



Privacy Compliance and the PSAQ

Do the new provisions of the Privacy Act 1988 apply to the PSAQ?

The PSAQ has been advised that it is **unlikely that the Privacy Act applies to the PSAQ at present**, as it seems that the PSAQ falls within the exception provided for small businesses.

However the PSAQ has chosen to **voluntarily comply** with the Privacy Act, because it is committed to meeting increasing customer and member expectations about privacy.

What does Privacy compliance require?

Privacy compliance requires organisations to:

- tell individuals the purpose for which personal information is being collected and how the organisation can be contacted to get access to that information.
- only use or disclose personal information for the purpose it was collected (or another purpose that the individual would reasonably expect).
- give individuals reasonable access to their personal information and have a process in place for dealing with any complaints.
- take reasonable steps to ensure that personal information is secure.
- develop a publicly available policy which outlines how the organisation deals with privacy.

What is the PSAQ already doing with respect to Privacy?

The PSAQ already ensures that:

- it keeps Membership information confidential;
- data collected in the course of Employment Agreement Registration is used only for Award compliance and/or reporting; and
- neither "personal" nor "sensitive" information is passed on to any third party.

In order to voluntarily comply with the Privacy Act, the PSAQ has:

- reviewed how it collects personal information.
- reviewed how it uses and discloses personal information.
- prepared to make amendments to the forms it uses to collect information (Membership Application/s, Schedules to the Property Sales and Property Management Awards, and on-line collection points).
- developed a brief policy document that outlines the PSAQ's privacy processes.
- started to address issues such as access to information and how complaints about privacy matters are handled.

Representing Real Estate
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If it is going to voluntarily comply, what Privacy issues must the PSAQ address?

The PSAQ must ensure that any information it is given is only used "for the purpose for which it was collected", and not used for some "secondary" purpose without the individual's consent.

The PSAQ may also need to review its administrative procedures with respect to:

- confirming Membership information (e.g. when someone calls and asks "is my Membership current", how do we confirm the identity of the person asking the question); and
- supplying copies of Registered Agreements to people who request them.

These matters will all be attended to by 21 December 2002.

What is the intended purpose for information collected by the PSAQ?

Membership information:

- Communication with Members about matters which affect their interests.
- Membership renewal.

Registered Agreement information:

- Award compliance and/or reporting.

How does this affect you?

- PSAQ Members are entitled to expect that their Membership status will be kept confidential.
- If you have an Employment Agreement registered with the PSAQ, the data collected will only be used for Award compliance purposes.
- In any case, "personal" information (e.g. your home address) or "sensitive" information (e.g. if you are a PSAQ member, your PSAQ Membership details) will not be passed on to any third party without your consent.

The PSAQ decided some time back that, in spite of requests from various sources, data held by the PSAQ will not be sold to outside organisations or individuals.

What Personal or Sensitive information does the PSAQ hold about me?

The PSAQ has a dual role as both a membership organisation and the administrator of the real estate industry's Enterprise Bargaining process.

In both these capacities, the PSAQ holds information about Property Managers and Real Estate Sales People.

For Property Managers and Real Estate Sales People who are PSAQ Members and/or who have an employment agreement registered with the PSAQ, the PSAQ holds the following personal information, as provided by that individual to the PSAQ:

- Home address.
- Home and/or mobile phone numbers.
- Personal e-mail address.

For those who are PSAQ Members, the PSAQ also holds the following sensitive information:

- Membership status.
- Membership commencement date (and, if applicable, resignation date).
- Date membership is paid to.

For those who currently have (or previously had) an employment agreement registered with the PSAQ, we also hold the following personal information:

- Which Award and which Stage of that Award that person is/was employed under.
- The expiry date of each registered agreement.
- If employed under Stage 2 of the Award, income as disclosed to the PSAQ (in order to qualify for Stage 2).
- Archival records of the above information for agreements previously registered with the PSAQ.

How do I get a copy of the information the PSAQ holds about me?

Individuals may apply to the PSAQ **in writing** for a copy of the personal or sensitive information held by the PSAQ about them. A letter of request **clearly showing the person's signature** may be forwarded to "The PSAQ Privacy Officer" as follows:

- By mail – PSAQ, PO Box 863, Springwood QLD 4127.
- By fax – 07 3841 3799.

Please note that e-mailed requests for this information cannot be accepted.

The PSAQ's Privacy Officer is Andrew Ross, who can be contacted as follows:

- By mail – PSAQ, PO Box 863, Springwood QLD 4127.
- By phone – 07 3219 3077.
- By e-mail – andy@psaq.com.au.

Summary

As you can see from the above, the PSAQ has good reason to believe that it's already doing a pretty good job of complying with Privacy principles!

If any person reading this material has a suggestion about how the PSAQ can improve on Privacy compliance, please let us know.