



AOA
AUSTRALIAN
ORTHOPAEDIC
ASSOCIATION

Ref No: MEM001
Date Last Endorsed:
March 2023

PRIVACY POLICY

Part A- Introduction

1. Purpose

The invasion of privacy, including the misuse of personal information, is unlawful under both State and Federal laws.

The purpose of this Privacy Policy is to describe how the AOA collects, uses, and discloses information and how individuals (referred to in this Privacy Policy as “you”) may access and correct this information.

2. Scope

This policy provides guidance on the AOA’s legal obligations and ethical expectations about the privacy and confidentiality of all individuals, as set out in the 13 Australian Privacy Principles (APPs) of the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), as amended, and the Privacy Regulation 2013.

Part B - Definitions and Interpretations

“AOA” means Australian Orthopaedic Association

“Australian Privacy Principles (APPs)” are principles-based laws and are the cornerstone of the privacy protection framework in the Privacy Act. They apply to any organization or agency the Privacy Act covers.

“Consent” means ‘express consent or implied consent’ (APP 6(1)). The four key elements of consent are:

- i. the individual is adequately informed before giving consent
- ii. the individual gives consent voluntarily
- iii. the consent is current and specific, and
- iv. the individual can understand and communicate their consent



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Consent is voluntary if an individual has a genuine opportunity to provide or withhold consent. Consent is not voluntary where there is duress, coercion, or pressure that could overpower the person's will.

Factors relevant to deciding whether consent is voluntary include:

- i. the alternatives open to the individual, if they choose not to consent
- ii. the seriousness of any consequences if an individual refuses to consent
- iii. any adverse consequences for family members or associates of the individual if the individual refuses to consent

**Source: Office of the Australian Information Commissioner (OAIC)*

“Cross border” means outside of Australia.

“Personal Information” means recorded information and/or opinion about an individual whose identity is apparent or could be easily ascertained from the information and/or opinion.

“Privacy” means the handling of personal information about an individual or organization. This includes the collection, use, storage, and disclosure of personal information, and access to and correction of that information.

The Privacy Act doesn't cover the personal information of someone who has died.

“Sensitive Information” means personal information that includes information or an opinion about an individual's:

- i. racial or ethnic origin
- ii. political opinions or associations
- iii. religious or philosophical beliefs
- iv. trade union membership or associations
- v. sexual orientation or practices
- vi. criminal record
- vii. health or genetic information
- viii. some aspects of biometric information

Generally, sensitive information has a higher level of privacy protection than other personal information.



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Similar classes of personal information are included in the definitions of 'sensitive information' in the Victorian, Tasmanian, and Northern Territory privacy legislation. Health information is not included in the definition of 'sensitive information' in Victoria because it is covered separately by the Health Records Act 2001 (Vic). The Privacy and Personal Information Protection Act 1998 (NSW) does not include a definition of sensitive information.

**Source: Australian Law Reform Commission*

Part C – Policy

1. Australian Privacy Principles (APPs)

- 1.1 The APPs are legally binding principles that are the cornerstone of the privacy protection framework in the Privacy Act. The AOA is bound by the APPs that establish the benchmark for how personal information should be handled. The AOA has adopted those principles as part of its standard business procedures. All personal information obtained and held by the AOA is dealt with uniformly and every effort is made to maintain its security.
- 1.2 The 13 APPs are structured to reflect the personal information lifecycle. They are grouped into five parts:

PART 1 Consideration of personal information privacy	APP 1 Open and transparent management of personal information	APP 1: Requires the AOA to manage personal information openly and transparently. This includes having a clearly expressed and up-to-date Privacy Policy.
	APP 2 Anonymity and pseudonymity	APP 2: Requires the AOA to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.



