

<b>Division:</b>	<b>Relationships &amp; Advocacy</b>	<b>Ref. No.</b>	<b>REL-RMT-001</b>
<b>Department:</b>	<b>Relationships Management</b>		
<b>Title:</b>	<b>Privacy of Personal Information</b>		

## 1. PURPOSE

The Royal Australasian College of Surgeons (RACS) is committed to complying with the Australian and New Zealand statutory privacy obligations outlined in the **Privacy Act 1988 (Cth)** and the **Privacy Act 2020 (NZ)** (together referred to as the **Privacy Legislation** for the purpose of this policy) that promote the security and integrity of personal information within RACS' possession.

This policy outlines the personal information handling practices of RACS and explains:

- what personal information is collected;
- how that information is used and disclosed;
- how that information is stored;
- how personal information can be accessed and updated; and
- "unsubscribe" information.

## 2. SCOPE

RACS personal information practices handling will apply to RACS personnel, stakeholders and the general public that participate in the work of RACS, and/or represent RACS, including but not restricted to:

- Councillors and Committee/Board members;
- all RACS staff, Fellows, Specialist International Medical Graduates (SIMGs) and trainees;
- volunteers;
- applicants for registration;
- conference registrants;
- financial supporters/donors;
- consultants and contractors;
- suppliers;
- JDoc subscribers; and
- participants from the general public who participate in RACS activities.

## 3. POLICY STATEMENT

RACS may collect, hold, use and disclose personal information to effectively carry out its principal roles as an accredited provider of surgical training, a Fellowship organisation and an employer.

RACS will ensure a designated employee is appropriately trained in the Privacy Legislation and will act as the RACS Privacy Officer in order to be the primary RACS source of information regarding privacy matters.

### 3.1. Definition and Collection of Personal Information

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable whether that information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

Personal information may include a name, address, phone number, an email address, and may also include other personal information and financial information.

In the case of employees, information may also include but not be limited to terms and conditions of employment, pay, Superannuation, leave entitlements, performance management, disciplinary action and training records. Health information such as medical certificates and workplace injuries will also be collected and stored.

RACS will at all times intend to only collect the information needed for either a primary purpose or a secondary purpose in circumstances where such use or disclosure would reasonably be expected by the person providing the information.

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Document Owner: Privacy Officer

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Collection of personal information may occur through correspondence, applications, interviews, research activities, phone, emails, media publications, email lists, surveys, through the RACS website (surgeons.org) cookies, google cookies, web analytics, registrations (events), as well as other sources.

The information collected will depend on the individual's relationship with RACS.

### 3.2. Definition and Collection of Sensitive Information

Sensitive Information is defined in the Privacy Legislation to include information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information.

Sensitive Information will only be used by RACS:

- for the primary purpose for which it was obtained;
- for a secondary purpose that is directly related to the primary purpose;
- with an individual's consent; or
- where required or authorised by law.

### 3.3. Indirect Collection

RACS may, in the course of its work, receive personal information (including Sensitive Information) about an individual indirectly from a publicly available source or from a third party.

### 3.4. Use of Personal Information

RACS will use personal information in order to carry out its functions and activities, which include:

- providing membership services and benefits and maintain membership and service/benefits records;
- assisting and supporting Fellows, including providing and improving continuing professional development;
- assisting and supporting Trainees and SIMGs;
- providing and managing the provision of surgical education and training;
- providing assessment processes for SIMGs;
- working with hospitals to help provide workplaces and surgical practice environments which are free from discrimination, bullying and sexual harassment;
- operating a complaints resolution process;
- reviewing and managing conduct of staff, Fellows, Trainees and SIMGs;
- entering into collaborative arrangements with health institutions in relation to complaints about conduct;
- workforce planning and policy development;
- implementing, monitoring and maintaining quality assurance processes and systems, as well as processes and systems concerning regulatory matters, registrations, accreditation, audits, risk and claims management (including dealings with insurers)
- procuring funding, donations or other support for the activities of RACS;
- recruiting suitable applicants to vacancies within RACS;
- internal administration, training, assessments and reviews;
- operating boards, committees, sections and other RACS bodies;
- conduct of surgical mortality audits;
- to manage the employment relationship between employer and employee through the maintenance of records in relation to the employment of staff; and
- research purposes, quality assurance and quality improvement.

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As it relates to web information collection, the usage analysis software used by RACS in connection with the RACS website records information that includes, but is not restricted to:

- unique visitors and sessions;
- requested pages, downloads, search terms used, posted forms, status and errors, hits and bytes downloaded per directory, file, and file type;
- entrance pages, exit pages, click paths, click to and click from and length of session;
- domains, countries, and IP addresses; and
- browsers, platforms, and robots.

The statistics are de-identified at the time of recording. This information is used for administrative purposes, including to improve and assess services, and to monitor usage patterns in order to improve navigation and design features - helping users to get information more easily.

RACS website will also use cookies to manage login and logout.

