This part provides guidance on organisational issues applicable to volunteers: intellectual property, privacy and record keeping

October 2018
Part 6: Organisation issues applicable to volunteers

Introduction to the key organisational issues applicable to volunteers

1. Introduction

2. Intellectual property

Overview

2.1 What is intellectual property?

2.2 Copyright
   2.2.1 Ownership of copyright
   2.2.2 Infringement of copyright

2.3 Trade marks, patents and designs
   2.3.1 Trade marks
   2.3.2 Patents and Designs

Unincorporated associations

2.4 Moral rights: what are they?
   2.4.1 Avoiding infringing moral rights

2.5 Confidential information
   2.5.1 Using confidentiality agreements

2.6 Accusations of infringement of another person or organisation's intellectual property

2.7 Summary: Ownership of intellectual property
   2.7.1 Table: Overview of Ownership of intellectual property

3. Privacy

Overview

3.1 What are the privacy laws?

3.2 The Privacy Act (Cth)
   3.2.1 Information covered by the Privacy Act
   3.2.2 Is my organisation bound by the Privacy Act?

3.3 State-based privacy law
   3.3.1 Is my organisation bound by the state based laws?
   3.3.2 Health specific privacy legislation

3.4 Volunteer involving organisations’ obligations under the Privacy Laws and volunteers
   3.4.1 Your organisation, its volunteers and the privacy laws
### 3.4.2 Information about your volunteers and the privacy laws

### 4. Record Keeping

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview</td>
<td>23</td>
</tr>
<tr>
<td>4.1 Keeping records and for how long</td>
<td>23</td>
</tr>
<tr>
<td>4.2 Volunteer safety and record keeping</td>
<td>23</td>
</tr>
<tr>
<td>4.2.1 Harmonised WHS laws (QLD, NSW, TAS, ACT, SA, NT)</td>
<td>24</td>
</tr>
<tr>
<td>4.2.2 Victoria and Western Australia OHS/WHS laws</td>
<td>24</td>
</tr>
<tr>
<td>4.3 Commonwealth and state regulator record keeping</td>
<td>24</td>
</tr>
<tr>
<td>4.3.1 The Australian Charities &amp; Not-for-profits Commission</td>
<td>24</td>
</tr>
<tr>
<td>4.3.2 The Australian Taxation Office</td>
<td>25</td>
</tr>
<tr>
<td>4.3.3 State and territory incorporation regulators</td>
<td>25</td>
</tr>
<tr>
<td>4.3.4 Other incorporation regulators (ASIC and ORIC)</td>
<td>25</td>
</tr>
<tr>
<td>4.3.5 Fundraising regulators</td>
<td>25</td>
</tr>
</tbody>
</table>

#### Summary: considerations for organisational issues that are applicable to volunteers

<table>
<thead>
<tr>
<th>Resources</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related Not-for-profit Law Resources</td>
<td>29</td>
</tr>
<tr>
<td>Other Related Not-for-profit Law Resources</td>
<td>29</td>
</tr>
<tr>
<td>Incorporation and other related Regulators</td>
<td>29</td>
</tr>
<tr>
<td>Other resources on privacy</td>
<td>30</td>
</tr>
<tr>
<td>Other resources on intellectual property</td>
<td>30</td>
</tr>
<tr>
<td>Privacy legislation</td>
<td>30</td>
</tr>
<tr>
<td>Intellectual Property legislation</td>
<td>30</td>
</tr>
<tr>
<td>State and territory peak bodies for volunteering</td>
<td>31</td>
</tr>
</tbody>
</table>
Part 6: Organisation issues applicable to volunteers
Introduction to the key organisational issues applicable to volunteers

This part covers:

- introduction to the key organisational issues
- intellectual property
- privacy law, and
- record keeping.

1. Introduction

This Part of the Guide covers some of the key organisational issues that volunteer involving organisations often come across. For example:

- Who owns photographs taken by a volunteer for use on our social media sites?
- Are obligations regarding use of confidential information the same for volunteers as they are for employees?
- What are our privacy obligations towards our volunteers?
- What records need to be kept in relation to volunteers? What about records involving personal information (for example, a copy of the volunteer’s Working with Children Check)? For how long should we keep these records?

This Part begins by providing a brief overview intellectual property. Each form of intellectual property is different in terms of what it covers, the duration of the coverage and a number of other matters. Volunteer involving organisations need to understand the difference between these forms of intellectual property because in some circumstances the law treats volunteers differently.

A volunteer involving organisation must make their volunteers aware of the organisation’s obligations, where applicable, in relation to personal information it may collects from people, including clients, workers and members.

Volunteer involving organisations must also be aware of the obligations they owe to their volunteers in relation to the personal information of those volunteers.

While there are other laws that apply in relation to the keeping of records about volunteers, even where these laws do not apply it is good idea to keep records of your volunteers for a number of reasons including internal organisational reporting, possible disputes or legal action, and requirements under insurance policies.
2. Intellectual property

Overview

As part of undertaking its activities, your organisation will develop, hold and use intellectual property. This can include your organisation’s name, its logo and the names and logos of programs and services which it provides. Your organisation may produce training materials or a report on the organisation's activities, it may create photos or other artistic materials and use these in the organisation's publications or on social media.

It is important that your volunteer involving organisation understands how intellectual property is created, who owns it and how ownership can be changed. This understanding (and the taking of any necessary action) will help ensure that your organisation’s intellectual property rights in material produced by volunteers are protected and your organisation does not unwittingly infringe a volunteer’s intellectual property. Infringement of IP rights, even unintentionally, may lead to undesirable consequences (e.g. legal action against your organisation).

2.1 What is intellectual property?

Intellectual property or ‘IP’ is a legal term used to describe the property of your ‘mind’. It can take many forms, with the most common being an invention, trademark, design or the expression of an idea. These forms are all different in what they protect, how they are protected, how they are enforced and exploited, and the duration of the protection.

It is important to understand that intellectual property rights can be described as a series of ‘negative rights’ meaning they give the owner of the intellectual property the right to ‘exclude’ others from the use of the intellectual property (e.g. the creator of a literary work has a right to prevent others from publishing the work). An IP owner will also need to take certain steps to exploit their own rights, for example, by publishing the literary work or by licencing or assigning the work.

In Australia, IP rights are protected under Commonwealth legislation, as well as by common law (law which is developed through the decisions made by judges, rather than through legislation passed by the Parliament). In some instances, IP protection will be automatic and will not require any formal registration (e.g. copyright), while in other cases, you must formally apply to register the IP to protect it (e.g. patents).

Whether a person works for your organisation as an employee, contractor or volunteer will, at law, have consequences for the ownership of the intellectual property created by that person.

2.2 Copyright

Copyright includes original ideas and information which are written down or ‘fixed’ in material form (i.e. not simply ideas). This can include writing, drawings, diagrams and patterns. It is the expression of the idea, not the idea itself that is protected by copyright. In Australia, the relevant law is the Copyright Act 1968 (Cth). There is no need to ‘register’ copyright material like there is other forms of intellectual property.
For the majority of material, copyright protection will last for 70 years from the end of the calendar year in which the author of the material dies. The owner of the copyright has the exclusive right to do a number of things with the material, including:

- copying or reproducing the copyright material in any format (e.g. scan, print or photocopy)
- publishing the material (e.g. in hardcopy or electronic form)
- performing the material in public (e.g. present at a conference or training session)
- making an adaptation of the material (e.g. translate it into a different language, or updating it over the years), and
- communicating the material to the public (e.g. publish or broadcast on the internet).

