

# APP Privacy Policy

## What About Play – Updated May 2021

### Introduction

1. This APP Privacy Policy of Catherine Daly ABN 18 143 264 514 trading as What About Play and Baby Toddler Groups (“the Daly Group”) is the Daly Group’s official privacy policy as required by the *Privacy Act 1988* (the “Act”) and the Australian Privacy Principles (the “APPs”) and it applies to all personal information (including sensitive information) about individuals collected by the Daly Group. Reference to the Daly Group applies to all business divisions and initiatives that the Daly Group controls and/or operates now and/or in the future.
2. In this policy we explain how and why we collect personal information (including sensitive information) about individuals, how we use it, and what controls individuals have over our use of it.
3. The Daly Group is committed to complying with Commonwealth legislation (the Act and the APPs) that deals with how businesses may collect, hold and use personal information (including sensitive information) about individuals and to protecting and safeguarding the privacy of individuals when they deal with us.

### Collection of information

4. Some information provided to us by clients, customers and other parties might be considered private, personal or sensitive. However, without such information we would not be able to carry on our business and provide our high quality therapeutic services that are responsive to the individual’s needs. We will only collect such personal and/or sensitive information if it is necessary for one of our functions or activities for instance, creation of a health record for management of an individual’s health care needs.
5. Sensitive information is a subset of personal information and is defined as information or an opinion (which is also personal information) about an individual’s: racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association membership of a trade union; sexual preferences or practices; criminal record; or health information.
6. The Daly Group may collect sensitive information about certain individuals in connection with activities and services of the Daly Group.
7. Prior to the collection of sensitive information about an individual, the Daly Group will ensure that the individual is adequately informed as to the reason for the collection of the sensitive information and that the individual has the capacity to understand and communicate their consent and that the consent is voluntarily given by the individual.
8. If the individual is under the age of 18 years old, the Daly Group will only collect sensitive information about the individual if the individual’s Legal Guardian/s has/have provided their express written consent on behalf of the individual.
9. The kind of personal and/or sensitive information that the Daly Group may collect and hold in respect of individuals includes: names; contact details and identification information including video and/or photo identification; age; gender; ethnicity; nationality; academic history; employment history; health information including: details of any medical conditions or disabilities including mental health history; prescribed medications; prescribed therapies; assistance required; medical procedures; injury reports, etc.; Medicare information; family history; assessment information and ongoing therapeutic management; Tax File Number.

10. In particular, personal and/or sensitive information is collected in the following situations by the Daly Group:
  - if an individual completes a Questionnaire, or any other form required to be completed by an individual, and/ or participates in an assessment for the Daly Group to enable and/or facilitate services to be provided by the Daly Group;
  - health information provided by the individual or the individual's medial provider to enable and/or facilitate clinical services to be provided by the Daly Group;
  - if an individual contacts the Daly Group, we may keep a record of that communication or correspondence;
  - when conducting certain types of transactions such as cheque or credit card purchases or refunds;
  - when an individual submits their contact details to be included on our mailing lists;
  - when information is provided by a Government Department and/or agency about the individual to enable and/or facilitate services to be provided by the Daly Group for the individual or on the individual's behalf
  - when an enquiry or booking is placed with us to purchase services we may require individuals to provide us with contact information including name, address, telephone number and/or email address and financial information (such as credit card details) for the purposes of processing and fulfilling such an order;
  - Where CCTV Footage is recorded at the Daly Group's premises.
11. At or before the time the personal and/or sensitive information about an individual is collected by us, the Daly Group will take reasonable steps to ensure that the individual is made aware of who we are, the fact that the individual is able to gain access to the information held about the individual, the purpose of the collection, the type(s) of organisations to which we may usually disclose the information collected about the individual, any laws requiring the collection of the information and the main consequences if all or part of the information is not collected.
12. The Daly Group will usually collect personal and/or sensitive information about an individual directly from the individual. However, sometimes we may need to collect personal and/or sensitive information about individuals from third parties (including other medical providers) for the purposes described below in this policy. The circumstances in which we may need to do this include, for example, where we need information from a third party to assist us to provide specific services or programs for individuals (such as to verify information an individual has provided or to assess the individual's circumstances) or to assist us to locate or communicate with the individual. In such circumstances where the information we may need to collect is sensitive information, we will only collect such information with the express consent of the individual or their Legal Guardian.

