

SalingerPrivacy

Tips and Tricks to enhancing transparency in personal information management

Victorian Privacy Network Meeting

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www.salingerprivacy.com.au

The cause of so much confusion



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Back to Basics – Privacy Policies



- *What* are we trying to achieve?
- *Why* are we trying to achieve it?

Tip 1

IPP 5.1:

You must have a published Privacy Policy and make it available to anyone who asks for it.

IPP 5.2:

If asked, you must be able to explain, generally, how personal information is managed.

Trap



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Trap



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Tip 2

Put yourself in the shoes of your general, target audience



Back to Basics – collection statements

- *What* are we trying to achieve?
- *Why* are we trying to achieve it?



Tip 3

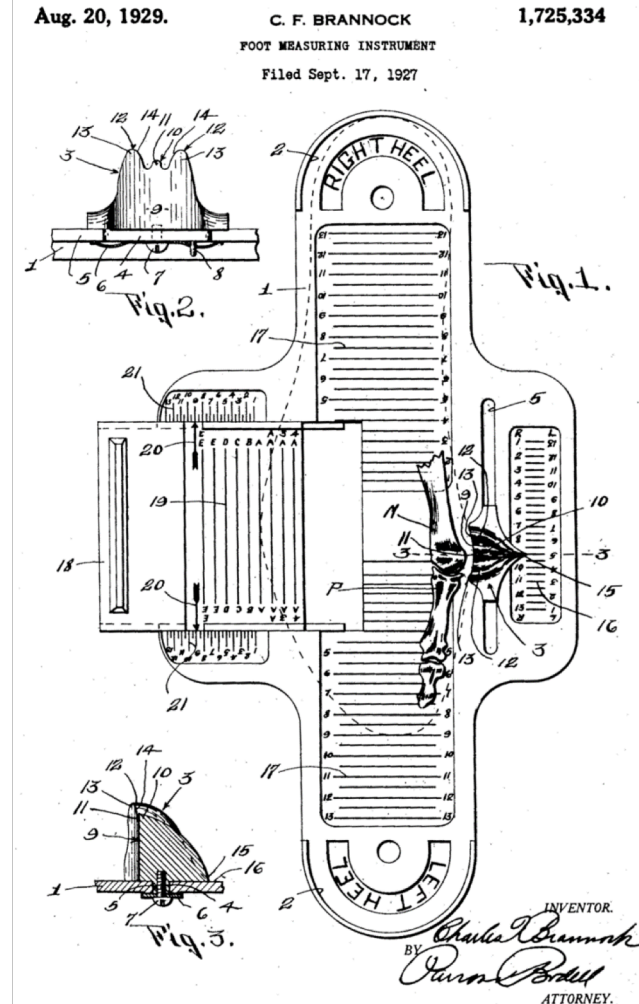
IPP 1.3:

Every time you collect personal information, you must take reasonable steps to give notice, specific to that collection.

Your Privacy Policy is not a collection notice.

Tip 4

Put yourself in the shoes
of the client or individual
you are dealing with
(and ensure a custom fit!)



Back to basics – Consent



- *What* are we trying to achieve?
- *Why* are we trying to achieve it?

Tip 5

To be valid under privacy law, 'consent' must be voluntary, informed, specific, current, and given by a person with capacity.

It must be as easy to withdraw consent as to give it. It cannot be a condition of doing business with you.

Trap

- A collection notice is not consent.
- Your Privacy Policy is not consent.
- Clicking on mandatory T&Cs is not consent.
- Opt-out is not consent.

And don't confuse your requirement to give notice with your requirement to get consent.

So are we stuck?



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Aha!

YOU DON'T NEED CONSENT TO DO MOST THINGS.

Consent should only be necessary if you are planning to:

- collect particular types of data known as 'sensitive' information, or
- use or disclose data well beyond your primary purpose, and outside your clients' expectations...

and no other exception or exemption applies.

Tip 6

Read the privacy principles!

They outline loads of different circumstances in which personal information can be collected used and disclosed, **without needing to seek the individual's consent.**

Salinger Privacy blogs

More on this topic:

- Why you've been drafting your Privacy Policy all wrong - July 2018
- Why "opt out consent" is an oxymoron – November 2018

Other popular topics:

- Top 10 data breach risks to avoid – February 2019
- Bradley Cooper's Taxi Ride: a case study on re-identification risks - April 2015
- Individuation and the scope of privacy laws – Aug 2016
- Facebook & Cambridge Analytica – May 2018

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Salinger Privacy resources

- **FREE Privacy Officer's Handbook**
- **Demystifying De-identification:** An introductory guide
- **Big Data:** An Ethical Framework for Protecting Privacy
- Compliance Kits featuring checklists and template documents (Federal, NSW laws thus far)
- **Training:** customisable eLearning modules, webinars, face-to-face workshops, and IAPP Certification programs
- **Consulting:** PIAs, audits and more

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Thank you

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