

# PRIVACY POLICY FOR THE BOATING INDUSTRY ASSOCIATION LTD

## BOATING INDUSTRY ASSOCIATION LIMITED – PRIVACY POLICY

### 1 About the Boating Industry Australia Ltd (BIA)

The Boating Industry Association Ltd (BIA) is the peak industry body in Australia that represents the interests of boating. As a not-for-profit organisation led by industry for industry, our purpose is to deliver value to members through an offer of tailored programs, products and services, as laid out in the [BIA Strategic Business Plan](#). We offer various services to BIA members (**Members**) and the general public in furtherance of that purpose.

### 2 Privacy Policy Notice

- 2.1 BIA respects and understands the importance of, and are committed to, protecting your personal information. This privacy policy (**Privacy Policy**) explains how we manage your personal information (that is, information or an opinion about you, whether true or not, which identifies you or from which your identity is reasonably identifiable), including our obligations and your rights in respect of our dealings with your personal information.
- 2.2 In collecting, holding, using, disclosing and otherwise managing your personal information, BIA will comply with the *Privacy Act 1988* (Cth) (**Privacy Act**), the Australian Privacy Principles (**APP**) in the Privacy Act, and the European Union General Data Protection Regulations (**GDPR**) if applicable (collectively, the **Privacy Laws**) and where relevant.
- 2.3 This Privacy Policy sets out our process for collection, storage and management of personal information across our business. This Privacy Policy applies in relation to all websites operated by BIA (**Websites**), including:
- [bia.org.au](http://bia.org.au)
  - [discoverBoating.com.au](http://discoverBoating.com.au)
  - [sydneyboatshow.com.au](http://sydneyboatshow.com.au)
  - [brisbaneboatshow.com.au](http://brisbaneboatshow.com.au)
  - [adelaideboatshow.com.au](http://adelaideboatshow.com.au)
  - [marinejobs.org.au](http://marinejobs.org.au)
  - [marinecard.org.au](http://marinecard.org.au)
  - [houseboatbookings.com](http://houseboatbookings.com)
  - [lifejackets.org.au](http://lifejackets.org.au); and
- 2.4 This Privacy Policy also applies to your use of the Marine Card Access Management System (**AMS**), including when you apply for a Marine Card or swipe your Marine Card into the AMS.
- 2.5 By accessing or using our Websites or using the AMS, you acknowledge and agree to be bound by this Privacy Policy.
- 2.6 Please note that when you use a link from our Websites to other websites, those websites are not subject to our Privacy Policy. You will need to contact those websites to find out about their privacy and security policies.

- 2.7 We will regularly review our policies and procedures regarding personal information and may therefore update and amend this privacy policy from time to time. Any updated Privacy Policy will be made available on at <https://www.bia.org.au/privacy> or can otherwise be obtained by contacting us using the details set out in paragraph 16 below and requesting a copy.

### **3 Types of Personal Information we collect**

- 3.1 The types of personal information that BIA collects will vary depending on our particular interaction or dealing with you. Generally, the personal information we collect can include (but is not limited to):
- (a) your contact information such as your name, address, telephone number, email address and date of birth;
  - (b) proof of identity information such as your driver licence or other similar identity information;
  - (c) billing and financial information (such as your banking or payment information, credit card number, cardholder name and expiration date);
  - (d) your preferences regarding our products and services, or the products and services of our Members;
  - (e) any information which is publicly available, including on a third party social media platform;
  - (f) your geographic location and the time you were at that particular location;
  - (g) other information necessary to provide you with information regarding products or services or to undertake any transactions or dealings with you by us; and
  - (h) any other information you provide us from time to time, including your preferences or opinions relating to our products, and information relating to surveys, competitions, enquiries or complaints.
- 3.2 BIA also collects internet/technology related information from visitors to our site or users of our other online services, including your IP address, which browser you used to come to the Website, the country, state or province from where you accessed our Website or platform, the pages of our site that you viewed during your visit and any search terms entered on our site. If you do not provide us with the personal information we request from you, we may not be able to supply the products or services you have requested, or we may be restricted in the way we supply those products or services.
- 3.3 Generally, we do not collect sensitive information about individuals. Information about your health, racial or ethnic origin, political opinions, association or membership, membership of a trade union, membership of a professional or trade association, criminal record and religious or philosophical beliefs are all examples of sensitive information. If we do need to collect sensitive information about you, we will only do so with your consent or where we are required to do so by law.
- 3.4 BIA may also hold other kinds of personal information as permitted or required by law or other kinds of personal information that we notify you of at or about the time of collection.

