ADELAIDE CENTRAL MARKET AUTHORITY

PRIVACY POLICY

1. INTRODUCTION

1.1 Adelaide Central Market Authority (**ACMA**) is committed to maintaining a culture that respects each individual's right to privacy. This Policy sets out the principles of the ACMA in relation to its management of personal information.

1.2 The *Privacy Act 1988* (***Privacy Act***) and the Australian Privacy Principles (**APPs**) set out the principles that must be followed by Commonwealth Government agencies and many private organisations in relation to the management, collection, use, storage and disclosure of personal information. Strictly, the *Privacy Act* and the APPs do not apply to the ACMA (as a subsidiary of the City of Adelaide), nor does South Australian public sector privacy legislation apply.

1.3 Despite this, it is the intention of the ACMA that its policies and practices in relation to privacy should, so far as is reasonably practicable, be consistent with the *Privacy Act* and APPs, as set out in this Policy.

2. POLICY OBJECTIVES

To establish a Policy that forms the basis for the practices and procedures of the ACMA in relation to the collection, use, storage and disclosure of personal information by ACMA and its employees, contractors and agents.

3. DEFINITIONS

3.1 **Access** means providing to an individual, information about himself or herself that is held by the ACMA. This may include allowing that individual to inspect personal information or to obtain a copy.

3.2 **Adelaide Central Market Authority (ACMA)** refers to the governing body of the Adelaide Central Market retail complex, and its associated organisational structures

3.3 **Adelaide Central Market** means the retail complex of that name, operating as a market

3.4 **Collection** means gathering, acquiring or obtaining personal information from any source and by any means, including information that the ACMA has come across by accident or has not asked for.

3.5 **Consent** means voluntary agreement to some act, practice or purpose.

3.6 **Disclosure** means the release of information to persons or organisations outside of the ACMA or City of Adelaide. It does not include giving individuals information about themselves.

3.7 **Personal information means** information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

3.8 **Sensitive information** means information or an opinion about an individual's:

(a) racial or ethnic origin;

(b) political opinions;

(c) membership of a political association, a professional or trade association or a trade union;

(d) religious beliefs or affirmations;

(e) philosophical beliefs;

(f) membership of a professional or trade association;

(g) membership of a trade union;

(h) sexual orientation or practices;

(i) criminal record;

(j) health;

(k) genetic information that is not otherwise health information; or

(l) biometric information

3.9 **Use** means the handling of personal information by ACMA.

4. POLICY STATEMENTS

4.1 **Collection of Personal Information**

4.1.1 The ACMA will not collect personal information unless:

(a) the personal information is collected for a lawful purpose that is reasonably necessary for or related to a business function or business activity of the ACMA; and

(b) consent has been given by the person whose personal information is being collected.

4.1.2 In general, the types of individuals from whom ACMA will collect personal information include merchants, retail customers, contractors, suppliers, employees, prospective employees, users of the Wi-Fi network provided by the ACMA, and any individuals who install and use the ACMA's web application on an electronic device. The personal information that may be collected will depend on the individual's particular dealings with ACMA. In general, the personal information collected will include but is not limited to:

(a) telephone numbers;

(b) name and addresses (postal, residential and e-mail addresses); and

(c) information about an individual's dealings with ACMA (including records of any telephone, email, online or other interactions).

4.1.3 ACMA will also collect additional types of personal information about an individual who installs and uses the ACMA web application on an electronic device (at the date of this policy, provided and hosted by Plutus Commerce Pty Ltd). Specifically, this will include personal information about an individual's:

(a) marital status;

(b) date of birth and/or age;

(c) financial information (e.g. an individual's bank account details and/or credit card details for payment purposes);

(d) preferred method of contact;

(e) preferred mode of transport;

(f) level of income;

(g) level of education;

(h) type of employment;

(i) pets (i.e. type and number);

(j) lifestyle preferences;

(k) brand preferences;

(l) food preferences;

(m) music preferences;

(n) transaction history (e.g. products and services the individual has previously purchased from merchants at the Adelaide Central Market);

(o) preferred merchants, products and/or services at the Adelaide Central Market;

(p) membership to any merchant loyalty programs at the Adelaide Central Market; and

(q) times and dates of any visits to the Adelaide Central Market.

4.1.4 To be able to use the ACMA's Wi-Fi network, an individual must create an account and accept the terms and conditions of use made available by the ACMA from time to time. The ACMA will collect an individual's personal information in connection with their use of the ACMA's Wi-Fi network, including the country of issue of a connected device, the applications installed on a connected device, and the device's location within the network.

