

Privacy Policy

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1.0 Introduction

The Australian College of Mental Health Nurses Inc (ACMHN) is subject to the Commonwealth **Privacy Act 1988** (the Privacy Act).

The Australian Privacy Principles (APPs) set out the way organisations such as the ACMHN can collect, use, disclose and provide access to personal and sensitive information. Pursuant to this Privacy Policy, personal information will be handled in accordance with this Privacy Policy, the APPs and any applicable laws, regulations and codes.

Personal information is any information that identifies or could identify a person, whether it is true or not. It includes, for example, the name of an individual, the age, gender and contact details of an individual. Personal information can also include more sensitive information, such as information about an individual's workplace history or health record.

ACMHN reserves the right to amend this Privacy Policy at any time by posting the amended terms on the website. If the ACMHN make material changes to this Privacy Policy, we will notify individuals by means of an email notice so that individuals can access and review the changes. By continuing to use ACMHN's services after notice of changes has been sent [or published on our Website], individuals will be deemed to have consented to the changes. Policies should be reviewed every three years in accordance with the Policy Development and Review Policy.

2.0 The ACMHN and what we do

The ACMHN is the peak professional mental health nursing organisation and the recognised credentialing body for mental health nurses in Australia.

It seeks to represent the profession at all levels of government and across all health service sectors. In addition, the ACMHN sets standards for practice, supports mental health nursing research and provides a forum for collegial support, networking and ongoing professional development for its members. Importantly, the ACMHN also works to promote public confidence in and professional recognition of mental health nursing.

The ACMHN is committed to the protection of an individual's privacy. This Privacy Policy sets out how the ACMHN handles personal and sensitive information and ensures we manage an individual's personal and sensitive information consistently with the APPs.

This Privacy Policy applies to all stakeholders, consultants, contractors, Board Directors and agents of the ACMHN and covers all information collected and/or disseminated by the ACMHN. This Privacy Policy sets out the processes to be followed by ACMHN staff in the event that ACMHN experiences a data breach or suspects that a data breach has occurred. A data breach involves the loss of, unauthorised access to, or unauthorised disclosure of, personal information. All employees, consultants, contractors, Board Directors and agents of the ACMHN are provided with training related to this Privacy Policy when they commence with the ACMHN, and whenever there is a change to this Privacy Policy.

ACMHN is committed to managing personal information in accordance with the Privacy Act, the APPs and this Privacy Policy.

The Privacy Amendment (Notifiable Data Breaches) Act 2017 (NDB Act) established a Notifiable Data Breaches (NDB) scheme requiring organisations covered by the Privacy Act to notify any individuals likely to be at risk of serious harm by a data breach. The Office of the Australian Information Commissioner (OAIC) must also be notified.

Accordingly, ACMHN needs to be prepared to act quickly in the event of a data breach (or suspected breach), and determine whether it is likely to result in serious harm and whether it constitutes an NDB.

3.0 Consideration of privacy information

3.1 OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

The ACMHN is committed to complying with the APPs. All information collected will be freely accessible by its employees and at times, Board Directors if that information is specifically required to fulfill the legal requirements associated with that of an ACMHN Board Director. All information collected will also conform to Clause 5 of this Privacy Policy set out below under the heading; Collection of personal information.

3.2 ANONYMITY AND PSEUDONYMITY

Except for employees as provided under the *Fair Work Act 2009*, an individual wherever it is lawful and practicable can exercise the option not to identify themselves in dealing with the ACMHN.

This may entail the use of a fictional name when interacting with the ACMHN. An individual may remain anonymous regarding certain matters. However, it may be necessary for the ACMHN to collect personal or sensitive information if the ACMHN is required or authorised to do so under an Australian law, or by a court or tribunal.

4.0 Collection of personal information

4.1 COLLECTION OF SOLICITED PERSONAL INFORMATION

The ACMHN collects personal and sensitive information only if an individual has consented to the information being collected, if the information is reasonably necessary for one or more of our functions or activities or if one of the other exceptions applies under the APPs, and lawfully and fairly and not in an unreasonably intrusive way. The ACMHN's principal purpose in collecting, using and storing personal information is to provide access to and use of the services that the ACMHN provides such as access to the International Journal of Mental Health Nursing, access to communication by employees, Chairs of Branches and Special Interest Groups, and Board Directors. Some of the information provided to ACMHN may be shared with Branch and SIG Chairs, and Board Directors for the purpose of communicating relevant

information and activities, including connecting you with others. For example, ACMHN maintains subscription lists that are provided to particular members in accordance with the [E-list Policy](#). In addition, ACMHN may use this information or the data collected for direct email communications specific to the ACMHN's services to individuals.

