboriginal Corporation not to receive direct marketing communications; and
 - iv. In each direct marketing communication with the individual, Wangki Yupurnanupurru Aboriginal Corporation draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
 - v. Each written direct marketing communication by Wangki Yupurnanupurru Aboriginal Corporation with the individual (up to and including the communication that involves the use) sets out Wangki Yupurnanupurru Aboriginal Corporation business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which Wangki Yupurnanupurru Aboriginal Corporation can be directly contacted electronically; or
- d) If the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety;
- e) It is impracticable for Wangki Yupurnanupurru Aboriginal Corporation to seek the individual's consent before the use or disclosure; and
 - i. The use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A of the Privacy Act for the purposes of this subparagraph; and
 - ii. In the case of disclosure Wangki Yupurnanupurru Aboriginal Corporation reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or

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- f) Wangki Yupurnanupurru Aboriginal Corporation reasonably believes that the use or disclosure is necessary to lessen or prevent:
- i. A serious and imminent threat to an individual's life, health or safety; or
 - ii. A serious threat to public health or public safety; or
- g) Wangki Yupurnanupurru Aboriginal Corporation has reason to suspect that unlawful activity has been, is being, or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- h) The use or disclosure is required or authorised by or under law; or
- i) Wangki Yupurnanupurru Aboriginal Corporation reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
- i. The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - ii. The enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. The protection of the public revenue;
 - iv. The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - v. The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Note 1: It is not intended to deter Wangki Yupurnanupurru Aboriginal Corporation from lawfully cooperating with agencies performing law enforcement functions in the performance of their functions.

Note 2: Procedure 120.10 does not override any existing legal obligations not to disclose personal information. Nothing in procedure 120.10 requires Wangki Yupurnanupurru Aboriginal Corporation to disclose personal information; Wangki Yupurnanupurru Aboriginal Corporation is always entitled not to disclose personal information in the absence of a legal obligation to disclose it.

Note 3: Wangki Yupurnanupurru Aboriginal Corporation is also subject to the requirements of Policy Number 190 - National Privacy Principle 9 (if it transfers personal information to a person in a foreign country).

130 Data Quality (NPP 3)

Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to date.

130.10 Accuracy, Completeness and Currency

The accuracy, completeness and currency of personal information collected, used or disclosed by Wangki Yupurnanupurru Aboriginal Corporation will in general be ensured.

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140 Data Security (NPP 4)

Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access modification or disclosure.

140.10 Personal Information Protection

Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

140.20 Destruction of Unrequired Personal Information

Wangki Yupurnanupurru Aboriginal Corporation will take 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 *Policy Number 120 - National Privacy Principle 2*.

150 Openness (NPP 5)

Wangki Yupurnanupurru Aboriginal Corporation will have a policy document outlining its information handling practices and make this available to anyone who asks.

150.10 Communication

Wangki Yupurnanupurru Aboriginal Corporation will set out in a document clearly expressed policies on its management of personal information. Wangki Yupurnanupurru Aboriginal Corporation will make the document available to anyone who asks for it.

150.20 Personal Information Inquiries

On request by a person, Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

160 Access and Correction (NPP 6)

Generally speaking, Wangki Yupurnanupurru Aboriginal Corporation gives an individual access to personal information it holds about that individual on request.

160.10 Provision of Access to Personal Information

If Wangki Yupurnanupurru Aboriginal Corporation holds personal information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that:

- a) In the case of personal information other than health information - providing access would pose a serious and imminent threat to the life or health of any individual; or
- b) In the case of health information - providing access would pose a serious threat to the life or health of any individual; or

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- c) Providing access would have an unreasonable impact upon the privacy of other individuals; or
- d) The request for access is frivolous or vexatious; or
- e) The information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- f) Providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- g) Providing access would be unlawful; or
- h) Denying access is required or authorised by or under law; or
- i) Providing access would be likely to prejudice an investigation of possible unlawful activity; or
- j) Providing access would be likely to prejudice:
 - (i) The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
 - (ii) The enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (iii) The protection of the public revenue; or
 - (iv) The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (v) The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement body; or
- k) An enforcement body performing a lawful security function asks Wangki Yupurnanupurru Aboriginal Corporation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

160.20 Exception to Providing Access to Personal Information

However, where providing access would reveal evaluative information generated within Wangki Yupurnanupurru Aboriginal Corporation.