2.2.1 Ownership of copyright

There is potential for misunderstanding about whether copyright is owned by an organisation as a whole, or by the individual within the organisation who created it. This is a common issue faced by volunteer involving organisations. It is particularly important given the default position at law - as a general rule, copyright is owned by the creator of the material. There are exceptions to this rule. Examples include:

- Employers will own copyright in certain work produced by employees in the capacity of their employment.
- Works subject to an agreement with a government department. Unless the agreement specifies otherwise, there is a presumption that the copyright in any work produced under the agreement belongs to the government department. This rule applies even where the government department is not the creator of the material.

Transfer of ownership of copyright (Assignment)

It is possible for a creator to agree (by clear written agreement) to transfer ownership of copyright in a work to another person or organisation. This is called an assignment of copyright. This may be relevant where work is created on commission for your organisation (for example, a logo or website design).

If your organisation wishes to own the copyright in material created by a volunteer (or in work it commissions from another person or organisation), it should enter into a written agreement with the creator of the material that clearly states that the copyright in the material created will be held by your organisation. The agreement should be signed by the volunteer or other person creating the material, and by your organisation.

In the absence of a written agreement to this effect, the copyright will be owned by the volunteer who created the work and the organisation will have no legal right to use, copy, duplicate or publish the work.

Authorised use of copyright (Licence)

It is also possible for one person to retain the copyright ownership in a work but to grant another person a licence to use the work as they need to. For example, your organisation might commission an academic to produce a report on behalf of your organisation. You could enter into an agreement with
the academic that provides that your organisation retains the copyright in the report but the academic can use the work within certain terms – such as publishing the report within a broader academic study. This is called a ‘non-exclusive licence’.

Use of licences may often be inappropriate because your organisation will want to be the only party allowed to use the copyrighted material (depending on the nature of the copyrighted material) and it will likely want to make additions to the copyrighted material over time. Who owns these additions can become a complex question and lead to disputes.

As with transfers of copyright ownership, any agreement to grant a licence should be made in writing and ensure that the organisation which owns the copyright is not prohibited from also using the copyright i.e. the licence to the person who created it is non-exclusive.

**Agreements with volunteers in relation to ownership of copyright**

If you have had volunteers producing material for you but have not had an agreement in place which deals with the ownership of copyright in material produced by the volunteer (such as a volunteer agreement) before the volunteer has begun developing material, it is still possible for the volunteer to assign its copyright to the community organisation, such as under a Deed of Assignment.

If the volunteer does not agree to assign its ownership in the copyright to your organisation, then you should cease using any material in which the volunteer owns all the copyright immediately to prevent your community organisation potentially infringing the volunteer’s copyright.

### 2.2.2 Infringement of copyright

Copyright is generally infringed if someone who is not the owner of copyright exercises one of the copyright owner’s exclusive rights (such as publication, see above at 2.2) without the owner’s permission.

A person may also be liable for copyright infringement if they are found to have authorised another person to infringe the copyright. ‘Authorising’ can mean requesting someone to infringe copyright, or allowing someone working under your supervision or to infringe copyright.

Examples of uses of material that may infringe copyright include:

- photocopying, emailing, broadcasting or printing material
- recording a video that incorporates music that is subject to copyright protection, or
- communicating material to the public by making it available on a website.

There are a limited number of exceptions to copyright infringement, including research and study, parody and satire. However, there is no general exception for not-for-profit community organisations.

If your organisation wants to use the copyrighted work of another person or organisation, it must first seek and obtain permission from the copyright owner before doing so. When seeking permission from the owner you should be clear about the copyright material in question, how you will use the content, where you will use the content and for how long your organisation intends to use the content. The permission should be documented in writing.

### 2.3 Trade marks, patents and designs
The other main forms of intellectual property are set out below. In all instances, the best way for a volunteer involving organisation to protect these forms of intellectual property is to register them with IP Australia.

### 2.3.1 Trade marks

Trade marks are words and images used in relation to a particular good or service e.g. logos and brand names. In Australia, the relevant law is the *Trade Marks Act 1995*, which sets out the criteria for registration along with other matters including the length of protection (10 years from the registration is filed).

An organisation can use a word or logo as a trade mark without it being registered with IP Australia. However, registration confers a number of rights (which are legally enforceable) on the holder of a registered trade mark, including:

- the exclusive right to use and authorise the use of the trade mark in relation to the goods or services for which the trade mark is registered
- the right to obtain relief if the trade mark is infringed (e.g. an injunction, or an order to the infringer to cease using the infringing trademark)
- the right to assign or licence the trade mark, and
- the protection of trade mark rights being infringed by third parties through the imposition of penalties including criminal penalties (i.e. falsifying a registered trademark or falsely applying a trademark).

If a trade mark is not registered, the owner has limited rights in the event it is misused or infringed, such as a claim of misleading or deceptive conduct under Australian Consumer Law or ‘passing off’ under the common law.

A trade mark should be registered in the name of the organisation itself, being the legal entity having ownership of the trademark, even if a volunteer has assisted in the creation of the trade mark, patent or design. The position at law is different if the organisation is an unincorporated association (see below).

### 2.3.2 Patents and Designs

- A **patent** generally means an invention or innovation. In Australia, the relevant law is the *Patents Act 1990* (Cth). Once registered with IP Australia, protection lasts up to 8 years for an innovation patent, 20 years for a standard patent and 25 years for patent of a pharmaceutical substance.

- A **design** generally means a shape, configuration, pattern and ornamentation, which gives a product a unique appearance. In Australia the relevant law is the *Designs Act 2003* (Cth), and once registered, protection lasts five years from the filing date of the application to register.

In both cases, a patent or design should be registered in the name of the organisation itself, being the legal entity having ownership of the patent or design, even if a volunteer has assisted in the creation of the trade mark, patent or design. This is unless the organisation is an unincorporated association.

**Unincorporated associations**
While registration of a design, trademark or patent will usually be in the name of the organisation, this cannot be the case where the organisation is an unincorporated association. This is because an unincorporated association is not a separate legal entity - it cannot own IP in its own name. In this situation, it is common for registration to be under the name of a member of the governing body of the unincorporated association. In this instance, it is important to document in writing that the member of the governing body does not hold the registration for his or her own benefit but for the benefit of the unincorporated association.

2.4 Moral rights: what are they?

“Moral rights” are the rights of a creator to be attributed as the author of a work, and to have their works treated with respect. They are personal to a creator which means the rights cannot be transferred or assigned. Moral rights mean that a creator can insist on being given credit for the work, not have someone else be attributed as a creator, and that their work not be changed or added to in a manner that would have a negative impact on the creator’s reputation. However, a creator can waive their rights or give consent to certain things that may otherwise breach their moral rights. Creators have moral rights in a work even if they do not own copyright in their work.

In the context of volunteers, this means that even if a volunteer assigns his or her copyright in a work to an organisation, he or she must also waive their moral rights in writing. Otherwise, the volunteer may insist that the organisation attribute him or her as an author and not change the work in a way that would negatively impact on the volunteer’s reputation.

