



## MORETON BAY BASKETBALL INCORPORATED PRIVACY POLICY

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### GUIDE TO THE DECLARATION FOR HANDLING PERSONAL INFORMATION

#### OVERVIEW

This is a Guide to the Declaration for handling personal information. This Guide aims to provide you with a better understanding of your obligations under: Privacy Law, the statutory secrecy provisions that affect Moreton Bay Basketball Incorporated (MBBI), (hereafter referred to as "the Association") and your duties under general law to protect confidential information.

The Guide provides an overview of how the declaration relates to the *Privacy Act 1988*, the *Child Safe Organisations Act 2024 (Qld)*, the statutory secrecy provisions that affect the Association, and your duties under general law to protect confidential information.

- ❖ The Privacy Act 1988, a Commonwealth statute that imposes civil obligations on the Association. Privacy refers to the protection of personal information about an individual. The Australian Privacy Principles (APP) contained in the [Privacy Act 1988](#) regulate how private organisations and public sector agencies, such as the Association, should collect, store, use and disclose personal information. It also gives individuals the right to access and correct their own personal information.
- ❖ The secrecy provisions, which are located in Commonwealth statute and impose personal obligations with criminal sanctions. Secrecy is an obligation on Moreton Bay Basketball Inc employees, volunteers, Board members, visitors and contractors not to disclose information that comes to them by virtue of their position with the Association. The secrecy provisions contained in legislation that affect the Association, specify when and to whom information collected under that legislation can be lawfully released. All contractors and visitors must also adhere to all secrecy obligations, as outlined in the Declaration.
- ❖ Obligations of confidentiality that arise under general law and have civil consequences for the Association and the individual. Confidentiality is an obligation to keep information confidential or private. An obligation of confidentiality arises when you receive confidential information on the express or implied understanding that you will not use or disclose it, unless it is appropriate to do so.

#### OPEN AND TRANSPARENT MANAGEMENT

Moreton Bay Basketball Inc is committed to managing personal information in an open and transparent way. This policy is publicly available on our website and can be provided in hard copy upon request. We regularly review and update this policy to ensure it reflects current legal obligations and best practices. Individuals may contact the association to request access to this policy or to ask questions about how their personal information is handled.

#### CONTACT INFORMATION

If you have any questions, concerns, or complaints about how your personal information is collected, used, or disclosed by Moreton Bay Basketball Incorporated (MBBI), or if you would like to request access to or correction of your personal information, please contact: MBBI Registrar - [registrar@moretonbaysuns.com](mailto:registrar@moretonbaysuns.com)  
We are committed to responding to all privacy-related inquiries in a timely and respectful

## GUIDE TO CLAUSE 1: PRIVACY

### a. COLLECTION OF PERSONAL INFORMATION OR SENSITIVE INFORMATION

Personal information about an individual, such as a member or staff member, must only be collected where the information is reasonably necessary for, or directly related to, the Association's functions or activities.

You should only collect personal information from the individual that the information relates to. However, information may be collected from another source where the individual concerned has provided their consent, it is authorised under law, or it is unreasonable or impracticable to do so.

Sensitive information must only be collected if the individual concerned has provided their consent and the information is reasonably necessary for, or directly related to, the Association's functions or activities, or where the collection falls within the listed exceptions outlined in the [Privacy Act 1988](#).

This includes information related to cultural identity and reportable conduct, which must be handled in accordance with the *Child Safe Organisations Act 2024 (Qld)*. Refer to the Privacy Compliance Framework section for further guidance on these matters.

Information is reasonably necessary for the Association's functions or activities where a reasonable person would agree that the collection is necessary. A reasonable person is a person who is objective, properly informed and acts how one would reasonably be expected to act in the given circumstances.

Information is directly related to the Association's functions or activities where there is a clear connection between the information being collected and the Association's functions or activities.

#### DEFINED PHRASES USED IN THE DECLARATION AND GUIDE

*Personal information:* Defined in section 6 of the [Privacy Act 1988](#) as information or opinion about an identified individual, or information that an individual can be reasonably identified by, whether or not it is true or has been recorded. Common examples of personal information are an individual's name, address, signature, date of birth, telephone number, bank account details, employment details or commentary or opinion about the individual.

*Sensitive information:* Defined in section 6 of the [Privacy Act 1988](#) as information that includes but is not restricted to information or an opinion about an individual's racial or ethnic origin, religious beliefs, political opinions, criminal record, sexual orientation or biometric record.

*Staff:* Refers to volunteers, employees, contractors and consultants of the Association.