4.1.5 All personal information collected by ACMA will be collected in a fair and lawful manner.

4.1.6 The ACMA will take reasonable steps to inform the person whose personal information it collects:

(a) of the purpose(s) for which the personal information is being collected;

(b) if the collection of the information is authorised or required by law, that the collection is so authorised or required; and

(c) in general terms, of its usual practices regarding the use and disclosure of personal information of the kind collected.

4.1.7 The ACMA will take reasonable steps to ensure that personal information collected by it, is relevant to the purpose(s) of collection and is up to date and complete.

4.1.8 The ACMA will take reasonable steps to ensure that the collection of personal information by it does not unreasonably intrude upon an individual's personal affairs.

4.2 **Collection of Sensitive Information**

4.2.1 In general, the ACMA will only collect sensitive information about an individual if they install and use the ACMA web application on an electronic device, and provide that information to ACMA through the web application or network. Typically, sensitive information collected via the ACMA application may include the individual's racial or ethnic origin and health information (i.e. any allergies the individual has).

4.2.2 Except as described in clause 4.2.1 above, the ACMA will not collect sensitive information about an individual unless:

(a) the individual has consented;

(b) the collection is required by law;

(c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or

(d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

4.3 **Maintenance and Storage of Personal information**

4.3.1 ACMA may hold personal information as either physical hard-copy records, electronic records on ACMA or City of Adelaide servers, and in some cases electronic records on third party servers (such as third party cloud computing services providers). The ACMA will take reasonable steps to ensure the data held in hard copy form on the premises, and in electronic form on ACMA or City of Adelaide servers is suitably secure. Where personal information is held by third parties, the ACMA will take reasonable steps to ensure that the third party has appropriate data security.

4.3.2 The ACMA will take reasonable steps to:

(a) protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure;

(b) maintain its record keeping systems to ensure that all personal information collected is up to date, accurate and complete, as far as reasonably practicable;

(c) ensure that any person who, on behalf of the ACMA, uses or discloses personal information held by the ACMA has appropriate authorisation to do so; and

(d) destroy or de-identify personal information that is no longer required for the ACMA's business functions and activities and which the ACMA is not required by law to retain.

4.4 **Use of Personal Information**

4.4.1 In general, the only purposes for which the ACMA will use an individual's personal information are:

(a) to provide ACMA and Adelaide Central Market products and services to the individual;

(b) to respond to enquiries and provide an individual with information they have requested;

(c) to conduct marketing and promotional activities;

(d) to obtain feedback on ACMA and Adelaide Central Market products and services;

(e) to comply with any legal obligations which require the collection, retention or disclosure of their personal information;

(f) to conduct general business and management functions;

(g) for recruitment purposes (if the individual is a prospective employee); and/or

(h) to disclose the personal information to third parties (such as ACMA agents, contractors and suppliers) for the above purposes.

4.4.2 If an individual installs and uses the ACMA web application on an electronic device, their personal information may be used for the following additional purposes:

(a) to create a customer profile for the individual for marketing and advertising purposes;

(b) to provide the individual with marketing and promotional information about the offerings provided by the Adelaide Central Market's merchants, suppliers or partners; and

(c) to provide the individual with updates on the Adelaide Central Market's business, and notify them of any special events or offers

4.4.3 Where the ACMA collects personal information for a particular purpose (that is, the primary purpose), it will not use that personal information for any other purpose (that is, a secondary purpose), unless:

(a) the ACMA first takes reasonable steps to obtain the consent of the individual concerned to use their personal information for that secondary purpose; or

(b) the individual would reasonably expect the ACMA to use or disclose the information for the secondary purpose and the secondary purpose is directly (in the case of sensitive information) or indirectly related (in the case of any other information) to the primary purpose; or

(c) the ACMA believes on reasonable grounds that use of the individual's personal information for that secondary purpose is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned or another person; or

(d) use of the information for that secondary purpose is required or authorised by law; or

(e) use of the information for that secondary purpose is reasonably necessary for the enforcement of the criminal law or of law imposing a pecuniary penalty.

4.4.4 **Direct Marketing:**

(a) Reasonable expectation to use or disclose: If the ACMA holds non-sensitive personal information about an individual, it must not use or disclose that information for the purpose of direct marketing except when the ACMA has collected the information from the individual and the individual would reasonably expect the ACMA to use or disclose the information for that purpose. For example, if an individual installs and uses the ACMA web application on an electronic device, they will be regarded as having a reasonable expectation that their personal information will be used for direct marketing purposes.

