

Privacy and Confidential Information

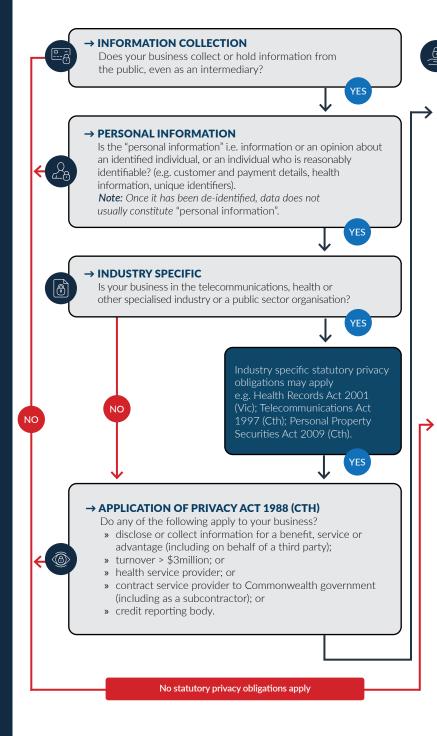


DID YOU KNOW?



Information and data collected by your business can be a valuable asset. This infographic relates only to privacy compliance and other obligations regarding that information

For information about protecting and commercialising your business's information, seek advice from an IP professional.



→ PRIVACY BY DESIGN

You must comply with the APPS.

Identify privacy risks (e.g. offshore servers) and implement practical measures to mitigate those risks e.g. relocate servers to Australia, implement internal employee privacy guidelines, design software security systems including pop up and click through warning messages and consent reminders, and firewall protection.

These measures will assist you to comply with the APPs, noting especially APP 11, which requires your business to take such steps as are reasonable in the circumstances to protect the information from misuse, interference, loss and unauthorised access, modification or disclosure.

→ PRIVACY POLICY

Your business must have a current and transparent privacy policy that complies with the Australian Privacy Principles (APPs).

→ SENSITIVE INFORMATION

Is the information "sensitive information"? (e.g. about an individual's health, racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs; membership of a professional or trade association, sexual orientation or practices, criminal record etc.) Additional statutory obligations under the APPs will apply.

Do other confidentiality obligations apply to information collected, used or disclosed by your business?

Has your business entered into any contracts containing obligations of confidentiality with third parties

(eg. Confidentiality Deeds, Non-Disclosure Agreements, Material Transfer Agreements)?

You must comply with those contractual obligations, including any post-term obligations of confidence, return or destruction.

Has your business received information from a third party that:

- » is confidential (i.e. not in the public domain); and
- » was imparted in circumstances of confidence (e.g. by virtue of a pre-existing relationship such as employee to employer, patient to doctor, or otherwise in circumstances that a reasonable person would realise require confidentiality).

You must:

- » keep such information secret and secure; and
- » not use, or allow others to use, that information for any purpose other than that for which it was disclosed, or a purpose other than that which would be within the reasonable expectation of the discloser; and
- » not make "unconscientious use" of the information.