2.4.1 Avoiding infringing moral rights

To avoid infringing a volunteer’s moral rights in works they may create for your organisation, your organisation should ensure that it has a written consent from the creator of material to use the material in the way it intends without attribution. This means your organisation should consider written agreement with the volunteer that provides your organisation with consent to do certain things that otherwise might infringe the creator’s moral rights. For example, not naming them on your organisation’s website as an author of material used on your website. In many circumstances your organisation may not wish to identify the person (e.g. a volunteer) as an individual author of the work or your organisation may wish to modify the work in future. Written agreement can occur under a volunteer agreement signed at the commencement of the volunteering arrangement (see Part 2) or it can occur at a later time. In the absence of the author’s consent, failing to identify the author will infringe the author’s moral rights.

2.5 Confidential information

Strictly speaking, confidential information is not “property” although it may be the subject of separate IP rights, for example, a patent. Confidential information creates an obligation in law to maintain the confidentiality of information when it is disclosed to someone on a condition of confidentiality. For example, employers often reveal confidential information to employees or volunteers so that they can undertake activities as part of their role, for example, an organisation’s client and contact lists or Kayla volunteers at a local dog rescue home. Kayla writes an article on canine enrichment for adopted dogs for publication on the home’s website. Unless Kayla has waived her moral rights, she can insist that the organisation attribute him or her as an author and that the article not be changed in a manner that may negatively affect Kayla’s reputation.
funding information. The employee or volunteer will be prevented by the law of confidential information from using or disclosing the information in a way that was not intended by the employer.

While the law requires that certain information must be treated as confidential, the obligation to treat information in confidence does not necessarily extend to volunteers unless the confidentiality of the information is made very clear.

The best way to ensure that people understand they are receiving confidential information is to mark the information as confidential and to make sure they understand that it must be treated in confidence. Confidential information should be stored securely and access restricted.

The law may provide a remedy if a person who receives confidential information breaches their duty of confidence. Often this remedy will be damages (monetary) or an injunction (a Court order to prevent a person who has threatened to make confidential information public). This could happen if a person discloses (tells others about, or threatens to tell others) information in circumstances where:

- the information is, and is treated as confidential information (e.g. confidential documents are marked confidential and access to them is restricted and secured)
- the information has been disclosed to someone in circumstances which indicate that it is confidential and must be treated in confidence, or
- the use or disclosure of the information was not authorised.

Protection of confidential information lasts as long as the information stays confidential. However, once confidential information has been disclosed (i.e. made public) it will no longer be confidential and cannot be confidential again.

### TIP

It may be appropriate to include a disclaimer, such as the following example, on particularly sensitive material to help demonstrate that there is no intention to disclose the material publicly, and to remind the recipients of the information about its confidential nature:

**IMPORTANT NOTICE:** The information contained in this document is confidential information of XYZ Community Organisation and all copyright subsisting in any copyright works in this document is owned by XYZ Community Organisation. The information in this document is provided only for the purposes of [insert authorised purpose] and must not be disclosed, reproduced, published, performed, communicated to the public or adapted by any person for any other purpose, except with the prior written consent of XYZ Community Organisation. This notice must be retained on any copies or adaptations of all or any part of this document.

### 2.5.1 Using confidentiality agreements

A confidentiality agreement is an agreement between two parties (e.g. a volunteer and your organisation) which sets out the terms and obligations applicable to confidential information which is received or shared between a volunteer and your organisation. A confidentiality agreement provides a clear way for your organisation protect your rights in respect of confidential information. It is a good idea to ask volunteers to sign a confidentiality agreement before they start volunteering, if it is expected that will have access to confidential information. The confidentiality agreement may be a separate agreement or part of an existing, larger agreement (e.g. the volunteer agreement). If an agreement is not put in place prior to confidential information being disclosed to a volunteer, then you should immediately request the volunteer enter into an agreement which obliges the volunteer to not
disclose or use any confidential information received to date (and which may be received in the future) otherwise than in their role as a volunteer for your organisation.

**EXAMPLE**

HealthyHeads is a suicide-prevention charity. It has developed a unique therapy treatment. Kylie is volunteer who takes initial phone calls from potential clients. As part of her role, Kylie receives some training in how the therapy works. To ensure Kylie cannot disclose the workings of its unique therapy, which is similar to a trade secret, HealthyHeads makes sure her volunteer agreement contains a provision which obliges her to not disclose or use confidential information (including details of the therapy) to anyone outside HealthyHeads.

If the volunteer does not agree to sign the agreement, then your organisation will have to rely on the volunteer’s obligation of confidence. As outlined above, this obligation will arise where in disclosing the information the organisation must have clearly communicated the information in confidence i.e. the volunteer was aware that the information is confidential. An obligation of confidence will not always arise and will depend on the facts of each case. Also, as outlined above, you may need to go to court to enforce an obligation of confidence. For these reasons, it is better to ensure all volunteers enter into an agreement which contains a confidentiality provision at the beginning of the volunteering relationship.

**TIP**

A confidentiality agreement should:

- define the information that is considered confidential
- confirm that the confidential information must be kept confidential, and
- clearly define the limited purpose(s) for which the confidential information may be used.

You should also be aware that even if all steps are taken to protect the confidentiality of information, there are some circumstances in which disclosure can be required by law. For example, courts can impose an obligation that information (including confidential information) be produced to the court through a request (a subpoena) if disclosure of the information is considered to be in the interests of justice.

**2.6 Accusations of infringement of another person or organisation's intellectual property**

If a volunteer accuses your organisation of infringing his or her intellectual property, you should:

- try to negotiate with the volunteer to identify what intellectual property the volunteer thinks has been infringed and how,
- if feasible, either stop using the intellectual property immediately, or come to an agreement with the volunteer to assign the intellectual property to your organisation,
- seek legal advice to determine whether the volunteer’s claim has merit (meaning that it is substantial enough that it could be pursued in the courts) and how to resolve the dispute.
If you are accused of infringing another person or organisation's intellectual property, you should:

- if you consider the accusation has merit, stop carrying out the allegedly infringing activity as soon as possible, and
- seek legal advice.

