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Dear Manager

## Charitable Fundraising Regulation Reform Discussion Paper

### Introduction

The Office of the Australian Information Commissioner (the OAIC) refers to the consultation paper released by the Parliamentary Secretary to the Treasurer, the Hon David Bradbury MP, on reform of charitable fundraising regulation.<sup>1</sup>

The OAIC makes the following comments.

### The Office of the Australian Information Commissioner

The OAIC was established by the *Australian Information Commissioner Act 2010* (Cth) and commenced operation on 1 November 2010.

The OAIC is an independent statutory agency headed by the Australian Information Commissioner. The Information Commissioner is supported by two other statutory officers: the Freedom of Information Commissioner and the Privacy Commissioner.

The former Office of the Privacy Commissioner (the OPC) was integrated into the OAIC on 1 November 2010.

The OAIC brings together the functions of information policy and independent oversight of privacy protection and freedom of information in one agency, to advance the development of consistent workable information policy across all Australian government agencies.

### Obligations under Privacy Act

The Treasury's Not-For-Profit Reform Factsheet states that the proposals in the consultation paper seek to reduce red tape and streamline reporting for the not-for-profit sector. In considering how best to achieve this aim, the OAIC encourages Treasury

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<sup>1</sup> <http://www.treasury.gov.au/contentitem.asp?NavId=037&ContentID=2297>

to consider the obligations regarding the handling of personal information that arise under the *Privacy Act 1988* (Cth) (the Privacy Act), which will apply to many charitable organisations.

As part of the current consultation process, the Factsheet states that the Government welcomes comments on the impact of existing fundraising regulation on public confidence in the sector. The approach Not-For-Profit organisations take to handling personal information is an important element in the public's level of confidence in the sector. The OAIC encourages charities to ensure that the personal information collected in the course of fundraising activities is handled according to the requirements of the Privacy Act.

The OAIC notes the proposals in the Discussion Paper concerning information disclosure. Under the proposed framework for a nationally consistent approach to fundraising regulation, charities would be required to meet minimum information disclosure requirements at the time donations are solicited, which would allow donors to make better informed decisions.

The National Privacy Principles (NPPs) in Schedule 3 of the Privacy Act concern the obligations of organisations in relation to the collection, use and retention of personal information. NPP 1.3 outlines the requirements for an organisation to disclose certain information to an individual when it is collecting personal information, including the purposes for which the information is collected and the organisations to which the organisation usually discloses information of that kind.

The Paper also outlines proposed requirements for the use of information *after* it has been collected, and makes reference to a number of record-keeping and reporting requirements that are currently applied to charities by government.

Once personal information has been collected, organisations must comply with the NPPs relating to the security of information, the way in which information is used and disclosed, and an organisation's obligation to allow individuals to access (and correct, if necessary) their own personal information.

I trust that these comments are of assistance to you. If you would like to discuss these matters further, please contact Ms Sarah Croxall on 02 9284 9828, or at [sarah.croxall@oaic.gov.au](mailto:sarah.croxall@oaic.gov.au).

Yours sincerely



Timothy Pilgrim  
Australian Privacy Commissioner

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