

PRIVACY POLICY

Approved by Board: February 2019



The Lord Mayor's Charitable Foundation (**Foundation**) respects and is committed to protecting every individual's legal right to privacy.

The Foundation follows the Australian Privacy Principles (APP) as set out in the *Privacy Act 1988* (the Privacy Act). You can find these on the Privacy Commissioner's website at www.oaic.gov.au.

SCOPE

This Policy applies to the personal information of individuals (natural persons) including Foundation employees, volunteers, contractors and board members. This policy sets out how we collect, hold, use and disclose personal information in accordance with the Act. It is the responsibility of every person in scope to ensure he or she complies with this policy. Where a person is unsure of his or her obligations under this policy, the Foundation's Legal & Governance Officer should be contacted for clarification of any issues.

1. TERMINOLOGY

In this Policy:

APP means the Australian Privacy Principles prescribed by the *Privacy Act 1988*;

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, or whether the information or opinion is recorded in a material form or not;

sensitive information means (without limitation) information about an individual's race or ethnic origin, political opinions or membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or union, sexual orientation or practices, or criminal record that is also "personal information", or health information about an individual, or genetic or biometric information or templates about an individual that is otherwise not "health information" as defined by the Act;

customer is a reference to a person who uses the services provided by the Foundation and includes donors, charitable fund holders, grant seekers and grant recipients ;

"we" "us" and "our" are reference to the Board of Management of the Foundation;

website means the website at www.lmcf.org.au/ or any other successor website; and

"you" and "your" refers to a natural person whose personal information the Foundation has knowingly collected or holds.

PRIVACY POLICY

Approved by Board: February 2019



2. HOW WE COLLECT AND HOLD PERSONAL INFORMATION

- 2.1 The Foundation collects personal information using lawful and fair means. In most cases, we will collect your personal information directly from you, unless it is unreasonable or impracticable to do so.
- 2.2 The Foundation collects personal information from individuals for many different purposes. Each time the Foundation collects personal information it will give the individual tailored advice that complies with paragraph 2.4.
- 2.3 Where we collect, use and disclose sensitive information about you, we will only do so where it is reasonably necessary for, or directly related to one or more of the Foundation's functions or activities to conduct our business and either:
 - (a) we have obtained your prior consent; or
 - (b) it is permitted by law.
- 2.4 At or before the time the Foundation collects personal information from an individual, or as soon as practicable after that, the Foundation will advise the individual of matters specifically related to the personal information being collected and will take reasonable steps to ensure that individual is aware of the following:
 - (a) that the Foundation is the collector and how to contact the Foundation;
 - (b) the facts and circumstances of the collection – for example, whether the information is collected over the phone, by software applications, or from a third party;
 - (c) that the individual is able to access their information and ask for it to be corrected and where it is not unlawful or impracticable, individuals dealing with the Foundation will be given the option of not identifying themselves, or of using a nickname, when dealing with the Foundation;
 - (d) the purposes for which the information is collected, both the primary purpose, and where there is a related purpose, that secondary purpose;
 - (e) organisations (or the types of organisations) to which the Foundation usually discloses information of the kind being collected;
 - (f) that we may not be able to proceed with the individual's donation, issue a receipt for such donation or communicate with the individual if all or part of the information is not provided by that individual.

PRIVACY POLICY

Approved by Board: February 2019



2.5 The kind of personal information we collect and hold may include your:

- (a) name;
- (b) residential business and/or postal address;
- (c) phone number;
- (d) email address;
- (e) date of birth;
- (f) bank account details;
- (g) credit and/or debit card details;
- (h) Australian Business Number;
- (i) survey responses; and
- (j) educational and employment history, qualifications and related information.

2.6 We collect personal information in a number of ways, including:

- (a) where you make donations and unsolicited donations or gifts to us;
- (b) where you make unsolicited requests to us for a grant;
- (c) where you provide information directly to us during a recruitment process;
- (d) where you complete feedback or survey forms online or using a hardcopy form;
- (e) during conversations between you and our representatives;
- (f) from third parties, such as our service providers or identity verification services; and
- (g) from publicly available sources of information.