2.7 Summary: Ownership of intellectual property

Understanding the different forms of intellectual property is critical to ensuring any IP produced by volunteers is protected. As outlined above, only after your organisation understands who owns IP can it consider how to best protect the organisation (e.g., transfer of ownership). The below is a short summary of the law in relation to ownership and each form of IP.
### Table: Overview of Ownership of intellectual property

<table>
<thead>
<tr>
<th>Creator - author of materials</th>
<th>Copyright</th>
<th>Trademarks / patents / designs</th>
<th>Confidential Information</th>
<th>Moral rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volunteer</td>
<td>If a volunteer creates copyright material for your organisation, they will continue to own the copyright in the material unless there is a written agreement to the contrary. It is important to reach an agreement with volunteers about copyright ownership before they begin creating material for your organisation to ensure copyright is owned by the organisation upon its creation. However, if this does not occur, the volunteer can agree in writing to assign ownership in the copyright to the organisation.</td>
<td>Trademarks, patents and designs generally only exist once they have been registered with IP Australia under the relevant legislation. For this reason, a volunteer will not own or have any rights in relation to a patent or design or a trade mark registered with IP Australia in the name of your volunteer involving organisation. However, where a volunteer may develop a trade mark, for example, by drawing a logo or packing the works may be protected by copyright. It is important to reach an agreement with volunteers about all intellectual property ownership before they begin creating material for your organisation that it may want register with IP Australia.</td>
<td>The obligation to keep some information confidential may arise in a volunteer relationship. This will generally be the case where information disclosed to the volunteer was done expressly in confidence.</td>
<td>Volunteers will have moral rights in respect of any literary, dramatic, musical or artistic work which they produce for your volunteer involving organisation, unless they expressly waive their moral rights.</td>
</tr>
<tr>
<td>Unpaid work - work experience, vocational placement and internships.</td>
<td>Copyright material created by students during unpaid work experience (vocational placements and internships) may be owned by the student or by the tertiary institution where the student is enrolled unless there is a written agreement to the contrary. Your organisation should discuss copyright with the student and their institution before the student joins your organisation and arrange for a written agreement assigning copyright to your organisation if you wish to retain the rights to any work created by that student.</td>
<td>The position is the same as for volunteers.</td>
<td>The position is the same as for volunteers.</td>
<td>The position is the same as for volunteers.</td>
</tr>
<tr>
<td>An employee</td>
<td>It is an implied term of employment that an employer owns copyright created by their employees ‘in the course of their employment’. To remove uncertainties, your organisation should be clear whether it is hiring someone as an employee. You should sign a written agreement with the person which clearly defines their status as an employee, defines the scope of their employment and confirms that copyright, created by the employee, belongs to your organisation.</td>
<td>It is an implied term of employment that an employer owns a trademark/patent/design created by their employees ‘in the course of their employment’. To remove uncertainties, your organisation should be clear whether it is hiring someone as an employee. Your organisation should sign a written agreement with the person which clearly defines their status as an employee, defines the scope of their employment and confirms that all intellectual property, created by the employee, belongs to the organisation.</td>
<td>The employer-employee relationship has been recognised by the courts as a special relationship for the purpose of confidential information, meaning that the law requires an employee to maintain the confidentiality of information disclosed in the course of, or acquired as a result of, employment, irrespective of whether there is a confidentiality provision in an employment contract.</td>
<td>Employees will have moral rights in respect of any literary, dramatic, musical or artistic work which they produce for their employer, unless they expressly waive their moral rights (i.e. a contract or separate deed of agreement).</td>
</tr>
<tr>
<td>Contractor</td>
<td>Copyright created by an independent contractor will automatically be owned by the independent contract unless there is a written agreement to the contrary e.g. contractor agreement or agreement for services. The contractor agreement should state that any copyright which the contractor creates during the provision of services to the organisation automatically becomes the copyright of the organisation on its creation. In the absence of this, the contractor can assign his or her copyright after its creation to the organisation.</td>
<td>A trademark/patent/design created by an independent contractor will be owned by an independent contractor unless there is an agreement in place which provides that the IP created by the contractor will be owned by the organisation they are providing services to. While these types of IP generally rely on registration with IP Australia, registration will not prevent a contractor from making a claim for ownership of intellectual property. This means that contractor agreements should provide that any IP created by the contractor as part of their services is owned by the organisation to prevent a future dispute about ownership. A contractor can also assign his or her ownership of IP to an organisation after its creation if the contractor agreement does not contain a suitable clause.</td>
<td>As with a volunteer, a contractor will only be obliged to keep certain information confidential where the information has been communicated in confidence to the contractor or the contractor has agreed to keep the information confidential (i.e. a contract or separate deed of agreement).</td>
<td>As with a volunteer, a contractor will have moral rights in respect of any literary, dramatic, musical or artistic work which they produce for a party to which they are providing services, unless they expressly waive their moral rights (i.e. a contract or separate deed of agreement).</td>
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</tbody>
</table>
3. Privacy

Overview

Your volunteer involving organisation is likely to collect, use, and store and or disclose information about individuals – for example, in the delivery of services or in gathering information about new memberships - or volunteers - of your organisation. This information will often be classified ‘personal information’ under privacy laws, and may include ‘sensitive information’ and ‘health information’, which are subcategories of personal information requiring special treatment.

It is important to consider your legal obligations under privacy laws in all your dealings with personal information, including the sub-categories of sensitive information or health information.

Handling personal information in a lawful, transparent and respectful way is an important part of your organisation’s reputation as well as avoiding any legal consequences of a data breach, including monetary penalties. This means all of your organisation’s workers, including volunteers, must understand the organisation’s obligations under privacy laws and implement related policies and practices which reflect those obligations. Workers must be adequately trained to ensure your organisations ongoing compliance under the privacy laws.

Your organisation may be subject to all - or only some - of the privacy laws, either directly or through contract. However, even if the laws do not apply directly, it is a matter of best practice to follow them.

If your organisation is bound by or otherwise follows privacy laws (as a matter of best practice) this means your organisation should only:

- collect and store a volunteer’s personal information with their consent
- use the volunteer’s personal information for the purpose for which it was collected (if in doubt seek their consent)
- treat volunteer information as confidential information (as described above at 2.5), and
- store volunteer information securely (and be extra careful with ‘sensitive’ or ‘health information’ of volunteers – as described below at 3.1).

Volunteers should also be able to access any personal information you have about them and have the same rights as others (i.e. clients whose information you collect) to have it modified or amended.

TIP

If your organisation uses the Sample Volunteer Agreement (Part 5) is makes clear that your organisation will respect your volunteers’ privacy, including keeping the volunteers’ private information confidential.

CAUTION

The information contained in this part of the National Volunteer Guide is of a generic nature and is not intended to replace legal advice but rather provide an overview of the Commonwealth and state laws on privacy.

More detailed information is available in our Privacy Guide at www.nfplaw.org.au/privacy.

Privacy Laws are complex and are not always easy to apply in practice. If you have any doubts, seek legal advice.
3.1 What are the privacy laws?

In this Guide, the following legislation is collectively referred to as Privacy Laws:

- Commonwealth (Cth) law: Privacy Act 1988 (Cth) (Privacy Act) which, from 12 March 2014, sets out the 13 Australian Privacy Principles (APPs)
- Australian Capital Territory (ACT) law: Information Privacy Act 2014 (ACT), Health Records (Privacy and Access) Act 1997 (ACT)
- New South Wales (NSW) law: Privacy and Personal Information Protection Act 1998 (NSW), Health Records and Information Privacy Act 2002 (NSW)
- Northern Territory (NT) law: Information Act 2003 (NT)
- Queensland (Qld) law: Information Privacy Act 2009 (Qld)
- South Australia (SA) has no legislative scheme for privacy law, however, it has an administrative direction on handling personal information that binds the public service: PC012 – Information Privacy Principles (IPPs) Instruction
- Tasmanian (Tas) law: Personal Information Protection Act 2004 (Tas)
- Victorian (Vic) law: Privacy Data and Protection Act 2014 (Vic), Health Records Act 2001 (Vic), and
- Western Australia (WA) currently has no legislative scheme for privacy law, however, some privacy principles (dealing with access to information and correction of information) are provided for in the Freedom of Information Act 2001 (WA)

The Privacy Act applies to organisations with revenue over $3 million, Commonwealth government agencies and government contracted services providers. There are some exemptions which are discussed in Not-for-profit Law’s Guide to Privacy Laws.