### 3.5. Disclosure of personal information

3.5.1. Common situations in which RACS may disclose personal information are detailed below.

- Personal information required by hospitals, health services and other employers of Fellows, Trainees and SIMGs in connection with surgical training, SIMG assessment, complaints handling and completion of mandatory RACS courses.
- To National Standards Regulatory Bodies (eg. the Australian Medical Council (AMC)), surgical specialties and societies in connection with surgical training, SIMG assessment and other related activities
- To government departments, at both state and federal levels, in relation to certain activities, for example, workforce data analytics.
- To members of the public, but only to the extent of confirming the status and specialty of a Fellow, Trainee or SIMG
- Where required by law

Outside of the above situations, RACS will not disclose personal information without the individual's express written consent. Staff approached for the release of personal information should refer to the Disclosure of Personal Information procedure.

3.5.2. Enquiries by the public regarding a Fellow, Trainee or SIMG

Apart from confirming status and specialty of a Fellow, Trainee or SIMG, no personal information will be disclosed to a member of the public without written consent except as required by law. Members of the public include spouses, family members and colleagues.

3.5.3. Overseas disclosure

In certain situations, RACS may disclose Personal Information to persons or organisations based overseas. These countries in which these recipients may be based include, but are not limited to

- Australia
- New Zealand
- Singapore
- USA
- Other overseas jurisdictions

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#### 3.5.4. Employee data

There may be circumstances where RACS is required to disclose employee records to a third party including prospective employers as well as government and regulatory authorities. RACS shall only disclose personal information, including employee records, to these entities in accordance with the Privacy Legislation.

#### 3.5.5. Workforce data and Research Data

RACS publishes reports, journals and publications including information on its selection, training and accreditation activities and SIMG assessments, as well as general information on surgical workforce on RACS website and requestors should be referred to them.

The primary source for workforce and training information is RACS Activities Report. Most requests can be handled by reference to this report. In the ordinary course, ad hoc reports on RACS activities and data will only be provided under contractual agreement and with approval of the Chief Executive Officer.

#### 3.5.6. Direct marketing

RACS will not accept requests to market products or to advertise training courses directly to Fellows and Trainees and will therefore not disclose personal information to organisations requesting its use for these purposes. The Executive General Manager, People and Culture may choose to include information on the event in RACS routine newsletters, without releasing any individual identifying information.

### 3.6. Access to personal information

An individual may contact the Privacy Officer to access their personal information held by RACS. They will be required to provide their request in writing. The request will be addressed in accordance with the Privacy Legislation. RACS may, in accordance with the Privacy Legislation, request a fee to cover the cost of access to, or correction of (see 3.8), personal information.

RACS may request a copy of an individual's identification before releasing the information to protect the personal information.

RACS staff should contact the People and Culture team regarding access to their personal information.

### 3.7. Responding to access to information requests

RACS will respond to access to information requests in accordance to requirements of the Privacy Legislation.

### 3.8. Correction

RACS seeks to maintain the accuracy of personal information. Individuals are encouraged to contact RACS if the information held is incorrect or to notify RACS if personal information has changed.

Staff should contact the People and Culture team to update their personal information held by RACS.

Changes to personal details can also be made on RACS website [www.surgeons.org](http://www.surgeons.org) by the individual via personal login access where available.

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### 3.9. Storage and security of personal information

RACS stores personal information securely, either electronically or in hard copy within the RACS offices or in secure archiving facilities.

IT protection systems and internal procedures are utilised to protect the personal information held by RACS. This includes the website where RACS endeavours to ensure the website is secure through the use of firewalls.

RACS may store electronic information on remote servers or in the cloud directly, or through contracted agencies in Australia and overseas, as permitted by Privacy Legislation.

Personal information is only to be accessed internally by those RACS employees who require access as part of their role or to complete a task.

Payment security on RACS's site is achieved through encryption and system design. Additionally, the e-payment system does not store customers' credit card details on a server or database. These payments are processed in the United States.

In the case of staff, personal information is only accessible by the People & Culture team and their Manager/EGM for the purposes of managing the employee/employer relationship and therefore only for the purposes for which their data was collected. These records are stored in a locked office within the HR department.

### 3.10. Destruction of Personal Information

RACS has an obligation to destroy or de-identify information once it is no longer useful for the purpose for which RACS obtained it.

### 3.11. Complaints

Any enquiries or complaints about RACS handling of personal information should be directed to the Privacy Officer on +61 3 9249 1200 or at [college.privacy@surgeons.org](mailto:college.privacy@surgeons.org). Complaints may be required in writing and will be resolved as promptly as possible.

The websites of the Office of the Australian Information Commissioner and the Office of the New Zealand Privacy Commissioner are an additional source of information – <https://www.oaic.gov.au/> and [www.privacy.org.nz](http://www.privacy.org.nz).

### 3.12. Unsubscribing

All marketing material sent by RACS, including paper and email correspondence or news bulletins must have an "unsubscribe" option available.

## 4. ASSOCIATED DOCUMENTS

<https://www.oaic.gov.au/> and [www.privacy.org.nz](http://www.privacy.org.nz).

Complaints Handling Policy

Disclosure of Personal Information Procedure

Data Breach Incidence Response Procedure

Whistleblower Policy

Privacy (Conduct Matters) Policy

**Approver: Council**