

KOOYOORA

PRIVACY POLICY – NEW ZEALAND

Kooyoora Ltd (1/38 Puckle Lane, Moonee Ponds, Victoria 3039, Australia) is committed to providing best practice services to you. This privacy policy outlines our ongoing obligations to you in respect of how we manage your Personal Information (as defined in this privacy policy) and Health Information (as defined in this privacy policy).

Kooyoora Ltd is required to comply with a number of privacy laws operating throughout Australia and New Zealand, including the *Privacy Act 2020* (NZ) (**Privacy Act**) and the *Health Information Privacy Code 2020* (NZ) (**HIPC**) (together the **Privacy Laws**). The Privacy Laws regulate how personal information is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility and disposal. It applies to any Personal Information (as defined in this privacy policy) or Health Information (as defined in this privacy policy) that a person provides to Kooyoora Ltd.

When does Kooyoora collect information?

Kooyoora collects Personal Information and/or Health Information when providing the following services:

- Complaint management and investigations
- Person of concern management
- Administration and management of redress schemes
- Clearance or employment screening processes
- Training

More information about our work is available at www.kooyoora.org.au

What is Personal Information and how and why do we collect it?

Under the Privacy Act, personal information means information about an identifiable individual and includes information relating to a death that is maintained by the Registrar-General under the Births, Deaths, Marriages, and Relationships Registration Act 2021 (**BDMRR Act**) or any “former Act” (as defined in Schedule 1 of the BDMRR Act) (**Personal Information**). Examples of Personal Information we collect include: names, dates of birth, addresses, email addresses and phone numbers.

This Personal Information is obtained in many ways, including through interviews and discussions, correspondence, redress applications, complaint forms and clearance applications. Information may be collected by telephone, by email, by post,

via our website www.kooyoora.com.au, from your website, from media and publications, from other publicly available sources, from cookies and from third parties.

We collect your Personal Information for the primary purpose of providing our services to you and our client organisations, in performing other service agreements for other client organisations and marketing (only with specific or reasonably inferred consent to mailing/marketing lists).

We may also use your Personal Information for other purposes directly related to the primary purpose in circumstances where you would reasonably expect such use or disclosure and for other purposes authorised or consented to by you or required or authorised by the Privacy Act or other law. Other purposes for which we may use your Personal Information include the following (without limitation):

- To verify your identity;
- To improve the services that we provide to you; and
- To comply with law.

By using our services, you consent to the Personal Information submitted by you or with your authorisation being collected, stored, used and disclosed for the purposes set out in this privacy policy and for any other purpose that you authorise.

You may unsubscribe from our mailing/marketing lists at any time via the unsubscribe facility in our marketing emails or by contacting us in writing.

We may from time to time provide links to third party websites as a service to our users. If you click on a link to a third party site, you will be taken to a site we do not control. This privacy policy does not apply to the privacy practices of that site. Please read the privacy policy of other sites carefully before providing them with any information. We are not responsible for these third-party sites. We have no responsibility for linked websites and provide them solely for your information and convenience. We specifically disclaim responsibility for their content, privacy practices and terms of use, and we make no endorsements, representations or warranties about their accuracy, content or thoroughness. Your disclosure of personal information to third party websites is at your own risk.

What is Personal Information and why do we collect it?

Personal Information that we collect that might be sensitive personal information includes information or opinion about such matters as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information.

Types of sensitive personal information we collect include, but are not limited to:

- Your background, history of complaints against you, or other relevant information gathered in the course of an investigation or screening process; and
- Your personal history, health and the nature and impact of abuse you have experienced so we can target appropriate supports to your recovery needs.

Sensitive personal information will be used by us only:

- For the primary purpose for which it was obtained;
- For another purpose that is directly related to the primary purpose (an example will be primary purpose for screening however disclosable outcomes may be used within a professional standards complaint process);
- With your consent; or
- Where required or authorised by law.

What is Health Information and how and why do we collect it?

Health Information is defined in the HIPC to include the following information or classes of information about an identifiable individual:

- Information about the health of that individual, including their medical history;
- Information about any disabilities that individual has, or has had; and
- Information about any health services or disability support services that are being provided, or have been provided, to that individual.

Health Information can be used to assist with decision making in relation to fitness, recovery needs and support, and for redress purposes.

Health Information will be collected, used, stored and otherwise dealt with in accordance with the HIPC.

Collection of Personal Information from Third Parties

Where practicable to do so, we will collect your Personal Information and Health Information from you as required by the Privacy Act. However, in some circumstances we may be provided with Personal Information by our client organisations or third parties (such as law enforcement agencies). In such a case we will take reasonable steps, if appropriate, to ensure that you are made aware of the information provided to us by the third party. Examples of third party information are evidence obtained within an investigation and information from other persons for the purposes of screening.

Unsolicited Personal Information

If we receive personal information about you that we have not requested (unsolicited personal information) we will assess whether it is information that is reasonably necessary for the proper administration of Kooyoora and our services, which we could have collected if we had solicited it from you. If we could not, we will delete or destroy the information as soon as practical after receiving it, unless we are required to disclose or retain it by law.

Consequences of not consenting to the collection of your Personal Information

In certain circumstances we may be authorised or required by law to collect certain Personal Information about you. For example, we may need to collect your name, residential address, date of birth, and other types of Personal Information to comply with child safety obligations. In such circumstances, to the extent required by the Privacy Act, we will inform you of the particular law by or under which the collection of the information is authorised or required.