The state and territory privacy legislation applies to agencies of the state and territory governments. It does not generally apply to community organisations unless they agree to be bound by the legislation under a contract e.g. a funding contract with a department, or (in some states) health service providers. Some state and territory government funding contracts require the organisation receiving the funding to comply with the relevant privacy principles for the purpose of the funded project.

3.2 The Privacy Act (Cth)

3.2.1 Information covered by the Privacy Act

The Privacy Act does not regulate or apply to all of the information a volunteer involving organisation gathers or deals with. In understanding if your volunteer involving organisation has obligations under the Privacy Act, consideration needs to be given to whether the information you hold, or want to collect, falls into one of the following categories of information. It should also be noted that the Privacy Act applies to these categories of information in different ways. The way the Privacy Act applies to your organisation also depends on the size and type of your organisation, which is discussed further below.
1. Personal information

‘Personal information’ is information or an opinion about an identified individual, or about an individual who is ‘reasonably identifiable’. Personal information can be true or false, verbal, written, or photographic, and recorded or unrecorded. Personal information includes a person’s name, address, contact details (such as telephone number or email), date of birth, gender, sexuality and race.

WHEN WILL SOMEONE BE ‘REASONABLY IDENTIFIABLE’?

Whether someone is ‘reasonably identifiable’ from the information you hold depends on a few things, including:

- the nature and extent of the information
- how the information was received, and
- whether it is possible for you to identify the person from the resources you hold (including other information available to you).

Personal information does not include: anonymous information, aggregated information (e.g. data that reflects trends without identifying the sample), de-identified information and information about companies or other entities which does not identify individuals, or information which does not reveal a person’s identity.

EXAMPLE

Consider a car licence plate. Most people would not be able to identify the owner of a car simply from the registration number. To most people, then, knowing a car’s licence plate number would not make the owner of the car ‘reasonably identifiable’.

But if you work for an agency responsible for car registration, you may have access to other information that enables you to identify the owner of the car. Holding information about the car registration would make the person ‘reasonably identifiable’ to you from the information you hold, so the registration number would be considered personal information.

2. Sensitive information

‘Sensitive information’ is a special category of personal information and is subject to stricter legal requirements for collection, storage use and disclosure. Under the Privacy Act, information will be considered ‘sensitive information’ where it is information or an opinion about a person’s: racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record.

Health information (discussed below at 3.2.2) or genetic information or biometric information is also a form of ‘sensitive information’. Identifying sensitive information is important as different requirements and thresholds apply to this kind of information under the Privacy Act.

3. Health information

‘Health information’ is a type of personal information that includes information or opinion about a person’s: physical and mental health, disability (at any time), health preferences (including future provision of health services), use of health services, bodily donations (e.g. blood, organs), and genetics.
You need to establish when you are collecting, using, storing or disclosing information that is considered ‘health information’ as this type of information is generally afforded a higher level of protection under the Privacy Act and some state privacy legislation.

**EXAMPLE**

Examples of ‘health information’ include: notes of a person’s symptoms or diagnosis and treatment, specialist reports or test results, appointment and billing details, dental records, a person’s healthcare identifier when it is collected to provide a health service, prescriptions and other pharmaceutical purchases, and any other personal information (such as information about a person’s sexuality, religion, date of birth, gender) collected to provide a health service.

3.2.2 Is my organisation bound by the Privacy Act?

Once you have established the information you collect, store, use or disclose that may be considered ‘personal’, ‘sensitive’ or ‘health’ information, you then need to determine whether your organisation meets the qualifying criteria under the Privacy Act. It will depend on a number of factors which are beyond the scope of this Guide. However, even if your organisation is not legally obligated to do so, it is a good idea to follow the privacy laws. The APPs set out in the Privacy Act are considered best practice.

By way of a brief summary, the APPs require an organisation to:

1. Take reasonable steps to make individuals aware that it is collecting ‘personal’, ‘sensitive’ or ‘health’ information about them

2. Notify those individuals about the purpose/s for which it is collecting the information and who it might share that information with (among other things)

3. If the personal information is sensitive information, ensure that consent for such collection, use or disclosure is obtained (expressly or impliedly)

4. Comply with restrictions on how personal information can be used and to whom it can be disclosed, including at any offshore location where the information may be disclosed, and

5. Give individuals the right to access the information held about them and to have that information corrected or modified.

3.3 State-based privacy law

Australian state and territory information privacy principles (IPPs) apply to their respective government agencies (including public sector agencies, local councils, courts, state police etc.). The state and territory IPPs regulate how government agencies may deal with the personal information of individuals in a similar way that the APPs regulate how private entities deal with personal information. The laws and directions containing the various state and territory IPPs are:

- **ACT**: Information Privacy Act 2014 (ACT) sets out 13 Territory Privacy Principles in Schedule 1
- **NSW**: Privacy and Personal Information Protection Act 1998 (NSW) sets out 12 Information Protection Principles in Part 2, Division 1
- **NT**: Information Act 2003 (NT) sets out 10 Information Privacy Principles in Schedule 2
• **Qld**: *Information Privacy Act 2009* (QLD) sets out 11 Information Privacy Principles in Schedule 3 and 9 National Privacy Principles which apply to health agencies and their contracted service providers in Schedule 4

• **SA**: Part II of the administrative instruction, PC012 – Information Privacy Principles (IPPs) Instruction provides a set of Information Privacy Principles

• **Tas**: *Personal Information Protection Act 2004* (Tas) sets out 10 Personal Information Protection Principles in Schedule 1

• **Vic**: *Privacy Data and Protection Act 2014* (Vic) sets out 10 Information Privacy Principles in Schedule 1

• **WA**: There is currently no legislative privacy scheme, however, some privacy principles (dealing with access to information and correction of information) are provided for in the *Freedom of Information Act 2001* (WA)

### 3.3.1 Is my organisation bound by the state based laws?

Each set of IPPs are very similar to the APPs under the Privacy Act. While the IPPs only apply to government agencies, it is not uncommon for a funding contract with a state or territory public agency (e.g. Department of Health) to require the recipient of funding comply with the relevant IPPs for the purpose of the funded project.

If your organisation is contractually bound to comply with any of the state or territory IPPs, your organisation should ensure:

(i) volunteers are appropriately trained regarding the organisation’s obligations under the relevant IPPs and the funding contract, and

(ii) your organisation complies with the requirements of the relevant IPPs when dealing with the personal information of volunteers.

### 3.3.2 Health specific privacy legislation

Private health service providers are also subject to additional privacy legislation in New South Wales, Victoria and the Australian Capital Territory, with the following legislation setting out Health Privacy Principles (HPPs).

• **NSW**: *Health Records and Information Privacy Act 2002* (NSW) sets out 15 Health Privacy Principles in Schedule 1.

• **Vic**: *Health Record Act 2001* (Vic) sets out 11 Health Privacy Principles in Schedule 1.


This legislation generally applies to the collection, use, storage and disclosure of health information of people receiving health services from health service providers, and so will not apply to the utilisation of volunteers by health service providers.

