



## PRIVACY POLICY

<b>Adopted or Amended</b>	<b>By Whom</b>	<b>Date</b>
Adopted	Board of Directors	23 <sup>rd</sup> February 2011
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Amended	Board of Directors	14 <sup>th</sup> March 2020
Amended	Board of Directors	31 <sup>st</sup> May 2022

# SWIMMING NEW SOUTH WALES LIMITED PRIVACY POLICY

(the **Privacy Policy**)

## Introduction

Swimming New South Wales Limited (**SNSW**; in this Privacy Policy, SNSW may also be referred to as **we** and **our**) is the New South Wales governing body for the sport of swimming.

SNSW is a member of Swimming Australia Limited (**SAL**). SAL is the Australian national governing body for swimming, and is recognised as such by Fédération Internationale de Natation (**FINA**). FINA is the international governing body for aquatic sports including swimming, open water swimming, diving, water polo, high diving, swimming, artistic swimming and masters swimming.

SNSW is subject to the *Privacy Act 1988* (Cth) (**Act**), including the Australia Privacy Principles made under the Act.

The term **personal information**, as it is used throughout this Privacy Policy, is given the same meaning as given to the term in the Act. Basically, personal information is information that identifies you, or could reasonably identify you.

The protection of personal information is important to SNSW. SNSW is committed to respecting everyone's privacy and the protection of personal information. SNSW recognises the importance of your privacy, and your right to control your personal information.

This Privacy Policy sets out how SNSW collects, holds, uses and discloses personal information. This Privacy Policy also explains to you your rights in relation to the collection, retention, use and disclosure of your personal information, and how to contact SNSW in relation to your personal information and this Privacy Policy.

By providing your personal information to SNSW, you consent to its use, storage and disclosure in accordance with this Privacy Policy. This Privacy Policy applies whenever you provide personal information and / or sensitive information to SNSW.

Individuals have the option of not identifying themselves when dealing with SNSW, provided that it is lawful and practical to do so. Where it is lawful and practicable, SNSW will offer you an opportunity to interact and deal with SNSW anonymously or using a pseudonym.

If you do not provide some or all of the personal information that we request from you, this may affect SNSW's ability to communicate with you or provide the requested products or services.

By not providing requested personal information, you may jeopardise your ability to participate in programs or competitions, apply for employment or volunteer positions with SNSW, or otherwise obtain products and services from SNSW. If it is impracticable for SNSW to deal with you as a result of you not providing the requested information or consent, SNSW may refuse to do so.

SNSW may from time to time update this Privacy Policy by publishing an updated version of this Privacy Policy on its website, [www.nsw.swimming.org.au](http://www.nsw.swimming.org.au) (the **SNSW Website**).

## Why does SNSW collect personal information?

The primary purpose for which SNSW collects and holds personal information about you is to enable SNSW to achieve its objectives and perform its functions as the NSW governing body for the sport of swimming.

In more detail, SNSW collects, holds, uses and discloses personal information about you for purposes including the following:

1. To verify your identity.

2. To ensure compliance with rules, regulations and policies implemented by SAL, SNSW and other organisations such as FINA, the International Olympic Committee (**IOC**) and the Australian Olympic Committee (**AOC**).
3. To register you as a member of SNSW and to participate in competitions, events and activities organised and conducted under the control and auspices of SNSW.
4. To provide you with sports injury insurance.
5. To provide you with appropriate emergency or medical assistance in cases of injury or emergency.
6. To develop programs, activities, events, products, services and merchandise relating to swimming.
7. To provide you information about SNSW's products and services.
8. To contact you if you win a prize in a competition you have entered and send that prize to you.
9. For any use which is reasonably apparent at the time the personal information is collected.

### **What personal information, sensitive information and health information does SNSW collect?**

The types of personal information that SNSW collects and holds depends on the purpose(s) for which the personal information is collected and held.

SNSW collects and holds personal information about athletes, coaches, trainers, officials, supporters, volunteers and other individuals interested in the sport of swimming in NSW and Australia more generally. The personal information is obtained from the person concerned, or sometimes otherwise in a way which is outlined in this Privacy Policy.

