

Privacy Guidelines for Not-For-Profits (NFPs)

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Privacy Guidelines for NFPs

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What is personal information?

"Personal information" is any information or an opinion about an identified individual (or an individual who is reasonably identifiable). It can be true or false, recorded or unrecorded. It can be verbal, written or photographic. Typical examples include name, contact and address details, date of birth, health information, financial information, donation records, authentication credentials, identity documents, membership or affiliation with professional, trade, religious or political organisations, device identifiers, or cookie data.

Applicability

A not-for-profit organisation may be governed by the *Privacy Act* and Australian Privacy Principles (APPs). The *Privacy Act* applies to many different types of entities which are applicable to the not-for-profit sector, such as trusts, cooperatives, body corporate and unincorporated associations.

Generally, your organisation must comply with the *Privacy Act* and APPs, if it falls into any of the following categories:

- It has an annual turnover of more than \$3 million (e.g. your charity recorded an annual income of more than \$3 million in your Annual Report), or
- It provides a health service to a person (even if the service is not an organisation's primary activity; for example, your club has a program to assist members with injuries or improve fitness, especially if you engage a health professional), or
- It trades in personal information (for example, you sell customer lists in exchange for sponsorship benefits or you purchase customer lists), or
- It is a contracted service provider under a Commonwealth contract (e.g. administering Commonwealth-funded community programs, or providing aged care or disability services under a Commonwealth agreement) or
- It has voluntarily opted into the Privacy Act.

An organisation must also comply with the Privacy Act if it is related to a body corporate (for example, a subsidiary or parent organisation) that meets any of the above criteria (for example, even if your not-forprofit organisation itself does not meet any of these criteria, but your parent organisation does and you provide personal information about your members to the parent organisation).

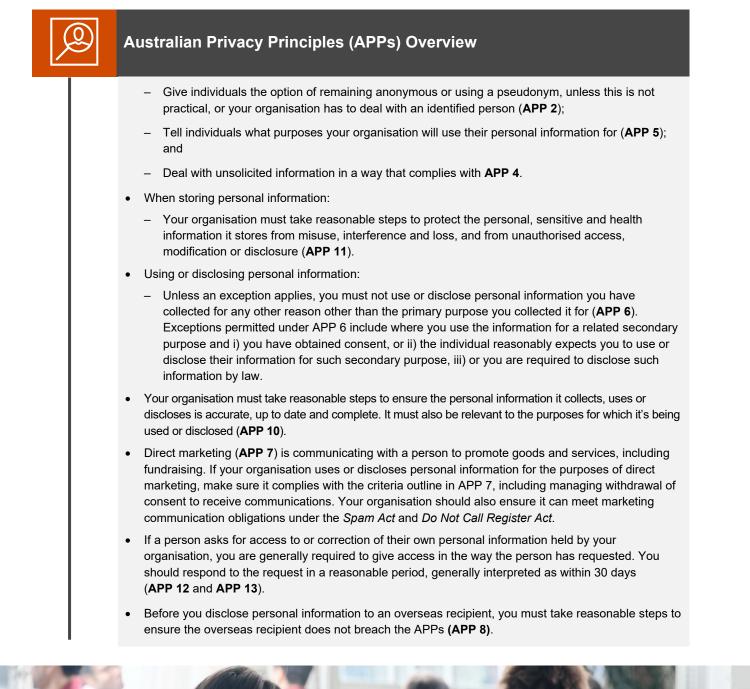
Note: This brochure only covers obligations under the *Privacy Act*. A not-for-profit organisation may also be subject to

- Other state and territory laws covering privacy and health records;
- Contractual information security obligations as part of a funding agreement; or
- Other international regulations for those operating or marketing to other countries and holding personal information of non-Australian residents, e.g., EU General Data Protection Regulation.



professional and trade associations, membership of trade unions, sexual orientation or practices, criminal records, health information, genetic information or biometric information;

¹ State or territory privacy laws may still apply to certain employee information notwithstanding this exemption. In particular, some health privacy laws may apply to not-for-profits that handle health information, including employee's health information.









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