

# RAIA Privacy Policy

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## **Background**

This policy applies to the National and Chapter operations of the Royal Australian Institute of Architects ("RAIA").

In this policy, personal information means any opinion or factual information recorded by RAIA for which a link to the identity of a particular person is either reasonably apparent or can reasonably be found in the information. Personal information which is later de-identified or de-personalised, so that any link between the information and a particular person is removed or obscured from reasonable inspection will no longer be personal information.

This policy is based on the National Privacy Principles for the *Privacy Amendment (Private Sector) Act 2000*, provided by the Federal Privacy Commissioner.

The policy is divided into headings as described in the contents below. The reference number(s) of the relevant National Privacy Principle ("NPP") is noted in the headings.

### **1 Open management – NPP 5**

This privacy policy may be printed from this web site. Printed copies are available on request.

This policy may be amended by RAIA from time to time. If it is amended the revised version will be posted on the RAIA web site as soon as is practicable. Access to the section of the web site containing the privacy policy is unrestricted. If RAIA considers an amendment will affect its members significantly, it will advise its members of the change as soon as is practicable.

The date of this version is 24 March 2005.

#### **1.1 Primary and secondary purposes of RAIA**

RAIA collects personal information from its members, and sometimes, from members of the public who interact with it. RAIA will only collect information that it believes is necessary for RAIA's primary and secondary purposes.

Primary purposes for which personal information is collected and used are:

- ensuring those applying for membership are eligible and if so, that their membership is classified in the relevant class according to detailed eligibility rules
- delivering the membership benefits and services which RAIA has informed members will be provided to them.
- Delivering services to non-members, including prospective members

Secondary purposes are the delivery of benefits and services which arise incidentally from time to time out of the primary purposes of the RAIA. From time to time benefits or services arising from secondary purposes will evolve into membership benefits or services delivered under RAIA's primary purposes. For example, a membership benefit may arise from RAIA's corporate partnership seeking activities.

The specific purposes for which RAIA collects personal information are contained in the following.

## **2 Collection, use and disclosure of personal information – NPP 1, 2 & 10**

### **2.1 Collection of personal information from members**

Personal information collected from members by RAIA is obtained from initial membership applications and updated through:

- annual subscription renewals,
- applications for elevation to membership classes, and
- by the member updating or correcting information

The information requested and collected is either minimum information for the primary purpose as marked with an asterisk in the following, or all of:

- \*Full name and title (Mr Mrs Miss Ms)
- \*Residential address & telephone and fax numbers if available
- Name of Employer or name of practice/ work address, telephone and fax numbers
- \*Preferred contact address (one of the two above)
- E-mail address, if available
- \*Date of birth
- \*Tertiary qualifications and if registered as an architect, the relevant States or Territories and registration number(s)

This information is received either in hard copy or by e-mail and transferred by RAIA staff to the RAIA's electronic database, or electronically by the member via the RAIA web site which updates the database automatically.

### **2.2 Use & disclosure of member's personal information**

Corporate members should be aware that because they are the shareholders of the RAIA, RAIA must comply with disclosure requirements about them as required by the Corporations Act 2001. This may require disclosure of a corporate member's name and (residential) address to others. However, RAIA will not do so unless satisfied that it is legally obliged to do so.

Generally, as part of its primary purpose, RAIA uses the personal information to send information associated with delivery of its benefits and services to the member and when necessary, to make contact with the member. RAIA may from time to time agree to distribute material to its members on behalf of another organisation.

#### **2.2.1 Name, title and preferred contact address**

Specifically, RAIA discloses a member's name, title and preferred contact address information to its subsidiary Architecture Media Pty Ltd for distribution of the RAIA's official magazine, Architecture Australia, including any enclosures.

As part of its primary purpose, RAIA may also disclose name, title and preferred contact address information to a subsidiary of RAIA, who may in turn use a separate mailing house for distribution

of information to the member. If so, the subsidiary and any mailing house will be bound by contracts not to disclose the information to others and to keep it secure.

These are primary purposes of RAIA, and RAIA considers consent to disclose member's name, title and preferred contact address is implicit in membership.

RAIA may also release members' name, title and address information for a secondary purpose and in a controlled manner. The secondary purpose is the release of this information to corporate partners sponsoring RAIA activities, to those with and through whom RAIA provides member benefits, or mailing houses the corporate partner or member benefit provider is responsible for, so that they can invite RAIA members to participate in the member benefit or the RAIA activities being sponsored, and to focus the corporate partner or member benefit provider's advertising on RAIA members.

