

WESTERN LEISURE SERVICES

PRIVACY POLICY

Western Leisure Services Pty Ltd (WLS) respects the privacy of our clients, members, participants, employees, volunteers and visitors. The following statement of policy meets the requirements of Commonwealth and Victorian legislation protecting the privacy of individuals.

This policy applies to all WLS Directors, employees, contractors, volunteers, members and guests.

For the purposes of this Privacy Policy the words “**WLS**”, “**we**”, “**our**” and “**us**” refer to Western Leisure Services Pty Ltd (ACN 169 311 693), and “**Service**” means the provision of health, fitness and wellness services to the community, which includes without limitation the provision of an aquatic centre (indoor pool, aquatic playground, spa/sauna/steam room), swimming classes, gymnasium, group exercise, mind/body and cycle fitness rooms and a health and wellness centre, at one or more sites.

This Privacy Policy should be read carefully by you prior to entering into any terms, conditions, membership, subscription or other agreement or understanding with us. By providing us with your personal information for the provision of our Services to you, you agree to our collection, use and disclosure of your personal information and sensitive information, as described in this Privacy Policy.

1. Our commitment to your privacy

WLS takes your privacy seriously, and strictly adheres to the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth), and the Information Privacy Principles contained in the *Privacy and Data Protection Act 2014* (VIC) (to the extent that either or both statutes apply) (“**Privacy Principles**”), the *Health Records Act 2001* (“**Health Act**”) and other laws relating to privacy, and the collection, use and disclosure of personal information and sensitive information. We will only collect personal information and sensitive information that is necessary for us to provide you with the Service.

This Privacy Policy outlines our practices relating to the collection, use, disclosure and storage of your personal information and sensitive information. Unless you give us explicit consent otherwise, we will act in accordance with this Privacy Policy with regard to our collection and use of your personal information and sensitive information.

2. The information we collect

We will only collect personal information and sensitive information that is reasonably necessary for us to provide you with, or directly related to, the Service and the goods that you request from us.

We collect personal information and sensitive information from you when you interact with us.

The personal information and sensitive information which WLS collects may include, without limitation, your name, your dependant's name, your health details (including your medical history, health records or reports), your dependant's emergency contacts and/or health details (including their medical history, health records or reports), postal address, email, telephone number(s), credit card details, direct debit details, payment details, the details of any Service we provide you, incident information, or any other information necessary in planning, product or service development, quality control and research.

WLS will collect personal information and sensitive information only by lawful and fair means and not in an unreasonably intrusive way. WLS may collect the personal information and sensitive information directly from you, or alternatively from third parties such as medical associations or other health service providers ("**Service Providers**") with whom you interact and authorise to provide us with such information.

When you access our website via a browser or application, our servers automatically record certain information. These server logs may include information such as your web request, session ID's your interaction with a service, Internet Protocol address, browser type, browser language, the date and time of your request and one or more cookies that may uniquely identify your browser or your account.

3. Collection and disclosure of personal information, sensitive information or health information relating to you or your dependant

By using our Service, you consent to our collection of personal, sensitive or health information relating to you or your dependant.

Please note that Privacy Laws do not affect our legal responsibilities for the protection of dependants, specifically children against any form of abuse. There are times where we may be obligated by Australian Law to report concerns about a dependant to government authorities, including child protection services and Victoria Police.

Where applicable, we may collect and disclose 'protected information' under section 162 of the *A New Tax System (Family Assistance) (Administration) Act* (Cth). Section 162 permits us to record or disclose protected information only if the record or disclosure is made in accordance with one of the authorised purposes/means of disclosure specified within that section. We

will only collect and disclose your, or your dependants, 'protected information' in the way set out within this Privacy Policy.

4. How we use your information

We will only use your personal, or your dependant's, sensitive and protected information for the provision of our Services to you, and for any other purpose which we state at the time of the collection permitted by law and/or as required to provide the Services you request.