If you do not provide us with your Personal Information in these situations, you may be ineligible to hold specific roles, positions or office with our client organisations and we may not be able to provide services to you.

Anonymity and the use of pseudonyms

You have the option of not identifying yourself, or using a pseudonym, when dealing with us. In some circumstances it will be impractical for us to work with you anonymously or through the use of pseudonyms and we may decline to provide services. Examples may be the provision of employment screening services or material that needs to be tested following an investigation report (cross examination of statements).

Disclosure of Personal Information

Your Personal Information may be disclosed in a number of circumstances including the following:

- Third parties where you consent to the use or disclosure or disclosure is necessary for us to provide our services or perform service agreements for other client organisations;
- Any business that supports our services, including any person that hosts or maintains any underlying IT system or data centre that we use to provide our website or other services; and
- Where required or authorised by law.

We may transfer your information in the case of a sale, merger, consolidation, liquidation, reorganisation or acquisition.

Storage and Security of Personal Information

Your Personal Information is stored in a manner that reasonably protects it from misuse and loss and from unauthorised access, use, modification or disclosure.

Kooyoora prioritises the security of information and undertake regular cyber security risk assessments that include planned system “attacks”, use of two factor authentication (clearance material), encryption software and our records system (complaints, investigation, persons of concern, wellbeing support, redress) has iRAP approval <https://www.cyber.gov.au/acsc/view-all-content/news/information-security-registered-assessor-program-irap>

Kooyoora’s hard copy storage is alarmed with restricted access, dual access codes and for some information, stored off site in a secure, unidentified or un-signed location.

When your Personal Information is no longer needed for the purpose for which it was collected, we will take reasonable steps to destroy or permanently de-identify your Personal Information. However, usually most of the Personal Information is or will be stored in client files which will be kept by us for a minimum of 7 years or such longer period as may be required by law.

All Personal Information is stored within Australia and we comply with Australian and New Zealand legislation in relation to information management, security and breaches.

Access to your Personal Information

You have the right to access the Personal Information that we hold about you, subject to certain legal restrictions and exceptions. If you wish to access your Personal Information, please contact us in writing using the contact details set out under the “Privacy Policy Enquiries and Complaints” section below.

Access to Personal Information is subject to certain legal restrictions and exceptions. If we decline to provide access on the basis of such a restriction or exception we will provide you with a written notice that sets out the reasons and any other relevant information. We may refuse access to any personal information requested if (without limitation):

- the disclosure of the information would:
 - be likely to pose a serious threat to the life, health, or safety of any individual, or to public health or public safety;
 - create a significant likelihood of serious harassment of an individual; or
 - include disclosure of information about another person who:

- is the victim of an offence or alleged offence; and
- would be caused significant distress, loss of dignity, or injury to feelings by the disclosure of the information;
- after consultation is undertaken (where practicable) by or on behalf of the agency with the health practitioner of the individual concerned, the agency is satisfied that:
 - the information relates to the individual concerned; and
 - the disclosure of the information (being information that relates to the physical or mental health of the requestor) would be likely to prejudice the health of the individual concerned;
- the individual concerned is under the age of 16 and the disclosure of the information would be contrary to the interests of the individual concerned; or
- the disclosure of the information (being information in respect of the individual concerned who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of the individual concerned.

Kooyoora Ltd will not charge any fee for your access request, but may charge a reasonable administrative fee for providing a copy of your Personal Information.

In order to protect your Personal Information, we will require identification from you before releasing the requested information.

Maintaining the Quality of your Personal Information

It is important to Kooyoora that your Personal Information is up to date. We will take such steps (if any) that are reasonable in the circumstances to make sure that your Personal Information is accurate, complete and up to date.

If you find that the information we have is not up to date or is inaccurate, please advise us as soon as practicable so that we can update our records and so ensure that we can continue to provide quality services to you. In some instances we may not be able to make the changes in the manner requested by you, and in such cases we will provide you with a written notice that explains why the request cannot be granted.

Please contact us in writing using the contact details set out under the “Privacy Policy Enquiries and Complaints” section below if you wish to correct your Personal Information.

Policy Updates

This privacy policy may change from time to time and is available on our website. Any changes to this privacy policy will become effective when we post the revised privacy policy on our website.

Your continued use of our services following notification of any changes to this privacy policy constitutes acceptance of the changes. If you do not agree with any

aspect of the updated privacy policy, you must immediately cease all use of our services and tell us.

Privacy Policy Enquiries and Complaints

If you have any queries about our privacy policy, questions or complaints about how we handle your Personal Information or would like to access or correct your Personal Information, please contact us at:

The Privacy Officer

Kooyoora Ltd

PO Box 329, Canterbury Vic 3126

Australia

E. enquires@kooyoora.org.au

P. +61 [1800 135 246]

More information on privacy is available on the Office of the Privacy Commissioner's website at www.privacy.org.au

Specific to clearances / employee screenings:

In relation to clearances and employee screenings, the following sections apply in addition to the rest of this privacy policy.

Why we are collecting your personal information for clearance / employee screening?

Kooyoora collects your Personal Information in a clearance process or an employee screening process for the purpose of ensuring suitability for the particular role you intend to occupy.

There is also a range of requirements that must be met when recruiting people into organisational roles.

How do we plan to use it?

The suitability assessment applies to background checking for any criminal offences, assessment of offences identified against specific roles, any child safety or general safety concerns and risk mitigation.

If any concerns are raised with the suitability assessment you will be contacted by Kooyoora to discuss this.