



FACT SHEET

PRIVACY & DATA PROTECTION

Data protection and privacy are important for our customers and important for our brands, they are also important under federal and state legislation so understanding best practice is important.

Here are a few tips to consider for your next mailing.

1. WHAT ARE THE RULES OF DATA?

Generally direct marketing (such as telemarketing and advertising via email, SMS or post) is covered by the Privacy Act 1988. This means that when organisations want to direct market to individuals using their personal information they have to comply with the Australian Privacy Principles (APPs).



2. APP 7 – DIRECT MAIL:

- Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services¹
- Marketing is not direct, and therefore APP does not apply, if personal information is not used or disclosed to identify or target particular recipients, for example, where:
 - An organisation sends catalogues by mail to all mailing addresses in a particular location, addressed 'To the householder' (that is, where recipients are not selected on the basis of personal information)
 - An organisation hand-delivers promotional flyers to the mailboxes of local residents
 - An organisation displays advertisements on a website, but does not use personal information to select which advertisements are displayed²



Direct marketing involves the use or disclosure of personal information.

3. WHAT CAN I COLLECT?

- You can only collect personal information if it is necessary for the function or activity of your business³
- Organisations involved in direct marketing often collect personal information (general contact details) about an individual from a variety of sources, including:
 - Public records, such as telephone directories and land title registers
 - Membership lists of business, professional and trade organisations
 - Online, paper-based or phone surveys and competitions
 - Online accounts, for example, purchase history or the browsing habits of identified, or logged in, users
- Personal information might include your customers:
 - Name
 - Signature
 - Address
 - Email
 - Telephone number
 - Date of birth
 - Medical records
 - Bank account details
 - Where they work
 - Photos
 - Videos
 - Information about their opinions



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4. WHAT CAN I NOT COLLECT?

- You must de-identify or delete unsolicited personal information as soon as is practical, if it is not necessary for the function or activity of your business
- You should not use or disclose personal information for a purpose different from the original purpose of collection, except in limited circumstances
- You must not use or disclose personal information for a direct marketing purpose, except in limited circumstances



You should not use or disclose personal information for a purpose different from the original purpose.

5. WHAT IS BEST PRACTICE?

- There are several expectations when collecting personal information. The use or disclosure of personal information by an organisation where:
 - The organisation collected the personal information from the individual
 - The individual would reasonably expect the organisation to use or disclose the personal information for that purpose
 - The organisation provides a simple way for the individual to request not to receive direct marketing communications from the organisation (also known as 'opting out')
 - The individual has not made such a request to the organisation
- As a business owner, you have the responsibility to protect personal information from:
 - Theft
 - Misuse
 - Interference
 - Loss
 - Unauthorised access
 - Modification
 - Disclosure
- You need to have a clear and up to date privacy policy that outlines the information you:
 - Collect
 - What you use it for
 - How you protect it

All of this should be easily accessed and available either on your website, company brochure or other communication vehicle for your customers to access.



You have the responsibility to protect personal information.

SOURCE 1. Explanatory Memorandum, Privacy Amendment (Enhancing Privacy Protection) Bill 2012, p 81. **2.** Privacy Act, 1988, APP- 7 Direct Marketing. **3.** Privacy Fact Sheet 4 — Online behavioural advertising: Know your choices, December 2011.