We may also use the personal, sensitive or protected information you provide to directly market to you. If we market to the public (such as through an advertising campaign), we will only use aggregated information on a purely anonymous basis with your personal, sensitive or protected information removed. You can opt out of marketing activities at any time.

We may also collect information about you and how you interact with our website, by using or storing "cookies" on your computer. You can delete cookies from your computer at any time via your internet browser. However, doing so may limit your use of some of the website's features.

Please remember that any information that you post in our public forums and any social media interfaces is public information and will not be treated as confidential. Such information can be collected and used by others. Please be careful and responsible when you are online.

5. Surveillance notice

WLS is committed to ensure that personal information collected is dealt with in accordance with the *Privacy Act* and the *Surveillance Act 1999(Vic)*. WLS uses closed-circuit television ("CCTV") systems for video surveillance, which monitors, records and stores footage of activity in and around its facilities for viewing at a later date, if required.

The primary purpose of this video surveillance is to provide a safe and secure environment for the general public, patrons and employees of WLS. Video surveillance is used to deter any form of aggressive, harmful or unlawful behaviour and to assist in the identification of alleged offenders. If WLS has reason to suspect that aggressive, harmful or unlawful activity has been engaged in, it may use or disclose the video footage to investigate the matter or to report the matter to relevant authorities. CCTV footage is not used to monitor employee performance but may be used to investigate allegations of serious misconduct by employees.

CCTV footage is retained, viewed and deleted or overwritten in accordance with WLS' Workplace Surveillance Procedure.

6. Sharing your information

We will only disclose your personal information, sensitive information and protected information in the following circumstances:

- When we have your consent.
- To Wyndham City Council for the purposes of it providing any services to you, whether in conjunction with or in substitution for our Services.
- To third parties and Service Providers where necessary for us to provide our Services to you, or where you have expressly asked us to do so for the purposes of them or us providing further Services.
- To banks, payment processors or service providers.
- To our related bodies corporate, and their respective directors, officers, agents, and employees for the purpose of processing personal, sensitive or protected information on our behalf.
- To Government bodies, Australian universities, research institutions, not for profit organisations or other third parties (“**Researchers**”) for the purpose of research and development and/or grant assistance and only where we determine live data is needed for those research and development and/or grant assistance activities and where we have received your permission to do so.
- To a designated/recognised health provider upon your completion of a ‘Personal Health Information Transfer Form’.
- To emergency services or other medical providers required to treat, transport or otherwise assist you or your dependant in the event of a medical emergency.
- We may from time to time engage external service providers to help us deliver our services to you. These external service providers may be located in Australia and/or overseas. In these instances, we may disclose your personal, sensitive or protected information to these third parties in order to help deliver Services to you. You will be notified if we engage an external service provider as and when required by your matter.
- To a third party online storage provider located within Australia or overseas (in the ‘Cloud’) as part of the storage of your personal, sensitive or protected information on our computer systems.
- To comply with any law enforcement agency, judicial proceeding, court order, or legal process in any jurisdiction that is investigating any breach or suspected breach of any law in any jurisdiction regarding your identity or other personal, sensitive or protected information provided by you to us.
- Where disclosure is reasonably necessary to enforce our agreements with you or any rights we have, including debt collection, investigation of potential violations or our agreement, or to detect, prevent, or

investigate a matter relating to security, fraud, or other issues relevant to the provision of Services to you.

- Where disclosure is reasonably necessary to protect WLS's rights or intellectual property or to protect the safety of WLS's employees or the public as required or permitted by law.
- Where we consider disclosure is necessary for the protection and wellbeing of a person.
- Where we are otherwise permitted by law to disclose your personal, sensitive or protected information.

If you opt in to receive marketing communications from us, these will be sent to you directly by us. We will only send communications to people who have opted to receive them. You can unsubscribe from receiving these communications at any time.

In the event WLS goes through a business transition, such as a merger, acquisition by another company, or sale of all or a portion of its assets, your personally identifiable information may be among the assets transferred. We will ensure the confidentiality of any personal, sensitive and protected information disclosed in this context.

