

Pol. 004 - SWA Privacy Policy

Effective Date: 14th September 2023

Swimming WA Incorporated (SWA) believes privacy is an important right of individuals. SWA takes steps to protect your personal information from misuse and to use your information only in the ways described in this privacy policy and in accordance with the Privacy Act 1988 (Cth) (Privacy Act).

This privacy policy does not apply to personal information collected, or otherwise obtained, by SWA in relation to current and former employees and which relates directly to the employment relationship that exists, or existed, between SWA and its current and former employees.

Except where otherwise indicated, terms used in this privacy policy have the same meaning as those in the Privacy Act.

1. Open and transparent management of personal information

We make our privacy policy available on our website located at <https://wa.swimming.org.au/> and we can also provide a hard copy version upon request. If you would like more information or a hard copy of this privacy policy, please contact us by:

Swimming WA Inc.
Sport HQ
203 Underwood Avenue
Floreat, WA 2014
Phone: (08) 9328 4599;
Post: PO Box 2702, Mount Claremont, WA 6010; or
Via email at waswim@wa.swimming.org.au

You should use the details above to contact us if you have a complaint about a breach of the Privacy Act by us. We will respond to your complaint and endeavour to resolve it as soon as possible and, in any event, within 30 days. If you are not satisfied with our response, you can lodge a complaint with the Office of the Australian Information Commissioner: see <http://www.privacy.gov.au/complaints>.

2. Anonymity and pseudonymity

In most circumstances, it is impractical for people to communicate with SWA anonymously as we need to identify you to assist you effectively. However, in circumstances where it is lawful and practicable to do so, SWA will provide you with the option of not identifying yourself, or using a pseudonym, when entering into communications with us.

3. Collection of solicited personal information

SWA only collects personal information where reasonably necessary for our functions or activities as a not-for-profit sports association, and to provide people involved in swimming in Western Australia or whom otherwise interact with ~~the~~ SWA with a high level of service. SWA collects personal information only by lawful and fair means.

This privacy policy applies to personal information held by SWA, including personal information collected in connection with SWA's functions as caretaker of swimming throughout Western Australia whether collected:

- via our website located at <https://wa.swimming.org.au/>
- by telephone;
- in person;
- by documents posted to us;
- by documents handed to or collected by us;
- via Facebook or other social media; or
- some other means.

We may store your personal information in hard copy, in electronic form, on electronic devices or on computer databases.

We will only collect personal information about you from a third party if it would be unreasonable or impracticable not to collect the information directly from you. In these circumstances, SWA may collect personal information about you from third parties, such as:

- swimming clubs of which you are a member; and
- MySwimResults or Swim Central
- RegisterNow
- Or any other third party utilised for registration purposes by SWA

The types of personal information we collect includes, but is not limited to:

- your name;
- your date of birth;
- your residential, postal and email addresses;
- your home and mobile telephone numbers;
- your occupation; and
- your emergency contact details
- medical information (if relevant).

4. Use or disclosure of personal information

Personal information collected by SWA is used for the primary purpose of providing services to people involved in swimming in Western Australia or whom otherwise interact with SWA in connection with the objects in our Constitution. SWA collects personal information in order to properly and efficiently carry out its activities and functions, including to provide services to you and, where reasonably necessary, other Relevant Persons. We will not use your personal information for a secondary purpose (other than direct marketing) unless you consent to the use or disclosure or you would reasonably expect us to use it for a secondary purpose which is related to the primary purpose. In these circumstances, SWA may disclose your personal information to entities and persons such as:

- External service providers that provide SWA with financial, legal, administrative, information technology, banking, travel, uniform manufacturing, publications and other services;
- Sponsorship companies, advertising agencies, marketing and/or sales agencies;
- Selectors, swimming organisations and committees including Swimming Australia, the Australian Olympic Committee, the Australian Commonwealth Games Association, the Australian Paralympic Committee and World Aquatics;

- SWA Members (including but not limited to; the Swimming Coaches and Teachers Association, the Australian Swimmers Association and local swimming clubs) and other organisations with which SWA is associated including the Australian Sports Commission, Western Australian Department of Local Government, Sport and Cultural Industries, Western Australian Institute of Sport and the Australian Institute of Sport;
- Disciplinary committees and investigative bodies;
- Government agencies (as part of our regulatory or statutory obligations); and
- Your coach, your agent or manager or other form of representative.

