

NSWIS Privacy Policy

Policy endorsed by Executive: February 2024

Policy approved by NSWIS Board: February 2024



CEO: _____
(signature)

Next formal review by Executive: January 2026

Policy Author and

Contact person for more information:

Manager, Financial Services, People & Culture

NOTE: Any agreed changes to the Policy approved by the NSWIS Board between the date of issue and the date for next review are to be updated and made available to all staff for advice.

Revision History

09/04/2019	Version 1	Reviewed by Kirsten Thomson	
15/12/2021	Version 2	Reviewed by Wayne Earl	No changes made
31/01/2024	Version 2.1	Reviewed by Richard Sullivan	Minor changes made

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Introduction

The New South Wales Institute of Sport (“**NSWIS**”) of Level 1, Building B, 6 Figtree Drive Sydney Olympic Park in the State of New South Wales 2127, is constituted under the *Institute of Sport Act 1995* (NSW). NSWIS is constituted as a statutory body representing the Crown.

Under the *Institute of Sport Act 1995* (NSW), NSWIS’s objectives are:

1. to provide resources, services and facilities to enable New South Wales sportspeople to pursue and achieve excellence in sport while also furthering their educational, vocational and personal development;
2. to foster the development and co-ordination of high performance and talent development programs for New South Wales sportspeople; and
3. to assist the development of Australian sporting performance at international levels through co-operatively developed, and complementary, national programs.

NSWIS is subject to the *Privacy and Personal Information Protection Act 1998* (NSW) (the “**Act**”) including the “**Information Protection Principles**” set out in the Act.

This Privacy Policy sets out the various ways in which NSWIS collects, holds, uses and discloses “personal information” and explains your rights and how to contact NSWIS. This Privacy Policy is made in accordance with the requirements of the Act which are imposed on NSWIS in NSWIS’s capacity as a “public sector agency” (as that term is defined in the Act). In this Privacy Policy, the terms “**You**” and “**a person**” are used interchangeably.

The term “**personal information**”, as it is used in this Privacy Policy, is given the same meaning as given to that term in section 4 of the Act. Basically, personal information is information or an opinion (including information or an opinion held in a database, whether or not recorded in a material form) that identifies you, or could reasonably identify you, or which from your identity could be reasonably ascertained. It should also be noted that s 4A of the Act excludes, from the definition of “personal information”, any information which is “**health information**” within the meaning of the *Health Records and Information Privacy Act 2002* (NSW) (the “**Health Information Act**”) (unless the *Health Records and Information Privacy Act 2002* (NSW) states otherwise).

NSWIS may from time to time update this Privacy Policy by publishing an updated version of this Privacy Policy on its website, www.nswis.com.au (the “**NSWIS Website**”).

Individuals will have the option of not identifying themselves when dealing with NSWIS if it is lawful and practical to do so. If any individual has any concerns about dealing with NSWIS without identifying themselves or providing personal information to NSWIS in the course of dealing with NSWIS, that individual should contact NSWIS at: nswis.privacy@nswis.com.au, where any communication will be dealt with confidentially and anonymously.

Kinds of information that NSWIS collects and holds

NSWIS collects and holds personal information about employees, athletes, players, coaches, trainers, officials, supporters, volunteers and other individuals who interact with NSWIS.

In the case of a “minor” (that is, for the purposes of this Privacy Policy and the Act a person aged under 16 years or younger) NSWIS may collect personal information about that person from the person’s parent(s) or guardian(s).

The types of “personal information” collected and held by NSWIS may include without limitation (and where the information collected and held within the following categories of information is not health information as defined in the Health Information Act) 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; sporting participation and playing histories; sports science information and data; information relating to a person’s fitness, including information obtained through monitoring an athlete’s fitness; information collected through consultations between a person and NSWIS personnel; residence history; family background and demographic information; emergency contact details; information about health, disability, racial or ethnic origin; criminal convictions; human resources files; employment histories and tax file numbers; occupation details; credit card and bank account details; cookies; and other information which in relation to a person where the person’s identity is apparent or which can reasonably be ascertained from the information.

This Privacy Policy applies when you provide personal information to NSWIS and when NSWIS collects personal information in relation to you.

Further information is set out below in relation to particular types of personal information that NSWIS may collect and hold from time to time in certain circumstances:

Email addresses

Email addresses are recorded including when an email message is sent to NSWIS or when a person subscribes to an online mailing list.

These email addresses recorded in these circumstances are stored electronically in accordance with standards and authorities under the *State Records Act 1998* (NSW).

An email address is only used by NSWIS for the purpose for which it is provided, and it is not added to any unauthorised mailing list, or disclosed to other organisations, unless you request that this to be done. If you have subscribed to one of NSWIS’s mailing lists, you can remove your email details from the list by unsubscribing. Each mailing list provides clear instructions on how to unsubscribe.