### **4 How we collect information**

- 4.1 We will collect and hold your personal information in a fair and lawful manner, and not in an intrusive way. Where it is reasonably practical to do so, we will collect your personal information directly from you. We may collect personal information through some of the following means:
- (a) when you complete an application to be a Member;

- (b) when you request information or services from us, or otherwise provide us with your details;
- (c) where you use our Websites, products or other online services or otherwise interact with us, including when you submit an enquiry through our Website, via email or over the phone;
- (d) in the course of administering or managing events with our service providers or other third parties;
- (e) when you provide us with information in response to direct marketing or customer satisfaction and market research surveys and questionnaires;
- (f) in the course of administering or providing any of our services;
- (g) when you scan your Marine Card at any of our AMS terminals;
- (h) when you apply for employment with us; and
- (i) as otherwise required to manage our business.

4.2 Generally, BIA will only collect your personal information from sources other than you if it is unreasonable or impracticable to collect that personal information from you. If we collect any personal information about you from someone other than you, to the extent not already set out in this Privacy Policy, we will inform you of the fact that we will collect, or have collected, such information and the circumstances of that collection before, at or as soon as reasonably practicable after we collect such personal information.

4.3 If you provide us with the personal information of another individual, without limiting any other provision of this Privacy Policy, you acknowledge and agree that the other individual:

- (a) has authorised you to provide their personal information to us; and
- (b) consents to us using their personal information in order for us to provide our products and services.

4.4 If we receive unsolicited personal information about you that we could not have collected in accordance with this Privacy Policy and the Privacy Act, we will, within a reasonable period, destroy or de-identify such information received.

4.5 If you would like to access any of our products or services on an anonymous or pseudonymous basis we will take reasonable steps to comply with your request, however:

- (a) you may be precluded from taking advantage of some or all of our products and services; and
- (b) we will require you to identify yourself if:
  - (i) we are required by law to deal with individuals who have identified themselves; or
  - (ii) it is impracticable for us to deal with you if you do not identify yourself.

## **5 Why we collect personal information**

5.1 We collect personal information from and you consent to us using your personal information (other than sensitive information) for the following primary and secondary purposes:

- (a) to communicate with you;
- (b) to respond to your queries and provide you with information you request from us;

- (c) to offer and provide you with our products and services, or request feedback about products and services you have received;
- (d) to manage and administer the products and services referred to in paragraph (c) above;
- (e) to offer you access to our updates, newsletters, flyers, prospectuses, education, and other materials relevant to your engagement with the BIA;
- (f) to comply with our legal and regulatory obligations;
- (g) to help us meet our contractual obligations;
- (h) to assist all levels of government and other interested parties and individuals for specific and strategic information in relation to the boating industry;
- (i) to personalise and customise your experiences with us;
- (j) to investigate any complains about or made by you, or if we have a reason to suspect you have breached any relevant terms;
- (k) to appropriately manage and conduct our business, including performing administrative functions such as billing and accounts and records management;
- (l) to provide the AMS services to participating sites, including marinas;
- (m) for any purpose disclosed to you and to which you have consented;
- (n) for any purpose that you would otherwise reasonably expect;
- (o) to do anything else as required or permitted by any law.

5.2 In addition to the purposes listed above, BIA may use your personal information (other than sensitive information) for purposes related to the above purposes, other purposes which we notify you of when we collect the information and for purposes otherwise permitted or required by law.

5.3 Where personal information is used or disclosed, BIA will take steps reasonable in the circumstances to ensure it is relevant to the purpose for which is it to be used or disclosed.

## **6 Third Parties and our Websites**

6.1 BIA uses third party services to enable it to use the information it collects from its Members, individuals and companies to a full extent and to provide excellent customer service to its Members. For this reason, BIA shares your information with third parties listed in this paragraph 6 and paragraph 9.

