



Privacy & Confidentiality Policy

PURPOSE

This policy outlines the obligations of The Organic Food Chain Pty Ltd (OFC) in managing and preserving the privacy and confidentiality of personal information of employees, inspectors, contractors, committee members and operators (prospective, certified, suspended, withdrawn and decertified), which is held by OFC.

RESPONSIBILITY

Those charged with governance and all management employees must comply with this policy and are responsible for giving effect to it.

SCOPE

This policy applies to all information designated as private and confidential which is held by OFC and must be followed by those charged with governance, employees, inspectors, contractors and committee members.

This policy is consistent with the requirements of:

- *ISO/IEC 17065:2013 Conformity assessment - Requirements for bodies certifying products, processes and services Element 4.5, and*
- *Commonwealth (Australian) Privacy Act 1988, and*
- *Australian Privacy Principles (APP), as revised, administered by the Office of the Australian Information Commissioner, in particular Chapter 6: Australian Privacy Principle 6 – Use or disclosure of personal information version 1.1, July 2019, and*
- *Administrative Arrangements for Approved Arrangements – Managing inspection and certification operations for the export of certified Australian organic and bio-dynamic goods, clause 13.*

DEFINITIONS

Definitions of words used in this policy are as defined in the *Australian Privacy Principle 6* and include, but are not limited to: Primary Purpose, Secondary Purpose, Reasonably Expect, Hold, Use, Disclose and Purpose.



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POLICY

OFC will preserve the privacy and confidentiality of confidential information as far as possible under the relevant Australian laws.

Chapter 6: Australian Privacy Principle 6 – Use or disclosure of personal information states:

An APP entity can only use or disclose personal information for a purpose for which it was collected (known as the 'primary purpose'), or for a secondary purpose if an exception applies.

The exceptions include where:

- the individual has consented to a secondary use or disclosure
- the individual would reasonably expect the APP entity to use or disclose their personal information for the secondary purpose, and that purpose is related to the primary purpose of collection, or, in the case of sensitive information, directly related to the primary purpose
- the secondary use or disclosure is required or authorised by or under an Australian law or a court/tribunal order
- a permitted general situation exists in relation to the secondary use or disclosure
- the APP entity is an organisation and a permitted health situation exists in relation to the secondary use or disclosure
- the APP entity reasonably believes that the secondary use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, or
- the APP entity is an agency (other than an enforcement body) and discloses biometric information or biometric templates to an enforcement body, and the disclosure is conducted in accordance with guidelines made by the Information Commissioner for the purposes of APP 6.3

COLLECTION

OFC collects personal information in order to conduct business, to provide and market services, to provide to service entities and contractors, to provide personal information on your behalf to others as reasonably expected in conducting OFC's business, to help manage and enhance OFC's services and to meet OFC's obligations to you as an employee, inspector, contractor, committee member and operator (prospective, certified, suspended, withdrawn and decertified) of the OFC.

Due to the nature of OFC's business, if personal information OFC requests is not provided, OFC may not be able to supply relevant services to meet your needs. However, OFC is restricted to collecting personal information which OFC deems reasonably necessary.



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USE AND DISCLOSURE

OFC may use and disclose your personal information for the primary purpose for which it is collected. OFC may also use and disclose your personal information for reasonably expected secondary purposes which are directly related to the primary purpose and you would reasonably expect us to use the information for this secondary purpose. Otherwise OFC will not disclose your personal information unless the conditions of the *Australian Privacy Principles* are met, for example you have consented to the use or disclosure; or the use or disclosure is required or authorised by law.

A reasonably expected secondary purpose includes audits conducted on OFC for the purpose of accreditation of OFC by domestic and international agencies, including but not limited to the Australian Department of Agriculture, Fisheries and Forestry and Joint Accreditation System of Australia and New Zealand (JAS-ANZ).

From time to time OFC are required to disclose information to others on your behalf. It is implied in every engagement with you that OFC has your consent to make all necessary and reasonable disclosures to others. It is also implied that OFC have your consent to determine if another party has a genuine need to obtain access to your personal information. In circumstances which fall outside those circumstances set out above, OFC will seek your consent before using or disclosing the information

OFC holds information about a range of matters relating to OFC business, staff, contractors, certified operators, suspended operators, decertified operators and prospective certified operators. OFC cannot always know in advance which information – if released – will cause negative outcomes for OFC, staff, contractors, certified operators and prospective certified operators.

To minimise risks to the OFC, staff, contractors, certified operators, suspended operators, decertified operators and prospective certified operators, OFC will preserve the privacy and confidentiality of information to the fullest extent possible. There are a number of laws which require OFC to make available information to members of the public or government bodies and OFC will fully comply with its obligations under those laws.

DATA QUALITY

The OFC will take reasonable steps to make sure that the personal information OFC collects, uses or discloses is accurate, complete and up-to-date.

DATA SECURITY

The OFC will take all reasonable steps to:

- protect the personal information OFC holds from misuse and loss and from unauthorised access, modification or disclosure.
- Destroy or permanently de-identify personal information if it is no longer needed.



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OPENNESS

If the OFC holds personal information about you, you have the right under the *Privacy Act 1988 (Cth)* to request the information OFC holds about you. OFC will take all reasonable steps to let you know, generally, what sort of personal information OFC holds, for what purpose and how OFC collects, holds, uses and discloses that information.

IDENTIFIERS

An identifier is a Commonwealth Government or Commonwealth Government Agency identification number including a tax file number or medicare number (but not an Australian Business Number). OFC will not use identifiers as a way of identifying personal information that OFC have about you. OFC shall only use identifiers as allowed by the *Privacy Act 1988 (Cth)* when dealing with the Commonwealth Government or Agency.

ANONYMITY

You have the option, where it is lawful and practical to do so, of retaining your anonymity while dealing with OFC. Given the nature of OFC's business, if the personal information OFC requests is not provided OFC may not be able to supply the relevant services to meet your needs.

TRANSBORDER DATAFLOW

OFC will only transfer the personal information about an individual to someone (other than the organisation or the individual) who is in a foreign country if the conditions set out in the *Privacy Act 1988 (Cth)* and the *Australian Privacy Principles* are met. These include the individual giving consent and where OFC has taken reasonable steps to ensure that the information being transferred will not be held, used or disclosed by the recipient of the information inconsistently with the *Australian Privacy Principles*.

SENSITIVE INFORMATION

The OFC will not collect sensitive information unless:

- (a) you have consented to the collection;
- (b) the information was required by law; or
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual and the conditions of the *Privacy Act 1988 (Cth)* are met, or
- (d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Sensitive information means information or an opinion about an individual's racial or ethnic origin; or political opinions; or membership of a political association; or religious beliefs or affiliations; or philosophical beliefs; or membership of a professional or trade association; or membership of a trade union; or sexual preferences or practices; or criminal record; that is also personal information; or health information about an individual; or genetic information about an individual that is not otherwise health information.



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CONTACT OFC

If you believe that information OFC holds about you is incorrect, or if you have concerns about how OFC are handling your personal information or wish to obtain access to the information OFC has collected about you, please contact OFC's office on 0400 979 435 or email ofc@organicfoodchain.com.au.

LEGAL PARAMETERS

Right to Information Act 2009

Crime and Misconduct Act 2001

Information Privacy 2009

Commonwealth (Australian) Privacy Act 1988

Australian Privacy Principles

Document Control:

OFC-203 Privacy and Confidentiality Policy will be filed in the policies folder of the Product Certification Management System.