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PART 2 Collection of personal information	APP 3 Collection of solicited personal information APP 4 Dealing with unsolicited personal information APP 5 Notification of the collection of personal information	APP 3: Outlines when the AOA can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information. APP 4: Outlines how the AOA must deal with unsolicited personal information. APP 5: Outlines when and in what circumstances AOA must notify an individual of certain matters if collecting personal information.
PART 3 Dealing with personal information	APP 6 Use or disclosure of personal information APP 7 Direct marketing APP 8 Cross-border disclosure of personal information APP 9 Adoption, use, or disclosure of government-related identifiers	APP 6: Outlines the circumstances in which the AOA may use or disclose personal information that it holds. APP 7: Requires that the AOA may only use or disclose personal information for direct marketing purposes if certain conditions are met. APP 8: Outlines the steps the AOA must take to protect personal information before it is disclosed across borders. APP 9: Outlines the limited circumstances when the AOA may adopt a government-related identifier of an individual as its identifier, or use or disclose a government-related identifier of an individual.



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PART 4 The integrity of personal information	APP 10 Quality of personal information	APP 10: Requires that the AOA must take reasonable steps to ensure the personal information it collects is accurate, up to date, and complete. The AOA must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up-to-date, complete, and relevant, having regard to the purpose of the use or disclosure.
	APP 11 Security of personal information	APP 11: Requires the AOA to take reasonable steps to protect the personal information it holds from misuse, interference, loss, and unauthorized access, modification, or disclosure. AOA has obligations to destroy or de-identify personal information in certain circumstances.
PART 5 Access to, and correction of, personal information	APP 12 Access to personal information	APP 12: Outlines the AOA's obligations when a request for access to personal information held about them is made. This includes a requirement to provide access unless a specific exception applies.
	APP 13 Correction of personal information	APP 13: Outlines the AOA's obligations about correcting the personal information it holds about individuals.



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2. AOA Implementation of the APP's

2.1 *Collection of personal information*

The AOA collects and holds personal information about you for the purposes of:

- i. facilitating the provision of services by the AOA and its state branches (including but not limited to the AOA's Fellowship administration service, the selection to and delivery of the AOA's surgical education and training program and continuing professional development program, and the organization of educational conferences and meetings);
 - ii. conducting anonymous voluntary member surveys to gain member feedback on AOA-related matters and improve the services provided by the AOA to its members;
 - iii. facilitating the provision of services by AOA affiliate bodies (including the AOA Research Foundation, AOA National Joint Replacement Registry, Orthopaedic Women's Link, AOA Fellowships Program, and the Australian Orthopaedic Registrars' Association);
- providing member-related information to you;
 - organizing continuing education and training programs;
 - the AOA's administrative functions;
 - supporting and managing password-protected member-only access to the AOA website and other AOA online platforms;
 - supporting and managing an online member and public directory on the AOA website; and
 - administering the activities of an AOA member in fulfilling their representative duties (such as a position on the AOA Board, an AOA Committee, as a training supervisor, hospital inspector, director of training, or examiner).

2.1.1 The AOA collects personal information in several ways, including:

- i. directly from the contact person and/or a designated nominee through various online and hard copy registration and application forms issued to facilitate the provision of



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services by the AOA;

- ii. via the AOA website;
- iii. via AOA's online eLearning Centre;
- iv. via fax and other electronic means, including credit card payment remittance slips;
- v. through online surveys where the member has not chosen to remain anonymous.

2.2 Use & Disclosure of Personal Information

2.2.1 The AOA has a policy of not disclosing personal information contained in its database to any outside body, other than its affiliate bodies. This means that the use of the database containing personal information is restricted solely to the AOA. However, where required to do so by law, the AOA will disclose personal information about you.

2.2.2 A directory of surgeons is maintained by the AOA to provide a service to the public and this information is available on the AOA website. The information disclosed on the directory consists of the member's name, subspecialty area(s) of practice, suburb in which the member's practice is located, and the member's nominated preferred contact details (this may include their email address, postal address, and practice/home/mobile telephone numbers). All members have the right to have their names removed from the directory upon request. To make this request please contact us at: admin@aoa.org.au.