#### ANONYMITY AND PSEUDONYMITY

Where lawful and practicable, individuals have the option of not identifying themselves or using a pseudonym when dealing with the association. However, in some circumstances—such as when verifying identity for child protection, engaging in volunteering/staffing roles or membership purposes—this may not be feasible.

#### NOTIFICATION OF COLLECTION

When collecting personal information, the association will take reasonable steps to notify individuals of the purpose of collection, whether the collection is required or optional, the consequences of not providing the information, and how the information may be used or disclosed. This is typically done through our privacy notices and consent forms.

### b. USE OR DISCLOSURE OF PERSONAL INFORMATION OR SENSITIVE INFORMATION

Personal information can only be used or disclosed for the purpose for which it was collected (known as the 'primary purpose') or a secondary purpose if an exception under the [Privacy Act 1988](#) applies.

Some exceptions include, where the:

- ❖ individual concerned provides their consent to the secondary use or disclosure

- ❖ individual would reasonably expect the Association to use or disclose the information for a secondary purpose, and that purpose is related to the primary purpose of collection, or, in the case of sensitive information, directly related to the primary purpose, or
- ❖ the Association reasonably believes that the secondary use or disclosure is reasonably necessary for enforcement related activities.

#### DEFINED PHRASES USED IN THE DECLARATION AND GUIDE

*Primary purpose:* Refers to the primary purpose for which information was collected.

*Secondary use and disclosure:* Refers to when personal information is used or disclosed for a secondary purpose. A secondary purpose is any purpose other than the primary purpose.

#### DIRECT MARKETING

The association may use personal information to send newsletters, updates, or promotional materials. Individuals may opt out of receiving such communications at any time by contacting us.

#### CROSS-BORDER DISCLOSURE

The association does not routinely disclose personal information to overseas recipients. If such disclosure becomes necessary, we will take reasonable steps to ensure the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

#### GOVERNMENT-RELATED IDENTIFIERS

The association will not adopt, use, or disclose government-related identifiers (such as Medicare or Centrelink numbers) unless required or authorised by law.

### c. SECURITY OF PERSONAL INFORMATION

Reasonable steps must be taken to ensure the security of personal information that the Association 'holds' (such as where it has possession or control of a record that contains personal information). This includes protecting information from misuse, interference and loss, unauthorised access, modification or disclosure.

Some reasonable steps that you should take to ensure the security of information, include:

- ❖ logging off or shutting down work computers when the computer is not in use
- ❖ reporting any privacy breaches (including incidents of inadvertent access) to the Privacy team
- ❖ collecting documents from printers and fax machines promptly
- ❖ complying with internal practices and procedures, such as ensuring that all information that is collected on behalf of the Association is forwarded to the Association as soon as possible, and
- ❖ securely storing documents that contain personal information in lockable cabinets and secure storage, so it cannot be accessed by 'unauthorised persons' (such as a person who does not have a business reason for accessing information. This may include other staff members).

#### DEFINED PHRASES USED IN THE DECLARATION AND GUIDE

*Reasonable steps:* Refers to steps that are reasonable given the particular circumstances.

#### ACCESS AND CORRECTION

Individuals may request access to their personal information held by The association and request corrections if the information is inaccurate, out-of-date, incomplete, or misleading. Requests should be made in writing and may require identity verification. The association will respond within a reasonable timeframe and may refuse access only where permitted by law.

#### FINANCIAL INFORMATION

Moreton Bay Basketball Incorporated recognises that financial information, including bank account details, is a form of personal information protected under the Privacy Act 1988. This includes any data related to payments, membership fees, reimbursements, or financial transactions involving members, staff, volunteers, or other individuals.

Financial information will only be collected when it is reasonably necessary for the Association's functions or activities, such as processing payments, managing memberships, or fulfilling legal obligations.

All financial data will be stored securely and access will be restricted to authorised personnel only. The association will take reasonable steps to protect financial information from misuse, loss, unauthorised access, modification, or disclosure.

Disclosure of financial information will only occur with the individual's express or implied consent, or where authorised by law.

#### ASSOCIATION FINANCIAL INFORMATION

Moreton Bay Basketball Incorporated may collect, store, and disclose financial information related to its operations, including budgets, funding, and expenditure reports. This information is managed in accordance with applicable governance, reporting, and transparency obligations. Where financial data is shared publicly (e.g. annual reports or grant disclosures), it will exclude any personal or sensitive information unless required by law or with consent.