5. Public and media disclosure

SWA may also disclose your personal information including your name, age, gender, city of residence, local swimming club, personal profile, photographs of you and your results to the media and through our physical and digital applications and publications (including our website, social media, emails and newsletters) that are available for public viewing.

SWA may similarly display on its websites your unique membership identifier, which may or not contain personal information including without limitation your name, in connection with your personal profile displayed on our website and social media. SWA's Website Privacy Policy is at Attachment A and displayed on SWA's website.

6. Sensitive Information

SWA may also need to collect a swimmer's sensitive information including medication being taken, diagnoses of specific conditions and results from any drug testing undertaken at the direction of SWA.

SWA stores such sensitive information in secured files at SWA. SWA may disclose a swimmer's sensitive information to Australian Sports Anti-Doping Authority, SAL, World Aquatics, medical boards, the Doping Control Panel, the swimmer's Team Manager, the Swimmer's coach and a SWA appointed Medical Practitioner from time to time

7. Direct marketing

Unless you request otherwise, we may also use your personal information for marketing purposes to send you news, information about our activities and general promotional material which we believe may be useful or of interest to you. If you do not want us to use your personal information in this manner, please contact us and we will give effect to your request as soon as possible and, in any event, within 7 days.

8. Cross-border disclosure of personal information

SWA does not send personal information overseas.

9. Adoption, use or disclosure of government related identifiers

We do not collect, adopt, use or disclose Government identity numbers, such as tax-file numbers.

10. Quality of personal information

We keep your personal information as accurate, complete and up-to-date as possible. We make an effort to ensure this data is of high quality, but this relies on the accuracy and frequency of data provided by you.

You can assist us by notifying us if your circumstances change, such as if your name or address changes.

11. Security of personal information

We take reasonable steps to protect your data from misuse, interference and loss, and from unauthorised access, modification or disclosure.

SWA also takes reasonable steps to destroy or permanently de-identify personal information which is no longer needed for the purposes described in this privacy policy.

12. Access to personal information

You have the right of access to personal information which SWA stores about you. If you are of the belief that SWA holds personal information relating to you and you wish to obtain access to this information, please contact us on the details provided above in "Section 1 - Open and transparent management of personal information".

In the event that such a request is made, we will review our records to determine what personal information relating to you we hold and endeavour to respond to your request within a reasonable period after the request is made, but in any event, within 30 days. We endeavour to ensure the person who is seeking access is indeed the person the information is about and, in this regard, we may request that identification is provided before the personal information is released.

Once we have notified you of the nature of the personal information relating to you which we hold, we will give you access to your personal information in the manner requested by you, if it is reasonable and practicable to do so.

SWA does not levy a charge in respect of the making of a request for access to personal information held by us. However, SWA may charge you for the reasonable costs incurred by it in providing you with access to the personal information held by us.

We may not provide access to some of the personal information which we hold in the following circumstances where SWA considers that:

- (a) providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- (b) giving access would have an unreasonable impact on the privacy of other individuals; or
- (c) the request for access is frivolous or vexatious; or
- (d) the information relates to existing or anticipated legal proceedings between SWA and you, and the information would not be accessible by the process of discovery in those proceedings; or
- (e) giving access would be unlawful; or
- (f) denying of access is required or authorised by or under an Australian law or a court/tribunal order; or
- (g) we suspect that unlawful activity or misconduct of a serious nature that relates to our functions has been, is being or may be engaged in, and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

- (h) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (i) giving access would reveal evaluative information generated within SWA in connection with a commercially sensitive decision-making process.