Cookies

A “cookie” is a small text file, that is sent back to your computer's or device’s hard drive from a host web site. Cookies record your preferences in relation to your use of a site and provide other information that allows us to recognise you in the future. The cookies on the listed websites do not read the information on your hard drive, computer or device; nor do they make your computer or device perform any unauthorised actions or make your computer send information to any other computer via the Internet. Cookies do not personally identify you, only your computer.

Websites may utilise cookies to enhance the user's experience of the NSWIS Website. Cookies may also be used in conjunction with pixel tags, to determine pages that have been visited on the NSWIS Website and show more relevant advertising and material on third party websites. Configuration and “opt out” options for these advertising-based cookies are available from the Google Ads “settings” page.

You can set your browser to notify you when you receive a cookie, giving you the opportunity to decide whether to allow it or not. However, if you decide to not accept cookies, some of the pages on the NSWIS Website may not display properly or you may not be permitted to access certain information.

Credit card and financial account information

NSWIS does not store credit card details from the listed websites in its computer systems.

NSWIS uses encryption software to protect credit card information and to provide transaction security. This means that all personal information provided in the course of a transaction, including name, address and credit card number, cannot be read as a transaction travels across the internet from your computer to the NSWIS's computers or from the NSWIS systems to a financial institution.

Choice and anonymity

In certain circumstances you may choose whether or not to provide personal information to NSWIS. If you choose not to provide certain personal information to NSWIS, NSWIS may not be able to communicate with you. Your choice to not provide personal information to NSWIS may also affect NSWIS's ability to provide you with the products and services, that you require or have requested NSWIS to provide to you.

How NSWIS collects and holds personal information

NSWIS collects personal information about you as is necessary for one or more of NSWIS's objectives or which is necessary for NSWIS to perform its functions. NSWIS also collects and holds personal information to provide goods and services to you. NSWIS might collect that personal information in one or more of the following ways:

1. Through your employment with NSWIS (in the case of NSWIS collecting personal information from a member of its staff).
2. Through an athlete scholarship agreement, athlete training agreement, visiting athlete agreement or such similar arrangement, between you and NSWIS.
3. Through a contract between you and NSWIS.
4. Through NSWIS providing services to you.
5. Via the NSWIS Website.
6. When you provide personal information to NSWIS by filling in NSWIS-approved forms, whether such a form is downloaded from the NSWIS Website or not.
7. When you contact NSWIS.
8. When you engage with NSWIS via social media.
9. When you subscribe with NSWIS to receive newsletters or other information.
10. When you are selected by NSWIS to represent it in a sporting contest.

11. When you enter a competition conducted by or on behalf of NSWIS.

You acknowledge and consent that NSWIS may also collect personal information about you from third parties, including for example:

1. International, national, state and territory, regional and other sporting organisations ("**Sporting Organisations**").
2. State and territory sports institutes and academies (together the "**SISAs**").
3. The Australian Sports Commission ("**ASC**"), Australian Institute of Sport ("**AIS**") and Australian Olympic Committee (the "**AOC**").
4. Sports Integrity Australia ("**SIA**").
5. The New South Wales Executive Agency known as the Office of Sport.

The purpose for which NSWIS holds and collects personal information

NSWIS will not collect personal information from a person if the purpose for which the information is intended to be collected is not permitted under the Act, including the Information Protection Principles.

The primary purpose for which NSWIS collects and holds personal information about you is to enable NSWIS to achieve its objectives and perform its functions. NSWIS collects, holds, uses and discloses personal information about you for the following purposes:

1. To verify your identity.
2. Employment purposes.
3. The provision of, and the receipt of goods and services.
4. To ensure compliance with rules, regulations and policies implemented by NSWIS and other organisations such as the International Olympic Committee ("**IOC**") and the AOC.
5. To provide appropriate emergency or medical assistance in cases of injury, illness or emergency.
6. To develop programs, activities, events, products, services and merchandise relating to NSWIS's objectives.
7. To provide you information about NSWIS'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 other use which is reasonably apparent at the time the information is collected.

Disclosure by NSWIS of personal information to third parties

General

NSWIS may share your personal information with any Sporting Organisation relevant to you or which is identified by you to NSWIS.

NSWIS may also share your personal information with third parties in relation to the operation of NSWIS's business and for purposes consistent with NSWIS's objectives. By way of example but without limitation, those third parties include:

1. SISAs, ASC, AIS, AOC and SIA (and including through NSWIS's use of the national **"Athlete Management System"** database of information about Australian athletes, which is managed by AIS);
2. NSWIS's insurers;
3. NSWIS's professional advisors, such as its lawyers and accountants;
4. NSWIS's sponsors, corporate partners and third-party service providers, including ticketing agents;
5. As required or authorised by law, or where NSWIS has a public duty to do so;
6. When you have consented to your personal information being disclosed to others.

