



# Swimming Australia

Privacy Policy

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## Review History of SA's Privacy Policy

<b>Version</b>	<b>Date endorsed</b>	<b>Content reviewed/purpose</b>
<i>Original Version 0.0</i>	<i>February 2013</i>	<ul style="list-style-type: none"><li>• <i>Original version</i></li></ul>
<i>Version 1.1</i>	<i>August 2014</i>	<ul style="list-style-type: none"><li>• <i>Update policy to reflect Australian Privacy Principles which came into effect on 12 March 2014.</i></li></ul>
<i>Version 2.1</i>	<i>September 2016</i>	<ul style="list-style-type: none"><li>• <i>Periodic review to reflect current Swimming Australia operating activity</i></li></ul>
<i>Version 3.1</i>	<i>November 2021</i>	<ul style="list-style-type: none"><li>• <i>Periodic review and update</i></li></ul>

## 1. Purpose of this Policy

The protection of personal information is important to Swimming Australia Limited (**SA**). SA is committed to respecting individuals' privacy and the protection of personal information.

This document sets out how SA may collect, hold, use and disclose personal information. By providing your personal information to SA, you consent to its use, storage and disclosure in accordance with this Privacy Policy.

This policy is made in accordance with the *Privacy Act 1988 (Cth)* (**Privacy Act**) and in particular the Australian Privacy Principles.

This policy and any accompanying procedures may be amended from time to time by resolution of SA. The current version of this policy is available from the Privacy Officer or on the SA website at [www.swimming.org.au](http://www.swimming.org.au).

This Policy applies to and binds all Relevant Persons and such other persons who use, access, provide or participate in SA's services, events and activities.

## 2. What information does SA collect?

### *Personal Information*

The personal information SA collects about you will vary depending on the circumstances of the collection. It may include, but is not limited to, your name, date of birth, contact details, size, photograph or other electronic image, signature, training location, swimming results, insurance details, employment history, passport details or any communication with SA.

When you request or acquire SA membership or other goods and services from SA then SA may also collect personal information about you such as your purchase details, preferences, histories and your credit card or bank account details.

### *Sensitive Information*

If it is reasonably necessary in the circumstances, SA may also need to collect a swimmer's sensitive information including (but not limited to) gender identity, medication being taken, diagnoses of specific conditions and results from any drug testing undertaken at the direction of SA. SA will only collect this information where permitted by the Privacy Act.

SA is required by law to obtain consent when collecting sensitive information. By providing this information to SA for use in accordance with the purposes set out in this Privacy Policy, you are providing such consent.

## 3. Why does SA collect personal information?

SA routinely collects personal information about Relevant Persons and those persons who use, access, provide or participate in SA's services, events and activities (including parents, spectators and volunteers).

SA 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.

#### **4. How does SA collect this information?**

Information may be collected when you:

- become a member of a swimming club, state association or other body which is a member of or affiliated with SA (**Affiliate**);
- subscribe to any publication of SA or a SA Affiliate, including electronic publications;
- set up an account with, and use, Swimming Australia's membership and events administrative platform, SwimCentral;
- provide details to SA or a SA Affiliate in an application, consent form, survey, feedback form or incident report;
- enter personal information into, or agree to having your personal information entered into, one of SA's online systems;
- access the SA website or a website of a SA Affiliate;
- contact SA via email, telephone or mail or engage with SA via social media;
- participate in any program, activity, competition or event run by SA or a SA Affiliate;
- purchase tickets to a SA or sporting event from SA or an authorised agent;
- purchase merchandise, products or services from SA or an authorised agent or licensee;
- subscribe to a live streaming services of SA or a SA Affiliate;
- are elected or appointed to the Board or a committee of SA;
- apply for employment or a volunteer position with SA or a SA Affiliate; or
- where SA is required to do so by law (including for education, child protection, work health and safety laws, charitable collections, medical treatment or other legislation in Australia).

#### **5. Providing information**

Depending on the circumstances, some types of information will be required and others might be optional. If you do not provide some or all of the information requested, this may affect SA's ability to communicate with you or provide the requested products or services.