Information about a commercially sensitive decision-making process, Wangki Yupurnanupurru Aboriginal Corporation may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

NOTE: Wangki Yupurnanupurru Aboriginal Corporation. *Breaches procedure 160.10 if it relies on procedure 160.20 to give an individual an explanation for a commercially sensitive decision in circumstances where procedure 160.020 does not apply.*

160.30 Using Intermediaries to Provide Access

If Wangki Yupurnanupurru Aboriginal Corporation is not required to provide the individual with access to the information because of one or more of paragraphs (a) to (k) (inclusive) within procedure 160.010, Wangki Yupurnanupurru Aboriginal Corporation will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

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160.40 Cost of Providing Access to personal Information

If Wangki Yupurnanupurru Aboriginal Corporation charges for providing access to personal information, those charges:

- a) Will not be excessive; and
- b) Will not apply to lodging a request for access.

160.50 Maintaining Correct information

If Wangki Yupurnanupurru Aboriginal Corporation holds personal information about an individual and the individual can establish that the information is not accurate, complete and up-to-date, Wangki Yupurnanupurru Aboriginal Corporation will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.

160.60 Disagreement on Correctness of Information Held

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

160.70 Reasons for Denial of Access or Refusal to Correct

Wangki Yupurnanupurru Aboriginal Corporation will provide reasons for denial of access or a refusal to correct personal information.

170 Identifiers (NPP 7)

Wangki Yupurnanupurru Aboriginal Corporation will not adopt, use or disclose an identifier that has been assigned by a Commonwealth government 'agency'.

170.10 Adoption of Identifiers

Wangki Yupurnanupurru Aboriginal Corporation will not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- a) An agency; or
- b) An agent of an agency acting in its capacity as agent; or
- c) A contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

Note 1: Procedure 170.010 does not apply to the adoption by a prescribed organisation of a prescribed identifier in prescribed circumstances.

Note 2: There are prerequisites as outlined in section 100(2) of the Privacy Act that will be satisfied before those matters mentioned in Note 2 are prescribed.

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170.20 Use or Disclosure of Identifiers

Wangki Yupurnanupurru Aboriginal Corporation will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in procedure 170.010, unless:

- a) The use or disclosure is necessary for the organisation to fulfill its obligations to the agency; or
- b) One or more of paragraphs (e) to (h) (inclusive) within procedure 120.010 apply to the use or disclosure; or
- c) The use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

NOTE: There are prerequisites as outlined in section 100(2) of the Privacy Act that will be satisfied before those matters mentioned in paragraph (c) are prescribed.

170.30 Definition of an Identifier

An identifier includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an identifier.

180 Anonymity (NPP 8)

Wangki Yupurnanupurru Aboriginal Corporation will give people the option to interact anonymously whenever it is lawful and practicable to do so.

180.10 Option of Anonymity

Unless prohibited by law or unless inappropriate for Wangki Yupurnanupurru Aboriginal Corporation., individuals will be provided with the option of not identifying themselves when entering into transactions with Wangki Yupurnanupurru Aboriginal Corporation.

190 Transborder Data Flows (NPP 9)

Wangki Yupurnanupurru Aboriginal Corporation can only transfer personal information to a recipient in a foreign country in circumstances where the information will have appropriate protection.

190.10 Personal Information Transfer Out of Australia

Wangki Yupurnanupurru Aboriginal Corporation, (in Australia or an external Territory) may transfer personal information about an individual to someone (other than Wangki Yupurnanupurru Aboriginal Corporation or the individual) who is in a foreign country only if:

- a) Wangki Yupurnanupurru Aboriginal Corporation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds

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- b) principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- c) The individual consents to the transfer; or
- d) The transfer is necessary for the performance of a contract between the individual and Wangki Yupurnanupurru Aboriginal Corporation or for the implementation of pre-contractual measures taken in response to the individual's request; or
- e) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Wangki Yupurnanupurru Aboriginal Corporation and a third party; or all of the following apply:
 - (i) The transfer is for the benefit of the individual;
 - (ii) It is impracticable to obtain the consent of the individual to that transfer;
 - (iii) If it were practicable to obtain such consent, the individual would be likely to give it; or
- f) Wangki Yupurnanupurru Aboriginal Corporation has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

200 Sensitive Information (NPP 10)

Wangki Yupurnanupurru Aboriginal Corporation will not collect sensitive information unless the individual has consented; it is required by law - or in other special specified circumstances, for example, relating to health services provision and individual or public health or safety.

