

PRIVACY & COMPLIANCE

Having access to your customers through so many different media, virtually at your whim, is great. However, in 2002 legislation in the form of the Privacy Act came into effect that clearly stipulates and regulates the way in which you can utilise personal information.

Most small cellar door businesses will not be subject to the Privacy Act, however to avoid any possible misunderstanding with either government or customers, it's advisable to be aware of the legislation and consider the merits of "opting in" to the Act.

The provisions state that the Privacy Act will apply to your cellar door mailing list if:

- Your turnover (or the turnover of any associated body corporate) is over \$3 million
- You trade (buy or sell) the details of your mailing list.
- You have contracts with the Federal Government

To determine whether you are subject to the Act, go to www.privacy.gov.au/business/small/checklist.html and complete the checklist.

If the Privacy Act applies to your cellar door you'll need to develop and implement a Privacy Policy. Under the Act, certain rules also apply when buying or selling a business – of which the mailing list can be a significant asset.

Consider the following when developing your plan:

- Appoint someone to be responsible for privacy issues, including complaints
- Ensure you're familiar with the National Privacy Principles
- Document the way you handle personal information, from collection to disposal
- Train relevant staff in privacy principles.

Compliance Basics

It's important that you keep personal information secure. Check any computers for personal information before selling them and keep information secure, accurate and up to date. Make sure you destroy information securely (such as shredding before disposal).

When collecting information from people, tell them exactly how you intend to use it and give them opportunities to opt out of any direct marketing activities. This can mean offering "unsubscribe" options on email communications.

The Privacy Act includes 10 standards, or rules, known as the National Privacy Principles (NPPs). These cover:

- Information Collection
- Use and Disclosure
- Data Quality
- Data Security
- Openness
- Access and correction
- Identifiers
- Anonymity
- Transborder Data Flows
- Sensitive Information

A complete description of the NPPs is available at: www.privacy.gov.au/publications/npps01.html