In the case of a "minor" SNSW or an SNSW Affiliate may also collect personal information about that person from the person's parent(s) or legal guardian(s).

The types of personal information collected and held by SNSW may include without limitation a person's name and gender information; street address, postal address and email address; phone numbers, mobile phone numbers, facsimile numbers; date, place and country of birth; participation and participation history in the sport of swimming; residence history; family background and demographic information; emergency contact details; occupation details; credit card and bank account details; your favourite or preferred swimming club and other sport-specific preferences; your purchasing history and financial details.

SNSW may also collect and hold **sensitive information** about you. The term **sensitive information** as it is used throughout this Privacy Policy, is given the same meaning as given to the term in the Act. The term includes information *that is* personal information and which also has the characteristic of being information about a person's health, disability, racial or ethnic origin, criminal convictions, political opinions and philosophical beliefs; it can also include things such as human resources files, employment histories and tax file numbers.

SNSW may use this sensitive information in certain circumstances, including making sure that the swimming programs, events and activities that you participate in are run safely and in accordance with any special health needs that you may have, and for insurance purposes. SNSW may also use sensitive information as required by SNSW's rules and regulations, including medical and anti-doping testing and investigations.

SNSW will not collect and hold sensitive information unless you have consented to the collection of that specific sensitive information, or:

1. SNSW's rules, regulations and policies permit, or if SNSW is otherwise permitted, to do so for purposes such as health, medical and anti-doping purposes, and in relation to the investigation of disputes; or

2. The collection is required or authorised by law; or
3. The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the person about whom the sensitive information is collected:
  - (a) is physically or legally incapable of giving consent to the collection; or
  - (b) physically cannot communicate consent to the collection; or
4. The sensitive information relates solely to a member of WPA or a person who has regular contact with WPA in connection with its activities.

The term **health information** as it is used throughout this Privacy Policy, is given the same meaning as given to the term in the Act. Basically, health information is a subset of sensitive information, with the specific additional characteristic of being information or an opinion about the health of a person (including an illness, injury or disability); a person's expressed wishes about the future provision of health services; or the health services provided, or to be provided to a person.

### How does SNSW collect and hold personal information?

SNSW collects personal Information:

1. When you become a member of a swimming club, association or other body which is a member of, or affiliated with SNSW (**SNSW Affiliate**);
2. When you provide personal information to SNSW by filling in SNSW-approved forms;
3. When you subscribe to any publication of SNSW or a SNSW Affiliate, including electronic publications;
4. When you provide details to SNSW or a SNSW Affiliate in an application, consent form, survey, feedback form or incident report;
5. When you enter personal information into, or agree to having your personal information entered into one of SNSW's online systems;
6. When you access the SNSW Website or a website of a SNSW Affiliate;
7. When you contact SNSW via email, telephone or mail or engage with SNSW via social media through SNSW's various social media channels;
8. When you participate in any program, activity, competition or event run by SNSW or a SNSW Affiliate;
9. When you purchase tickets to a SNSW or sporting event from SNSW or an authorised agent;
10. When you purchase merchandise, products or services from SNSW or an authorised agent or licensee;
11. If you are elected or appointed to the Board or a committee of SNSW;
12. If you apply for employment or a volunteer position with either SNSW, or a SNSW Affiliate;
13. If you enter a competition conducted by or on behalf of SNSW; or
14. Where SNSW is required to do so by law (for education, child protection, work health and safety laws, charitable collections, medical treatment or other legislation in Australia)

SNSW may also collect personal information about you from third parties, including for example:

1. SAL and other state and territory swimming governing bodies (**State Members**).
2. NSW Affiliates.
3. State and territory sports institutes and academies (**SSIAs**).
4. Sport Australia (**Sport Australia**), the Australian Institute of Sport (**AIS**) and the AOC.
5. Sport Integrity Australia (**SIA**).
6. FINA.

### **Information storage and data security**

SNSW stores information in several different ways, including in paper and in electronic form.

Much of the personal information we collect from, and about our members is added to SNSW's membership database. When your personal information is entered into SNSW's membership database, the information may be combined or linked with other information held about you.

