



australian  
pharmacy  
council

## Privacy Policy

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# Privacy Policy

## 1. Introduction

The Australian Pharmacy Council (APC) is required to comply with the Privacy Act 1988 (Cth) (the Privacy Act) when dealing with your personal information. The Privacy Act regulates privacy governance and how the APC collects, stores, protects, uses and discloses personal information.

The Australian Privacy Principles (APPs) in the Privacy Act provides you with a number of rights designed to protect your privacy and to correct or access your personal information. Effective from 22 February 2018 the Act will also inform what action the APC must take in the event of certain data breaches.

For further information on the Privacy Act and the APPs contact Office of the Australian Information Commissioner: [Office of the Australian Information Commissioner](#)

## 2. Australian Privacy Principles (APP)

### APP1 Open and transparent management of personal information

The APC manages personal information in an open and transparent way, including maintaining a clearly expressed and up-to-date APP Privacy Policy on its management of personal information and makes this policy readily available. On written request the APC will advise generally the kind of personal information the organisation holds, what it is used for, and how it collects, holds, uses and discloses that information.

### APP2 Anonymity and pseudonymity

Where it is lawful, feasible and practicable, individuals may deal with the APC anonymously, or by using a pseudonym, however limited exceptions apply. Applicants and candidates choosing to do this should be aware that the APC may not always be able to fully assist them.

### APP3 Collection of solicited personal information

As an entity bound by the Australian Privacy Principles (an APP entity) the APC may:

- Only solicit and collect personal information (other than personal information) that is reasonably necessary for, or directly related to, one or more of its functions or activities;
- Only solicit and collect sensitive information if the individual consents to the sensitive information being collected, unless an exception applies; and
- In soliciting and collecting personal information the APC must use lawful and fair means and must collect directly from the individual to who the personal information applies unless there is an exception applies.

### APP4 Dealing with unsolicited personal information

The APC will destroy or de-identify unsolicited personal information as soon as it is practicable unless: either it is not lawful or reasonable to do so, or APC would have been entitled to collect the personal information under APP 3.

### APP5 Notification of the collection of personal information

Personal Information is defined in section 6 of the Privacy Act as 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- Whether the information or opinion is true or not; and

- Whether the information or opinion is recorded in a material form or not.

The APC collects and handles a range of information, including personal information necessary to perform the APCs functions. In carrying out its work, the APC collects information from the following areas:

- Council and committee members, examiners, external evaluators and APC staff;
- Applicants and candidates undertaking the skills recognition and examinations process; and
- Other regulatory bodies.

Information on the functions of the APC may be found on the APC website. [www.pharmacycouncil.org.au](http://www.pharmacycouncil.org.au)

In collecting personal information the APC must take reasonable steps either to notify the individual of certain matters (such as contact details and the fact that information is being collected and why) to ensure the individual is aware of those matters.

The APC must take reasonable steps, before, or at the time it collects personal information. If this is not practicable, reasonable steps must be taken as soon as practicable after collection.

#### APP6 Use or Disclosure of personal information

The APC may disclose an individual's personal information on a confidential basis to its agents, contractors or third party service providers who provide examination, financial, technical, or other services for the purposes only of the APCs functions. Where this occurs the personal information is only provided for the purpose of fulfilling these contracted services. Information may also be disclosed where the law requires the APC to do so, or where the individual provides written consent.

The APC is authorised by the applicant (at the eligibility assessment phase) to advise Pharmacy Registering Authorities if there has been removal, withholding or a condition has been placed on their registration /licensure.

#### APP7 Direct Marketing

The APC is permitted to use your personal information to send direct marketing material to you provided that the information is collected directly from you, and you would reasonably expect such direct marketing to occur and the direct marketing material includes an unsubscribe option. Sensitive information will not be used for a secondary purpose including direct marketing.

#### APP8 Cross-border disclosure of personal information

The APC will only transfer personal information about an individual to a person in another country if that transfer is necessary for the performance of the APC activities and the APC has obtained consent to do so.

#### APP9 Adoption, use or disclosure of government related identifiers

The APC will use its own identifiers and not those assigned by government unless it is required to do so.

#### APP10 Quality of personal information

The APC will take all reasonable steps to ensure that the personal information it collects, uses, or discloses is accurate, complete and up to date, complete and relevant, having regard to the purpose of the use or disclosure.

#### APP11 Security of personal information

The APC will take all reasonable steps to protect the personal information it holds from misuse, loss, and unauthorised access, modification and disclosure. The APC keeps some information for a number of years to comply with legal requirements. Any personal information that is no longer required is disposed of in a secure manner or permanently de-identified.

#### APP12 Access to personal information

The APC recognises the essential right of individuals to have their information handled in ways which they would reasonably expect – protected on the one hand, and made accessible to them on the other. Some circumstances where the APC would not provide applicants with their personal information may include those where access:

- Would pose a serious and imminent threat to the life or health of a person;
- Would have an unreasonable impact on the privacy of others;
- Is frivolous or vexatious;
- Would be unlawful or denial of access is allowed by law;
- relates to existing or anticipated legal proceedings and would not be accessible through discovery
- May prejudice investigation, prosecution or other action in respect of any possible unlawful activity;
- May reveal the APC 's intentions and prejudice negotiations with the individual; or,
- May damage national security.

If a request for access is declined, the APC will provide its reasons for doing so.

- Access to personal information is available as follows:
- Council and committee members, staff members and active applicants or candidates may have access to their personal file and the personal information about them held on the records maintained by the APC
- Sub-committee members, external evaluators and examiners may have access to the personal information about them held on the records maintained by the APC.
- Any requests for access should be made in writing to the APC. The APC will not charge a fee for an access request, but individuals may be charged any reasonable expenses incurred by the APC in facilitating a request, such as search and photocopying costs where applicable.

#### APP13 Correction of personal information

The APC aims to ensure that the information it holds on individuals is accurate, up to date and complete. If an individual indicates to the APC that the information held is not accurate or complete, they may seek to have that information corrected by advising the APC in writing of the relevant corrections. However, the APC may refuse to change the information held, and will explain its reasons for this decision. In these circumstances, if an individual asks it to do so, the APC will keep a statement with the record that shows its disagreement and that the individual regards the information as inaccurate or out of date.

Any changes to information held in the APC's records (such as details of identity or qualifications) must be accompanied by documentary evidence to support the corrections. Such documents must be copies of the original documents clearly authorised as a true copy of the original by a Justice of the Peace (JP), legal practitioner, public notary or other appropriate person as determined by the APC.

All requests to change personal information must be in writing and signed by the applicant, candidate or other individual concerned.

### 3. Complaints

An individual who believes that a breach of privacy may have occurred in relation to their personal information held by the APC should make a statement to that effect in writing, addressed to the APC CEO and addressed to [admin@pharmacycouncil.org.au](mailto:admin@pharmacycouncil.org.au).

### 4. Introduction of the Notifiable Data Breaches scheme

Effective from 22 February 2018 the Privacy Act will require the APC to notify individuals and regulators of data breaches where there it is possible that individuals will experience serious harm as a result of that breach. The APC has a Notifiable Data Breaches Response Plan in place that reflects the APC's obligations and follows guidance issued by the [Office of the Australian Information Commissioner](#).

### 5. Related Documents



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