By not providing requested information, you may jeopardise your ability to participate in programs or competitions, use SwimCentral, or apply for employment or volunteer positions with SA or a SA Affiliate. If it is impracticable for SA to deal with you as a result of you not providing the requested information or consent, SA may refuse to do so.

#### **6. Collection from third parties**

In some situations, SA or an SA Affiliate may collect personal information about you from a third party such as the relevant State swimming organisation, relevant local club or School, Sport Australia and Sport Integrity Australia. SA or an SA Affiliate may also collect personal information from your family member (including from your parent or other responsible person, where you are a minor).

If SA collects personal information about you from any other third party not mentioned in this Policy then SA will first endeavour to obtain your consent (unless such consent has already been provided). If that is not possible then SA will only obtain the information from a third party if that is reasonably necessary for SA to provide services to you and where reasonably necessary, other Relevant Persons or to otherwise comply with any applicable laws or regulations. In any event, SA will inform you, where reasonably practicable, about such collections and will use such personal information only in accordance with this Policy.

Where SA receives unsolicited personal information about you from a third party, then that information will be dealt with in accordance with this Policy and the Privacy Act.

## **7. How does SA store this information?**

All of the personal information held by SA about you is stored in different ways, including in paper and electronic form. Of the information that is stored electronically, it is stored on password protected systems located in the cloud and off-site or in secure files at the offices of SA.

SA stores sensitive information in physical files at its offices and electronically on its systems; and in the Australian Institute of Sport / Sport Australia's databases and cloud-based systems for athlete administration purposes.

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

Security of personal information is important to SA. SA has taken steps to protect the information we hold from misuse, loss, unauthorised access, modification or disclosure. Some of the security measures SA uses includes strict confidentiality requirements of our employees, volunteers, SA Affiliates and service providers, security measures for system access, websites and other internet based systems.

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.

Once SA no longer has a need for your personal information then SA will either destroy or de-identify the information in accordance with the Privacy Act.

## **8. How does SA use personal and sensitive information?**

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

- verify your identity;
- complete background checks;
- research, develop, run, administer and market competitions, programs, activities and other events relating to swimming in Australia and overseas;
- research, develop and market products, services, merchandise and special offers made available by us and third parties;
- respond to emergency situations involving or requiring medical treatment;
- administer, manage and provide you with access to the SA web services and websites;
- disclose to the public the information and contact details of swimming pools, swimming clubs and swimming program locations;
- disclose to the public the member swimming results from accredited events; and
- administer, manage and provide you with access to SwimCentral;
- administer, manage and provide you with access to SwimTV;
- keep you informed of news and information relating to various swimming events, activities and opportunities via various media.

SA 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 and to provide certain functions within our health management systems. 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.

SA also uses personal information where required or authorised by law.

You may ask to not identify yourself or disclose your personal information to SA, or otherwise ask SA to not use or disclose your personal information. However, doing so may limit the services SA can reasonably provide to you. For example, SA cannot reasonably provide membership services to a person who wishes to be a member of SA but who is not prepared to provide his or her name, address or contact details.

## **9. How does SA disclose this information to Third Parties?**

SA may, from time to time, disclose your personal information to a range of third party organisations which include, but are not limited to:

- SA Affiliates and other organisations involved in Swimming programs in Australia;
- SA Members (including State and Territory swimming associations, the Australian Swimming Coaches and Teachers Association, the Australian Swimmers Association and local swimming clubs);
- relevant sporting bodies such as Fédération Internationale de Natation (FINA), Australian Olympic Committee, Commonwealth Games Australia, the Australian Paralympic Committee, Sport Australia, Sport Integrity Australia, Australian Institute of Sport, various National sporting bodies and Federal and State Departments of Sport amongst others;
- disciplinary committees and investigative bodies;
- companies we engage to carry out functions and activities on SA's behalf, including advertising agencies or for direct marketing;
- external service providers that provide SA with financial, legal, administrative, information technology, banking, travel, uniform manufacturing, publications and other services;
- your agent or manager or other form of representative (such as a family member where you are a minor or a member of a family where another family member has been nominated as your family's relevant point of contact); or
- in other circumstances permitted by law.

SA may disclose sensitive information to third parties provided it is relevant to the functions and activities of SA, including Sport Integrity Australia, FINA, medical boards, the Doping Control Panel, Team Managers and SA appointed Medical Practitioners from time to time.