2.7 Once we have collected your personal information, we hold it in accordance with our legal obligations. This includes taking reasonable steps to keep the personal information secure and to protect it from loss, unauthorised access or other forms of misuse. For example, we may store your personal information on our computer system, which has password protected access. If you provide us with personal information in hardcopy, we may store it in a locked filing cabinet or restricted access area.

What happens if we can't collect your personal information?

PRIVACY POLICY

Approved by Board: February 2019



2.8 If you do not provide us with personal information described above, we may not be able to engage in the following activities with you:

- (a) processing your donation, or make a distribution of funds from the Foundation;
- (b) keeping you informed of our updates;
- (c) considering your application for employment with us;
- (d) communicating with you; and/or
- (e) responding to an inquiry or request from you.

3. WHY WE COLLECT, HOLD AND USE PERSONAL INFORMATION

3.1 We only collect, hold, use and disclose your personal information that is necessary for one or more of the Foundation's functions or activities, which includes:

- (a) fundraising and collecting donations and gifts from you;
- (b) assessing an organisation's application for a grant in one of our key impact areas;
- (c) distributing grants and donations to charitable and research organisations;
- (d) establishing and managing charitable fund accounts;
- (e) operating, promoting or supporting fundraising and training programs and events;
- (f) providing philanthropy education programs and forums;
- (g) delivering update notices to our corporate partners;
- (h) sending information to you about our research and our education and fundraising events and training;
- (i) collecting feedback and survey forms (online or hardcopy) to improve our services;
- (j) responding to an inquiry or request;
- (k) providing collective giving account services, which are services beyond donation receipting and grant payments to support the development of a collective giving account of the Lord Mayor's Charitable Fund;

PRIVACY POLICY

Approved by Board: February 2019



- (l) engaging with contractors or outsourced service providers who assist our operations such as internal audit, fraud prevention, technology services, mail houses;
- (m) assessing a person's application for employment with us;
- (n) compiling and maintaining mailing lists derived from our website, donor or grant management databases, telephone conversations or hard copy forms and communicating with persons on those lists;
- (o) promoting the Foundation and our services;
- (p) fulfilling obligations to, and cooperating with, government authorities;
- (q) complying with the *Lord Mayor's Charitable Foundation Act 2017* (Vic) and the Privacy Act; and
- (r) where you otherwise provide your consent, whether express or implied.

3.2 We may also collect any other personal information that we consider is necessary (such as information about your opinions) to perform our functions and activities. This enables us to process your donation or collect feedback from you to enhance our work. Where we have a legal obligation to obtain your consent to collect the personal information, we will do so.

4. USE AND DISCLOSURE OF PERSONAL INFORMATION

Primary purpose

4.1 The Foundation may use personal information collected from an individual for a primary purpose notified to that individual. Where the information is sensitive information, the Foundation may only use that information for the primary purpose or a directly related purpose the individual has consented to.

Secondary purpose

4.2 In most cases, we will use and disclose personal information for the primary purpose for which it was collected, being its necessity for one or more of the Foundation's functions or activities. However, there may be times when we might use or disclose your information for a secondary purpose, provided it is lawful to do so. Examples of this might include situations where:

- (a) you have given your consent for us to do so;
- (b) the secondary purpose is related to the primary purpose of collection and would reasonably expect us to use or disclose your personal information for the secondary purpose;
- (c) we need to take action in relation to suspected unlawful activity or serious misconduct; or

PRIVACY POLICY

Approved by Board: February 2019



(d) the use is required or authorised by law.

- 4.3 In conducting our operations, such as processing your donations, gifts or enabling you to receive funds, we may share some of your personal information with third parties. However, we will only do so in circumstances where it is lawful for us to do so, or where the law requires us to do so. Relevant third parties may include contractors and outsourced service providers, financial service providers and charitable organisations. Such third parties are not allowed to use your personal information for any other purpose except to assist in conducting our business, unless you have otherwise given your consent.
- 4.4 Your personal information will not be shared, sold, rented or disclosed other than is described in this Privacy Policy.