## PRIVACY COMPLIANCE FRAMEWORK

#### HANDLING OF PERSONAL INFORMATION RELATED TO REPORTABLE CONDUCT

Moreton Bay Basketball Incorporated (MBBI) is committed to managing personal information in accordance with its legal obligations. Any personal information collected, stored, or disclosed in relation to reportable conduct—such as allegations of child abuse or misconduct—will be handled in compliance with the *Privacy Act 1988* and the *Child Safe Organisations Act 2024 (Qld)*. This includes ensuring confidentiality, limiting access to authorised personnel, and reporting to the appropriate authorities as required under law.

#### RESPECT FOR CULTURAL IDENTITY

The association recognises and respects the cultural identity of all individuals, including Aboriginal and Torres Strait Islander peoples and those from diverse backgrounds. Personal information relating to cultural identity will be collected with informed consent and handled with cultural sensitivity, confidentiality, and in full compliance with the *Privacy Act 1988* and the *Child Safe Organisations Act 2024 (Qld)*. MBBI is committed to fostering an inclusive environment where cultural safety is embedded in all privacy-related practices.

#### PRIVACY COMPLIANCE AND CONTINUOUS IMPROVEMENT

As part of our broader compliance with the *Child Safe Organisations Act 2024 (Qld)*, The association will conduct annual privacy reviews using the self-assessment tools provided by the Queensland Family and Child Commission (QFCC). These reviews help ensure our privacy practices remain current, effective, and aligned with legislative requirements. Records of assessments and any resulting improvements will be maintained and overseen by the Board of Directors.

## GUIDE TO CLAUSE 2: SECRECY OF PROTECTED INFORMATION

#### OBTAINING, RECORDING, USING, DISCLOSING AND COMMUNICATION OF PROTECTED INFORMATION

Legislation under which the Association delivers payments and services contain secrecy provisions. Secrecy provisions restrict the use and disclosure of protected information and specify when and to whom the Association can lawfully release information.

Protected information can be used and disclosed across programs, with other government agencies, or disclosed in the public interest, provided it is authorised under the relevant legislation.

Some instances where use and disclosure of protected information is authorised include, where:

- ❖ the individual concerned provides their express or implied consent, or
- ❖ the use or disclosure of the information is for the purposes of the relevant legislation.

In cases involving reportable conduct or child safety concerns, disclosures must also comply with the *Child Safe Organisations Act 2024 (Qld)*. See the Privacy Compliance Framework for procedures related to reportable conduct and cultural identity.

All employees, volunteers, Board members, visitors and contractors to the Association are expected to uphold secrecy obligations as outlined in the Declaration.

#### **DEFINED PHRASES USED IN THE DECLARATION AND GUIDE**

*Protected information:* Defined as information about a person collected under the relevant legislation that is or was held in the records of the Association. Protected information can only be obtained, recorded, used, disclosed or communicated if the relevant legislation that the information was collected under, allows for it.

*Secrecy provisions:* These are provisions outlined in various Acts administered by the Association that restrict the obtaining of, recording, use, disclosure and communication of protected information, and specify when and to whom the Association can lawfully release information to.

Eight Acts that commonly arise are the following:

- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)
- [Child Support \(Registration and Collection\) Act 1988](#)
- [Child Support \(Assessment\) Act 1989](#)
- [Health Insurance Act 1974](#)
- [National Health Act 1953](#)
- [Paid Parental Leave Act 2010](#)
- [Social Security \(Administration\) Act 1999](#)
- [Student Assistance Act 1973](#)

## **GUIDE TO CLAUSE 3: DUTY RELATING TO CONFIDENTIAL INFORMATION**

### **COMPLIANCE WITH YOUR OBLIGATIONS OF CONFIDENTIALITY**

An obligation of confidentiality arises under general law where:

- ❖ there is information that is inherently confidential
- ❖ the information is conveyed in the belief that it is confidential information, and
- ❖ it is received in the belief that it was meant to be treated confidentially and should not be used or disclosed unless it is appropriate to do so.

You may receive information from or during your employment or engagement with the Association, on the express or implied understanding that it is confidential information and there are limitations with respect to what you can do with that information.

All staff, including contractors and visitors to the Association, have obligations of confidentiality relating to the use of all information obtained during the course of their employment or engagement with the Association. This expectation is made clear by the Declaration.

#### **DEFINED PHRASES USED IN THE DECLARATION AND GUIDE**

*General law:* Refers to law that exists apart from legislation. The general law consists of common law and the principles of equity. Common law refers to judge made law, found in the decisions of judges on particular cases brought before them.

## **GUIDE TO CLAUSE 4: CONSEQUENCES**

### **BREACH OF THE PRIVACY ACT**

Failure to comply with the [Privacy Act 1988](#), including the Australian Privacy Principles means the Association will have breached Privacy law.