If the individual is a member, the ACMHN will collect information including name, contact details (address, email, phone number), AHPRA Registration Number, workplace, qualifications held, gender, date of birth, country of birth, credit card details and/or bank details for direct credit.

If the individual is applying for credentialing or re-credentialing, the ACMHN will collect professional details and supporting documentation required for the assessment of the application.

If the individual is a contractor or supplier, the ACMHN will collect information including name, contact details, business records, billing information and information about goods and services supplied.

If the individual is a candidate seeking employment with the ACMHN, we will collect information including name, contact details, employment history, references, resume and qualifications.

The ACMHN will only collect information that is reasonably necessary for, or directly related to, one of more of ACMHNs functions and lawfully and fairly and not in an unreasonably intrusive way. The ACMHN may collect information in different ways, including:

- forms, such as the employment or member information forms
- electronically, via email or website
- phone calls
- member and stakeholder lists
- organised meetings, events or conferences
- mailing lists
- direct personal contact

The ACMHN will always collect personal information directly from an individual unless it is unreasonable or impractical for the ACMHN to do so.

A failure to provide consent or permission, or a withdrawal of consent, deletion or restriction on ACMHN's use of personal information ACMHN holds will impact the provision of services to an individual. In these circumstances, ACMHN may also restrict the amount of services available to an individual.

4.2 SENSITIVE INFORMATION

In addition, and in accordance with APP Principle 3(e) the Privacy Policy sets out the following additional requirements for the collection of sensitive information for a non-profit organisation;

- i. The information relates to the activities of the organisation
- ii. The information relates solely to the members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities.

4.3 DEALING WITH UNSOLICITED PERSONAL INFORMATION

If the ACMHN receives personal information about an individual that was not requested and the information was not by the means set out above, the ACMHN will destroy or de-identify the information (i.e. any information that could reasonably identify an individual is removed) as soon as practicable. This will apply except where the information is required by law or a court/tribunal order to retain the information.

4.4 NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

When the ACMHN collects personal information the information will be held on servers maintained by ACMHN, or on premises leased by the ACMHN.

The ACMHN will provide:

- details of how individuals can access information
- why the ACMHN is collecting the information
- the main consequences (if any) for an individual who does not provide all or part of the information the ACMHN has requested
- the organisations or types of organisations to which the ACMHN would normally pass on personal information, such as government agencies
- access to an individual's personal information in order to make corrections and an explanation as to how such changes can be made
- information about how an individual can complain if any individual considers that the ACMHN may have breached the APPs and how the ACMHN will handle that complaint, and
- information to an individual about disclosing personal information to overseas parties and if so, the countries in which those parties are located.

4.5 CLICKSTREAM DATA

The ACMHN may also collect non-personal information about an individual when accessing our website, such as details of their computer, network, and browser. More specifically, information collected may include the individual's server address, operating system, search terms used, and pages accessed. This information is used for statistical purposes only to help administer and improve the ACMHN's website. The information is not used to personally identify an individual.

4.6 COOKIES

Cookies are pieces of information that a website can transfer to an individual's computer when accessing information on that site. Cookies can make websites easier to use by storing information about an individual's preferences on a particular website. This information remains on the individual's computer after they close their browser. Some pages on the ACMHN's site may use cookies to collect anonymous traffic data. This data does not collect personal information.

Where non-personal information is collected the APPs do not apply.

5.0 Dealing with personal information

5.1 USE OR DISCLOSURE OF PERSONAL INFORMATION

The ACMHN will only use personal and sensitive information for purposes which are directly related to the reason provided to an individual and where an individual would reasonably expect the ACMHN to use the information.

The ACMHN will not use personal information for another purpose unless an individual has given consent or one of the exceptions under the Privacy Act applies. For example, if the use of information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

When an individual provides the ACMHN with their personal and sensitive information through the induction process, the ACMHN will seek the consent of the individual to disclose the information for the purposes identified in the form.

The ACMHN will only disclose personal and sensitive information for purposes which are directly related to the reason provided to the individual with the personal information in the first place and where an individual would reasonably expect us to disclose the information. Where possible, information that could reasonably identify an individual is first removed. The ACMHN will take all reasonable steps to ensure personal details remain confidential at all times. All external parties (such as consultants) who receive any personal information must sign a confidentiality agreement that requires them to comply with the Privacy Act and our Privacy Policy.