Specific provisions relating to the Athlete Management System

In addition to the foregoing information regarding the disclosure of personal information to third parties, NSWIS discloses the following matters to individuals about whom NSWIS collects information that is disclosed by it in connection with the operation and management of the Athlete Management System:

1. NSWIS may store personal information about a person in the Athlete Management System.
2. The AIS, NSWIS and other specified users of the Athlete Management System, including their respective employees and contractors, may access the personal information. Those specified users are:
 - a) the relevant national sporting organisation for the individual; and
 - b) SIA and other government or regulatory authorities, for the purpose of carrying out their respective statutory or regulatory functions.

3. The AIS may use the personal information uploaded to the Athlete Management System for the purposes of including the personal information in the Athlete Management System and administering the Athlete Management System and for the purposes of athlete management and support.
4. NSWIS may use the personal information uploaded to the Athlete Management System for the purposes set out in this Privacy Policy and for the purposes of athlete management and support.
5. Data may be generated from the personal information uploaded to the Athlete Management System and used without identification for research and commercial purposes.
6. The privacy policy of the AIS contains information about how a person may access the personal information about the individual that is held in the Athlete Management System and that the person may seek correction of that information.
7. The AIS is bound by the *Privacy Act 1988* (Cth). The privacy policy of the AIS also contains information about how a person may complain about a breach of the “Australian Privacy Principles” made in accordance with the *Privacy Act 1988* (Cth), and how the AIS will deal with such a complaint.
8. Some data from the Athlete Management System may be transferred overseas in limited circumstances for the operational purposes of the AIS (for example to the AIS European Training Centre). The AIS has no plans for offshore storage or disclosure of personal information.
9. A person’s choice to not provide personal information to NSWIS in connection with the Athlete Management System is likely to affect NSWIS’s, the AIS’s and other organisations’ joint and several abilities to provide that person with services in connection with the Athlete Management System, and that person’s relationship with NSWIS.

Please note that this section relating to the Athlete Management System must be read in conjunction with any “Consent to the Collection, Retention, Use and Disclosure of ‘Health Information’” issued by NSWIS and signed by you.

Data quality and security

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

NSWIS will take all reasonable steps to:

1. Ensure that only authorised officers and personnel 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 or Privacy Policy.

4. De-identify or destroy personal information when it is no longer needed by NSWIS or for legal requirements, in accordance with the Act.

Access to the NSWIS Website

When you access the NSWIS Website, NSWIS may automatically record information that identifies, for each page accessed:

1. The internet protocol address of the device which has accessed it.
 - Your top-level domain name suffixes (for example “.com”, “.gov”, “.au”, “.uk” domain name suffixes).
2. The address of your server.
3. The date and time of your visit to the NSWIS Website.
4. The pages accessed at, and the documents downloaded from the NSWIS Website.
5. The previous website visited; and
6. The type of browser and operating system you have used.

The information collected during each visit is aggregated with similar logged information and is available to allow NSWIS to manage the NSWIS Website services and identify patterns of usage of the NSWIS Website. This will assist NSWIS in improving the NSWIS Website and the services offered on it.

NSWIS will not disclose or publish information that identifies individual computers or devices, or potentially identifies sub-groupings of addresses, without consent or otherwise in accordance with the Act, including the Information Protection Principles.

NSWIS does not have any responsibility, and expressly disclaims any responsibility to the fullest extent permitted by law, for the privacy policies and other practices of third-party sites linked to, from the NSWIS Website.

How an individual may access personal information about the individual that is held by NSWIS and seek the correction of such information

Subject to the Act, you have the right to access your personal information. If we do not allow you access to any part of the personal information which we hold about you, we will tell you why.

For security purposes, if you would like to access personal information that NSWIS holds about you, we require that you put that request in writing. NSWIS will not charge you for lodging such a request to access your personal information; however, NSWIS may charge you for NSWIS's reasonable costs in supplying you with access to this personal information.

If you would like to access the personal information that NSWIS holds about you, if you have any questions or complaints in relation to this Privacy Policy, or have a complaint, you can write to NSWIS you can write to the NSWIS

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Privacy Officer at Level 1, Building B, 6 Figtree Drive Sydney Olympic Park NSW 2127 or send an email to nswis.privacy@nswis.com.au.

You may also write to NSWIS, c/- The Manager, Financial Services, People & Culture, PO Box 476 Sydney Olympic Park in the State of New South Wales 2127.

Correcting your personal information

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

We 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.

Liability

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

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

Updates to this Privacy Policy

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

This version of the NSWIS Privacy Policy applies from the date that it was last updated, and all earlier versions of the Privacy Policy are revoked from that date.