200.10 Collection of Sensitive Information

Wangki Yupurnanupurru Aboriginal Corporation 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 individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection; or
- d) (*applicable only if a non-profit organisation*) if the information is collected during Wangki Yupurnanupurru Aboriginal Corporation activities - the following conditions are satisfied:
 - (i) The information relates solely to the members of Wangki Yupurnanupurru Aboriginal Corporation or to individuals who have regular contact with it about its activities;
 - (ii) At or before the time of collecting the information, Wangki Yupurnanupurru Aboriginal Corporation undertakes to the individual whom the information concerns that Wangki Yupurnanupurru Aboriginal Corporation will not disclose the information without the individual's consent; or
- e) The collection is necessary for the establishment, exercise or defense of a legal or equitable claim.

NOTE: 'Non-profit' organisation means a non-profit organisation that has only racial, ethnic, political, religious, philosophical, professional, trade, or trade union aims.

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Appendix – Privacy Statement

Wangki Yupurnanupurru Aboriginal Corporation:

Privacy Statement

New privacy laws come into force on 21st December 2001. These laws are designed to protect your privacy when providing information to us. In the course of providing service to you we may collect personal information about you. This will/may include:

- Your name and address and contact details;
- Your racial origin;
- Your marital status;
- Your dependents;
- Your incomes;
- Your bank account details.

This information is kept by us in strict accordance with the law. Information will only be used for the purposes for which it was collected and all records and electronic data are protected from unauthorised use, or access. The disposal of information that is no longer required for such purposes will be carried out in accordance with legal and organisational requirements. This information will not be disclosed without your consent unless required by law or a legal authority. Reasonable access to the information will be provided to individuals or their appointed representatives should they require details about personal information held.

You are entitled at any time to request details and a copy of your personal information held by us. We will respond to any such request for access as soon as reasonably possible, and in any event will acknowledge it within 14 days of receiving the request. If it is straightforward for us to access and provide the information requested, it will normally be possible for us to provide a photocopy of such information within 14 days of the request. You may ask us to change any details that may be incorrect or out of date. We may charge you for the reasonable costs in providing you with copies of the information that you have requested.

Our Privacy Policy sets out in detail our policies on the management of personal information. You can obtain a copy of the Policy free of charge by contacting us.

If you have any concerns about your records, further information can be obtained from our Privacy Officer.

If you wish to complain about a breach of privacy, you can do so at any time by writing to us. We will respond to any such complaint as soon as reasonably possible, and in any event will acknowledge it within 14 days. We will use all reasonable endeavours to investigate all such complaints and take such action as is necessary to resolve them, having regard to obligations under the National Privacy Principles.

Additional information on the Privacy Principles can be obtained from:

The Federal Privacy Commissioner, at 133 Castlereagh Street, Sydney. Phone (02) 9284 9800, fax (02) 9284 9666, or www.privacy.gov.au

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Appendix - Complaints Handling Process

Complaints Handling Process

In the event of a complaint the following procedures should be carried out:

1. Refer the complainant directly to the Company's Privacy Officer. No one else should attempt to deal with the complaint.
2. The Privacy Officer will request details of the complaint be put in writing addressed to the Company.
3. The Privacy officer will acknowledge receipt of the complaint in writing to the complainant.
4. The Privacy officer will consult the Privacy - Policy and Procedures Manual in light of the complaint and prepare a briefing paper and present it to the Station Manager and the Chairperson as soon as practicable.
5. The Station Manager will consider what breaches of Privacy may have occurred and take whatever action necessary to amend procedures to prevent further occurrence. The Station Manager will counsel relevant Staff on their performance in relation to the incident. Employee records will be noted where necessary.
6. The Privacy officer will receive written instructions from the Station Manager as to an appropriate response to the complainant and implement those instructions.
7. If required the Privacy Officer will arrange an interview with the complainant, the Station Manager and her/himself for resolving any outstanding issues. The Privacy Officer will take minutes of the interview and request all present to sign approval of the record. In the event of there being continuing complaint the Privacy Officer will refer the matter to the Company's lawyer for further action and advice.
8. The Privacy officer will record brief notes of the complaint [name, date, nature of complaint, course of action, nature of resolution] in a 'Register of Privacy Act Complaints' and file all relevant documents for future reference.

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Appendix – Employee Privacy Agreement

Wangki Yupurnanupurru Aboriginal Corporation:

Employee Privacy Agreement

I _____ agree to abide by the Company's Privacy Policies and Procedures. I have read the Company's Privacy Policies and Procedures and have understood my responsibilities in ensuring that personal information collected and/or held by Wangki Yupurnanupurru Aboriginal Corporation is protected from unlawful or unauthorised usage, access, disclosure, amendments, etc.