(b) No reasonable expectation to use: If the individual would not reasonably expect the ACMA to use or disclose non-sensitive information for direct marketing, the individual needs to have given consent to the use or disclosure of the information for direct marketing.

(c) The ACMA must provide a simple means by which the individual may easily request not to receive direct marketing communications from the ACMA. For example, if an individual installs and uses the ACMA web application on an electronic device, they can opt-out of receiving direct marketing materials at any time by deleting the application from their device.

(d) The ACMA will only use or disclose sensitive information about an individual for direct marketing purposes if the individual has consented to the use or disclosure of the information for that purpose. For example, if an individual installs and uses the ACMA web application on an electronic device, they will be taken to have consented to use of their sensitive information for direct marketing purposes.

4.5 **Disclosure of Personal Information**

4.5.1 In general, the ACMA will not disclose personal information it holds about a person to a third party, except where:

(a) a reasonable individual is likely to have been aware that their personal information would be disclosed in that way;

(b) the individual has consented to or made a written request for personal information to be provided to a third party;

(c) the personal information is provided for the purpose of distributing materials of and on behalf of the ACMA (for example: the provision of address data for use by a mailing service provider);

(d) the third party has been contracted by the ACMA to provide advice or services for the purpose of assisting the ACMA in performing its business functions and activities (for example; our professional advisers including legal, accounting, auditing and business consulting advisers and any contractors who provide us with marketing, technology, data or website services);

(e) the ACMA is required or authorised by law to disclose the personal information to a third party or to the public at large (for example, under the *Freedom of Information Act 1991* (SA)); or

(f) the individual has been advised of the ACMA's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose.

4.5.2 If an individual installs and uses the ACMA web application on an electronic device, their personal information will be collected by Plutus Commerce Pty Ltd, which provides web application development services and associated services to the ACMA (including for the purposes of hosting the web application), and disclosed to the ACMA.

4.5.3 The ACMA will take reasonable steps to:

(a) contract only with third party service providers that are subject to the provisions of the *Privacy Act* and the APPs; and

(b) where the third party service provider is not subject to the provisions of the *Privacy Act* and the APPs, enter into an agreement that requires the third party service provider to comply with the provisions of this Policy relating to the collection, use, storage and disclosure of personal information disclosed to it by (or which it collects as agent for) the ACMA.

4.6 **Access and Correction of Personal Information**

4.6.1 The ACMA assumes that personal information provided by an individual is accurate, complete and up-to-date. It is the responsibility of the relevant individual to provide the ACMA with details of any changes to their personal information as soon as reasonably practicable following such change.

4.6.2 The ACMA will take reasonable steps, such as making appropriate deletions, additions and corrections, to ensure that personal information it holds is accurate, relevant, complete, up to date and not misleading.

4.6.3 A person may apply to the ACMA, in a form determined by the ACMA, to access their personal information and/or have such information amended so that it is accurate, relevant, complete, up-to-date and not misleading. Where the ACMA, on reasonable grounds, decides not to amend an individual's personal information in the manner requested in the application, the ACMA will inform the person of its decision and the reasons for refusing to make the requested amendments. If requested by an individual, the ACMA will take reasonable steps to attach to a record containing that person's personal information a statement provided by that person of the correction, deletion or addition sought.

5. FREEDOM OF INFORMATION

As a subsidiary of the City of Adelaide, personal information may be released to others if requested under the *Freedom of Information Act 1991* (SA) (**FOI Act**), however, in accordance with the FOI Act, a person will be consulted to obtain their opinion on release of the information. Should it be determined that the information will be released against the view of the person, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.

6. COMPLAINTS

6.1 A person who has any concerns regarding how the ACMA handles personal information or requires further information can contact the ACMA by email at **admin@adelaidecentralmarket.com**. We will confirm receipt of your complaint and investigate and respond to your complaint within a reasonable time.

6.2 If the person's concerns cannot be satisfied, the person may lodge a formal complaint to the City of Adelaide (of which ACMA is a subsidiary), under the Council's Corporate Complaint Handling Operating Guideline.

7. REVIEW OF POLICY

This policy is current as at March 2018 and may be reviewed and updated by the ACMA from time to time, without notice to any individual, to ensure that the highest standards are maintained.