

## A. Introduction and objectives

All personal information that Twist of Lime collects is protected by the **Privacy Act 1988** (Commonwealth). Information about the Act can be found on the website of the Office of the Australian Information Commissioner (OAIC). Twist of Lime is committed to protecting the privacy of your personal information. This privacy policy outlines how Twist of Lime maintains this commitment, how the personal information collected is handled and managed in an open and transparent way, and how Twist of Lime complies with the Privacy Act.

This policy governs the collection, holding, use and disclosure of information about the subjects of and participants in market and social research, that is, any individual about or from whom any information is collected, held, used and/or disclosed by us for the purposes of research. This policy seeks to give effect to the Australian Privacy Principles (APPs) in the Privacy Act, has been compiled in accordance with APP 1.3 and APP 1.4, and reflects the fact that participation in market and social research is voluntary, that market and social researchers are generally not interested in making use of the identity of research participants and that they use and/or disclose the information collected only for research purposes.

## B. Definitions

Other than as defined below, words used in this policy have the meaning defined in the *Privacy Act 1988 (Commonwealth)*.

Singular includes plural and plural includes singular.

**We/us** means Twist of Lime Research and Consulting Pty Ltd or a related party if a related party has been engaged to undertake research.

**You** means you, the participant in the market and social research.

**Australian Privacy Principles** mean the Australian privacy principles in the Privacy Act.

**client organisation** means an organisation that requests, commissions or subscribes to a given research project; the ultimate beneficiary of the research findings.

**collection** means gathering, acquiring or obtaining information from any source, by any means. Collection may be directly from an individual or indirectly from another person or organisation. In practical terms, collection in research is likely to include, but not be limited to, the recording of responses given in research (eg telephone surveys, central location surveys), the receipt of self-completion questionnaires (eg postal questionnaires, on-line questionnaires), the audio and/or video recording of group discussions or interviews, the recording of contact details of potential research participants and the receipt of customer information from client organisations.

**contact details** means a record of identifying information such as names, companies, position titles, addresses and phone numbers, collected and retained in order to contact individuals in a research sample.

**de-identification** means the removal from identified information of any details that identify the individual, or from which the identity of the individual can reasonably be ascertained, without retaining a means by which the information could be re-identified. De-identification is thus a permanent and irreversible process.

**disclosure** means allowing information to become known outside an organisation without physically or electronically releasing it (eg by telling, showing or displaying to another).

**genuine research concerns** means where Twist of Lime has valid reasons to expect that the purpose of the research would otherwise be defeated, for example, where bias due to non-response (or research opt-outs) may materially affect the information obtained in the research, where significant public interest lies in achieving high response rates, where the research is a

genuine study of non-response or research opt-outs, where prior knowledge of the likelihood of being re-contacted may materially affect the information obtained, or where the validity of a longitudinal or ongoing research may be compromised.

**important matters** means the matters in **clause 1.6 to clause 1.20** inclusive

**individual** means any natural person about or from whom any information is collected, held, used and/or disclosed by us. This includes any case where the identity can reasonably be ascertained. In practical terms, the individual may be referred to as the participant, respondent or subject of the research, but also includes any person about whom a participant, respondent or subject is providing information.

**information** means information or an opinion, whether true or not, and whether recorded in a material form or not, provided by, or held in relation to, an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion. Research generally involves two types of identified information: contact details and research data. In practical terms, information in research is likely to include, but not be limited to, interview records awaiting validation or for use in longitudinal research, audio or video recordings of research and lists of potential research participants (eg recruitment databases, customer information).