In certain situations, SA may disclose your personal information to organisations based overseas. SA may from time to time be required to disclose an athlete's name, date of birth, gender and event performance history to the Fédération Internationale de Natation or the International Olympic Committee in Lausanne, Switzerland. SA may also disclose your personal information to overseas providers in the course of using global cloud-based systems to store data (i.e. The vendor who manages the iSwim App and which is based in Belarus and France).

SA will take such steps as are reasonable to ensure that the overseas organisations to whom personal information is disclosed will abide by the Privacy Act when dealing with your personal information.

## 10. Marketing Use and Disclosure

### *Direct marketing*

You consent to SA's use of personal information, that is not sensitive information, to provide better services and for marketing purposes (including disclosure of such information to service providers).

If you do not wish to receive e-mail, SMS, iMessage or posted offers from SA, you may opt-out by contacting the SA Privacy Officer via the contact details set out in this policy or by making use of the opt-out procedures included in any communications from us (however, information relating to the option to unsubscribe from those communications may be retained).

### *Public and Media*

SA may also disclose your personal information (including your name, age, gender, city of residence, local swimming club, personal profile, photographs and video images 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.

## 11. SA Website

SA, through its website hosts, records visits to the 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. Any cookies used on SA hosted websites are not designed to capture personal information and 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 its legal authority to inspect SA's website logs.

In addition, SA may use "cookies" on the SA website. Cookies are small text files that help a website to remember the preferences of users to improve the experience of using that website. In some cases, the cookies that we use may collect some personal information. SA 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.

Where a user of a SA website provides SA with information (including when communicating with SA, registering as a member of SA or otherwise requesting or acquiring goods or services from SA) then any personal and financial information provided by the user shall be collected, used and disclosed in accordance with the Privacy Policy.

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

SA is not responsible for the privacy standards, policies or practices or the content of web sites linked to its website and the other pages hosted by SA on behalf of non- SA agencies and organisations.

## 12. Accessing and seeking correction of information held by SA

SA 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 held by SA.

If you would like to access the personal information that we hold about you, please let us know by making a request via the Privacy Officer, contact details set out below. If you find that the personal information we hold about you is inaccurate, incomplete or out-of-date, please contact us immediately and we will correct it. If you require any information held to be deleted please let us know by making a request via the Privacy Officer. Any such request will be subject to any legal obligations of SA. SA will respond within 30 days of receiving a request to access, delete or seeking correction of information held by SA.

## 13. Resolving privacy issues and complaints

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

Privacy Officer:  
Swimming Australia Ltd  
Level 2, 50-56 York Street, South Melbourne Vic 3205  
Ph. (03) 9910 0700  
Email: [privacyofficer@swimming.org.au](mailto:privacyofficer@swimming.org.au)

We will respond to your complaint within 30 days, and try to resolve your complaint for you within 90 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.

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

## 14. Definitions

In this Policy the following words have the following meaning:

**“Constitution** and **“By-Laws”** respectively mean the Constitution and By-Laws of SA.

**“Privacy Officer”** means the SA employee who is responsible for overseeing Privacy for SA.

**“Members”** means the members of SA as defined in the Constitution.

**“Personal Information”** is information or an opinion (including information or an opinion forming part of a database) from which it is possible to determine someone's identity.

**“Policy”** means this Privacy Policy.

**“Relevant Person”** means each of the directors and officers of SA, directors and officers of SA Affiliates and Members, swimmers, coaches, event officials, Members, employees, contractors, agents, consultants, volunteers, support services personnel, spectators, parents and any other person who agrees to be or is otherwise bound by this Policy.

**“SA”** means Swimming Australia Limited.

**“SA Affiliates”** means the Affiliates of SA as defined in the Constitution.

**“Sensitive Information”** is a type of personal information that also includes information or an opinion about someone's:

- racial or ethnic origin;
- political opinions;
- membership of a political association, professional or trade association or trade union;
- religious beliefs or affiliations or philosophical beliefs;
- gender identity
- sexual orientation;
- criminal record; or
- health, genetic information or disability.

**“You”** means a person to whom this Policy applies and **“Your”** has a corresponding meaning.