

Governance

Privacy Policy

1.0 Purpose and scope

1. This is the privacy policy of Exercise and Sports Science Australia Ltd ABN 14 053 849 460 (**ESSA, we, us**).
2. ESSA is committed to protecting your privacy. For that reason, we comply with the *Privacy Act 1988* (Cth) (**Privacy Act**) and specifically, the Australian Privacy Principles. We have prepared this Privacy Policy to inform members, prospective members, ESSA accredited professionals, prospective ESSA accredited professionals and users of our website located at www.essa.org.au (**ESSA Website**) (**you**) of the personal information that we collect and hold about you, as well as how we use that information.
3. This policy describes how ESSA manages personal information collected, held, used and disclosed for the purpose of fulfilling the objectives of ESSA.

2.0 Principles and key requirements

2.1 Personal information collected by ESSA

1. Personal information is information or an opinion about you, whether true or not, which identifies you or from which your identity can be reasonably obtained.
2. We collect personal information about you that we reasonably need for our business functions and activities and the types of personal information we collect about you will vary depending on why you are interacting with us (for example, you may be applying for accreditation or membership, or just visiting the ESSA Website). The types of personal information we collect may include (where relevant):
 - contact information, such as your full name, phone number, email address;
3. membership and accreditation information, such as your qualifications for accreditation, date of birth and sensitive information, such as information about your criminal history, ethics history, other professional association memberships and health;
 - transactional information, such as billing information and information about services that you have purchased on the ESSA Website;
 - information about event attendance, education and training, such as records of your attendance at our conferences and information on feedback sheets you provide;
 - marketing information, such as your preferences in receiving marketing communications from us, and information concerning your engagement with our newsletters and other emails; and
 - technical information, such as your interactions with the ESSA Website, our online member database and surveys.
4. We will only collect sensitive information about you with your consent, or otherwise in accordance with the Privacy Act.

2.2 How we collect personal information

1. We will collect and hold your personal information in a fair and lawful manner, and not in an intrusive way. Where it is reasonably practical to do so, we will collect your personal information directly from

you. For example, we may collect the personal information you directly give to us through some of the following means:

- when you provide the personal information to us in writing when completing an event registration form or by keying the information into ESSA's database;
 - when you contact us by phone, email or the enquiry form on the ESSA Website;
 - while conducting customer satisfaction and market research surveys;
 - when administering any of our services; and
 - as otherwise required when managing our business.
2. In some instances we may collect personal information (including sensitive information) about you from publicly available and third party sources, for example:
- if you authorise us to run a national police check or ethics history check as part of the accreditation process, we will collect personal information about you from the [Australian Federal Police or other regulatory bodies];
 - from publicly available sources or third parties, such as the complainant, if we are handling a complaint about you; and
 - from publicly available sources to enable us to contact you if we think you may be interested in participating in one of our events.
3. If we collect personal information about you from a third party we will, where appropriate, request that the third party inform you that we are holding such information, how we will use and disclose it, and that you may contact us to gain access to and correct and update the information.

2.2.1 Why do we collect your personal information?

1. We collect, hold, use and disclose information, including your personal information, primarily for business purposes that are directly related to our business activities and when it is necessary and relevant to our relationship with you. For example, we may use the information we collect about you to:
- complete your application for membership with us;
 - complete your application for accreditation with us;
 - subscribe you to our mailing list and send you relevant information;
 - respond to your comments or questions;
 - improve our services;
 - provide our services to you and others;
 - provide access to details of accredited professionals to members of the public;
 - market to you through targeted advertising online through third party websites or social media platforms;
 - administer our dealings with you, including any contest, promotion, survey or other service that you engage with; and
 - comply with applicable laws and regulations.

2.2.2 Direct marketing communications

1. Like most businesses, we use direct marketing from time to time. We may add your email address to our email marketing database and use your demographic details so we can send you information and updates about services we think you may be interested in.
2. You may opt out of receiving electronic messages from us at any time by contacting our Privacy Officer via the contact details at the bottom of this Privacy Policy or by using the opt out mechanism included in our marketing messages.