**market and social research** means investigation of the behaviour, needs, attitudes, opinions, motivations or other characteristics of a whole population or a particular part of a population, in order to provide accurate and timely information to a client organisations about issues relevant to their activities, to support their decision-making processes. The process of market and social research includes specifying the information required to achieve the specific research needs of the client, designing the method for collecting information, managing and implementing the data collection process, analysing the results, and communicating the findings and their implications to clients. Methods of collecting information in market and social research include postal or mail surveys, e-mail surveys, internet surveys, telephone surveys, door-to-door surveys, central location (eg shopping centre) surveys, observational techniques, desk research, and the recruitment and conduct of group discussions and in depth interviews. Market and social research differs from other forms of information gathering in that the information is not used or disclosed either to support measures or decisions with respect to the particular individual, or in a manner that results in any serious consequence (including substantial damage or distress) for the particular individual. Any information gathering activity in which the names and contact details of the people contacted are to be used for sales, promotional or fundraising activities or other non-research purposes (eg debt collection, credit rating) directed at the particular individual can under no circumstances be regarded as market and social research. In addition, any activity that attempts to impart information to individuals rather than collect information from individuals (eg push polling) can under no circumstances be regarded as market and social research.

**opt out / opting out** means advising in writing, by email or any other 'opt-out' option provided, that the individual no longer wishes to receive invitations to undertake surveys.

**permitted general situation** exists in relation to the collection, use or disclosure by us of your personal information if:

- (a) it is unreasonable or impracticable to obtain your consent to the collection, use or disclosure; and we reasonably believe that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety; or
- (b) we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in; and we reasonably believe that the collection, use or disclosure is necessary in order for us to take appropriate action in relation to the matter; or
- (c) we reasonably believe that the collection, use or disclosure is reasonably necessary to assist in the location of a person who has been reported as missing provided that the collection, use or disclosure complies with any rules made under Section 16A of the Privacy Act; or
- (d) the collection, use or disclosure is reasonably necessary for the establishment, exercise or defence

of a legal or equitable claim; or

- (e) the collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution (ADR) process.

**person** includes an organisation and the Crown.

**Privacy Act** means the Privacy Act 1988 (Commonwealth).

**Privacy Commissioner** means the Federal Privacy Commissioner.

**research** means market and social research.

**research data** means a record of the responses provided by participating individuals at the time of collection in order to obtain a representation of a population's behaviour, needs, attitudes, opinions and motivations at a given point in time. Research data is information if it is associated with contact details of the participating individual or if the particular pattern of research data held in relation to an individual allows that individual's identity to reasonably be ascertained.

**research purpose** means the handling of information in order to carry out any function considered essential to the conduct or communication of the results of a market or social research project. In practical terms, research purposes include handling information in order to conduct analysis, maintain its accuracy, draw a research sample, carry out quality control, note the willingness or unwillingness of an individual to be contacted in relation to future research or assist in the resolution of a problem that has come to light during research.

**research status** means information in relation to whether or not an individual has been contacted or has participated in research, but does not include research data. This is likely to take the form of a list containing customers, whose contact details were originally forwarded from a client organisation to us for research sampling, that conveys or contains information regarding individuals who were contacted or who participated in research.

**sensitive information** (as defined in the Privacy Act) is a sub-set of personal information and includes health information (also defined in the Privacy Act)

**disclosure** means the physical or electronic release of information outside an organisation. This includes when we give another organisation information under contract to carry out research.

**unreasonably intrusive** means any collection of information where the subject or manner is likely to cause unreasonable inconvenience, or to upset or offend an individual. This includes, but is not limited to, us contacting individuals at unreasonably early or late times during the day, attempting to coerce an individual into participating in research, conducting unreasonably lengthy research interviews, collecting information where the level of detail is much greater than that required by the research objectives or collecting **sensitive information**, as defined in the Privacy Act, or other potentially sensitive information, where it is not essential to achieve the research objectives or where the subject matter might reasonably be expected to cause offence.

## C. Privacy Principles

### 1. Collection

- 1.1. We will not collect **information** from you for any purpose other than for a **research purpose**.
- 1.2. We will collect information only by lawful and fair means and not in an **unreasonably intrusive** way.
- 1.3. We may collect information about you (including from another organisation) provided that the details of your identity are reasonably necessary for, or directly related to, research purposes.
- 1.4. We may collect **sensitive information** from you provided that we have explained to you that you may withhold information at any time.
- 1.5. At or before the time (or, if that is not practicable, as soon as practicable after) we collect information about you from you, we must take reasonable steps to ensure that you are aware of the **important matters**.