## Use of information collected and disclosure of personal and/or sensitive information to others

13. The Daly Group may use or disclose personal and/or sensitive information held about an individual as permitted by law and for the business purposes for which it is collected (e.g., provision of our services, including administration of our services, notifications about changes to our services, record-keeping following termination of our services and technical maintenance) - that is, to carry on our business and provide services to our customers. We may also use such information about individuals for a purpose related to the primary purpose of collection (in the case of sensitive information, the related purpose must be directly related to the primary purpose) and where the individual would reasonably expect that we would use the information in such a way. This information is only disclosed to persons outside our business in the

circumstances set out in this policy or as otherwise notified at the time of collection of the information.

14. The Daly Group's business purposes for which personal and/or sensitive information is collected, used and disclosed may include:

- processing and analysing a Questionnaire or assessments or a service request (including verifying a person's identity, health information, assistance required);
- managing our services or other relationships and arrangements, including processing receipts, payments and invoices;
- responding to inquiries about future services, accounts or other services or arrangements;
- recording a client's therapeutic progress through case notes or reports;
- understanding our customers' needs and developing and offering services to meet those needs;
- researching and developing our services and maintaining and developing our systems and infrastructure;
- ensuring workplace health and safety and productivity of employees at the Daly Group's workplace premises;
- dealing with complaints;
- meeting legal and regulatory requirements. Various Australian laws may expressly require us to collect/and or disclose personal information about individuals, or we may need to do so in order to be able to comply with other obligations under those laws;
- enforcing our rights, including undertaking debt collection activities and legal proceedings.

15. In addition, we are permitted to use or disclose personal and/or sensitive information held about individuals:

- where the individual has consented to the use or disclosure and, in the case of personal information, that is not sensitive information, is related to the primary purpose for which the information was collected and, in the case of sensitive information, a use or disclosure is directly related to the primary purpose for which the sensitive information was collected;
- where the individual has consented to the use or disclosure;
- where we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious, immediate threat to someone's health or safety or the public's health or safety;
- where we reasonably suspect that unlawful activity has been, is being or may be engaged in and the use or disclosure is a necessary part of our investigation or in reporting the matter to the relevant authorities;
- where such use or disclosure is required under or authorised by law (for example, to comply with a subpoena, a warrant or other order of a court or legal process);
- where we reasonably believe that the use or disclosure is necessary for prevention, investigation, prosecution and punishment of crimes or wrongdoings or the preparation for, conduct of, proceedings before any court or tribunal or the implementation of the orders of a court or tribunal by or on behalf of an enforcement body.
- where a customer (being the individual or related to the individual) has requested a service to be provided by us and we are required to disclose the information to a third party in order to facilitate the provision of the service. In most, if not all cases, any such disclosure will be with the consent of the individual.

16. Third parties to whom we may disclose personal and/or sensitive information about individuals in accordance with the Daly Group's business purposes and activities set out above and in accordance with the Daly Group's obligations under the Act may include:

- The Daly Group's legal advisors;
- The Daly Group's accounting and reception services;
- IT service providers;

- Any applicable parent(s) or legal guardian, to assist us to provide our services to the individual or on the individual's behalf, including to inform of progress or to discuss any concerns;
- Australian Apprenticeship Centres;
- The Department of Education;
- Training and Employment (Qld);
- The Department of Health;
- The Department of Human Services;
- The Department of Social Services;
- The Department of Child Safety;
- The Department of Employment and Workplace Relations (Cth);
- The Department of Employment (Cth);
- The individuals current and/or former health care providers;
- Other Government Departments and Agencies;
- Regulatory bodies in Australia;
- Employment Services Sites;
- Financial advisors;
- Debt collectors;
- Cloud information storage providers;
- Clinical supervisors