If your organisation is bound by any of the HPPs, it should ensure its volunteers are appropriately trained regarding the organisation’s obligations under the relevant health specific privacy legislation.
3.4 Volunteer involving organisations’ obligations under the Privacy Laws and volunteers

3.4.1 Your organisation, its volunteers and the privacy laws

If your organisation is required to comply with Privacy Laws (or choses to comply as a matter of best practice) and engages volunteers, it will need to take steps to ensure people within the organisation are constantly mindful of their obligations when dealing with personal information. Because volunteers are not always engaged with an organisation to the same extent as employees, it can be more difficult for organisations to develop this same culture among volunteers. For this reason, organisations should ensure that volunteers are trained in privacy compliance from the very outset. Your organisation should ensure all volunteers are appropriately trained regarding:

- The organisation’s obligations under the Privacy Act and state and territory-based laws in relation to the collection, use, disclosure and storage of that personal information and/or health information (where applicable or as a matter of the organisation’s practice)

- How the organisation (and its volunteers) collects, uses, discloses and stores personal information as part of its activities

- The organisation’s practices and requirements regarding the collection, use, disclosure and storage of individuals’ personal information

- The types of information, particularly sensitive and health information, which the volunteer may be required to deal with and the organisation’s obligations in respect of that information

- The organisation’s policies in relation to privacy, such as a privacy policy, a data breach policy and response plan and the how a person can make a complaint to the organisation in relation to their personal information

- The rights of individuals to their privacy, including their rights under privacy laws (where applicable or as a matter of the organisation’s practices)

- How to direct people to the organisation’s privacy policy (which may be required by privacy law to be as available as practically possible, such as on the organisation’s website), or how to provide people with a copy of the policy. The Privacy Act requires certain information be contained within the policy including:
  - the kinds of personal information that the organisation collects and holds
  - how personal information is collected and held
  - the reasons why the organisation collects, holds, uses and discloses personal information
  - how an individual can access their information
3.4.2 Information about your volunteers and the privacy laws

Organisations which engage volunteers need to treat the personal information of the volunteers in the same way they are required to treat personal information of third parties under the Privacy Act (and the relevant state privacy law if the organisation is required to comply with the state legislation).

This is different to how the law applies under the Privacy Act toward an organisation’s employees. If an employer handles information that is part of an employee record directly related to a person’s current or former employment relationship, the employer’s conduct is exempt from the APPs under the Privacy Act. This exemption does not extend to volunteers. This means if your volunteer involving organisation is required to comply with the Privacy Act (or chooses to comply as a matter of best practice), your organisation will need to comply with the APPs in relation to the personal information of your volunteers.

**TIP**

The Office of the Privacy Commissioner has a number of useful guides and templates on its website that provide practical information about complying with the Privacy Act. This includes:

- Australian Privacy Principles and Information Privacy Principles — Comparison Guide
- APP quick reference tool
- Guide to developing an APP Privacy Policy
- What to look for in developing a Privacy Policy
- Guide to securing personal information
- Handling privacy complaints
- Privacy Management Plan Template (for organisations)

4. Record Keeping

Overview

Organisations should keep appropriate records of their volunteer programs. In some circumstances, keeping records of your volunteers will be required by law.

Organisations have limited legal obligations to keep records relating to volunteers, which are explained further below. While the law may not require records be kept, it may be both necessary for your organisation to keep records relating to your volunteer for a number of other reasons including:

- internal organisational reporting (e.g. human resources)
- current or anticipated disputes, or legal action
- requirements under insurance policies, or
- requirements under funding agreements.

4.1 Keeping records and for how long

We recommend a volunteer involving organisation keep records of its volunteers and for at least 7 years. This is because it is consistent with some regulator requirements (e.g. the Australian Charities and Not-for-profits Commission for registered charities) and because legal action (civil claims) can generally brought up to 6 years after an event to which the claim relates occurred (for example, a former volunteer alleges your organisation’s negligence was the cause of the injury to the volunteer). Some claims have even longer limitation periods such as claims brought in relation to harm suffered by a person when they were a child. If your organisation works with children or more vulnerable persons, ideally volunteer records should be kept indefinitely or as long as possible, especially in light of the recent child safety reforms and removal of limitation periods for bringing actions (meaning they can be brought at any time – there is no six year limit) founded upon child abuse.

Your organisations should treat information that it holds about both current and former volunteers with care and in accordance with obligations under the Privacy Laws, as discussed above.

Note the obligations for keeping records under the Fair Work Act 2009 (Cth), for seven years, do not apply to volunteers. As outlined in Part 2, it is important that your organisation understand the differences between paid workers (i.e. employees and independent contractors) and unpaid workers given that in some instances the law treats them differently.

4.2 Volunteer safety and record keeping

Workplace health and safety (WHS) laws (sometimes referred to as occupational health and safety (OHS) laws) require community organisations to keep certain records in relation to workers, including volunteers. See Part 3 which deals with volunteer safety, including what WHS or OHS laws apply to your organisation. As we have stated in that Part, even if these laws do not apply, your organisation
has similar obligations arising under the common law (for example, in relation to negligence). The keeping of records will assist you showing you are meeting these obligations.

4.2.1 Harmonised WHS laws (QLD, NSW, TAS, ACT, SA, NT)

Most states and territories (Queensland, New South Wales, Tasmania, the ACT, South Australia and the Northern Territory) have adopted the model WHS laws.

In these states and territories, organisations to which the legislation applies must notify the relevant regulator immediately after the organisation becomes aware of the occurrence of an incident that is considered a ‘notifiable incident’. A notifiable incident is the death of a person, a serious injury or illness of a person or a dangerous incident. The organisation must keep a record of each notifiable incident that has occurred for at least 5 years from the day that notice of the incident. A failure to keep these records may lead to individuals incurring fines of up to $5,000 and organisations incurring fines up to $25,000.

The laws also require the keeping of a “Register of Injuries” where any workplace incidents or injuries should be recorded no matter how serious they appear to be at the time.

Under the model WHS laws, volunteers are included in the definition of ‘workers’.

4.2.2 Victoria and Western Australia OHS/WHS laws

Victoria: the OHS law is in many respects reasonably consistent with the model WHS law. An organisation that is bound by the OHS laws must, so far as is reasonably practicable, keep information and records relating to the health and safety of its workers. The organisation is required to notify WorkSafe, the Victorian regulator, of certain incidents and must keep a copy of the record for at least 5 years. There are also requirements for records under the OHS laws in regard to asbestos, lead, carcinogenic substances and other hazardous substances.

Western Australia may adopt the ‘model’ WHS laws in the future. The Work Health and Safety Bill 2014 (WA) is currently before Parliament. If it does adopt the model laws, WA law will be ‘harmonised’ with the law in all other states except Victoria. However, the proposed WA bill specifically excludes ‘volunteers’ from the definition of ‘workers’, unlike the other ‘harmonised’ law in other states.

The Western Australian occupational safety and health laws do not currently place an obligation on employers to keep records of safety incidents. However, there are requirements to keep records in relation to asbestos, lead, carcinogenic substances and other hazardous substances.