2.3 Cross-Border Disclosure

2.3.1 The AOA may provide your information to overseas recipients in the following circumstances:

- i. through the 'Find a Surgeon' directory tool on the AOA website. You have the option to opt-in to this service on the AOA website;
- ii. via the AOA e-Proceedings, which is an online directory that publishes the audio-recorded presentations featured at AOA meetings to AOA members and meeting delegates. You are given the option to opt-in to be included in the AOA e-Proceedings and if you do not opt in then you will be excluded from the e-Proceedings; and
- iii. through the listing of Fellowship supervisor contact details on the AOA Accredited Fellowships page of the AOA website for international candidates to make contact



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with the relevant Fellowship supervisor. The listing of such contact details will be approved via email if you are a Fellowship supervisor.

- 2.3.2 By opting into these services you consent to the disclosure of your personal information to such overseas recipients.

2.4 *Storage and Security of Personal Information*

- 2.4.1 The AOA stores personal information in a combination of secure computer-based storage facilities and paper-based files and records.
- 2.4.2 The AOA generally uses accepted technology and security so that it is satisfied that personal information is transmitted safely to it through the internet or other electronic means.
- 2.4.3 The AOA will use its reasonable endeavors to protect your personal information from misuse, unauthorized access, disclosure, modification, or loss. The AOA's officers, employees, agent, and third-party contractors are expected to observe the confidentiality of your personal information.
- 2.4.4 Despite its reasonable endeavours, the AOA is unable to ensure or warrant the security of any personal information transmitted to the AOA and all personal information disclosed by you to the AOA is at your own risk.
- 2.4.5 Where the AOA no longer requires personal information it has collected and stored and is not required by or under Australian law, or an order of a court or tribunal, to retain the information, the AOA will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is no longer personal.

2.5 *Access to Personal Information*

- 2.5.1 Upon request, the AOA will inform you of the type of personal information held about you. You have the right to access your personal information stored on a computer, on a database, in personnel files, or in any other form at the AOA to ensure that it is accurate unless the AOA has a legal duty of confidentiality or non-disclosure.
- 2.5.2 If you would like to exercise your right to access your personal information, please contact the AOA at admin@aoa.org.au. All requests for access to information made under the provisions of the Freedom of Information Act or the Privacy Act must be made in writing. The AOA must respond to a request by you to access your personal information within a



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reasonable period after the request is made.

2.5.3 The AOA, at its discretion, may refuse to grant you access to your personal information to the extent that such denial is permitted by the Australian Privacy Principles. If the AOA refuses your request to access your personal information under the APPs, the AOA must, in writing:

- i. where reasonable, give reasons for the refusal; and
- ii. notify you of the mechanisms to complain about the refusal; and
- iii. inform you of any other matter prescribed by the regulations.

2.6 *Currency of Personal Information*

2.6.1 The AOA will take all reasonable precautions to ensure that the personal information it collects, uses, and discloses is accurate, complete, and up-to-date. However, the accuracy of that information depends to a large extent on the information provided by you. To prevent inaccuracies in your personal information you should:

- i. let the AOA know if there are any errors in your personal information; and
- ii. keep the AOA up to date with any changes to your personal information such as name, address, and telephone number.

2.7 *Correction of Personal Information*

2.7.1 You may contact the AOA to correct any of your personal information that is inaccurate, out-of-date, or incomplete or to request that your personal information be deleted at admin@aoa.org.au. If the AOA is satisfied that your personal information is inaccurate, out-of-date, incomplete, or irrelevant, or if you request that the AOA correct your personal information then the AOA must take reasonable steps to correct your personal information to ensure that, having regard to the purpose for which it is held, it is accurate, up-to-date, complete, and relevant.

2.7.2 The AOA must respond to a request by you to correct your personal information within a reasonable period after the request is made.

2.7.3 The AOA will not charge you a fee for the making of the request or for correcting your personal information.



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2.7.4 If the AOA has previously disclosed your personal information to another entity, the AOA will take reasonable steps to notify the other entity of the correction (unless it is impracticable or unlawful to do so) if you make such a request.

2.7.5 If the AOA refuses your request to correct information, the AOA must, in writing:

- i. give reasons for the refusal except to the extent it would be unreasonable to do so; and
- ii. notify you of the mechanisms available to complain about the refusal; and
- iii. inform you of any other matters prescribed by the privacy regulations.