The security of personal information is important to SNSW. SNSW has taken steps to protect the information we hold from misuse, loss, unauthorised access, modification or disclosure. Specifically, SNSW will take all reasonable steps to:

1. Ensure that only authorised officers, staff and volunteers have access to the personal information.
2. Ensure that personal information is disclosed only in accordance with this Privacy Policy.
3. Protect the personal information from misuse and loss, from unauthorised access, modification, interference or disclosure.
4. De-identify or destroy personal information when it is no longer needed by SNSW for any purpose for which the information may be used or disclosed, or if you withdraw your consent, unless any legal requirements prevent SNSW from de-identifying or destroying that personal information.

Some of the security measures SNSW uses include strict confidentiality requirements of our employees, volunteers, NSW Affiliates and service providers, security measures for system access and security measures for the SNSW Website.

### **Data quality**

SNSW will take all reasonable steps to make sure that the personal information it collects, uses and discloses is accurate, complete and up to date.

### **How does SNSW use and disclose personal information?**

#### ***Use***

SNSW, and the third parties to whom we may disclose personal information in accordance with this Privacy Policy, may collect, hold and use your personal information to:

1. Verify your identity;
2. Complete background checks;
3. Research, develop, run, administer and market competitions, programs, activities and other events relating to swimming;

4. Research, develop and market products, services, merchandise and special offers made available by us and third parties;
5. Respond to emergency situations involving or requiring medical treatment;
6. Administer, manage and provide you with access to the Swimming NSW membership database and the SNSW Website; and
7. Keep you informed of news and information relating to various swimming events, activities and opportunities via various mediums.

SNSW may use health information to ensure that programs we operate are run safely and in accordance with any special health needs participants may require. Health information may also be kept for insurance purposes. In addition, we may use de-identified health information and other sensitive information to carry out research, to prepare submissions to government, or to plan events and activities.

#### ***Disclosure within Australia***

SNSW may disclose your personal information to a range of organisations which include, but are not limited to:

1. SAL, State Members, SNSW Affiliates and other organisations involved in swimming programs in Australia;
2. Companies we engage to carry out functions and activities on SNSW's behalf, including direct marketing;
3. Our professional advisers, including our accountants, auditors and lawyers;
4. Our insurers;
5. Relevant sporting bodies such as the FINA, Sport Australia, the AIS, SIA, SSIA's, various national sporting bodies, federal and state departments of sport; and
6. In any other circumstances permitted by law.

#### ***Disclosures outside Australia***

In certain circumstances it may be necessary for SNSW to disclose your personal information to recipients that are located overseas, such as FINA and IOC, each of which is located in Lausanne, Switzerland. It may also be necessary to disclose personal information to overseas recipients in relation to managing the travel and logistics for athletes, officials and staff travelling overseas, or where a person is participating in a swimming event overseas.

SNSW will take reasonable steps to ensure that the overseas recipients of your personal information do not breach the privacy obligations relating to your personal information.

Without limiting the foregoing paragraph, SNSW will not transfer your personal information to an overseas recipient unless SNSW has first taken steps reasonable in the circumstances to ensure that the personal information that it transfers will not be held, used or disclosed by the recipient of the information inconsistent with or in otherwise in breach of applicable privacy laws and (where necessary) the European Union's General Data Protection Regulations.

#### ***Direct marketing***

SNSW will use non-sensitive personal information to provide better services and for marketing purposes (including disclosure of such information to service providers).

If you do not wish to receive email, SMS or posted offers from SNSW, you may opt-out by using the link provided by SNSW in that email or other communication. Alternatively, you may advise us of your

choice at any time by contacting the SNSW Privacy Officer, via the contact details set out in this Privacy Policy.

### **Other disclosures**

In addition, SNSW may also disclose personal information:

1. with your express or implied consent;
2. when required or authorised by law;
3. to an enforcement body when reasonably necessary; or
4. to lessen or prevent a threat to an individual or public health or safety.

### **SNSW Website and “Cookies”**

When you visit the SNSW Website, our systems may record certain information about their use of the site, including the web pages visited and the time and date of their visit. SNSW uses this information to help analyse and improve the performance of the SNSW Website.

