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*This Policy should be read in conjunction with the Code of Conduct Policy and the Discipline and Termination Policy for employees, contractors and directors.*

*This policy is for external customers and parties and is published (parts as noted) on the Peninsula Leisure (PL), Peninsula Aquatic Recreation Centre (PARC) and Pines Forest Aquatic Centre (PFAC) websites.*

## **Policy (for publication on PL, PARC and Pines websites)**

For the purposes of this Privacy Policy the words **"PARC"**, **"Pines"**, **"we"**, **"our"** and **"us"** refer to Peninsula Leisure Pty Ltd (ACN 160 239 770) (**PL**) trading as Peninsula Aquatic Recreation Centre and / or Pines Forest Aquatic Centre, and **"Service"** means the provision of health, fitness and wellness services to the regional community, which includes without limitation the provision of an aquatic centre (indoor or outdoor pool, aquatic playground, waterslides, spa/sauna/steam room), swimming classes, gymnasium, group exercise, mind/body and cycle fitness rooms, café, and crèche.

This Privacy Policy should be read carefully by you ("**you**") prior to accepting our Membership Terms and Conditions or entering into any terms, conditions, membership, subscription or other agreement or understanding with us. By providing us with your personal information for the provision of our Services to you, you agree to our collection, use and disclosure of your personal information and sensitive information, as described in this Privacy Policy.

## **Our commitment to your privacy**

PL takes your privacy seriously, and strictly adheres to the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth) ("**Privacy Principles**"), the *Health Records Act 2001* ("**Health Act**") and other laws relating to privacy, and the collection, use and disclosure of personal and sensitive information. We will only collect personal and sensitive information that is necessary for us to provide you with the Service.

This Privacy Policy outlines our practices relating to the collection, use, disclosure and storage of your personal and sensitive information. Unless you give us explicit consent otherwise, we will act in accordance with this Privacy Policy regarding our collection and use of your personal and sensitive information.

## **The information we collect**

We will only collect personal and sensitive information that is reasonably necessary for us to provide you with, or directly related to, the Service and the goods that you request from us.

We collect personal information and sensitive information from you when you interact with us.

The personal and sensitive information which PL collects may include, without limitation, your name, your dependant's name, your health details (including your medical history, health records or reports), your dependant's emergency contacts and/or health details (including your medical history, health records or reports), postal address, email, telephone number, credit card details, direct debit details, payment details, the details of any Service, or any other information necessary to provide the Service requested.

PL will collect personal and sensitive information only by lawful and fair means and not in an unreasonably intrusive way. PL may collect the personal and sensitive information directly from you, or alternatively from third parties such as medical associations or other health service providers ("**Service Providers**"), data or equipment providers with whom you interact and authorise to provide us with such information.

When you access our websites at either [www.peninsulaleisure.com.au](http://www.peninsulaleisure.com.au), [www.parcfrankston.com.au](http://www.parcfrankston.com.au) or [www.pinesfrankston.com.au](http://www.pinesfrankston.com.au) via a browser or application, our servers automatically record certain information. These server logs may include information such as your web request, session ID's your interaction with a service, Internet Protocol address, browser type, browser language, the date and time of your request and one or more cookies that may uniquely identify your browser or your account.

### **Collection and disclosure of personal information, sensitive information or health information relating to you or your dependant**

By using our Service, you consent to our collection of personal, sensitive or health information relating to you or your dependant.

Please note that Privacy Laws do not affect our legal responsibilities for the protection of dependants, specifically children against any form of abuse. Occasionally there are times where we may be obligated by Australian Law to report concerns about a dependant to government authorities, including child protection services.

Where applicable, we may collect and disclose 'protected information' under section 162 of the *A New Tax System (Family Assistance) (Administration) Act* (Cth). Section 162 permits us to record or disclose protected information only if the record or disclosure is made in accordance with one of the authorised purposes/means of disclosure specified within that section. We will only collect and disclose your, or your dependants, 'protected information' in the way set out within this Privacy Policy.

### **How we use your information**

We will only use your personal, or your dependant's, sensitive and protected information for the provision of our Services to you, and for any other purpose which we state at the time of the collection permitted by law and/or as required to provide the Services you request.