2.8 *Direct Marketing*

2.8.1 The AOA may use your personal information for direct marketing purposes, including for the purposes set out in clause 2.1(i), to communicate opportunities related to your AOA membership, such as conferences and events being organized by the AOA, via email, text message, and postal mail.

2.8.2 If you do not wish to receive any marketing material from the AOA you can opt-out by contacting the AOA on (02) 8071 8000 or by email at admin@aoa.org.au.

2.8.3 The AOA does not pass on any personal information to third parties for direct marketing purposes, other than to its affiliates.

3 *Cookies*

A Cookie is a feature stored on your computer's hard drive by your web browser. On each visit to the Website, the AOA web browser will recognize the Cookie and give the AOA information about your visit. The AOA uses Cookies to allow you to have your password saved for easy repeated access to the website. The AOA may also use Cookies to learn about your preferences and the way that you use the Website so that it can improve the Website. Most browsers accept Cookies automatically, but you should also be able to alter the settings of the browser to refuse Cookies. You should note that de-activating Cookies may mean that you will no longer be able to enjoy the full operational capabilities of the Website.



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4 How to Make a Complaint

- 4.1 If you are concerned that the AOA may have handled your personal information inappropriately or you have a complaint regarding an interference with your privacy, please contact the AOA at admin@aoa.org.au
- 4.2 Upon receipt of your complaint, the AOA will handle the complaint per its Complaints Handling Process and Policy. This requires the AOA to:
- i. confirm receipt of your complaint;
 - ii. advise you what steps will be taken to investigate your complaint;
 - iii. provide an approximate timeframe within which your complaint will be resolved;
 - iv. decide about your complaint; and
 - v. inform you of the outcome of your complaint and the reasons for the decision.
- 4.3 In response to any complaint, the AOA will:
- i. treat all complaints sensitively, seriously, and sympathetically;
 - ii. attempt to resolve the matter promptly;
 - iii. keep accurate records of your complaint, the AOA's investigation of your complaint, and the outcome reached.
- 4.4 If you are dissatisfied with the outcome of the complaint or how the complaint was handled, then you may contact the [Commonwealth Ombudsman](#) for further advice about your complaint.
- 4.5 An individual can also lodge an independent privacy complaint with the [Office of the Australian Information Commissioner](#) (OAIC).

5 Consent

You acknowledge and agree that by providing your personal information to the AOA that the AOA is permitted to collect, store, use, and disclose your personal information in the



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manner set out in this Privacy Policy and per the APPs.

Part D – Other related information

If you have any queries about this Privacy Policy, wish to gain access to or correct personal information the AOA may hold about you, or have any complaints regarding an interference with your privacy or the way we manage your personal information you may contact the AOA by telephone on (02) 8071 8000 or by email at: admin@aoa.org.au

PERFORMANCE INDICATOR/S

Accuracy of stored information
Number of complaints

Australian Commonwealth Acts

Privacy Act 1988 (Cth) (Privacy Act)
Privacy Amendment (Enhancing Privacy Protection) 2012
The Privacy Amendment (Notifiable Data Breaches) Act 2017
Criminal Code Act 1995
Crime Act 1914
Freedom of Information Act 1982

SEE ALSO

The AOA Ethical Framework
The AOA Constitution
POL019 AOA Data Breach Policy
HR003 The AOA Code of Conduct for Members and Staff
POL0111 AOA Complaints Handling Policy
FES-CRM-001 The RACS Complaints Policy Sept 2018
PROC001 AOA Complaints Management Procedure

Office of the Australian Information Commissioner (OAIC)- [APP Guidelines – July 2019](#)

*All other related Privacy Law documents can be accessed via the [ComLaw website](#)



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Part E – Version Control

POLICY DOCUMENT MANAGEMENT			
Principal Policy Owner		CEO	
Secondary Policy Owner		COO	
Board Endorsed		July 2019	
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Original Author /s		Kathy Hill, Executive Manager, Registry	
Date Developed		July 2014	
Approved by:	Title: CEO	Name: Adrian Cosenza	Signature/date 