The following statements are some key privacy related objectives from the Organisation Privacy Policies and Procedures, which I have also read, understood and agree to abide by:

1. I understand that the Privacy Policies and Procedures implemented by the Company extend to and cover all operations and functions of the organisation.
2. I shall seek to undertake training in privacy issues, shall read privacy notices promptly and shall ensure that I periodically review the Company's Privacy Policies and Procedures.
3. I shall report any privacy related weaknesses that come to my attention or any incidents and complaints that may possibly constitute a breach of the Company's Privacy Policies and Procedures.
4. I shall cooperate with any privacy related audits that may be conducted periodically and without notice.
5. I shall ensure that any statements or comments made about privacy are done so with regard to the Company's Privacy Policies and Procedures.
6. I shall ensure that if I am in whatever way involved in the collection, storage, use, disclosure, etc., of personal information, then my involvement will be in accordance with the Company's Privacy Policies and Procedures.
7. I shall protect and maintain the confidentiality of personal information collected and/or held by the Company and shall not divulge any such information that may be to the detriment of the Company or any other party.
8. I shall not attempt or assist anyone to circumvent the Company's privacy related controls.
9. I understand that any non-compliance with the Company's Privacy Policies and Procedures will constitute a breach of those Policies and Procedures and shall result in disciplinary actions that may range from suspension of system access rights to dismissal or civil or criminal prosecution.

Signature:

Date:

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Appendix – Privacy Audit Questionnaire

Privacy Audit

Questionnaire about Collection of Personal Information

Definitions [from Privacy Act]

Personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Record means:

- a) A document;
- b) A database (however kept); or
- c) A photograph or other pictorial representation of a person;

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Questionnaire:

Questions	Responses
Collection:	
What personal information is collected by our organisation and who collects what?	
How is personal information collected?	
What is the reason(s) for collecting personal information?	
For what purpose(s) is the personal information used?	
What disclosures of personal information are made if any?	
Storage:	
In what form(s) is personal information stored?	
Who has access to personal information?	
What are the procedures by which persons get access to personal information?	
Disclosure:	
How is an individual notified or become aware of the personal information held by our organisation?	
How is an individual notified or made aware of our Privacy Policy – personal information management and handling policy.	
Frequency:	
How and when are individuals contacted to notify us of changes to their personal information?	
Exceptions:	
Are there any exceptions to the above and in what circumstances?	



Appendix - National Privacy Principles

(Extracted from the *Privacy Amendment (Private Sector) Act 2000*)

1. Collection

1.1 An organisation must not collect personal information unless the information is necessary for one or more of its functions or activities.

1.2 An organisation must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

1.3 At or before the time (or, if that is not practicable, as soon as practicable after) an organisation collects personal information about an individual from the individual, the organisation must take reasonable steps to ensure that the individual is aware of:

1.4 If it is reasonable and practicable to do so, an organisation must collect personal information about an individual only from that individual.

1.5 If an organisation collects personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is [aware of it]

2. Use and disclosure

2.1 An organisation must not use or disclose personal information about an individual for a purpose (the *secondary purpose*) other than the primary purpose of collection unless:

2.2 If an organisation uses or discloses personal information under paragraph 2.1(h), it must make a written note of the use or disclosure.

3. Data quality

An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

4. Data security

4.1 An organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

4.2 An organisation must take 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.

5. Openness

5.1 An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it.

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5.2 On request by a person, an organisation must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6. Access and correction

6.1 If an organisation holds personal information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that:

7. Identifiers

7.1 An organisation must not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- a) An agency; or
- b) An agent of an agency acting in its capacity as agent; or
- c) A contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

In this clause: *identifier* includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an identifier.

8. Anonymity

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

9. Transborder data flows

An organisation in Australia or an external Territory may transfer personal information about an individual to someone (other than the organisation or the individual) who is in a foreign country only if:

10. Sensitive information

10.1 An organisation must 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 individual, where the individual whom the information concerns:
 - i. is physically or legally incapable of giving consent to the collection; or
 - ii. physically cannot communicate consent to the collection; or
- d) If the information is collected in the course of the activities of a non-profit organisation—the following conditions are satisfied:

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- e) The information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - f) 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 individual's consent; or
 - g) The collection is necessary for the establishment, exercise or defense of a legal or equitable claim.

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