4.3 Commonwealth and state regulator record keeping

4.3.1 The Australian Charities & Not-for-profits Commission

The Australian Charities & Not-for-profits Commission (ACNC) currently requests information relating to a charity’s volunteers in its Annual Information Statement, which most charities must submit annually. The requested information is currently limited to the number of volunteers a charity utilises in its activities. For this reason, a volunteer involving organisation that is a registered charity should retain accurate records regarding its volunteers so that it can report accurately.

FURTHER READING

The ACNC has detailed information on its website in relation to record keeping for charities. See here. Our “Running a Charitable CLG Guide” also has information in relation to record keeping records of charities.
Under the Australian Charities and Not-for-profits Commission Act 2012 (Cth) your organisation is required to keep its records for seven years.

4.3.2 The Australian Taxation Office

The Australian Taxation Office (ATO) requires that records are kept for five years. Many of the documents that are relevant to tax affairs will also be kept for the purposes of the ACNC’s record-keeping requirements, including an organisation’s governing documents, financial reports, cash books, tax invoices, employee records, bank records, grant documentation and contracts.

Clear records should be kept if payments are made to volunteers, such as reimbursements. Records of payments will also be important if a volunteer changes their status with an organisation and becomes an employee or independent contractor of the organisation. For more information, refer to Part 2.

4.3.3 State and territory incorporation regulators

All community organisations incorporated under state or territory law will need to keep documents and records. Requirements to keep certain documents and records may be set out in your organisation’s rules, as well as in the relevant incorporation legislation. While associations laws do not explicitly require you to keep specific records about volunteers, in some circumstances the organisation may, and be legally required to, because of the position held by the volunteer (e.g. where the management committee are all volunteers).

4.3.4 Other incorporation regulators (ASIC and ORIC)

If your volunteer involving organisation is incorporated under a Federal law, such as a company limited by guarantee under the Corporations Act 2001 (Cth) or an Indigenous organisation incorporated under the Corporations (Australian and Torres State Islander) Act 2006 (Cth), it will need to keep financial documents and records for seven years. Neither of these laws explicitly require the organisation to keep specific records of its volunteers, although in some cases records about volunteers will be kept by virtue of the position held by the volunteer (e.g. where the board of directors are all volunteers).

4.3.5 Fundraising regulators

Fundraisers undertaking regulated fundraising activities must meet certain obligations under the state and the ACT fundraising laws. These are usually the same regulators as the state and territory incorporation regulators (see 4.3.3. above).

These laws differ in each state and territory (except the Northern Territory which does not have any specific fundraising law). If your organisation is fundraising in several states or territories, you will need to consider the laws in each of those places and whether they apply (for example, registered charities in the ACT and SA do not require permission from their respective state and territory regulators to fundraise). Fundraising laws are complex. You may need to seek legal advice in determining with if the laws apply to your volunteer involving organisation.

**CAUTION**

Just because your organisation may be exempt from a requirement to seek permission from the state regulator to fundraise in that state, it does not mean your organisation will be exempt in the other states and the ACT. If you are conducting fundraising activities in other states or the ACT you should check with the local regulator, and if required seek legal advice.
In some circumstances the fundraising laws require you to make and keep records of individuals involved in a fundraising activity, including as a ‘collector’. These include:

- **Queensland**: where a community organisation engages in street collections, each collector must be issued with a distinctive armlet or badge. A record of each collector issued with an armlet or badge must be kept and a written itinerary provided for each paid collector and lodged with the regulator 14 days before collection. There is currently no similar equivalent requirement in the other states and territories.

- In **Victoria** the fundraising law requires that the name and address of each person who participates in the appeal as a supervisor or manager must be recorded – in your organisation this person may be a volunteer.

- In **New South Wales**, the obligations that come with a fundraising licence include to ensure that high standards of governance and risk management are applied to any campaign, including considering whether people involved in administering the campaign are suitably qualified and of proper character (you may like to consider screening volunteers, see Part 3), and whether appropriate safety measures have been taken to protect staff and volunteers involved in the fundraising campaign. The keeping of volunteer records will assist your organisation in demonstrating it meets this requirement.

- In **Western Australia**, an organisation involved in street collections (that has the relevant permit) is obliged to consecutively number all of the collection boxes and keep a record of which boxes are issued to each collector - in your organisation this person may be a volunteer.

In the other states (**South Australia**, the **ACT** and **Tasmania**) the fundraising laws do not explicitly require record keeping of individuals involved in a fundraising activity (e.g. collector). However, in the ACT it is within the power of the regulator (AccessCanberra) to require information it considers necessary to decide whether the licensee has complied with the relevant legislation. In South Australia, a fundraising licence may be granted subject to conditions, including compliance with the Code of Practice. The Code of Practice includes a requirement to monitor the health and safety of collectors who work alone - in your organisation this person may be a volunteer. The keeping of records may serve to demonstrate the monitoring is of an adequate standard.

Also note in **Victoria** and **New South Wales** there are additional reasons why you should keep records of your volunteers. In these states there are exemptions from the need to obtain permission (to register as a fundraiser in Victoria and to obtain a licence in New South Wales) where only volunteers are used to collect funds and only a certain amount of money is collected within the financial year.

While your organisation may not be legally obliged to make and keep records of each individual involved in a fundraising activity (e.g. collector), such as their name and address and their identifying number (if any), as outlined above, there are many reasons why it is a good idea to keep records. These records of volunteers involved in fundraising should be kept and maintained with the other records of the organisation and with the requirements (if any) set out in the relevant fundraising legislation and, where applicable, other relevant laws (including privacy laws, as discussed above).

**RELATED RESOURCES**

Volunteering Australia’s National Standards for Volunteer Involvement have a number of standards relevant to the matters discussed in this Part. If your organisation complies with its legal obligations as set out in this Part (or if not obligated, but does so as a matter of best practice), it will help ensure your organisation meets these standards (and can provide evidence that it does so).

Standard 8: Quality Management and Continuous Improvement states that effective volunteer involvement results from a system of good practice, review and continuous improvement.

A criteria for meeting this standard is “Policies and procedures are implemented to effectively guide all aspects of volunteer involvement”, with evidence of meeting this standard being that volunteers are made aware of and understand an organisation’s policies and procedures.

Standard 1: Leadership and Management states that the governing body and senior employees lead and promote a positive culture towards volunteering and implement effective management systems to support volunteer involvement.

Criteria for meeting Standard 1 includes:

- **1.2 “Policies and Procedures applying to volunteers are communicated, understood, and implemented by all staff across the organisation”**: Evidence of meeting this includes regular monitoring of compliance with organisations volunteer policies and procedures.

- **1.4 “Volunteer records are maintained”**: Evidence of meeting this includes identifying the required information to be collected from volunteers; information is documented and secured; and the organisation has documented and implemented processes that comply with privacy legislation for securely managing volunteer personal and confidential information.

Standard 2: Commitment to Volunteer Involvement states that commitment to volunteer involvement is set out through vision, planning and resourcing and supports the organisation’s strategic vision.

Criteria for meeting Standard 2 includes:

- **2.1 “The organisation publicly declares its intent, purpose and commitment to involving volunteers”**: Evidence of meeting this includes that the organisation’s commitment to volunteer involvement complies with legislation, industry standards, guidelines and codes of practice.
Summary: considerations for organisational issues that are applicable to volunteers

**Intellectual property:** Your organisation needs to understand that IP can take many forms. The forms of IP are all different in what they protect, how they are protected and enforced and exploited, and the duration of the protection.

