

REIT PRIVACY POLICY

What is the Privacy Act?

The Privacy Act 1988 (Cth) (the **Act**) commenced operation in Australia in 1990. The Act established a national law that regulates how personal information, including sensitive information (explained below) is collected, used, stored and disclosed. The Act also gives individuals access and correction rights in relation to their own personal information, including sensitive information.

For the purposes of the Act:

- **personal information** is any information or an opinion about an identified individual, or an individual who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.
- **sensitive information** is personal information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record, or biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

Throughout the rest of this section, where we refer to 'personal information' we include reference to 'sensitive information'.

What does the Act regulate?

The Act regulates:

- activities which occur within Australia which deal with personal information about individuals living in Australia;
- activities which occur outside Australia but which deal with personal information about individuals living in Australia; and
- activities which occur within Australia but which deal with personal information about non-Australians.

What are the Australian Privacy Principles?

The Act establishes 13 privacy principles to be known as the 'Australian Privacy Principles' (or **APPs**). This will be a single set of principles that will apply to both Commonwealth government agencies as well as private sector organisations in Australia.

The APP's regulate:

- how an organisation collects, uses and discloses personal information that could identify an individual;
- the quality, security and storage of that information; and
- the treatment of sensitive information, health information and employee records.

The following is a limited high-level summary only of some of the APP requirements:

- an entity regulated by the Act must have a clearly expressed and up to date privacy policy available to its customers. A copy of the policy must be easily available and provided free of charge;
- individuals must now have the option of not identifying themselves, or of using a pseudonym when dealing with an organisation unless the organisation is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or it is impracticable for the organisation to deal with individuals who have not identified themselves;
- there are new requirements for entities that transfer personal information including sensitive information overseas. First, they are now responsible to ensure that the overseas recipient does not breach the APPs, and if they do they will be responsible for the privacy breaches of the overseas organisation. Second, at the time of collecting the information an organisation will need to inform the individual whether it is likely to disclose their information to overseas recipients, and if so, the countries in which such recipients are likely to be located;
- the entity that collects any personal information including sensitive information, must only collect such information if it is reasonably necessary for, or directly related to, one or more of its functions or activities. If it is not then the information must not be collected. Further, the collected information can only be used for the purpose for which it was collected and if it is intended to be used for a different purpose then that information cannot be used;
- the organisation that collects any personal information including sensitive information must at or before the time or, if that is not practicable, as soon as practicable after, it collects the information about an individual, notify the individual concerned that it has collected the information and the purpose for which it is to be used;

- organisations have limited use of unsolicited personal information including sensitive information - the organisation must, within a reasonable period after receiving the unsolicited information, determine whether or not they could have properly collected the information. If it cannot establish that it could have collected the information, then provided it is lawful to do so, it is required to de-identify the unsolicited information; and
- an organisation must regulate the use and disclosure of personal information held by it for direct marketing purposes - the current method for addressing this is to include an 'opt out' mechanism and only marketing to individuals who have not opted out. However, organisations will, if requested, need to be able to explain how they obtained an individual's personal information. Individuals can also request an organisation not to use or disclose their personal information in order to facilitate direct marketing by third parties.

Any entity regulated by the Act must be familiar with the APPs.

The Office of the Australia Information Commissioner maintains a website with useful information and links, including the APPs. The site can currently be accessed at:

<http://www.oaic.gov.au/>

What are the procedures for complying with the Act?

For entities that are regulated by the Act, compliance with the Act means that they need to implement practices and procedures that:

- make someone responsible for privacy compliance including privacy enquiries and complaints;
- documents (by way of a policy) how personal information is handled, collected, used, stored and disclosed and make that policy available to the individuals concerned;
- ensure that personal information is, essentially, only used or disclosed for the reason it was collected in the first place; and
- when requested, allow individuals an opportunity to review and correct any personal information held in regards to them.

The REIT approach – Privacy Policy

The REIT will, to the extent that the Act applies, comply with its obligations under the Act. The REIT is a member-based organisation whose members are mainly real estate organisations and agents in Tasmania.

REIT may amend, or amend and restate, this Privacy Policy from time to time and may subsequently notify the student of any changes to this Privacy Policy by updating it on

REIT's website or by other written notification to the student. Any changes to this Privacy Policy take effect upon the earlier of the update to the website or other notification to the student.

The REIT provides educational and professional development courses to Member and non-Member agents and to the general public.

Personal information including sensitive information (together referred to as 'personal information', below) may be collected by REIT about any student. Personal information will be collected during the enrolment process for a course and during the provision of the learning. The personal information provided or collected from other sources is necessary for REIT to: (a) consider and assess the learning requirements and needs of the student; (b) if an application for learning is received and learning is subsequently scheduled, REIT may also use the information including personal information, as required to supply or to procure the supply by third parties of the learning to the student; (c) if the learning is intended to be supplied by related entities or preferred suppliers of REIT, to provide that party with the information including personal information necessary for that party to supply the intended learning; (d) as part of REIT's obligations as a Registered Training Organisation governed by the Vocational Education Training Quality Framework, to supply information including personal information in relation to the student, to the Australian Skills Quality Authority (ASQA) (the national regulator for Australia's vocational education and training sector), the National Centre for Vocational Education and Research (NCVER), Skills Tasmania, Tasmanian Qualification Authority (TQA) and any other relevant government body or authority; (e) if after learning is supplied, to provide (if appropriate) verification or certification of completion of the relevant learning; (f) if after learning is completed and upon request by the student's employer who funded the learning, to provide that employer with the student's learning records and assessment results; (g) process any payment (including without limit the exchange of personal information with the relevant payment provider); and (h) comply with any applicable law.

Personal information collected about the student that receives learning, may be disclosed by REIT for the purpose for which it was collected to other parties including to its related entities, preferred suppliers, to ASQA, NCVER, Skills Tasmania, TQA and any other relevant government body or authority, to authorised persons requesting verification or certification of completion of the relevant learning, to payment providers, or otherwise as required by any applicable law. If the information including personal information is not supplied by the student, REIT may not be able to carry out or procure the services referred to above effectively or at all.

REIT takes reasonable precautions to protect the personal information it holds from misuse, loss, and unauthorised access, modification or disclosure.

REIT may also use the attendees information including personal information (but not including any sensitive information) for research purposes, to analyse and improve benefits, products and services and to inform the student of benefits, products and services provided by REIT, its related entities or preferred suppliers which REIT consider may be of value or interest to students; unless the student tells or has told REIT not to.

The student has the right to request access to any personal information held by REIT which relates to them, unless REIT is permitted by law (including the Act) to withhold that information. REIT may charge a fee where access to personal information is provided. Any requests for access to the student's personal information should be made in writing to the Privacy Officer (specified below). The student has the right to request the correction of any personal information which relates to them that is inaccurate, incomplete or out-of-date.

If a student requires any further information about REIT's management of personal information or has any queries or complaints, they should contact:

The Privacy Officer
The Real Estate Institute of Tasmania
33 Melville St, Hobart TAS 7000
reit@reit.com.au

By enrolling in and attending the course/learning, the student acknowledges that it has read, understands and accepts the terms of this Privacy Policy and the permissions to collect, use and disclose personal information, and the student authorises REIT to collect, use and disclose, in accordance with the Act, the personal information for the purposes specified in this Privacy Policy.