RAIA believes that members would reasonably expect us to disclose personal information of this nature for this secondary purpose and therefore that it has implied consent to do this from members. However, there is a warning and an active consent on membership applications and subscription renewals. If consent is not given, RAIA will use its best endeavours to prevent the member's name being included in any distribution for this secondary purpose and will respond to any request to withdraw this implied consent by using its best endeavours to ensure personal information is not given to others after the request is received.

On occasions, RAIA is required under contractual arrangements with providers of venues for RAIA functions to make available to the provider some or all of name and address information for the members registering for the function. The purposes for which these details may be required are not always specified in the contractual arrangements, but may include security purposes. RAIA will resist any unreasonable request for this information, or to providing unnecessary detail in this information, but cannot guarantee that it could avoid such obligations to the provider.

### **2.2.2 Date of birth**

RAIA uses a member's date of birth:

- To offer information and services appropriate to the length of a member's architectural experience;
- To determine eligibility for membership privileges;
- For general research purposes on member profiles, and
- As security key, or personal identification number, (pin), protection for RAIA web site access by members

RAIA recognises that date of birth information may have no relationship to the length of architectural experience and it is not reliable for that purpose. RAIA also recognises that unverified date of birth information is unreliable to determine eligibility for the membership privileges. Further, it recognises that for research purposes, de-personalised information is all that is required.

However, its use as a security key or pin number for members to control unauthorised access to their own records and membership information on the RAIA web site is a significant benefit. To be effective, a security key or pin must also be available to a computer system administrator so that access or usage problems for individual members can be tracked down and corrected by RAIA. RAIA expects the rate of web site access to increase across the membership, and by collecting date of birth information from every member RAIA is anticipating access to the web site at any time in the future by members who may not, at present, use it. Viable alternatives to this convenient, but relatively private, security key or pin number would divert significant resources, both human and financial, from RAIA's other primary purposes of member benefits and services.

However, as soon as practicable, RAIA intends to make date of birth information unavailable as personal information identified with individual members, except to staff who need access to that information to provide support to members using the RAIA web site, and who are specifically authorised by system administrator, the RAIA General Manager National Coordination.

Other than as statistical information which is de-personalised, RAIA will not disclose date of birth information to anyone else, except as required by law.

### **2.2.3 Collection of personal information from access to the RAIA Internet site by members.**

When members visit the RAIA Internet site, certain recording of information by the RAIA's electronic information system occurs. This includes a record being made of the particular subdivisions of the site a member has visited and the number of times, length of time and time of day of those visits to the site. The identity of the "Internet service provider" ("ISP") through which the member visited the site is also recorded. Although it is may be possible using this information for RAIA to trace the Internet site visit to the particular computer which initiated it, which might, in turn, point to the likely identity of the member, RAIA has no primary or secondary purpose in doing so. (The information collected is common to most other Internet sites accessible by the public at large)

The information collected would be largely anonymous, except where the member signs in with their membership number, surname and password. Signing in enables members to add information to the web site and to correct and update the personal information stored by RAIA in its membership records. In the near future it will enable limited personalisation of the Internet site by members to tailor the information which will be available at first instance on login as that member. The membership number given by the member at login links the visit information, and future profile of the personalisation, with the particular member and would potentially enable RAIA to identify the particular member and their RAIA website usage pattern and history.

RAIA has no primary or secondary purpose in identifying the member with that information. RAIA will not utilise any ability to trace the computer from which the member visits the site or to link any information to the member without the written consent of the member.

### **2.2.4 E-mail**

When e-mail is received by RAIA, the RAIA's information system records the e-mail provider of the sender, and it may be possible to trace the source computer from which the e-mail originated, which might, in turn, point to the identity of the sender. This ability to trace is available via commercially available software as is also available to any other receiver of e-mail. RAIA will not utilise any ability to trace the source of e-mail beyond the identity of the member's e-mail provider evident from the e-mail address, unless it has the written consent of the member.

### **2.2.5 RAIA's web site host**

Virtually all the information described above is duplicated, or resides, in the computer systems of RAIA's own contracted web site host (WSH). Within the service agreement with its WSH, RAIA either has or will include confidentiality clauses binding the WSH to keep personal information secure and not to disclose the personal information to anyone other than RAIA, unless required by law or by written instruction by RAIA. Such arrangements will also require that if the arrangement with RAIA ceases, all of the personal information obtained from the arrangement with RAIA will be destroyed. RAIA will not instruct its WSH to disclose personal information to anyone else except to a new WSH.