### Important matters

- 1.6. Information about you is being collected for research purposes.
- 1.7. The information collected will be used only for research purposes and no other use will be made of the information, either during the research or afterward.
- 1.8. Unless you agree otherwise, information collected for research is routinely de-identified.
- 1.9. The information provided is likely to remain identified for **seven (7) years**.
- 1.10. Your name and contact details are likely to be retained to enable re-contact for research purposes for **seven (7) years**.
- 1.11. Having participated in research, there is a reasonable likelihood that you will be re-contacted for research purposes except where we and/or our client organisations have reasonable grounds to decide that there are **genuine research concerns**.
- 1.12. While the information remains identifiable, you may, at your discretion: access that information and/or have part or all of that information destroyed, corrected, deleted or de-identified.
- 1.13. You may contact us, **Twist of Lime Research and Consulting Pty Ltd**, and obtain further information about the research, via: **info@Twist of Limeresearch.com.au**
- 1.14. The source of our research samples is the client organisation.
- 1.15. The client organisation is the organisation that has requested we undertake the research project in respect of which you have received an invitation.
- 1.16. We will disclose information to our client organisation to be used for research purposes. You have consented to this disclosure by electing to participate in this research.
- 1.17. The client organisation may be overseas.
- 1.18. The organisations (or the types of organisations) to which we usually disclose your information are our clients who represent a wide variety of industries.
- 1.19. The main consequences (if any) for you if all or part of the information is not provided is that your information will not form part of the research data.
- 1.20. If it is reasonable and practicable to do so, we must collect information about you only from you.
- 1.21. We may collect information about you from third parties.

### Collection of information from a third party

- 1.22. If we collect information about you from someone else, we will take reasonable steps to ensure that you are or have been made aware of the **important matters** except to the extent that making you aware of the matters would pose a serious threat to the life or health of any individual.
- 1.23. If we collect **research data** relating to you from a third party (such as another householder or member of the family), we will take reasonable steps to, where practicable, and where this would pose no serious threat to the life or health of any individual, ensure that you are, or have been, made aware of the **important matters**; and where the **research data** is being collected as part of a longitudinal research study keep any identifying details (eg name, telephone number) separately from the **research data**, with measures in place to ensure that your identity cannot be reasonably ascertained (eg by the use of an encrypted intervening variable).
- 1.24. If we collect **information other than research data** (such as contact details) from a third party (such as a client organisation or list provider), we will take reasonable steps to, where practicable, and where this would pose no serious threat to the life or health of any individual, ensure that you are, or have been, made aware of the **important matters** and at least one of the following applies:
  - 1.24.1. The purpose for which the information was originally collected is related to the market or social research to be conducted and you would reasonably expect to be contacted to be invited to participate in such research; or

- 1.24.2. All individuals who could be identified from the information have consented to their identified information being released, either specifically for research purposes or generally for a range of purposes within which research purposes are included; or
  - 1.24.3. A readily accessible means exists by which you who can withdraw your consent to being included on the provided list, and this fact is made known to you at the time of such contact. You may withdraw your consent by **opting out** at any time.
- 1.25. Information about you will only be used and/or disclosed for a specified limited purpose and will be destroyed, deleted, de-identified or returned to the third party once this purpose has been achieved.

### **Sensitive information**

- 1.26. We may only collect information that contains or conveys **sensitive information** from a third party provided that the consent of all individuals whose identities could reasonably be ascertained from the information has been obtained however we may collect **health information** about you in limited circumstances permitted by legislation.
- 1.27. If we collect health information about you we will take reasonable steps to permanently de-identify the information before we disclose it.

