



Privacy Policy

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Drafted by	Paul Anderson	Approved by Board on	[insert date]
Responsible person	Anna Hession	Scheduled review date	[insert date]



1. Principles

The following principles have been established by the Yackandandah Cemetery Trust to support its approach to privacy. These overarching principles guide the privacy policy, and help define sensitive information about you is used and protected.

The Yackandandah Cemetery Trust will

- Collect only information which we require for our primary function;
- Ensure that Stakeholders are informed as to why we collect the information and how we administer the information gathered;
- Use and disclose Personal Information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- Store Personal Information securely, protecting it from unauthorised access; and
- Provide stakeholders with access to their own information, and the right to seek its correction.



2. Purpose

- 2.1 The Yackandandah Cemetery Trust is committed to protecting the privacy of Personal Information which the organisation collects, holds and administers. The purpose of this document is to provide a framework for the Cemetery Trust when dealing with privacy considerations.

3. Definitions

- 3.1 For the purpose of this policy Personal Information is information which directly or indirectly identifies a person.
- 3.2 A Stakeholder is defined as a person whom holds the right of interment; a next of kin; a person who holds legal power of attorney; a funeral director or their employee acting on behalf of the deceased; Cemetery Trustees; and any other person authorised under law to access Personal Information.

4. Policy

- 4.1 The Yackandandah Cemetery Trust collects and administers a range of Personal Information for the purposes of administering the interment of human remains within the cemetery, including bodily and cremated human remains. The Trust is committed to protecting the privacy of Personal Information it collects, holds and administers.
- 4.2 The Yackandandah Cemetery Trust recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in our Privacy Policy, which is compliant with the Privacy Act 1988 (Cth).



- 4.3 The Yackandandah Cemetery Trust is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

5. Responsibilities

- 5.1 The Yackandandah Cemetery Trust is responsible for developing, adopting and reviewing this policy.
- 5.2 The Yackandandah Cemetery Trust Chairperson is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.
- 5.3 The Yackandandah Cemetery Trust will take reasonable steps to let the person know, generally, what sort of Personal Information it intends to hold, for what purposes, and how under what circumstances it discloses that information.

6. Processes & Procedures

- 6.1 **Collection** The Yackandandah Cemetery Trust will:
- 6.1.1 Only collect information that is necessary for the performance and primary function of the Yackandandah Cemetery Trust;
 - 6.1.2 Collect Personal Information only by lawful and fair means and not in an unreasonably intrusive way;
 - 6.1.3 Notify stakeholders about why we collect the information and how it is administered;
 - 6.1.4 Notify stakeholders that this information is accessible to them;
 - 6.1.5 Collect Personal Information from the person themselves wherever possible.



- 6.2 If collecting Personal Information from a third party, such as a funeral director, be able to advise the person whom the information concerns, from whom their Personal Information has been collected.
- 6.3 Collect Sensitive information only with the person's consent or if required by law. (Sensitive information includes health information (cause of death) and information about religious beliefs and race).
- 6.4 The Trust will also collect sensitive information about an individual, where the individual whom the information concerns:
 - 6.4.1 is physically or legally incapable of giving consent to the collection; or
 - 6.4.2 physically cannot communicate consent to the collection; or
- 6.5 The Trust will collect health information about an individual if:
 - 6.5.1 the information is necessary to provide an interment service to the individual; and/ or
 - 6.5.2 the information is necessary for statutory reporting purposes or is collected as required or authorised by or under laws governing cemetery management and administration.
- 6.6 **Use and Disclosure** The Yackandandah Cemetery Trust will only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- 6.7 In relation to a secondary purpose, use or disclose the Personal Information only where:
 - 6.7.1 a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - 6.7.2 the person has consented; or
 - 6.7.3 certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- 6.8 For other uses, the Yackandandah Cemetery Trust will obtain consent from the affected person.
 - 6.8.1



- 6.9 The Yackandandah Cemetery Trust will provide all individuals access to their Personal Information except where it is authorised by law to refuse.
- 6.10 The Yackandandah Cemetery Trust will disclose sensitive information necessary for research, or the compilation or analysis of statistics, relevant to public health. If it is impracticable for the Trust to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A, the organisation may make such a disclosure.
- 6.11 If the Trust has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of Personal Information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the Trust may make such disclosures.
- 6.12 The Yackandandah Cemetery Trust may further disclose Personal Information if its disclosure is mandated by an enforcement body or is required for the following:
- 6.12.1 the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - 6.12.2 the enforcement of laws relating to the confiscation of the proceeds of crime;
 - 6.12.3 the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - 6.12.4 the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- 6.13 For the purpose of this Clause, the Trust must make a written note of the use or disclosure.
- 6.14 **Storage** The Yackandandah Cemetery Trust will implement and maintain steps to ensure that Personal Information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.