If you are a Moreton Bay Basketball Inc employee, volunteer, Board member, visitor and contractor, you may face:

- ❖ sanctions under the [Privacy Act 1988](#) including termination of your employment, reduction in your classification, reassignment of your duties, reduction of your salary, deductions from your salary by way of fine and reprimand, and/or
- ❖ other legal action such as prosecution for criminal offences including theft or fraud. If you are a contractor or visitor, you risk facing legal action such as prosecution for criminal offences including theft or fraud.

#### BREACH OF INFORMATION DISCLOSURE

Failure to comply with the secrecy provisions under the relevant legislation may result in prosecution for criminal sanctions, including fines and imprisonment.

In addition, if you are a Moreton Bay Basketball Inc employee, volunteer, Board member, visitor and contractor you may face:

- ❖ sanctions under the [Privacy Act 1988](#) including termination of your employment, reduction in your classification, reassignment of your duties, reduction of your salary, deductions from your salary by way of fine and reprimand, and/or
- ❖ other legal action, such as prosecution for criminal offences. If you are a contractor or visitor, you also risk facing legal action such as prosecution for criminal offences, including theft or fraud.

Breaches involving mishandling of reportable conduct or cultural identity information may also constitute non-compliance with the *Child Safe Organisations Act 2024 (Qld)*, and may result in additional legal or regulatory consequences.

#### BREACH OF YOUR OBLIGATIONS OF CONFIDENTIALITY

Failure to comply with your obligations of confidentiality may result in civil consequences for you and the Association.

In addition, if you are a Moreton Bay Basketball Inc employee, volunteer, Board member, visitor and contractor you may face:

- ❖ sanctions under the [Privacy Act 1988](#) including termination of your employment, reduction in your classification, reassignment of your duties, reduction of your salary, deductions from your salary by way of fine and reprimand, and/or
- ❖ other legal action, such as theft or fraud.  
If you are a contractor or visitor, you risk facing legal action such as prosecution for criminal offences, including theft or fraud.

#### ALIGNMENT WITH QUEENSLAND'S 10 CHILD SAFE STANDARDS

MBBI is committed to upholding the 10 Child Safe Standards as outlined by the Queensland Family and Child Commission (QFCC). The following table maps MBBI's current practices to each standard:

CHILD SAFE STANDARD	MBBI PRACTICE
1. Leadership, Governance and Culture	The policy includes annual declarations, board-level approval, and clearly defined responsibilities for privacy compliance.
2. Children and Young People Are Informed and Empowered	While not directly addressed, the policy supports respectful handling of children's personal information, which enables safe participation.
3. Families and Communities Are Informed and Involved	The policy outlines how personal information is collected and shared, ensuring transparency with families and stakeholders.
4. Equity Is Upheld and Diverse Needs Are Respected	The policy defines sensitive information (e.g. cultural identity) and includes clauses for respectful and lawful handling in accordance with the <i>Child Safe Organisations Act 2024 (Qld)</i> .

CHILD SAFE STANDARD	MBBI PRACTICE
5. People Working With Children Are Suitable and Supported	The policy defines sensitive information (e.g. cultural identity) and includes clauses for respectful and lawful handling.
6. Processes to Respond to Complaints and Concerns Are Child-Focused	The policy outlines consequences for breaches and includes procedures for reporting privacy violations.
7. Staff and Volunteers Are Equipped with Knowledge, Skills and Awareness	Staff, volunteers, and contractors are required to complete annual privacy declarations and receive guidance on obligations.
8. Physical and Online Environments Are Safe and Monitored	The policy mandates secure storage, access controls, and reasonable steps to protect personal information.
9. Implementation of the Standards Is Reviewed and Improved	Includes a document update log, annual consent clause, and provisions for privacy reviews using QFCC self-assessment tools, as required under the <i>Child Safe Organisations Act 2024 (Qld)</i> .
10. Policies and Procedures Document Child Safety	The privacy policy is integrated with broader child protection strategies and supports legal compliance with the Privacy Act and secrecy provisions.

## REFERENCES

The following legislative and policy frameworks inform and support the MBBI Privacy Policy:

- ❖ Privacy Act 1988 (Cth)  
Governs the handling of personal information by private organisations and includes the Australian Privacy Principles (APPs).
- ❖ Queensland Privacy Principles (QPPs)  
Introduced under the Information Privacy and Other Legislation Amendment Act 2023 (Qld), effective from July 2025, replacing IPPs and NPPs.
- ❖ Child Safe Organisations Act 2024 (Qld)  
Establishes mandatory child safety standards for organisations engaging with children, with full compliance required by April 2026.
- ❖ Queensland Family and Child Commission (QFCC) – 10 Child Safe Standards  
Provides a framework for creating safe environments for children and young people in Queensland.
- ❖ Basketball Queensland Child Safeguarding Policy  
Outlines expectations for child safety and wellbeing across affiliated basketball organisations.
- ❖ Basketball Australia Child Safeguarding Policy  
National policy setting standards for child protection and safety in basketball activities.