### **Unsolicited personal information**

- 1.28. In the unlikely event that we receive unsolicited information from you, we will, within a reasonable period after receiving the information, determine whether or not we could have collected the information in accordance with the APPs if we had solicited the information. We may use or disclose the information for the purpose of making the determination.
- 1.29. If we determine that we could not have collected the information, and the information is not contained in a Commonwealth record, we will, as soon as practicable (if it is lawful and practicable to do so) destroy or de-identify the information.

## **2. Use and disclosure**

- 2.1. We will not use or disclose information (including information received from another organisation) for any purpose other than a **research purpose**.
- 2.2. **Clause 2.1** does not apply if:
- 2.2.1. You would reasonably expect us to use or disclose the information for a secondary purpose and the information is related to the **research purpose**.
  - 2.2.2. We reasonably believe that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or public safety.
  - 2.2.3. We have reason to suspect that unlawful activity has been, is being or may be engaged in, and use or disclosure is a necessary part of our investigation of the matter or in reporting our concerns to relevant persons or authorities.
  - 2.2.4. The use or disclosure is required or authorised by or under an Australian law or a court/tribunal order, including if a **permitted general situation** or permitted health situation exists in relation to the use or disclosure of the information under the Privacy Act.
  - 2.2.5. We reasonably believe that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by an enforcement body.
- 2.3. If we use or disclose information under **clause 2.2.5**, we will make a written note of the use or disclosure.
- 2.4. We may use the information for a **research purpose** provided that:
- 2.4.1. The **research** is conducted in accordance with this policy; and
  - 2.4.2. If you initially declined to participate and re-contact of you is involved, we and the client organisation have reasonable grounds to decide that there are **genuine research**

- concerns** that warrant such re-contact. In these cases, re-contact must be undertaken in a way that is not **unreasonably intrusive**; and
- 2.4.3. If you participated in a research exercise and re-contact of you is involved: you were informed of this likelihood at the time the information was collected, except where we and the client organisation have reasonable grounds to decide that there are **genuine research concerns**; **and** if you indicated a wish not to be re-contacted for research purposes at the time of collection, you are excluded, unless we and the client organisation have reasonable grounds to decide that there are **genuine research concerns** that warrants your inclusion. In these cases, re-contact must be undertaken in a way that is not **unreasonably intrusive**; and
- 2.4.4. In the absence of your consent to use the information for broader research purposes, the use is restricted to research on the same (or substantially the same) topic, for the same (or substantially the same) client organisation as at the time of collection by us.
- 2.5. We will disclose information provided that:
- 2.5.1. The disclosure is essential for a **research purpose**.
- 2.5.2. Only that part of the information considered necessary for this **research purpose** is disclosed.
- 2.5.3. If this **research purpose** could be achieved using de-identified information, the information is de-identified before being disclosed.
- 2.5.4. In the absence of your consent to disclose the information for broader research purposes, the disclosure is restricted to research on the same (or substantially the same) topic, for the same (or substantially the same) client organisation as at the time of collection by us.
- 2.5.5. Where the recipient is the **client organisation**, the consent of all individuals who could be identified from the information has been obtained, except where the information being disclosed to the **client organisation** concerns individuals' **research status**. In this case:
- 2.5.5.1. We will take reasonable steps to ensure that the information concerning your **research status** cannot be linked (or potentially linkable) to your **research data**; and enable any de-identified **research data** held by, or available to, the **client organisation**, to be identified; and
- 2.5.5.2. We will obtain the **client organisation's** agreement to restrict use of the information concerning your **research status** only for the specific purpose of regulating the organisation(s) as at the time of collection by us.
- 2.6. We may disclose de-identified information freely to the client organisation, provided that there is no reasonable likelihood that the pattern of answers could be used to identify one or more of the individuals who participated in the research.
- 2.7. We will take reasonable steps to ensure that any information that we disclose:
- 2.7.1. Will only be retained, used or disclosed by the recipient of the information in a manner that is consistent with this policy.
- 2.7.2. Will be protected from misuse and loss and from unauthorised access, modification, and disclosure.
- 2.7.3. Will only be used or disclosed by the recipient for a specified limited purpose and will be destroyed, deleted, de-identified or returned to us once this purpose has been achieved.