6.2 We use the following external third parties:

- (a) Google Analytics, which is used for remarketing and advertising reporting features. You are able to opt-out of Google Analytics' Advertising Features you may use the Google Analytics Opt-out Browser Add-on which prevents user's data from being used by Google Analytic. You can find the add-on on the link below:

<https://tools.google.com/dlpage/gaoptout/>

For users that reside in the EU area, BIA has an agreement with Google Analytics to ensure that we obtain our user's valid consent. More information about our obligations towards Google Analytics can be found on the link below:

<https://www.google.com/about/company/user-consent-policy.html>

- (b) Google Ad Words, which is used for remarketing purposes. To find out more about opting-out of Google Ad Words, please use the link below:  
<http://optout.networkadvertising.org/?c=1#!/>
- (c) Facebook and Instagram, which is used for Developers which use cookies to offer visitors our Websites for a better user-experience.
- (d) LinkedIn, which matches your information with LinkedIn profiles and allows us to offer targeted marketing to you via LinkedIn.
- (e) Campaign Monitor, which use for email marketing and distribution list management.
- (f) Mulpha Events, which manages the marketing and communications associated with our boat show events, including the Sydney International Boat Show.
- (g) Xero, which manages our accounting, invoicing and payment system, including the details of individuals and entities to which we issue invoices.
- (h) Microsoft, which we use to manage, hold and store our business records, including the personal information we collect from you.

6.3 We share the time you scanned into a AWS terminal with your Marine Card with the operator of the relevant site at which the terminal is located.

6.4 We do not sell, trade, lease or rent your personal information to third companies. However, we may disclose personal information to third parties for the purposes listed in paragraphs 5 and 6.

## **7 Direct marketing**

7.1 Like most businesses, marketing is important to our continued success. We believe we have a unique range of products and services that we provide to customers at a high standard. We therefore like to stay in touch with customers and let them know about new opportunities.

7.2 From time to time we may contact you with information about new products, services and promotions either from us, or from third parties which may be of interest to you. In these situations, your personally identifiable information is not transferred to the third party. BIA uses Google Analytics, Google Ad Words, Instagram, Facebook, LinkedIn, Campaign Monitor and Mulpha Events assist it in achieving the above purposes. You consent to us disclosing your name and email address to the above third parties for the purposes of direct marketing.

7.3 Communications may be sent to you through electronic messages such as email, SMS and other messaging applications. We may also contact you through social media channels where you choose to interact.

7.4 You may opt out at any time from receiving communications from us that are not account related or legally required by making a request in writing to our Privacy Officer at [info@bia.org.au](mailto:info@bia.org.au) or by using the 'unsubscribe' function contained in every electronic direct mail or SMS message you receive from us.

7.5 BIA also publishes the contact details of its Members on its Websites, where appropriate, as a member service. Unless you notify us otherwise, you consent to BIA publishing the name of the entity under which you are registered as a Member of BIA on our Websites for access by all users of our Websites.

## **8 How we store information**

- 8.1 We may hold personal information as either secure physical records, electronically on our intranet system, in cloud storage or on third party servers such as our Customer Relationship Management database tool. We maintain appropriate physical, procedural and technical security in our offices and information storage facilities so as to prevent any loss, misuse, interference, unauthorised access, disclosure, or modification of personal information, including when we dispose of personal information.
- 8.2 We further protect personal information by restricting access to personal information to only those who need access to the personal information to do their job. Physical, electronic and managerial procedures have been employed to safeguard the security and integrity of your personal information.
- 8.3 If a data breach occurs, we will comply with any applicable Privacy Act obligations where your personal information is involved in the breach.
- 8.4 Please contact us immediately if you become aware of or suspect any misuse or loss of your personal information occurring in connection with our products or services.
- 8.5 We will destroy or de-identify personal information if:
- (a) the purpose for which we collected the personal information from you no longer exists or applies; or
  - (b) you request us to destroy your personal information, and we are not required by law to retain your personal information.