## Anonymity and Pseudonymity

17. Individuals have the option of dealing with the Daly Group anonymously. However, this only applies where it is not impracticable for the Daly Group to deal with individuals acting anonymously or under a pseudonym. For example, individuals making general enquiries of the Daly Group may do so anonymously or under a pseudonym. However, if the dealing with the Daly Group is for the Daly Group to supply services and/or to enter into contractual relations then it is impractical for individuals to deal with the Daly Group on an anonymous basis or under a pseudonym.

## Direct Marketing

18. As part of the Daly Group's functions and business activities and to promote the services we can provide to our customers, the Daly Group may use personal information that individuals have provided to the Daly Group for the purposes of direct marketing. Direct marketing includes, but is not limited to, sending to our customers and other parties (including individuals) and/or contacting our customers (including individuals) in relation to promotions and information about the Daly Group. Recipients of direct marketing are always able to opt out of receiving direct marketing communications by sending an email to the Daly Group's Privacy Officer at [catherine@whataboutplay.com.au](mailto:catherine@whataboutplay.com.au). In any direct marketing communication, we remind recipients of their right to opt out of receiving direct marketing communications.
19. The Daly Group will only use or disclose sensitive information for the purpose of direct marketing, if the individual has provided express consent to the use or disclosure for that purpose.

## Links

20. The Daly Group's web site may contain links to other web sites and those third party web sites may collect personal information about individuals. We are not responsible for the privacy practices of other businesses or the content of web sites that are linked to our web site. The Daly Group encourages users to be aware when they leave the site and to read the privacy statements of each and every web site that collects personally identifiable information.

## Security and storage

21. The Daly Group places a great importance on the security of all information associated with our customers and clients and others who deal with us. We have security measures in place to protect against the loss, misuse and alteration of personal and/or sensitive information under our control. The Daly Group takes all reasonable steps to protect personal and/or sensitive information that is under the Daly Group's control from misuse, interference, loss and/or unauthorised access, modification or disclosure. All personal and/or sensitive information held is kept securely and that which is held electronically is held on secure servers in controlled facilities.
22. Personal and/or sensitive information is de-identified or destroyed securely when no longer required. We will retain medical records of adult clients for a minimum seven years from the date of last entry and for children until they would have reached 25 years old.
23. The Daly Group retains information provided to us including individuals' contact and financial and transactional information to enable us to verify transactions and customer details and to retain adequate records for legal and accounting purposes. Such information is held securely, including on secure servers in controlled facilities.
24. Information stored within our computer systems or by our agents who provide electronic storage facilities can only be accessed by those entrusted with authority and computer network password sanctions. The Daly Group has taken all reasonable steps to ensure the security of information stored with the Daly Group's cloud service provider.
25. No data transmission over the Internet can be guaranteed to be 100 per cent secure. As a result, while we strive to protect users' personal and/or sensitive information, the Daly Group cannot ensure or warrant the security of any information transmitted to it or from its online products or services, and users do so at their own risk. Once the Daly Group receives a transmission, we make every effort to ensure the security of such transmission on our systems.

## Access to and correction of personal information

26. The Daly Group is committed to and takes all reasonable steps in respect of maintaining accurate, timely, relevant, complete and appropriate information about our customers, clients and web-site users.
27. Any individual may request access to personal and/or sensitive information about them held by the Daly Group. Such a request for access to personal and/or sensitive information is to be made to the Daly Group's Privacy Officer:

**The Daly Group's Complaint's Director**

PO Box 1371

Carindale, QLD, 4152

Telephone: 0419 910 954

Email: [catherine@whataboutplay.com.au](mailto:catherine@whataboutplay.com.au)