# MORETON BAY BASKETBALL INCORPORATED PRIVACY POLICY DECLARATION

## PURPOSE

Moreton Bay Basketball Inc has a strong privacy culture that is founded on its legal obligation to comply with the [Privacy Act 1988](#), the statutory secrecy provisions that affect the Association, and certain duties under general law to protect confidential information.

This means you must only handle personal information about Moreton Bay Basketball Inc employees, volunteers, Board members, visitors and contractors in accordance with the law, and where it is for genuine business purposes.

Moreton Bay Basketball Inc employees, volunteers, Board members, visitors and contractors need to indicate their acceptance of this Declaration as part of their Terms and Conditions of Employment.

Refer to the Guide to this Declaration for further background including an explanation of the defined phrases that are italicised and bolded.

## DECLARATION

I, .....[Insert full name],

Of .....[Insert residential address],

Status: Employee Contractor Visitor Volunteer (Board Member or Manager & Coach) Other,

Of .....  
[Insert team & division and/or position within MBBI or your Company Name]

Blue Card Number: ....., Expiry date: ....., D.O.B .....

declare the following:

## PRIVACY

- a. I will only collect:
  - i. personal information that is reasonably necessary for the Association's functions or activities, or
  - ii. sensitive information where the individual concerned has provided their consent and the information is reasonably necessary for the Association's functions or activities, or where the collection is authorised under the [Privacy Act 1988](#).
- b. I will only use or disclose personal information for the primary purpose for which the information was collected (unless a secondary use or disclosure of the information is authorised under the [Privacy Act 1988](#)).
- c. I will always take reasonable steps to safeguard personal and sensitive information.

## CHILD SAFETY AND CULTURAL OBLIGATIONS

- ❖ I acknowledge that my privacy obligations are informed by the Child Safe Organisations Act 2024 (Qld), which establishes mandatory child safe standards and a reportable conduct scheme for organisations working with children.
- ❖ I understand that Moreton Bay Basketball Incorporated (MBBI) is committed to implementing these standards, including the Universal Principle of Cultural Safety, and that personal information relating to children and cultural identity must be handled with sensitivity, confidentiality, and in accordance with the law.
- ❖ I agree to uphold these standards in all roles involving children and young people, and to report any concerns or misconduct in line with MBBI's child protection and privacy procedures.

## SECRECY OF PROTECTED INFORMATION

- d. I will only obtain, record, use, disclose or communicate protected information where it is permitted by the secrecy provisions in the legislation under which the information was collected.

## DUTY RELATING TO CONFIDENTIAL INFORMATION

- e. I will comply with my obligations of confidentiality arising under general law regarding personal information in the Association.

## CONSEQUENCES

- f. I understand that if I fail to comply with:
  - i. the requirements of the [Privacy Act 1988](#), the Association may be found to have breached the [Privacy Act 1988](#), and I may personally face legal action (including sanctions under the [Public Service Act 1999](#))
  - ii. the secrecy provisions under relevant legislation, I may face prosecution for criminal sanctions, and/or other legal action (including sanctions under the [Public Service Act 1999](#)), and Feel the Heat
  - iii. my obligations of confidentiality, the Association may face legal action and I may personally face the same (including sanctions under the [Public Service Act 1999](#)).

## ANNUAL ACKNOWLEDGEMENT AND CONSENT CLAUSE

- g. In line with this Privacy Policy, Moreton Bay Basketball Incorporated (MBBI) requires all employees, volunteers, contractors, visitors, and other relevant individuals to complete and sign the designated Privacy Acknowledgement and Consent Form on an annual basis. This form is to be:
  - ❖ Distributed to all Board Members at the Annual General Meeting (AGM);
  - ❖ Issued to volunteer coaches and team managers at the commencement of each season;
  - ❖ Provided to employees at the time of signing their employment contract,
  - ❖ Distributed to all referees and score bench operators upon commencing duties; and
  - ❖ Required from other applicable individuals as deemed necessary by MBBI.

Each person performing duties in different roles is required to sign a separate declaration for each distinct duty.

This annual process ensures ongoing awareness and compliance with MBBI's privacy obligations and expectations.

Signature..... Date .....