7. How you may access your information

Copies of other personal, sensitive and protected information which we hold may be reasonably requested by contacting us via email at privacy@westernleisureservices.com.au. We may charge you a reasonable fee for complying with any such request.

We may refuse, in our sole discretion, to provide you access to your personal, sensitive or protected information which we hold, where such refusal is permitted by the *Privacy Act 1988 (Cth)*, *Privacy and Data Protection Act 2014 (VIC)* and/or the Privacy Principles (as applicable) or any other law or right, such as our right to hold a lien over your file pending payment of our fees.

If you no longer wish to receive email communications from us, you can unsubscribe at any time by using the link on the emails we send you, or informing us via privacy@westernleisureservices.com.au and we will do it for you.

8. How we protect your information and mandatory reporting

We will act to protect your personal, sensitive and protected information in accordance with the Privacy Principles. We are committed to keeping the personal, sensitive and protected information you provide to us secure. We take all reasonable precautions to protect the personal, sensitive and protected information we hold about you from misuse and loss and from unauthorised access, modification or disclosure.

While we take all due care in ensuring the privacy and security of your personal, sensitive and protected information, the possibility exists that this information could be unlawfully intercepted while in transit over the internet or while stored on our systems or on our website. We disclaim all liability to you to the greatest extent pursuant to law should this occur.

We will take reasonable steps to destroy or permanently de-identify personal, sensitive and protected information if it is no longer needed for the purpose for which the information was disclosed.

In the event that WLS experiences a data breach and there is the potential for harm to members and/or guests we will notify the Australian Information Commissioner and affected individuals.

9. Quality & Correction of Personal, Sensitive and Protected Information

WLS will take reasonable steps to ensure that the personal, sensitive and protected information it has is accurate, up to date and complete. It is your responsibility to contact us from time to time to inform us of any changes to your personal, sensitive and protected information to ensure that it is up to date, relevant and of an appropriate quality to enable us to provide our goods and services to you.

WLS will take reasonable steps to correct your personal, sensitive and protected information if you inform us that your personal, sensitive and protected information is inaccurate, out of date, incomplete, irrelevant or misleading, including making any appropriate deletions or additions to your personal, sensitive and protected information.

If you cease to use our Services, WLS may retain your personal, sensitive and protected information to comply with its record keeping obligations under law.

In accordance with the Health Act, all health information collected by us will not be deleted. Amendments or alterations to your health information will be recorded on a separate form and attached to the original file.

10. Contacting us

If you have any queries in relation to this Privacy Policy, or if you would like to request access to your personal, sensitive and protected information or have a complaint about a breach of privacy, then please contact us at privacy@westernleisureservices.com.au.

Your queries, requests and/or complaints will be dealt with as soon as possible by our nominated privacy officer (but generally within 14 days of receiving your query). Alternatively, any person may make a complaint to the relevant Privacy Commissioner at the contact details below.

The Office of the Australian Information Commissioner may be contacted on:
Tel: 1300 363 992
E-mail enquiries@oaic.gov.au

or postal address at:
GPO Box 5218
Sydney NSW 2001

The Office of the Victorian Privacy Commissioner may be contacted on
Tel: 1300 006 842
E-mail: enquiries@ovic.vic.gov.au
or postal address at:
PO Box 24274
Melbourne VIC 3001

The Health Complaints Commissioner may be contacted on
Tel: 1300 582 113
E-mail: hcc@hcc.vic.gov.au
Online Complaints: <https://hcc.vic.gov.au/make-complaint>

11. Changes to this Privacy Policy

WLS intends to develop the Services offered. As we add to our Services we will update this Privacy Policy from time to time as required. We will also keep prior versions of this Privacy Policy archived. You should periodically visit this page to review the current Privacy Policy.

For more information about privacy issues in Australia and protecting your privacy, visit the Federal Privacy Commissioner's website at www.privacy.gov.au and the Office of the Victorian Privacy Commissioner at www.privacy.vic.gov.au.

This Privacy Policy was last modified on 1 October 2018.