## **2.3 Collection of personal information from non-members, and use and disclosure**

RAIA collects personal information from non-members in limited circumstances. The primary circumstance is when RAIA receives an enquiry and a name and a contact telephone number is needed for return of a phone call. RAIA also collects personal information when a caller requests assistance from an RAIA Senior Counsellor. In that case, RAIA asks for the caller's name, address, telephone and fax numbers. The primary purpose of that collection is to enable RAIA staff to contact the caller, or to send more information. The information is not placed on any database, but might be recorded as text in a word processing document. That information is retained only by staff directly concerned. If the caller's query is about services provided by a particular architect member, then with the caller's permission, some or all of this personal information may be disclosed to the member.

RAIA collects similar contact details from persons lodging formal written allegations of misconduct against an architect member. Again, this information is not recorded on a database but may be recorded on word processing documents. During the process of investigation of an Allegation, this information may be disclosed to relevant RAIA managerial staff and to RAIA Professional Conduct Assessors and Professional Conduct Tribunal Members. The personal information will also be given to the member architect(s) the Allegation concerns. In each case the disclosure is only on a need to know basis. The disclosure is controlled by the relevant Manager, or if appropriate, either the Professional Conduct Assessor or Convenor of the Professional Conduct Tribunal.

Collection of information from non-members in these circumstances is part of the RAIA's primary purpose under its Constitution in assisting and informing non-members.

It is also likely that we will collect the same kind of personal information that we collect from members from prospective members. If RAIA decides not to admit the prospective member, reasonable steps to destroy the information collected will be undertaken when it is clear that the person would never qualify for membership.

RAIA also retains information about past members. It retains certain information to facilitate rejoining in the most efficient way. Past members are not required to resubmit as much information on application to join because RAIA has records of past satisfaction of membership criteria. This information is updated on reinstatement.

### **2.3.1 Collection of personal information from access to the RAIA Internet site by non-members.**

When non-members visit the RAIA Internet site certain computer based information is collected by the information system. This includes records of the particular subdivisions of the site a person has visited and the number of times, length of time and time of day of those visits to the site. The identity of the "Internet service provider" ("ISP") through which the person visited the site is also recorded. Although it is may be possible using this information for RAIA to trace the Internet site visit or source of the e-mail to the particular computer which initiated it, which might, in turn, point to the likely identity of the person, RAIA has no primary or secondary purpose in doing so. The information collected is common to most other Internet sites accessible by the public at large.

It is possible that RAIA will hold personal information on non-members on its Internet site which has been provided by members as part of the RAIA Awards system. Members are encouraged to attribute joint authorship of projects submitted for Awards. Usually these attributions are of firms or organizations and not of individuals. However it is possible that individuals have been named with contact details.

### **2.3.2 Non-members and e-mail to RAIA**

When e-mail is received by RAIA, the RAIA's information system records the e-mail provider of the sender, and it may be possible to trace the source computer from which the e-mail originated, which might, in turn, point to the identity of the sender. This ability to trace is available via

commercially available software as is also available to any other receiver of e-mail. RAIA will not utilise any ability to trace the source of e-mail beyond the identity of the sender's e-mailprovider .

### **2.3.3 Non-members and RAIA's web site host**

Virtually all the information described above is duplicated, or resides, in the computer systems of RAIA's own contracted web site host (WSH). Within the service agreement with its WSH, RAIA either has or will include confidentiality clauses binding the WSH to keep personal information secure and not to disclose the personal information to anyone else except RAIA, unless required by law or by written instruction by RAIA. Such arrangements will also require that if the arrangement with RAIA ceases, all of the personal information obtained from the arrangement with RAIA will be destroyed. RAIA will not direct its WSH to disclose personal information to anyone else except to a new WSH.

### **2.4 Financial information collected on payment to RAIA**

When members pay subscriptions, or for services provided to members, or for RAIA publications provided to both non-members and members, certain financial personal information may be collected. The type of information collected is dependent on the method of payment used by the "customer". When customers use credit or debit cards their card number is necessarily recorded to process the transaction. When customers pay by cheque, their account number is stated on the cheque received.

RAIA has no primary or secondary purpose in retaining or using such information other than to enable the relevant transaction, or for accounting purposes. Credit card numbers may be recorded in the RAIA's accounting software, but only to the extent that it is necessary to collect payment from the card provider and for accounting records. The information is only available to authorised accounts staff or possibly, RAIA's auditors, all of whom are contractually bound to confidentiality. This collection process is no different to that of any organization providing retail services to the public.

## **3 Accuracy and currency and access and correction rights – NPP 3, 6**

RAIA makes reasonable efforts to ensure that the information it holds about both members and non-members is accurate and up-to-date. Membership records are updated from membership renewal forms submitted by the members. Information from non-members is also received from the non-member. Therefore, accuracy is likely to be high.