Direct Marketing

- 4.5 From time to time, we may send you direct marketing communications and information about products and services offered by us and project partners, which we think may be of interest to you. This includes our fundraisers, education programs and events. These communications may be sent in various forms including by mail, telephone, multimedia messaging, instant messaging and other electronic messaging, email or text message in accordance with applicable marketing laws, such as the *Spam Act 2003* (Cth).
- (a) The Foundation may use personal information (other than sensitive information) about an individual for direct marketing if: the Foundation collected the information from the individual;
- (i) and the individual would reasonably expect the Foundation to use or disclose the information for direct marketing; and
 - (ii) the Foundation has provided a simple means so that the individual can easily request not to receive direct marketing communications from the Foundation; and
 - (iii) the individual has not made a prior request to the Foundation to not receive direct marketing communications from the Foundation.
- (b) the Foundation collected the information from someone other than the individual and:
- (i) either the individual has consented to the use or disclosure for the purpose, or it is impracticable to obtain the individual's consent; and
 - (ii) in each direct marketing communication with the individual the Foundation includes a prominent statement that the individual

PRIVACY POLICY

Approved by Board: February 2019



can ask not to receive further direct marketing communications from the Foundation; or

- (iii) the Foundation has provided a simple means so that the individual can easily request not to receive direct marketing communications from the Foundation; and
- (iv) the individual has not made a prior request to the Foundation to not receive direct marketing communications from the Foundation.

4.6 At any time you may opt-out of receiving marketing communications from us by contacting us, or by using opt-out facilities provided in the marketing communications and we will ensure that your name is removed from our mailing list. If you don't wish to receive new information, just email us at info@lmcf.org.au or contact our Privacy Officer.

Transborder Data Flows

4.7 Due to the nature of our business, personal information collected by us may be disclosed to overseas recipients, such as the outsourced service providers we may engage in connection with our business, data hosting and cloud service providers, or charities we distribute funds to including, third parties located in the United States of America. In most cases, where the Foundation transfers information to an overseas third party, the information will be de-identified (eg. encrypted and tokenised).

4.8 We will take reasonable steps to ensure that overseas recipients of your personal information do not breach the privacy obligations relating to your personal information, for example by seeking compliance with the APPs in our terms of engagement with those parties.

4.9 In the event that personal information must be disclosed overseas other than as described above, we will endeavour to obtain your prior consent.

5. WEBSITE

5.1 In addition to our privacy policy generally, there are specific issues relating to your privacy associated with our website.

5.2 Applicants for grants are required to register as users of the website, by entering a username and password in order to visit secure areas on the website. This is to ensure that the information is displayed only to the intended person. You should ensure that your password is kept securely and cannot be discovered by anyone else.

5.3 If you access the website from outside Australia, you accept responsibility for ensuring or confirming compliance with all laws in that jurisdiction that apply to

PRIVACY POLICY

Approved by Board: February 2019



you as a result of that access or any consequent transactions or dealings with us, the operating system used, the website or other users.

- 5.4 When you access the website from a computer, mobile phone, or other device, we may make a record of your visit and logs for statistical and business purposes and we may collect information including: the user's server address, the user's domain name, IP address, the date and time of visit, the pages accessed and documents downloaded, the previous site visited, and the type of browser used. We may also track some of the actions you take on the website such as when you provide information or content to us.
- 5.5 We use "cookies" (small pieces of data we store for an extended period of time on your computer, mobile phone, or other device) to make the website easier to use and to protect both you and the secure areas of the website. We also use them to confirm that you are logged into the website, and to know when you are interacting on the Website. You can remove or block cookies using the settings in your browser, but in some cases that may impact your ability to use the secure areas on the Websites.
- 5.6 You understand that information might be re-shared or copied by other users. Certain types of communications that you send to other users cannot be removed from their systems. If you use an external source to publish information on the websites (such as a mobile application), you should check the privacy setting for that post, as it is set by that external source.
- 5.7 Where the website contains links to other websites, we do not control those websites, and we are not responsible for the privacy practices of the content of such websites. We do not take responsibility for the content in, or currency of, any externally linked sites. The inclusion of any link within the website does not imply endorsement by us of the linked site, nor does it suggest any relationship with the organisation linked.