## **9 Other organisations and marketing to you**

- 9.1 The boating public, all levels of government and other interested organisations, and individuals contact the BIA for specific and strategic information related to recreational boating. Accordingly, we may disclose personal information and you consent to us disclosing such personal information (other than sensitive information) to:
- (a) all levels of government and other interested bodies;
  - (b) our related companies, agents and organisations;
  - (c) our suppliers and subcontractors;
  - (d) third parties such as our contractors, suppliers, partners, affiliates, insurers, service providers, including organisations that provide us with technical and support services to enable us to run our business;
  - (e) our professional advisors or consultants, where permitted by the Privacy Laws; and
  - (f) entities seeking to acquire all or part of our business, or other entities with your consent.
- 9.2 If we disclose information to a third party, we generally require that the third party protect that information to the same extent that we do.
- 9.3 We will also comply with other legislation relevant to third party direct marketing such as the *Spam Act 2003* (Cth) and *Do Not Call Register Act 2006* (Cth) where applicable.

## **10 Cross-border disclosure of personal information**

- 10.1 Some of the parties that BIA discloses your personal information to may be located outside of Australia, including our cloud hosting providers. You acknowledge and consent to us sending your personal information to those entities as set out in paragraph 9 if they are located overseas. If you do not want us to disclose your information to overseas recipients, please let us know.

- 10.2 We have cloud servers hosted with Microsoft and the entities referred to in paragraph 9 may access and view your personal information in those locations if needed for specific projects.
- 10.3 We take reasonable steps to ensure that any such overseas recipients do not hold, use or disclose your personal information in a way that is inconsistent with the obligations imposed under the Privacy Act and the Australian Privacy Principles in the Privacy Act.

## **11 GDPR**

- 11.1 For the purposes of this paragraph 11, 'Personal Data' has the meaning given in Article 4 of the GDPR.
- 11.2 If we become aware that you are a citizen of, or are located within, the European Union at the time at which we collect Personal Data about you, or at the time at which we propose to transfer Personal Data about you overseas, we will take steps to ensure that we comply with Articles 45 to 49 of the GDPR in relation to the transfer of your Personal Data overseas. However, you acknowledge that as you are receiving services from us within Australia, you are required to provide us with written notice of our need to comply with the GDPR in relation to your Personal Data if you wish for us to take steps that are not already set out in this privacy policy.
- 11.3 If you are a citizen of, or are located within, the European Union at the time at which we collect Personal Data about you, or at the time at which you make a relevant request to access or correct your personal information under paragraph 15, we will take steps to ensure that we comply with a request by you to restrict the use of your Personal Data pursuant to Article 18 of the GDPR. You acknowledge that, depending on the nature of the restriction you request, we may be unable to provide you with some or all of our products or services, or provide access to our Websites, if we comply with your request. In such circumstances, we will advise you of our inability to provide or continue to provide you with the relevant products, services or access, and if you confirm that you would like us to proceed with your request, we may:
- (a) terminate a relevant agreement or other document with you in relation to our products and services; or
  - (b) remove or restrict your access to our Websites or our online services.

## **12 Cookies**

- 12.1 A 'cookie' is a small text file placed on your website browser for a pre-defined period of time by our Website server for later retrieval. Cookies are frequently used on websites and you can choose if and how a cookie will be accepted by configuring your preferences and options in your browser. Cookies do not alter the operation of your computer or mobile device in any way.
- 12.2 We use cookies to:
- (a) determine if you have previously visited our Website;
  - (b) identify what pages from our website you have accessed;
  - (c) customise and enhance your online experience through directing your enquiries to the correct persons and providing further information on your proposed purchases; and
  - (d) monitor the performance of our services and to continually improve them.
- 12.3 While cookies allow a computer or mobile device to be identified, they do not permit reference to a specific individual, unless you have previously subscribed to our Websites or submitted a form via our Websites.

- 12.4 Third parties identified in this Privacy Policy may also make use of your cookies.
- 12.5 When you visit our Websites or our other online services, we will generally leave a 'cookie' in the memory of your web browser. The Website or other online service may only function properly if cookies are enabled. Our Websites and online services may use persistent cookies to authenticate you as a user and display content that is relevant and specific to you.
- 12.6 We hope you will want the better service that cookies allow, but if you prefer, you can update your browser settings to disable cookies. However, by doing that, your access to our Websites and other online services may be compromised or limited. This may also affect the provision of certain services through our Websites or other online services.

### **13 Quality of personal information**

- 13.1 BIA takes steps reasonable in the circumstances to ensure any personal information it holds is up-to-date, accurate, complete, relevant and not misleading.