However, in most cases, accuracy of records is dependent on correct transcription from hard copy application and renewal forms, and errors may occur. Members are able to view membership related records by visiting the RAIA Internet site. They may also correct details directly via the website as described above, or by contacting and advising RAIA of changes required to details. RAIA will use its best endeavours to act on such advice.

Non-members may check information which may have been given about them as part of RAIA Awards by visiting the Internet site. However, they will need to view the entry made by the architect member they have been involved with.

On request from a member or non-member, the RAIA will, within a reasonable time, advise the person what personal information it holds. Before doing so, RAIA will require satisfactory proof of the identity of the person making the request. RAIA may also ask a non-member for reimbursement of reasonable administrative costs of doing so before making the information available.

However, personal information collected incidentally as a result of the progress of an RAIA disciplinary procedure will not be available to any person unless it would otherwise be available under the disciplinary procedures set out in RAIA's Constitution. RAIA reserves the right, at its

discretion, to give a person an explanation of the reason for any decision in lieu of access to the personal information concerning a disciplinary proceeding.

In any case, RAIA may deny access to any personal information which, in its opinion:

- is relevant to an existing or anticipated legal proceeding and that information would not be available through a Court or Tribunal's discovery processes, or
- would reveal commercially sensitive matters, or
- may seriously threaten the life or health, (physical and mental), of any person, or
- is relevant to the employment relationship between RAIA and any staff member

RAIA will give reasons for any denial of access to personal information.

However, whether or not a person is given access to existing personal information, if the person is able to reasonably satisfy RAIA that information RAIA holds is inaccurate, or is incomplete, RAIA will take all reasonable steps to correct the information.

## **4 Security of information – NPP 4**

### **4.1 Members**

Member information which has been collected as described above is generally held on the electronic database. That database is available to virtually all staff of RAIA. Copies of the database may be held by RAIA's contracted web site host, (WSH). As described above, RAIA has or will arrange for contractual protection from disclosure or unauthorised access to any records held by the WSH.

However, hard copy payment records may be retained by RAIA's membership and accounting departments. Financial information may be entered into RAIA's accounting software. Hard copy membership applications and renewals are kept during processing and translation to the electronic database. Past member records in the period before the introduction of the electronic database in late 1999 are kept in hard copy. In each case these are only accessible to RAIA staff for legitimate purposes.

### **4.2 Non-members**

To the extent that any information on non-members is collected by RAIA's Internet web site or from receipt of e-mail, and copies of that information are held by RAIA's contracted web site host, contractual protection is or will be in place to prevent disclosure or unauthorised access to the data.

Where hard copy personal information about non-members exists, either through enquiries or formal disciplinary procedures, as stated above, the information is distributed to other RAIA staff, Senior Counsellors, Professional Conduct Assessors, or Professional Conduct Tribunal members on a need to know basis only. Otherwise, information is stored in the relevant staff member's files, or for word processing documents, on the staff member's computer or the RAIA network server. Access to RAIA computers is restricted by login passwords, etc.

Material concerning enquiries by non-members is kept for the purposes of preparing anonymous (de-personalised) and generalized reports to RAIA committees and staff members concerned with member disciplinary issues, as well as general statistical research..

## **5 Identifiers – NPP 7**

Each RAIA member is allocated a unique membership number which is recorded with the member's other personal information. This forms part of RAIA's record keeping system and is used by RAIA's systems for generation of membership renewal notices, among other things.

As described above, the number is also used as part of the security check for web site access by members, and has a parallel purpose of assisting in database and web site quality control in tracking down and correcting member's access difficulties.

RAIA has no primary or secondary purpose in disclosing the membership number to anyone.

RAIA will not knowingly use an identifier that has been assigned to a person by any other organization.

## **6 Allowing anonymous dealing if lawful – NPP 8**

Where practical and lawful, RAIA will allow dealings with both non-members and members to be anonymous if the person concerned wishes to exercise the option. However, RAIA reserves the right to determine when this is practicable. This option will not apply to members in relation to information collected when initiating or renewing membership, or to any enquiries by members or non-members which relate in any way to RAIA's disciplinary procedures.

## **7 Transborder Data flow – NPP 9**

RAIA has no present primary or secondary purpose in transferring personal information outside Australia.

However, if such transfer was to become related to RAIA's primary or secondary purposes, transborder flow will not be carried out without the individual's consent, or as otherwise required by law.

## **8 Sensitive Information – NPP 10**

RAIA has no primary or secondary purpose in collecting sensitive information about individuals. However, if such information comes into RAIA's possession, it will not be disclosed to anyone without the individual's consent, or as otherwise required by law.