If we refuse to give you access to your personal information for any of the reasons above, we will give you a written notice that sets out our reasons for the refusal and the mechanisms available to complain about our refusal.

13. Correction of personal information

If we hold personal information about you and we are satisfied that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, or you request that we correct the information, we will take reasonable steps to rectify the situation. We will correct your personal information upon request free of charge. If we refuse to correct your personal information, we will give you a written notice setting out our reasons for refusal and the mechanisms available to complain about the refusal.

14. Complaints

If you believe that your privacy rights have been breached by SWA, you may lodge a complaint with SWA directly by contacting the CEO. The CEO will then review your complaint, decide what (if any) corrective action is required and then reply to you within 14 days.

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

15. Changes to the Privacy Policy

Swimming WA may update this Privacy Policy from time to time to reflect changes in legal or regulatory requirements, industry practices, or the nature of our operations. Any changes will be effective upon posting the revised Privacy Policy on our website.

16. Contact Information

If you have any questions or concerns about this Privacy Policy or Swimming WA's privacy practices, please contact:

Privacy Officer

waswim@wa.swimming.org.au

16. Definitions

In this Policy the following words have the following meaning:

“Attachment” means an attachment to this Policy;

“Contracts or Agreements” means any written agreement between one or more parties that outlines the parties obligations to one another;

“Employees” means employees, independent contractors, agents and consultants of SWA;

“Privacy Officer” means the SWA employee who is responsible for overseeing Privacy for SWA. At present this is SWA’s CEO

“Members” means any member of SWA as defined in SWA’s Constitution.

“Policy” means this Privacy Policy and any Attachments;

“Relevant Person” refers to directors and officers of SWA and directors and officers of SWA’s Affiliates and Members, swimmers, coaches, event officials, Members, Employees, volunteers, support services personnel, spectators, parents and any other person who agrees to be or is otherwise bound by this Policy.

“SWA” means Swimming WA.

Attachment A

Website Privacy Policy

SWA, through its website hosts, records visits to this website and logs the following information for statistical purposes: the user's server or proxy address, the date/time/length of the visit and the files requested. The information is used to analyse our server traffic. No attempt will be made to identify users or their browsing activities except where authorised by law. For example in the event of an investigation, a law enforcement agency may exercise their legal authority to inspect the internet service provider's logs.

If you send us an email message we will record your contact details and this information will only be used for the purpose for which you have provided it. We will not use your email for any other purpose and will not disclose it without your consent. When users choose to join a mailing list their details are added to that specific mailing list and used for the stated purpose of that list only.

In addition we may use "cookies" on the SWA 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. SWA will treat this information in the same way as other personal information we collect. You are free to disable cookies on your internet browser to prevent this information being collected; however, you will lose the benefit of the enhanced website experience that the use of cookies may offer.

You need to be aware of inherent risks associated with the transmission of information via the Internet. If you have concerns in this regard, SWA has other ways of obtaining and providing information. Normal mail, telephone and fax facilities are available.

SWA is not responsible for the privacy practices or the content of the linked web sites and the other pages hosted by SWA on behalf of non- SWA agencies and organisations.

Website Conditions of Use

Use of the websites of SWA is subject to SWA's Privacy Policy.

The material on the website is made available on the understanding that users exercise their own skill and care with respect to its use. Before relying on the material in any important manner, users should carefully evaluate the accuracy, completeness and relevance of the information, and should obtain appropriate professional advice relevant to their particular circumstances.

The material on this site includes views and recommendations of individuals, which do not necessarily reflect the positions of SWA, its programs, or the SWA Board.

Links to external web sites are inserted for convenience and do not constitute endorsement of material at those sites, or any associated organisation, product or service.

Review History of Document

Version	Date Approved	Content Reviewed/Purpose
V1.0	31 st August 2023	SWA Board Approved