

# VISCOPY PRIVACY POLICY

## 1. Introduction

- 1.1. VISCOPY, Australia's copyright collecting society, respects and values the identity and privacy of those individuals and professional organisations we deal with. In our handling, storage and use of identifying information concerning these individuals and professional organisations, VISCOPY adheres to the principles of the National Privacy Principles (NPPs) contained in the *Privacy Act 1988* (Cth).
- 1.2. VISCOPY's privacy policy describes the information we collect and explains how we use, store or disclose that information, and how you may access or alter that information. It does not apply to records relating to current or past employees.

## 2. Collection of Personal Information

- 2.1. VISCOPY will only collect personal information that is necessary for one or more of our legitimate business activities. The personal information VISCOPY collects relates to individuals in their business or professional capacities. We collect this information for a number of reasons including, but not limited to:
  - a. collecting copyright royalties on behalf of VISCOPY members;
  - b. licensing copyright materials to licensees on behalf of VISCOPY members;
  - c. processing membership information;
  - d. sending members and licensees copies of our publications including our newsletters and reports; and
  - e. generating statistics to be used in making submissions to government and in educational workshops.
- 2.2. For the purposes of this privacy policy, personal information is information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including but not limited to:
  - a. name;
  - b. job title or description;
  - c. street and mailing, residential or business, address or both;
  - d. any private and business telephone numbers and email addresses; and
  - e. whether the person providing such information is an Aboriginal or Torres Strait Islander.
- 2.3. VISCOPY will only collect personal information by lawful and fair means, and not in an unreasonably intrusive way.
- 2.4. Where practicable, VISCOPY will only collect personal information from the individual.
- 2.5. At the time VISCOPY collects personal information, it will take reasonable steps to ensure that the individual is aware of:

# VISCOPY PRIVACY POLICY

- a. the identity of VISCOPY, and its contact details;
  - b. the purpose for which the information is being collected;
  - c. to whom the information collected is disclosed; and
  - d. if disclosed, any legal requirement for the information to be collected, and the possible consequences, (if applicable), if all or part of the information required is not collected.
- 2.6. VISCOPY may occasionally need to collect personal information from a third party. When this occurs, VISCOPY will take reasonable steps to ensure that the individual is made aware of the purposes for which the information was collected, and the source of the information that was collected.
- 2.7. Except as provided in subsection 2.7(c) below, VISCOPY does not collect sensitive information.
- a. Sensitive information is defined in the NPPs as information or an opinion about an individual's:
    - i. racial or ethnic origin;
    - ii. political opinions;
    - iii. membership of a political organisation;
    - iv. religious beliefs or affiliations;
    - v. philosophical beliefs;
    - vi. membership of a professional or trade union association;
    - vii. membership of a trade union;
    - viii. sexual preference or practices;
    - ix. criminal record; or
    - x. health.
  - b. If VISCOPY does collect or hold such information, we will only do so in strict accordance with the NPPs.
  - c. VISCOPY collects information about Aboriginal and Torres Strait Islander artists and their communities with their consent in order to:
    - i. provide dedicated services to Aboriginal and Torres Strait Islander artists;
    - ii. report on government requirements for policy and grant purposes; and
    - iii. remunerate Aboriginal and Torres Strait Islander copyright owners.

## 3. Treatment of personal information

- 3.1. VISCOPY will not make available for a fee or consideration, personal information about an individual or organisation to third parties for the purposes of direct marketing.
- 3.2. VISCOPY may store the personal information it collects in hard copy documents, as electronic data, in VISCOPY software or systems or any combination of these methods. Except as provided in sections 10 and 12, personal information is only accessible to VISCOPY staff or personnel authorised by VISCOPY who are bound by confidentiality obligations not to disclose details or information to anyone else.
- 3.3. VISCOPY will only disclose personal information to other individuals or organisations:

# VISCOPY PRIVACY POLICY

- a. for the primary purpose for which we have collected it;
  - b. if the individual or organisation would reasonably expect VISCOPY to use or disclose, or by consent which may be explicit or implied from the circumstances in which the information was collected. (One example of such disclosure is the distribution of members listings to our affiliate international collecting societies with whom we have reciprocal collecting agreements);
  - c. if such use or disclosure is required or authorised by law; and
  - d. in the case of listing the names and membership status of its registered members and Aboriginal and Torres Strait Islander artists on its website, primarily for the benefit of clients who wish to license our members' works.
- 3.4. VISCOPY may transfer personal information about an individual to someone (other than the organisation or the individual) who is in foreign country only if:
- a. VISCOPY reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the NPPs; or
  - b. the individual consents to the transfer; or
  - c. the transfer is necessary for the performance of a contract between the individual and VISCOPY, or for the implementation of pre-contractual measures taken in response to the individual's request; or
  - d. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between VISCOPY and a third party.
- 3.5. VISCOPY may occasionally use personal information to correspond (through postal or electronic means) with the individual or organisation about our activities and services, or activities or services that we believe may be relevant to or in the best interests of the recipient of such correspondence.
- 3.6. VISCOPY will take all reasonable steps to ensure that:
- a. the personal information it collects, uses and discloses is accurate, and current. (We ask you to assist us in this process by keeping your records up to date); and
  - b. the information it has collected and holds, is protected from unauthorised access, disclosure, modification, misuse or destruction.
- 3.7. VISCOPY does not collect personal information about individuals who browse the VISCOPY website. Any personal information disclosed by browsers of the VISCOPY website, for example online forms and email subscriptions are subject to the tenets of this Privacy Policy.

# VISCOPY PRIVACY POLICY

## 4. Access to personal information

- 4.1. Where VISCOPY holds personal and identifying information about an individual or organisation, VISCOPY will, where possible, provide reasonable access to that information, to the subject of that information, i.e. an individual or organisation at their request, except where:
- a. the request for information is frivolous or vexatious;
  - b. providing the information would impact upon the privacy of other individuals; or
  - c. denial of access is authorised or required by law.
- 4.2. Upon provision of suitable identification, VISCOPY will alter personal information held about an individual or organisation at their request, unless alteration of such information unreasonably affects or impacts the ability of VISCOPY to transact business, or impacts upon the privacy and rights of other individuals or organisations.
- 4.3. Please direct all questions or comments relating to this Privacy Policy to [viscopy@viscopy.com](mailto:viscopy@viscopy.com) or by phone (02) 9368 0933, fax (02) 9368 0899, or by mail to:

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