- 6.15 Before the Trust discloses any Personal Information to an online recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. The Trust will have systems which provide sufficient security.
- 6.16 The Yackandandah Cemetery Trust will ensure that all data is up to date, accurate and complete.
- 6.17 **Destruction and de-identification** the Yackandandah Cemetery Trust will destroy Personal Information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and printed hardcopies.
- 6.18 **Data Quality** the Yackandandah Cemetery Trust will take reasonable steps to ensure the information the Trust collects is accurate, complete, up to date, and relevant to the functions we perform.
- 6.19 **Data Security and Retention** the Yackandandah Cemetery Trust will only destroy records in accordance with the organisation's Records Management Policy.
- 6.20 **Access and Correction** the Yackandandah Cemetery Trust will ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
- 6.21 If the individual and the Trust disagree about whether the information is accurate, complete and up to date, and the individual asks the Trust to associate with the information a statement claiming that the information is not accurate, complete or up to date, the Trust will take reasonable steps to do so.
- 6.22 The Trust will provide to the individual its reasons for denial of access or a refusal to correct personal information.
- 6.23 The Trust can withhold the access of an individual to his/her information if:
- 6.23.1 providing access would pose a serious and imminent threat to the life or health of any individual; or
 - 6.23.2 providing access would have an unreasonable impact upon the privacy of other individuals; or



- 6.23.3 the request for access is frivolous or vexatious; or
 - 6.23.4 the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - 6.23.5 providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - 6.23.6 providing access would be unlawful; or
 - 6.23.7 providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - 6.23.8 an enforcement body performing a lawful security function asks [organisation] not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- 6.24 If the Trust decides not to provide the individual with access to the information on the basis of the above mentioned reasons, the Trust will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 6.25 The Trust may charge for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.



YACKANDANDAH CEMETERY PRIVACY STATEMENT

FOR EXTERNAL USE / PRIVACY ACT COMPLIANCE

Your privacy is important

This statement outlines the Yackandandah Cemetery Trust's policy on how the Trust uses and manages Personal Information provided to or collected by it.

The Yackandandah Cemetery Trust is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and is compliant with the Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, the Trust is also bound by the Victorian Health Privacy Principles which are contained in the Health Records Act 2001].

The Yackandandah Cemetery Trust may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the Trust's operations and practices and to make sure it remains appropriate to the changing legal environment.

This privacy policy assumes that you are a resident in Australia.

What kind of Personal Information does the Yackandandah Cemetery Trust collect and how does the Trust collect it?

The type of information the Yackandandah Cemetery Trust collects and holds includes (but is not limited to) personal information, including sensitive information, about:

- Full Name, Age, Date of Birth, Date of Death, Burial Date, Late residential address;
- Whether an Ashes or Bodily Remains Interment;



- Burial site identification (Section, Row number, Grave number) and the Informant.

Personal Information you provide:

The Yackandandah Cemetery Trust will generally collect Personal Information held about an individual by way of interment application, death records, birth certificates, telephone calls, emails, and our forms.

Personal Information provided by other people:

In some circumstances the Yackandandah Cemetery Trust may be provided with Personal Information about an individual from a third party, for example a funeral director or next of kin.

How will the Yackandandah Cemetery Trust use the Personal Information you provide?

The Yackandandah Cemetery Trust will use Personal Information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

Volunteers:

The Yackandandah Cemetery Trust also obtains Personal Information about volunteers who assist the Trust in its functions or conduct associated activities, such as to enable the Trust and the volunteers to work together.

Who might the Yackandandah Cemetery Trust disclose Personal Information to?

The Yackandandah Cemetery Trust may disclose personal information, including sensitive information, held about an individual to:



- government departments;
- people providing services to the Yackandandah Cemetery Trust, and
- anyone you authorise the Trust to disclose information to.

Sending information overseas:

The Yackandandah Cemetery Trust will not send Personal Information about an individual outside Australia without obtaining the consent of the individual (or next of kin or holder of right of interment).

How does the Yackandandah Cemetery Trust treat sensitive information?

In referring to 'sensitive information', the Yackandandah Cemetery Trust means:

“information relating to a person’s racial ethnic origin, Date of Birth, Date of Death, or health information about an individual”.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and security of Personal Information

The Yackandandah Cemetery Trust is required to respect the confidentiality of Personal Information and the privacy of individuals.

The Yackandandah Cemetery Trust has in place steps to protect the Personal Information the Trust holds from misuse, loss, unauthorised access, modification, interference or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.



Updating Personal Information

The Yackandandah Cemetery Trust endeavours to ensure that the Personal Information it holds is accurate, complete and up-to-date. A person may seek to update their Personal Information held by the Trust by contacting the Chairperson of the Yackandandah Cemetery Trust at any time.

The Australian Privacy Principles and the Health Privacy Principles require the Yackandandah Cemetery Trust not to store Personal Information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored. Some records retained by the Trust will be held in perpetuity (forever)

You have the right to check what Personal Information the Yackandandah Cemetery Trust holds about you.

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to obtain access to any Personal Information which the Yackandandah Cemetery Trust holds about them and to advise the Trust of any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. To make a request to access any information the Yackandandah Cemetery Trust holds about you, please contact the Chairperson in writing.

The Yackandandah Cemetery Trust may require you to verify your identity and specify what information you require. Although no fee will be charged for accessing your Personal Information or making a correction, the Trust may charge a fee to retrieve and copy any material. If the information sought is extensive, the Trust will advise the likely cost in advance.

Enquiries and privacy complaints

If you would like further information about the way the Yackandandah Cemetery Trust manages the Personal Information it holds, please contact the Chairperson. If you



have any concerns, complaints, then also please contact the Chairperson. If you are not satisfied with our response to your complaint you can refer your complaint to the Office of the Australian Information Commissioner via:

- email: enquiries@oaic.gov.au