Copyright material created by your volunteer is likely to be owned by the volunteer unless you have a specific agreement with the volunteer that copyright in the material created will on its creation be held by your organisation. Material already owned by a volunteer could be transferred to your organisation under assignment arrangements, or a volunteer could allow your organisation to use its copyright material under a licence arrangement (in this instance the volunteer will still ‘own’ the copyright material).

Moral Rights are rights of a creator to be attributed as the author of a work, and to have their works treated with respect. This means that even if a volunteer assigns his or her copyright in a work to an organisation, he or she must also waive their moral rights in writing. An agreement with the volunteer is recommended.

Your organisation can protect its trade marks, designs and patents by registering them with IP Australia.

Confidential information creates an obligation in law to maintain the confidentiality of information when it is disclosed to someone on a condition of confidentiality. The obligation does not extend to your volunteers in the same way as your employees (if any). It is a good idea to ask volunteers with access to confidential information to sign a confidentiality agreement.

**Privacy:** Your organisation may be subject to all or some of the privacy laws - even if not - it is good idea to follow them as a matter of best practice in relation to the:

(i) personal information of your volunteers: only collect and store the volunteer’s personal information with their consent, only use it for the purpose it was collected, treat it as confidential information, store it securely and be extra careful with ‘sensitive’ and ‘health’ information of volunteers, and  

(ii) dealings by your volunteers of the personal information of others (such as clients, other volunteers) that your organisation may collect, store, use, disclose and manage.

**Record Keeping:** It is a good idea to keep records of your volunteers, even if your organisation does not have obligations at law that require you to keep records of your volunteers.

Registered charities are required to provide annual information on the number of their volunteers, and some fundraising laws require you to keep details of those involved in fundraising activity (i.e. volunteers or paid workers).

Other reasons to keep records include your organisation’s own reporting, requirements under insurance policies (check them!) or potential future legal action, for example, by a volunteer alleging your organisation failed to keep them safe while volunteering for your organisation.

We recommend you keep records of your volunteers for at least seven years and that they be kept and maintained with the organisation’s other records.
Resources

Related Not-for-profit Law Resources

Not-for-profit Law has developed a National Volunteer Guide, which sets out in detail the key legal issues affecting volunteer involving organisations. The Guide is in six Parts and includes a number of templates and sample policy documents, which should be read together. See Not-for-profit Law’s page on volunteering at www.nfplaw.org.au/volunteers

- Part 1: Key legal issues for volunteer involving organisations
- Part 2: Volunteer or employee or independent contractor
- Part 3: Volunteer safety
- Part 4: Volunteers and unlawful workplace behaviour
- Part 5: Recruiting, inducting and managing volunteers

Not-for-profit Law has also developed a number of free webinars for volunteer involving organisations, which can also be accessed the same page at www.nfplaw.org.au/volunteers

Other Related Not-for-profit Law Resources

  
  Not-for-profit Law’s Intellectual Property Guide can help your organisation understand the different types of intellectual property, how it is created, its ownership and how to protect it.

  
  Not-for-profit Law’s National Privacy Guide can help your organisation understand its obligations under the Privacy Laws, including whether it is bound by the Privacy Law and how it can ensure it complies.

  
  Not-for-profit Law’s National WHS Guide can help your organisation understand its obligations under the occupational health and safety laws, whether it is bound by these laws and how it can ensure it complies. A separate Guide also exists for Victorian organisations as their laws differs slightly.

  
  Not-for-profit Law has fact sheets on keeping and accessing documents, records and registers.

  
  Not-for-profit Law has a fact sheet relating to the record keeping required of charities registered by the Australian Charities and Not-for-profits Commission (ACNC) under the ACNC Act 2012.

  
  Not-for-profit has comprehensive guides including: Applications to Fundraise, Fundraising Laws in Australia, Guides’ to Fundraising Laws in each State and Territory and auditing of fundraising accounts.

Incorporation and other related Regulators

- Australian Capital Territory, Access Canberra: www.accesscanberra.act.gov.au
- New South Wales, Fair Trading: www.fairtrading.nsw.gov.au
Northern Territory, Licensing NT: www.nt.gov.au
Queensland, Office of Fair Trading: www.qld.gov.au
South Australia, Consumer and Business Services: www.cbs.sa.gov.au
Tasmania, Consumer, Building and Occupational Services: www.cbos.tas.gov.au
Victoria, Consumer Affairs: www.consumer.vic.gov.au
Western Australia, Consumer Protection: www.commerce.wa.gov.au
Australian Charities and Not-for-profits Commission: www.ato.gov.au
Australian Taxation Office: www.acnc.gov.au

Other resources on privacy
Office of the Australian Information Commissioner (OAIC): www.oaic.gov.au
Office of the Information Commissioner, Queensland: www.oic.qld.gov.au
Commissioner of Privacy and Data Protection, Victoria: www.dataprotection.vic.gov.au
The Information and Privacy Commission, New South Wales: www.ipc.nsw.gov.au
Office of the Information Commissioner, Northern Territory: www.infocomm.nt.gov.au

Other resources on intellectual property
Intellectual Property Australia: www.ipaustralia.gov.au
Australian Copyright Council: www.copyright.org.au
Arts Law Centre of Australia: www.artslaw.com.au

Privacy legislation
Commonwealth law: Privacy Act 1988 (Cth)
Australian Capital Territory law: Information Privacy Act 2014 (ACT), Health Records (Privacy and Access) Act 1997 (ACT)
New South Wales law: Privacy and Personal Information Protection Act 1998 (NSW), Health Records and Information Privacy Act 2002 (NSW)
Northern Territory law: Information Act 2003 (NT)
Queensland law: Information Privacy Act 2009 (Qld)
Tasmanian law: Personal Information Protection Act 2004 (Tas)
Victorian law: Privacy Data and Protection Act 2014 (Vic), Health Records Act 2001 (Vic)
Western Australia: Freedom of Information Act 2001 (WA)

Intellectual Property legislation
Copyright Act 1968 (Cth)
Patents Act 1990 (Cth)
Designs Act 2003 (Cth)
Trade Marks Act 1995 (Cth)
Volunteering Australia resources

Volunteering Australia has published a suite of resources for volunteer managers including information on insurance and complaint handling.

National Standards for Volunteer Involvement

Volunteering Australia’s National Standards for Volunteer Involvement reflect best practice in volunteer management in Australia’s current work environment.

Definition of volunteering

Volunteering Australia’s definition of volunteering has a set of explanatory notes, a detailed Issues Paper that provides background and context, and a set of FAQs around it.

State and territory peak bodies for volunteering

State and Territory peak bodies facilitate opportunities for people seeking to volunteer, and support volunteer involving organisations. These bodies are:

Volunteering and Contact ACT – www.vc-act.org.au
The Centre for Volunteering (NSW) – www.volunteering.com.au
Volunteering Queensland – www.volunteeringqld.org.au
Volunteering SA&NT – www.volunteeringsa-nt.org.au
Volunteering Tasmania – www.volunteeringtas.org.au
Volunteering Victoria – www.volunteeringvictoria.org.au
Volunteering WA – www.volunteeringwa.org.au

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