We may also use the personal, sensitive or protected information you provide to directly market to you. If we market to the public (such as through an advertising campaign), we will only use aggregated information on a purely anonymous basis with your personal, sensitive or protected information removed. You can opt out of marketing activities at any time.

We may also collect information about you and how you interact with our website, by using 'session ID's' or storing "cookies" on your computer. You can delete cookies from your computer at any time via your internet browser. However, doing so may limit your use of some of the website's features.

Please remember that any information that you post in our public forums and any social media interfaces is public information and will not be treated as confidential. Such information can

be collected and used by others. Please be careful and responsible when you are using these online social platforms.

### **Sharing your information**

We will only disclose your personal, sensitive and protected information in the following circumstances:

- When we have your consent.
- To third parties and Service Providers where necessary for us to provide our Service to you, or where you have expressly asked us to do so for the purposes of them or us providing further Services.
- Banks, payment processors or service providers.
- To our related bodies corporate, and their respective directors, officers, agents, and employees for the purpose of processing personal, sensitive or protected information on your behalf.
- To Government bodies, Australian universities, research institutions, not for profit organisations or other third parties ("**Researchers**") for the purpose of research and development and/or grant assistance and only where we determine live data is needed for those research and development and/or grant assistance activities and where we have received your permission to do so.
- To a designated/recognised health provider upon your completion of a 'Personal Health Information Transfer Form'.
- To emergency services or other medical providers required to treat, transport or otherwise assist you or your dependant in the event of a medical emergency.
- We may from time to time engage external service providers to help us deliver our services to you. These external service providers may be located in Australia and/or overseas. In these instances, we may disclose your personal, sensitive or protected information to these third parties in order to help deliver Services to you. You will be notified if we engage an external service provider as and when required by your matter.
- To a third-party storage or cloud service provider as part of the storage of your personal, sensitive or protected information on the Site.
- To comply with any law enforcement agency, judicial proceeding, court order, or legal process in any jurisdiction that is investigating any breach or suspected breach of any law in any jurisdiction regarding your identity or other personal, sensitive or protected information provided by you to us.
- Where disclosure is reasonably necessary to enforce our agreements with you or any rights we have, including debt collection, investigation of potential violations or our agreement, or to detect, prevent, or investigate a matter relating to security, fraud, or other issues relevant to the provision of Services to you.

- Where disclosure is reasonably necessary to protect PL's rights or intellectual property or to protect the safety of PL's employees or the public as required or permitted by law.
- Where we consider disclosure is necessary for the protection and wellbeing of a person.
- Where we are otherwise permitted by law to disclose your personal, sensitive or protected information.

If you opt in to receive marketing email communications from us, these will be sent to you directly by us. We will only send communications to people who have opted to receive them. You can unsubscribe from receiving these communications at any time.

In the event PL goes through a business transition, such as a merger, acquisition by another company, or sale of all or a portion of its assets, your personally identifiable information may be among the assets transferred. We will ensure the confidentiality of any personal, sensitive and protected information disclosed in this context.

### **How you may access your information**

Copies of other personal, sensitive and protected information which we hold may be reasonably requested by contacting us via email at [info@parcfrankston.com.au](mailto:info@parcfrankston.com.au) or by calling us in Australia on 03 9871 8444. We may charge you a reasonable fee for complying with any such request.

We may refuse, in our sole discretion, to provide you access to your personal, sensitive or protected information which we hold, where such refusal is permitted by the *Privacy Act 1988 (Cth)*, the Privacy Principles or any other law or right, such as our right to hold a lien over your file pending payment of our fees.

If you no longer wish to receive marketing communications from us, you can unsubscribe at any time by using the link on the emails we send you, or informing us via [info@parcfrankston.com.au](mailto:info@parcfrankston.com.au) and we will do it for you.