In addition, we may use “cookies” on the SNSW Website. Cookies are small text files that assist our website retain user preferences to improve the experience of using our website. In some cases, the cookies that we use may collect some personal information. SNSW will treat this information in the same way as other personal information we collect.

You can configure your browser to accept all cookies, reject all cookies or notify you when a cookie is sent. Each browser is configured differently, and as such you must check the “help” (or similar) menu on your browser to understand how to change your cookie preferences.

Websites linked to the SNSW Website are not subject to SNSW's privacy standards, policies or procedures. SNSW cannot take any responsibility for the collection, use, disclosure or security of any personal information that you provide to a third-party website.

### **Accessing person information held by SNSW about you**

Subject to some exceptions provided by law, you have the right to access your personal information that SNSW holds.

If SNSW does not allow you access to any part of the personal information which we hold about you, we will tell you why. SNSW will also provide you with information as to the mechanisms you can use to complain about the refusal.

For security purposes, if you would like to access personal information that SNSW holds about you, we require that you put that request in writing. SNSW will not charge you any fee or other amount for lodging such a request to access your personal information; however SNSW may charge you for our reasonable costs in supplying you with access to this personal information.

If you would like to access the personal information that SNSW holds about you, if you have any questions in relation to this Privacy Policy, or if you have a complaint, you can contact the SNSW privacy officer:

Privacy Officer  
Swimming New South Wales  
PO Box 571 Sydney Markets NSW 2129  
Email: [kirsten.thomson@nsw.swimming.org.au](mailto:kirsten.thomson@nsw.swimming.org.au)  
Phone: (02) 9763 5833

## **Correcting your personal information**

SNSW will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date. However, we rely on the accuracy of personal information as provided to us both directly and indirectly.

We encourage you to regularly review and update your personal information.

If you believe that personal information that SNSW holds about you is incorrect, incomplete or inaccurate, then you may request us to amend it.

SNSW will consider if the information requires amendment. If we do not agree that there are grounds for amendment, then we will add a note to the personal information stating that you disagree with it. SNSW will also notify you in writing of the reason(s) for refusing to amend the personal information held about you.

If SNSW determines that the personal information held about you is incorrect, incomplete or inaccurate, then SNSW will take reasonable steps to correct the personal information to ensure that, having regard for the purpose(s) that the personal information is held, that it is accurate, complete, relevant, up-to-date and not misleading.

## **Resolving privacy issues and complaints**

SNSW takes complaints about privacy seriously. SNSW will be efficient and fair when dealing with, and responding to, complaints received in accordance with this Privacy Policy. SNSW will investigate and deal with complaints in a confidential manner and in accordance with any mandatory guidelines established by the Office of the Australian Information Commissioner (**OAIC**).

SNSW will inform you of the outcome of an investigation into a complaint that you make within a reasonable period of time.

Any complaints in relation to the collection, use, disclosure, quality, security of or access to your personal information may be made to the SNSW Privacy Officer at this address:

Privacy Officer  
Swimming New South Wales  
PO Box 571 Sydney Markets NSW 2129  
Email: [kirsten.thomson@nsw.swimming.org.au](mailto:kirsten.thomson@nsw.swimming.org.au)

If we are unable to resolve your complaint or you are unhappy with the outcome, you can contact the OAIC via its enquiries line 1300 363 992 or website <http://www.oaic.gov.au/> to lodge a complaint.

For further information on SNSW's management of personal information, please contact SNSW.

## **Notifiable data breaches scheme**

Where any loss of, or unauthorised access or disclosure of your personal information is likely to result in serious harm to you, SNSW will investigate and notify you and where applicable the OAIC within 72 hours of SNSW becoming aware of the loss of, or unauthorised access or disclosure of your personal information.

## **Liability**

To the maximum extent permitted by law, SNSW expressly disclaims any liability for a breach of this Privacy Policy.

By providing SNSW with your personal information, you acknowledge that any damage caused to you or to any other individual by the disclosure of that information shall be limited to the amount recoverable under applicable legislation and otherwise not recoverable from SNSW.



## **Updates to this Privacy Policy**

SNSW may change this Privacy Policy from time to time. Any updated versions of this Privacy Policy will be posted on the SNSW Website.

This Privacy Policy was last reviewed and updated in May 2022.