### **14 Access to personal information**

- 14.1 To obtain access to your personal information:
- (a) you will have to provide proof of identity to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected;
  - (b) we request that you be reasonably specific about the information you require; and
  - (c) we may charge you a reasonable administration fee, which reflects and will not exceed the cost to BIA for providing access in accordance with your request.
- 14.2 If you make a request for access to personal information, we will:
- (a) respond to your request within a reasonable period after the request is made; and
  - (b) if reasonable and practicable, give access to the personal information as requested.
- 14.3 If BIA refuses your request to access or correct your personal information, we will provide you with written reasons for the refusal and details of complaint mechanisms.
- 14.4 We are not obliged to allow access to your personal information if:
- (a) it would pose a serious threat to the life, health or safety of any individual or to the public;
  - (b) it would have an unreasonable impact on the privacy of other individuals;
  - (c) the request for access is frivolous or vexatious;
  - (d) it relates to existing or anticipated legal proceedings between you and us and would not ordinarily be accessible by the discovery process in such proceedings;
  - (e) it would reveal our intentions in relation to negotiations with you in a way that would prejudice those negotiations;
  - (f) it would be unlawful;
  - (g) denying access is required or authorised by or under an Australian law or a court/tribunal order;



- (h) we have reason to suspect that unlawful activity, or misconduct of a serious nature relating to our functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
- (i) it would likely prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body;
- (j) it would reveal commercially sensitive information; or
- (k) a relevant law provides that we are not obliged to allow access to your personal information (eg. the GDPR).

**14.5** If you are dissatisfied with BIA's refusal to grant access to your personal information, you may make a complaint to us or the Office of the Australian Information Commissioner by using the contact details set out in paragraph 16.

## **15 Correction of Personal Information**

15.1 Under the Privacy Act, you may have a right to seek access to and correction of your personal information that is collected and held by BIA. If at any time you would like to access or correct the personal information that BIA holds about you, or you would like more information on BIA's approach to privacy, please contact us using the details set out in paragraph 16.

15.2 If you make a request for us to correct your personal information, we will:

- (a) respond to your request within a reasonable period after the request is made; and
- (b) if reasonable and practicable, correct the information as requested.

15.3 If we refuse a request to correct personal information, we will:

- (a) give you a written notice setting out the reasons for the refusal and how you may make a complaint; and
- (b) take reasonable steps to include a note with your personal information of the fact that we refused to correct it.

15.4 If you are dissatisfied with BIA's refusal to correct your personal information, you may make a complaint to us or the Office of the Australian Information Commissioner by using the contact details set out in paragraph 16.

## **16 How BIA deals with Complaints**

16.1 If you have any questions, concerns or complaints about this Privacy Policy, or about how we handle your personal information (including under the APPs or other binding codes), please contact our Privacy Officer at PO Box 3856, Burleigh Town, Queensland 4220, or via email at [info@bia.org.au](mailto:info@bia.org.au).

16.2 If you have a complaint about how we collect, use, disclose, manage or protect your personal information, or consider that we have breached the Privacy Act or APPs, please contact us using our contact details below. We will respond to your complaint within 14 days of receiving the complaint.

16.3 Once the complaint has been received, we may resolve the matter in a number of ways:

- (a) We may request further information from you. Please provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution.

- (b) We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with our Privacy Officer.
- (c) Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- (d) If your complaint involves the conduct of our employees we will raise the matter with the employees concerned and seek their comment and input in the resolution of the complaint.

16.4 After investigating a complaint, we will give you a written notice about our decision.

16.5 If you are dissatisfied with how we handle your complaint, you may contact:

Office of the Australian Information Commissioner

GPO Box 5218, Sydney NSW 2001

1300 363 992 or via email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

## **17 Further information regarding the Privacy Laws**

17.1 If you would like further information relating to the application of the Australian Privacy Principles, please visit [www.privacy.gov.au](http://www.privacy.gov.au).

## **18 Personal information about employees**

18.1 We collect information in relation to employees as part of their application and during their employment, either from them or in some cases from third parties such as recruitment agencies. We handle employee information in accordance with the requirements of the Privacy Act and our applicable policies in force from time to time.

## **19 Changes**

19.1 We reserve the right to change the terms of this Privacy Policy from time to time without notice to you. An up-to-date copy of our Privacy Policy is available on our Websites or on request. This document was last updated in August 2023.