### **How we protect your information**

We will act to protect your personal, sensitive and protected information in accordance with the Privacy Principles. We are committed to keeping the personal, sensitive and protected information you provide to us secure. PL maintains a security system for monitoring internal authorised employees accessing the stored personal information and we utilise appropriate technologies, security methods, external audit, operational policies and procedures to protect the information from unauthorised access. We take all reasonable precautions to protect the personal, sensitive and protected information we hold about you from misuse and loss and from unauthorised access, modification or disclosure.

While we take all due care in ensuring the privacy and security of your personal, sensitive and protected information, the possibility exists that this information could be unlawfully intercepted while in transit over the internet or while stored on our systems or on our website. We disclaim all liability to you to the greatest extent pursuant to law should this occur.

We seek to protect your personal information from any unauthorised loss, disclosure or access. However, if a serious data breach occurs, we must notify you as required under the Privacy

Act regarding the circumstances of the breach and must also advise the Office of the Australian Information Commissioner (OAIC).

We will take reasonable steps to destroy or permanently de-identify personal, sensitive and protected information if it is no longer needed for the purpose for which the information was disclosed.

### **Quality & Correction of Personal, Sensitive and Protected Information**

PL will take reasonable steps to ensure that the personal, sensitive and protected information it has is accurate, up to date and complete. It is your responsibility to contact us from time to time to inform us of any changes to your personal, sensitive and protected information to ensure that it is up to date, relevant and of an appropriate quality to enable us to provide our goods and services to you.

PL will take reasonable steps to correct your personal, sensitive and protected information if you inform us that your personal, sensitive and protected information is inaccurate, out of date, incomplete, irrelevant or misleading, including making any appropriate deletions or additions to your personal, sensitive and protected information.

If you cease to use our Services, PL may retain your personal, sensitive and protected information to comply with its record keeping obligations under law.

In accordance with the Health Act, all health information collected by us will not be deleted. Amendments or alterations to your health information will be recorded on a separate form and attached to the original file.

### **Contacting us**

If you have any queries in relation to this Privacy Policy, or if you would like to request access to your personal, sensitive and protected information or have a complaint about a breach of privacy, then please contact us at [info@parcfrankston.com.au](mailto:info@parcfrankston.com.au) or call us in Australia on 03 9871 8444.

Your queries, requests and/or complaints will be dealt with as soon as possible by our privacy officer (but no later than 10 business days). Alternatively, any person may make a complaint to the Commissioner for Privacy and Data Protection.

The Commissioner for Privacy and Data Protection may be contacted on  
Tel: 1300 666 444  
E-mail [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)  
or postal address at:  
Office of the Victorian Information Commissioner  
PO Box 24274  
Melbourne VIC 3001

or if related to your health record:

The Health Complaints Commissioner may be contacted on  
Tel: 1300 582 113

E-mail [hcc@hcc.vic.gov.au](mailto:hcc@hcc.vic.gov.au)  
or postal address at:  
Level 26, 570 Bourke Street  
Melbourne VIC 3000

## **Changes to this Privacy Policy**

PL intends to develop the Services offered. As we add to our Services, we will update this Privacy Policy from time to time as required. We will also keep prior versions of this Privacy Policy archived. You should periodically visit this page to review the current Privacy Policy.

For more information about privacy issues in Australian and protecting your privacy, visit the Federal Privacy Commissioner's website.

## **The following is not for publication on PL, PARC and/or Pines websites**

### **Review of Policy**

This policy is to be reviewed annually.

### **Revision History**

<b>Revision</b>	<b>Date</b>	<b>Author</b>	<b>Summary of changes</b>
1.0	12/03/14	Meerkin & Apel	Establishment of policy.
1.1	12/10/16	Ian Kerwin	Review of policy – change company name and new format.
1.2	18/08/17	Ian Kerwin	Annual review of policy – change logo, header & footer information and minor format changes.
1.3	11/05/18	Ian Kerwin & Landers & Rogers	Annual review of policy including changes for all PL websites and new Data Breach requirements from OAIC.
1.4	24/04/2019	Melonie Lowe	Minor amendments to the policy to reflect the data collection and the new technology landscape at PARC
1.5	15/04/2020	Ian Kerwin	Annual Review of policy – minor contact changes
1.6	15/11/2021	Ian Kerwin	Annual Review of policy