6. KEEPING YOUR PERSONAL INFORMATION SECURE

- 6.1 The Foundation will take all reasonable steps to protect the personal information it holds from misuse, interference (which includes measures to protect against computer attacks), loss and unauthorised access, modification or disclosure.
- 6.2 If you believe there has been any unauthorised access to your information or any other breach of security in connection with your personal information, we ask that you notify us immediately, in accordance with this Policy.
- 6.3 In circumstances where the Foundation suspects that there may have been an eligible or notifiable data breach as a result of unauthorised access or unauthorised disclosure of personal information about one or more individuals, the Foundation will undertake an assessment in accordance with the [Notifiable Data Breaches \(NDB\) scheme and the 'Data breach preparation and response](#)

PRIVACY POLICY

Approved by Board: February 2019



[guide](#) issued by the Office of the Australian Information Commissioner to ensure that it complies with Part IIIIC of the Privacy Act.

6.4 In the event that the Foundation is required to notify the Commissioner and affected individuals, as soon as practicable after the Foundation is aware that there are reasonable grounds to believe that there has been an eligible data breach, the Foundation will prepare a notice which includes:

- the identity and contact details of the Foundation;
- a description of the serious data breach;
- the kinds of information concerned; and
- recommendations about the steps that individuals should take in response to the serious data breach.

6.5 Where it is impracticable for the Foundation to provide notice to affected individuals, either collectively or only to those at risk, the Foundation will take reasonable steps to publicise the notice, including to publish a notice on its website.

6.6 If any personal information that we hold is no longer required for the purpose for which it was collected and we are not legally required to retain that information, we will take reasonable steps to de-identify or destroy the information. This does not apply to records we hold in respect of current or former employees.

7. ACCESS AND CORRECTION

7.1 We will use reasonable steps to ensure the personal information we hold is complete, up to date and accurate, so far as it is practicable for us to do so.

7.2 You may request access to the personal information we hold about you by contacting our Privacy Officer. In most cases, we will agree to your request to access personal information we hold about you, provided it is lawful for us to do so. However, there may be times when we will refuse your request. This includes where:

- (a) the personal information relates to existing or anticipated legal proceedings and the requested information would not be discoverable;
- (b) we are in negotiations with you and access would prejudice those negotiations;
- (c) giving you access would unreasonably impact on the privacy of others; or
- (d) your request is frivolous or vexatious.

PRIVACY POLICY

Approved by Board: February 2019



- 7.3 If you make a request for us to correct personal information we hold about you, and we are satisfied that the personal information is inaccurate, out of date, incomplete, irrelevant or misleading, then we will take steps to correct it.
- 7.4 If we refuse your request for access or information, we will provide you with a written response setting out our reasons for refusal.
- 7.5 We will not charge you for making a request to access or correct your personal information, or for us making a correction, but we may charge you reasonable fees for giving access.

8. CONTACTING US

- 8.1 The Foundation appoints a Privacy Officer to manage any queries or complaints regarding collection, holding, use or disclosure of personal information. The Privacy Officer is the person to contact should you have a request relating to accessing or correcting your personal information. Likewise, you should direct any complaints or inquiries in relation to the collection, holding, disclosure or destruction of personal information to the Privacy Officer.
- 8.2 In the case of a complaint, request or inquiry, the Privacy Officer, in consultation with the CEO of the Foundation, is responsible for co-ordinating an appropriate resolution or response.
- 8.3 Foundation staff are required to assist the Privacy Officer as requested by the Privacy Officer, including in relation to requests to assist regarding access or correction of personal information and otherwise assisting to address a complaint or inquiry.

9. QUESTIONS AND COMPLAINTS

- 9.1 If you require any further information about this Policy, wish to lodge a complaint about our compliance with the APPs or would like to obtain access to your personal information as held by the Foundation please contact our Privacy Officer (Legal & Governance Officer) at:

Lord Mayor's Charitable Foundation
Level 15, 1 Collins Street
Melbourne 3001
(03) 9633 0033

email: info@lmcf.org.au

- 9.2 The Privacy Officer will co-ordinate the investigation of any complaint and any potential resolution of a complaint. We will aim to resolve all complaints as soon as practicable for us to do so.

PRIVACY POLICY

Approved by Board: February 2019



- 9.3 If you are not satisfied with our response, you may take your complaint to the Office of the Australian Information Commissioner, whose website is: www.oaic.gov.au.

10. CHANGES TO THIS POLICY

- 10.1 We may make changes to this Policy from time to time. If we make changes to this Policy, we will notify you by publication here. The revised version of the Policy will become effective at the time it is posted.

Document History

Written:	June 2014
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