### 3. Quality of information

- 3.1. We will take reasonable steps to make sure that the information we retain is accurate, complete, relevant, up to date and not misleading.
- 3.2. Once information has been de-identified, our obligation to **update** the information ceases. This clause prevails in the event of inconsistency with another clause.
- 3.3. If we retain information, when using or disclosing that information, we will:

- 3.3.1. where it concerns **research data**, warrant that the information is an accurate and complete record of the information supplied at the time of collection; and
- 3.3.2. where it concerns **information other than research data** (such as contact details), take reasonable steps to ensure that the information remains accurate, complete, relevant, up-to-date and not misleading.
- 3.4. If we retain information concerning **research data**, having received a request from you to correct you information, we will take reasonable steps to, where we agree that the information is not accurate, complete, relevant or up-to-date, or misleading, correct the information so that it is accurate, complete, relevant, up-to-date and not misleading; **or** where we disagree about whether the information is accurate, complete, relevant, up-to-date or misleading: explain to you the reason for our objection (eg that the information retained must be an accurate and complete record of the information supplied at the time of collection); and at your discretion either append the corrected information thereto; or destroy, delete or de-identify part or all of that information.
- 3.5. If we retain information concerning **information other than research data** (such as contact details), having received a request from you to correct you information, we will take reasonable steps to, correct the information so that it is accurate, complete, relevant, up-to-date and not misleading; or where a record of previous contact details is required for research purposes, append the corrected information to the record.
- 3.6. We will notify third parties of corrections in accordance with the APPs.
- 3.7. If we refuse to correct information we must give you a written notice setting out the reasons (except to the extent that it would be unreasonable to do so) and the mechanism available to complain about the refusal.

#### 4. Security of information

- 4.1. We may retain information only while the details of your identity continue to be necessary for **research purposes**.
- 4.2. If we wish to de-identify information that exists in a physical form that makes de-identification impracticable (eg on paper), the information must be moved to another medium and the physical records destroyed.
- 4.3. We will take reasonable steps to protect the information we hold from misuse, interference and loss and from unauthorised access, modification or disclosure.
- 4.4. We will take reasonable steps to destroy or permanently de-identify information if it is no longer needed for any purpose for which the information may be used or disclosed under **clause 2 unless we are required by or under an Australian law or a court/tribunal order to retain the information**.
- 4.5. Where it is necessary to retain information, identifying details must, if practicable, be stored separately from other information, with the linkage maintained by the use of an intervening variable.

#### 5. Openness

- 5.1. We will set out in a document (being this policy) clearly expressed policies on our management of information. We must make the document available to anyone who asks for it.
- 5.2. On request, we will take reasonable steps to let the person know, generally, what sort of information we hold, for what purposes, and how we collect, hold, use and/or disclose that information.

#### 6. Access to information

- 6.1. In this clause and where the context permits, **access** means access, destruction, deletion or de-identification.
- 6.2. Once information has been de-identified, our obligation to provide access to you ceases.