2.2.3 Visitors to the ESSA Website

1. We may record information relating to your use of the ESSA Website, such as the searches you undertake, the pages you view, your browser type, IP address, requested URL, referring URL, and timestamp information. We use this type of information to administer the ESSA Website and provide the highest possible level of service to you. We also use this information in the aggregate to perform statistical analyses of user behaviour and characteristics in order to measure interest in and use of the various areas of the ESSA Website.
2. We may also send cookies to your computer in order to uniquely identify your browser and improve the quality of our service. The term “cookies” refers to small pieces of information that a website sends to your computer’s hard drive while you are viewing the ESSA Website. We may use both session cookies (which expire once you close your browser) and persistent cookies (which stay on your computer until you delete them). You have the ability to accept or decline cookies using your web browser settings. If you choose to disable cookies, some areas of the ESSA Website may not work properly or at all.

2.3 Third party disclosure and links to third party websites

1. We will, as a general rule, inform you of the names of the organisations to which we usually pass, or are likely to pass, your personal information on to, and the purpose for the disclosure of the information, before or as soon as reasonably practical after, making the disclosure. This section is intended to inform you of some of the circumstances in which we typically disclose personal information to third parties.
2. Details of accredited exercise professional details may be disclosed by ESSA to Medicare, the Department of Veterans’ Affairs and NDIS Quality and Safeguard Commission (or any replacement or equivalent bodies), as well as workers compensation authorities and private health insurers to verify that the exercise professional is included in relevant schemes.
3. If requested to do so, members’ details may be disclosed to bodies authorised to investigate complaints such as health ombudsman or complaints commissioners, Sport Integrity Australia (ASADA) and sports integrity unit(s).
4. ESSA may publish information about the outcome of a disciplinary matter and notify such information to other relevant professional or regulatory bodies or agencies.
5. Accredited members’ details are disclosed by ESSA to the public via the search functionality on the ESSA Website for the purpose of promoting member services. Members may opt out of having their details published on the ESSA Website search function via the Member Portal on the ESSA Website or by contacting ESSA and making a request to opt out in writing.
6. Contact details for members of ESSA’s councils, committees or working groups may be provided to the Chair of the council, committee or working group to enable communication for the purpose of undertaking the responsibilities assigned to the council, committee or working group.

7. The 'Verify Accreditation Search' function on the ESSA Website displays the full name and accreditation type/s of current and previously accredited individuals based on a name search.
8. Accredited exercise physiologists' business details may be disclosed to Primary Health Networks and the National Health Services Directory for the purpose of promoting member services.
9. Member mailing lists are provided to external service providers such as printers and postal services involved in the provision and maintenance of business systems and services (e.g., member magazine). Members may opt out of receiving such communication via the Members Portal on the ESSA website or by contacting ESSA and making a request to opt out in writing.
10. Delegate details are disclosed to ESSA professional development presenters.
11. The ESSA Website may contain links to third-party websites. Other organisations we link to on the ESSA Website will have their own policies in regard to privacy. We are not responsible for the privacy policies or practices of third parties. The privacy policies that apply to those other websites may differ substantially from our Privacy Policy.

2.3.1 Cross border disclosure

1. The ESSA Website is currently hosted in Australia.
2. As at the date of this Privacy Policy, we are not likely to disclose personal information to overseas recipients, unless you direct us to send your information to a particular overseas recipient. The countries in which the overseas recipients will be located will be the countries nominated by you in accordance with your request. For example, ESSA may disclose your membership and accreditation information to international organisations, to allow registration for membership, accreditation, professional development and conferences when requested by you. Such organisations could include:
 - British Association for Sport and Exercise Sciences (BASES), located in the United Kingdom;
 - Clinical Exercise Physiology Association (CEPA), located in the United States of America; and
 - Sport and Exercise Science New Zealand (SES NZ), located in New Zealand.
3. If in future we do propose to disclose personal information overseas, we will do so in compliance with the requirements of the Privacy Act. We will, where practicable, advise you of the countries in which any overseas recipients are likely to be located.
4. By providing your personal information to us, you consent to us disclosing your personal information to any such overseas recipients for purposes necessary or useful in the course of operating our business, and agree that APP 8.1 will not apply to such disclosures. For the avoidance of doubt, in the event that an overseas recipient breaches the Australian Privacy Principles, that entity will not be bound by, and you will not be able seek redress under, the Act.