28. Please note the Daly Group does require that, as part of any request by an individual for access to personal and/or sensitive information, the individual verify their identity so that the Daly Group may be satisfied that the request for access is being made by the individual concerned.
29. Please note that the Daly Group is not required to give an individual access to personal and/or sensitive information in circumstances where:
  - Giving access would adversely affect clinical outcomes for the individual or other individuals; or
  - the Daly Group reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
  - giving access would have an unreasonable impact on the privacy of other individuals; or
  - the request for access is frivolous or vexatious; or

- the information relates to existing or anticipated legal proceedings between the Daly Group and the individual, and would not be accessible by the process of discovery in those proceedings; or
  - giving access would reveal the intentions of the Daly Group in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - giving access would be unlawful; or
  - denying access is required or authorised by or under an Australian law or a court/ tribunal order; or
  - both of the following apply:
    - the Daly Group has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the Daly Group's functions or activities has been, is being or may be engaged in;
    - giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
  - giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
  - giving access would reveal evaluative information generated within the Daly Group in connection with a commercially sensitive decision-making process.
30. Inaccurate information will be corrected upon receiving advice to this effect. To ensure confidentiality, details of an individual's personal and/or sensitive information will only be passed on to the individual if we are satisfied that the information relates to the individual. From time to time, and having regard to the purpose of the collection and use of personal and/or sensitive information about individuals, we may contact individuals to seek confirmation that the personal and/or sensitive information provided to us by the individual is accurate, up-to-date and complete.
31. If we refuse to provide an individual with access to or correct the personal and/or sensitive information held by us about the individual, then we will provide reasons for such refusal. Such reasons will set out the grounds for refusal, the mechanisms available to complain about the refusal and any other matters that are required by the Act.
32. The Daly Group will respond to any requests for access or correction within a reasonable time of receipt of the request, but by no later than 30 days of the request being received.

## Complaints

33. If an individual has a complaint about our APP Privacy Policy or the Daly Group's collection, use or safe disposal or destruction of personal and/or sensitive information about the individual, any complaint should be directed in the first instance to the Daly Group's Privacy Director at the contact details set out at clause 27 of this policy.
34. We will investigate any complaint within 30 calendar days and attempt to resolve any breach that might have occurred in relation to the collection, use or destruction of personal and/or sensitive information held by us about the complainant in accordance with the Commonwealth Privacy legislation and the APPs. If a complainant is not satisfied with the outcome of this procedure, then the complainant may contact the Office of the Australian Information Commissioner ("OAIAC"). The web site of the OAIAC is [www.oaic.gov.au](http://www.oaic.gov.au).

## Transfer of information overseas

35. The Daly Group utilises local and overseas cloud services for the purpose of storing information. Your personal and/or sensitive information may be disclosed to a Daly Group cloud service provider for that purpose. While the Daly Group's cloud service providers are located in such

places as Australia and the United States, the country location of those providers may periodically change. You may obtain more information about any of those entities by contacting us.

## Cookies

36. The Daly Group collects information from the site using "IP files".
37. When a user visits the Daly Group's web site to read, browse or download information, our system will record/log the user's IP address (the address which identifies the user's computer on the internet and which is automatically recognised by our web server), date and time of the visit to our web site, the pages viewed and any information downloaded. This information will only be used for the purpose of site analysis and to help us offer improved online service. We may automatically collect non-personal information about users such as the type of Internet browsers used or the site from which the user linked to our web sites. Individuals cannot be identified from this information and it is only used to assist us in providing an effective service on our web sites.

## Changes to APP Privacy Policy

38. If the Daly Group decides to or is required to change its APP Privacy Policy, we will notify of such amendments on our web site and post changes on this APP Privacy Policy page so that users are always aware of what information is collected by us, how it is used and the way in which information may be disclosed. As a result, please refer back to this APP Privacy Policy regularly to review any amendments.

## Contacting us

39. For further information regarding our APP Privacy Policy, please contact us at the following address:  
  
E-mail: [catherine@whataboutplay.com.au](mailto:catherine@whataboutplay.com.au)
40. For more information on privacy legislation or the APPs please visit the [website](#) of the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).