- 6.3. If we retain information, we will take reasonable steps to allow you to access that information on request by you. If we retain information, we will take reasonable steps to allow you to have part of that information destroyed, deleted or de-identified but not if this would involve the destruction, deletion or de-identification of information relating to other individuals.
- 6.4. **Clause 6.3** does not apply if:
- 6.4.1. your request is frivolous or vexatious;
  - 6.4.2. giving access would have an unreasonable impact upon the privacy of other individuals;
  - 6.4.3. we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
  - 6.4.4.
  - 6.4.5. the information relates to existing or anticipated legal proceedings between us and you, and the information would not be accessible by the process of discovery in those proceedings;
  - 6.4.6. giving access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
  - 6.4.7. giving access would be unlawful;
  - 6.4.8. denying access is required or authorised by or under an Australian law or a court/tribunal order; or
  - 6.4.9. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
  - 6.4.10. we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates 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.
  - 6.4.11. giving access would reveal evaluative information generated within our organisation or by us in connection with a commercially sensitive decision-making process.
- 6.5.
- 6.6. We must respond to your request for access within a reasonable period.
- 6.7. We must give you access to the information in the manner requested by you, if it is reasonable and practicable to do so.
- 6.8. If we refuse to give you access or access in the manner requested, we must take reasonable steps (if any) to give access in a way that meets our needs and your needs. Access may be given through the use of a mutually agreed intermediary.
- 6.9. If we charge for giving you access to information, those charges must not be excessive and must not apply to making a request for access.
- 6.10. If we refuse access, we must give you a written notice setting out the reasons (except to the extent that it would be unreasonable to do so) and the mechanism available to complain about the refusal.

## 7. Identifiers

- 7.1. **government related identifier** means a combination of letters, numbers or both, assigned by a government, or an agent or contracted service provider of a government, to an individual to enable the individual to be identified. Examples include Medicare numbers and social security numbers. However, an individual's ABN (as defined in the A New Tax System (Australian Business Number) Act 1999) is not an identifier.
- 7.2. We will not adopt as our own identifier of you a government related identifier unless its adoption is required or authorised by or under an Australian law or a court/tribunal.

- 7.3. **Clause 8.2** does not apply to the adoption by a prescribed organisation of a prescribed identifier in prescribed circumstances. There are prerequisites that must be satisfied before prescription: see **subsections 100(2) and (3)** of the Privacy Act.
- 7.4. We will not use or disclose a government related identifier unless:
- 7.4.1. the use or disclosure is reasonably necessary for us to verify your identity for a **research purpose**; or fulfil our obligations to an **agency** defined in the Privacy Act or a State or Territory authority; or
  - 7.4.2. the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order; or
  - 7.4.3. a **permitted general situation** exists but excluding the establishment, exercise or defence of a legal or equitable claim and the confidential ADR process; or
  - 7.4.4. we reasonably believe that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by or on behalf of an enforcement body;
  - 7.4.5. the adoption, use or disclosure is by a prescribed organisation of a prescribed Commonwealth identifier in prescribed circumstances.

## 8. Anonymity

- 8.1. Wherever it is lawful, you have the option of not identifying yourself, or of using a pseudonym when dealing with us unless it is impracticable for us to deal with you if you do not identify yourself or if you use a pseudonym.

## 9. Transborder data flow

- 9.1. Before we disclose information about you to a person (other than ourselves or you) who is overseas, we will take reasonable steps to ensure the person does not breach the relevant APPs in relation to the information.
- 9.2. We may disclose information about you to a person (other than ourselves or you) who is overseas only if:
- 9.2.1. we reasonably believe that the recipient of the information is subject to a law, binding scheme or contract which has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the **Australian Privacy Principles protect the information AND there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme**; or
  - 9.2.2. you consent to the disclosure in which case we are not required to take reasonable steps to ensure the person does not breach the relevant APPs in relation to the information;
  - 9.2.3. the disclosure is required or authorised by or under an Australian law; or
  - 9.2.4. a **permitted general situation** exists but excluding the establishment, exercise or defence of a legal or equitable claim and the confidential ADR process.

## 10. Sensitive Information

- 10.1. See **clause 1.25** of this policy

## 11. Online

- 11.1. We collect your personal information online. A survey initiator tool places a small anonymous text file (a cookie) on your computer when you access the client organisation's website. The cookie does not identify you. It identifies the computer used. The cookie is used to determine if the computer has been to the website previously and subsequently to avoid issuing another survey invitation to that computer.

## Complaints

If you have any concerns or complaints please contact us. If your complaint cannot be resolved to your satisfaction within 30 business days, either you or we may refer the complaint to the Privacy Commissioner.

Link to the website of the [Office of the Australian Information Commissioner \(OAIC\)](#).