2.4 Security

1. We hold personal information as either physical records, electronically on our intranet system, in cloud storage, and in some cases, records on third party servers.
2. We maintain security measures to protect your personal information from unauthorised access, misuse or disclosure. However, no exchange of data over the Internet can be guaranteed as 100 per cent secure. While we make a concerted effort to protect your personal information shared with us, you acknowledge that the personal information you voluntarily share with us could be accessed or tampered with by a third party.
3. We will destroy or deidentify information when it is no longer needed for a valid purpose.

4. Should a notifiable data breach occur, ESSA will comply with its obligations under the Privacy Act and any directions of the Office of Information Commissioner with respect to the breach.

2.5 Accessing or correcting your personal information

1. You can request access the personal information we hold about you by contacting our Privacy Officer using the contact details at the bottom of this Privacy Policy. Sometimes we may not be able to provide you with access to all of your personal information and, where this is the case, we will tell you why. We may also need to verify your identity when you request your personal information.
2. If you think that any personal information we hold about you is inaccurate, please contact us and we will take reasonable steps to ensure that it is corrected. We are not obliged to correct any of your personal information if we do not agree that it requires correction. If we refuse a correction request, we will provide you with a written notice stating our reasons for refusing.
3. We will respond to all requests for access to or correction of personal information within a reasonable time.

2.5.1 Dealing with us anonymously

1. You may deal with us anonymously or by using a pseudonym, if you wish. However, if you choose to deal with us anonymously, there may be certain things we cannot assist you with. For example, we will not be able to process your application for ESSA membership or provide you with information about previous purchases you have made on the ESSA Website.

2.5.2 Your other privacy rights

1. Subject to certain limitations and restrictions (e.g. depending on circumstances such as where you reside) you may have the right to exercise additional rights in relation to your personal information. These may include the right to:
 - request erasure of your personal information;
 - object to processing of your personal information;
 - request restriction of processing of your personal information;
 - transfer your personal information (i.e. the right to data portability);
 - not be subject to automatic decision making; and
 - withdraw consent.
2. If you wish to exercise these rights you may do so at any time by sending an email to our Privacy Officer at marketing@essa.org.au. The Privacy Officer may require further information in order to assess the applicability of the right to the relevant circumstances.

2.6 Notification of Changes to this Policy

1. We reserve the right to change the terms of this Privacy Policy from time to time. An up-to-date copy of our Privacy Policy is available on the ESSA Website. You acknowledge and agree that it is your responsibility to review this Site and this Policy periodically and to be aware of any modifications.

2.7 Contact

1. If you have questions about our Privacy Policy, or how we handle your personal information, please contact our Privacy Officer by email anytime to marketing@essa.org.au.

2. We take all complaints seriously and will respond to your complaint within a reasonable period. If you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner using the details below.

Office of the Australian Information Commissioner
 Address: GPO Box 5218, Sydney NSW 2001
 Telephone: 1300 363 992
 Email: enquiries@oaic.gov.au

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3.0 Metadata for document management

Owner	National Board
Custodian	Governance & Nominations Committee
Last Approval Date	27 October 2023
Next Review Date	27 October 2026
Audience / Users	Public, Members, Accredited Professionals, Contributors, Staff

4.0 Modification history

Date	Version	Details
July 2008	V1	The policy was developed
January 2014	V2	The policy has been rewritten to comply with the new Privacy Amendment Act 2012 which comes into effect on 12 March 2014.
July 2015	V2.1	New format
November 2015	V3	Update for separation of membership and accreditation functions and Chief Executive Officer title
March 2018	V4	Update to list disclosure of personal information to third parties, management of sensitive information records, and inclusion of Notifiable Data Breaches section.
November 2019	V4.1	Remove clause 5.1.10 (Members' personal details may be provided to business partners for the purpose of offering ESSA member benefits through direct marketing under a business agreement involving financial benefit to ESSA.) Removal of clause due to ESSA National Board decision not to disclose member personal details to business partners.
October 2021	V4.2	Inclusion of clause 2.1, point 1.1 to highlight the collection of AES information to optimise the profession's inclusion in Private Health schemes and other compensable schemes. Change to new format.
October 2022	V4.3	Inclusion of Contributors in definitions. Update of security protocols in use at ESSA.
October 2023	V5	Updates concerning the ESSA Website, use of cookies and collection of data through Google Analytics.