The ACMHN does not currently disclose personal information to overseas parties. If personal information is transferred overseas, we will comply with obligations under the APPs.

5.2 DIRECT MARKETING AND INFORMATION MATERIALS

The ACMHN on occasions receives requests from government research bodies for data to assist them to gather statistical data. The ACMHN conforms to all research requests on specific criteria, such as salary and wage information. Any personal information such as names, addresses and phone numbers are not divulged by the ACMHN as the information is given anonymously.

From time to time, the ACMHN may send out information materials for the purposes of its business. If an individual does not wish to receive these communications they can contact the

ACMHN to unsubscribe (see contact details below). Personal information may also be used by the ACMHN to provide an individual with details of services and events where permitted by the Privacy Act or where an individual has consented to the use or disclosure of personal information for direct communications and promotional materials.

Any direct communication or promotional material will include a statement advising that an individual may request not to receive further material by contacting the ACMHN using the details provided.

Even if an individual unsubscribes, if the individual is a member of the ACMHN they will continue to receive important information about the ACMHN and its operation.

The **Spam Act 2003** prohibits sending unsolicited commercial emails, SMS and MMS messages for commercial purposes. Examples of unsolicited communications are ones that do not directly relate to a service an individual may have previously signed up with or agreed to.

See [Spam Act](#) for further information.

All of our electronic communications include an unsubscribe facility.

5.3 CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

The ACMHN does not normally deal with overseas entities and therefore this principle does not necessarily apply. Should the ACMHN deal with overseas entities in the future it will take all necessary steps to comply with the Privacy Act that covers this principle.

5.4 ADOPTION, USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

This principle is not applicable to the ACMHN.

6.0 Integrity of personal information

6.1 QUALITY OF PERSONAL INFORMATION

The ACMHN will take reasonable steps to ensure all personal information collected, used or disclosed is accurate, up-to-date, complete, relevant, and not misleading. If any personal information is considered by an individual not to be accurate, complete and up-to-date, the individual is invited to request correction of the information by contacting the Privacy Officer (details below).

The ACMHN will correct any personal information that it believes to be incorrect, out-of-date, incomplete, irrelevant or misleading. This includes taking reasonable steps to notify any organisation or government agency to which information was disclosed about the correction. An individual may request access or correct personal information at any time by contacting the ACMHN. The ACMHN will provide access to the information unless one of the exceptions under the Privacy Act applies. For example, if providing access would be unlawful or denying access is authorised by law.

If a request to access or correct personal information is made, the ACMHN will respond within a reasonable time (usually within 30 days).

6.2 SECURITY OF PERSONAL INFORMATION

The ACMHN will take appropriate steps to protect personal and sensitive information from breaches, misuse, interference, unauthorised access, modification, loss or disclosure. This includes during storage, collection, processing, transfer and destruction of the information.

Information is stored at the ACMHN's office and at our off-site records management facility where access is controlled. Employees of the ACMHN, contracted third parties and other parties to whom we disclose your information, such as government departments sign a confidentiality agreement that requires them to comply with the Privacy Act and our Privacy Policy.

The ACMHN will take steps to ensure the security of the organisation's website. The ACMHN website server host, IMTG, complies with the Privacy Act and the APPs and uses a variety of secure techniques to protect personal information. Read more about IMTG's privacy policy [here](#).

When the ACMHN no longer requires personal and/or sensitive information for any purpose it will take reasonable steps to destroy the information. This will apply except where the information is part of a Commonwealth record, or we are required by law or a court/tribunal order to retain the information.

6.3 CORRECTION OF PERSONAL INFORMATION

The ACMHN will seek to correct any personal information if it is inaccurate, out-of-date, incomplete, irrelevant, or misleading or if requested the ACMHN will amend any information that is incorrect. The ACMHN will advise the individual as soon as practicable of the corrections.

The ACMHN is committed to the protection of an individual's privacy. If any individual has questions or concerns about how the ACMHN is handling personal information, or would like to lodge a complaint, or would like further information about the Privacy Policy, please submit a written query or complaint to the ACMHN's Privacy Officer.

Our Privacy Officer will assess complaints and liaise with the individual to resolve any issues within a reasonable time (usually within 30 days). If any individual is unhappy with the outcome, a complaint may be lodged with the OAIC who can order the payment of compensation by the ACMHN in certain circumstances.

7.0 Contact details

ACMHN Privacy Officer

Australian College of Mental Health Nurses
9/11 Napier Close
2600 Deakin, Canberra ACT
02 6285 1078

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