



**Australian
Human Rights
Commission**

Survey Policy

August 2014

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Participating in a Survey

As part of its functions the Commission actively seeks to engage with a broad cross section of the community, as well as those with a special interest in particular inquiries. One mechanism the Commission uses to do that is surveys.

Survey answers are usually conducted electronically through one of the Commission's websites. This document sets out how we will use, store and disclose the information you provide when you respond to a survey.

1 Use, Storage and Disclosure of Survey answers

1.1 Use of Survey Answers

Survey answers will be used to inform the inquiry or program to which they relate and may also be used for any subsequent reporting, and for promotion and utilisation of the report and the program. For example we may quote your answers in a report or promotional material. If we do this we will not use your name or address or any other information that could identify you unless we get your permission.

(a) *Name and address*

While the Commission may ask for your name and email address at no stage will this information be published with your Survey answers. When we do request your name and email address it is so we can ensure that we do not have multiple responses from individuals, and in order to follow up with you about your responses. The only people who will have access to your name, email address, and other personally identifiable information are the survey coordinator, who's name will be provided in the survey invitation, and any research team working directly with that person on the particular project.

(b) *Verification*

The Commission reserves the right to request verification of information from respondents relevant to the submission. Verification is at the discretion of the Commission, whose decision is final. The Commission reserves the right not to use information submitted by any individual who provides false information, fails to provide accurate information, or who is otherwise involved in any way in manipulating, interfering or tampering with the information submitted to the Commission.

(c) *Publicity*

By providing a survey answer you consent to the Commission using your de-identified information in any media for an unlimited period of time without remuneration for the purpose of furthering the aims of the survey (including any outcome) and/or promoting any products or services, distributed and/or supplied by the Commission in connection with the inquiry.

1.2 Storage of Survey Answers

The Commission usually stores your survey answers and personal information on its databases in Australia and will keep that information in accordance with the *Privacy Act 1988* (Cth) (the Privacy Act) and Australian Privacy Principles (APPs). For more information on this see the information below on Privacy.

(a) Offshore storage

However, from time to time the Commission may use **SurveyMonkey** for the collection, aggregation and analysis of survey data. The information collected in these surveys is transmitted and stored securely in the United States and is accessed by the Commission in accordance with this Survey Policy and SurveyMonkey's terms of use. You can access SurveyMonkey's terms of use [here](#). We will always tell you when we use SurveyMonkey.

You may decline to provide this information by not responding to these surveys. If you do provide a survey answer you consent to storage of your survey answer offshore (outside of Australia). This means that once you have chosen to participate in the survey the Commission will not have an obligation to take reasonable steps to ensure that SurveyMonkey does not breach the Australian Privacy Principles in relation to personal information that is given to SurveyMonkey. You can access SurveyMonkey's privacy policy [here](#).

1.3 Access to Survey Answers

(a) Freedom of Information

The Commission is required to comply with the *Freedom of Information Act 1982* (FOI Act) and any submission provided to the Commission may be the subject of a request under that Act. All requests for access to survey answers will be dealt with in accordance with the FOI Act. The Act includes various exemptions for documents such as: documents provided in confidence (eg confidential survey answers) and personal information. Any FOI application that relates to personal information or confidential survey answers will be processed in accordance with these exemptions.

2 Privacy

The Commission is committed to protecting your privacy. The Commission has obligations under the *Privacy Act 1988* (Cth) (the Privacy Act) that govern how it collects, uses, discloses and holds personal and sensitive information, and how individuals can access and correct their personal information.

The Privacy Act establishes the APPs as the minimum legal standard federal agencies are required to meet in handling personal information. The APPs regulate the way in which the Commission must collect, store, use and disclose information about people. They include requirements that:

- personal information is managed in an open and transparent way;

- people have access to personal information about them;
- personal information only be used for the primary purpose for which it was collected; and
- personal information not be disclosed except to the person concerned.

There are exceptions to the general rules, including that further things can be done with the consent of the individual concerned.

The [Commission's Privacy Policy](#) sets out procedures for collection and use of personal information that are consistent with the APPs.

The Commission will collect any personal information and/or sensitive information that is included in your submission. By including personal information and/or sensitive information in your submission, you consent to the Commission collecting, using and disclosing that information in accordance with this policy.

3 Copyright

Ownership of all survey answers received by the Commission remains vested with the respective author(s) of the survey answer.

However, in participating in a survey for the Commission, you grant a permanent, irrevocable, royalty-free licence to allow the Commission to use, reproduce, publish, adapt, perform or communicate to the public any of your survey answers on the Commission website, including converting any of your survey answers into a different format.

To the extent that your survey answers contain material that is owned by a third party, you warrant that you have obtained all necessary licences and consents required for the use of those materials (including for the Commission to use, reproduce, publish, perform or communicate to the public), and have made arrangements for the payment of any royalties or other fees payable in respect of the use of such material.

4 Limitation of liability

The Commission is not responsible or liable to any person for any loss, damage or injury (economic, consequential or otherwise) suffered or allegedly suffered as a result of the use of information provided to the Commission in response to the survey or the inquiry more generally, except for any liability which cannot be excluded by law.

5 Participation in surveys by children and young people

The Commission values the opinions of children and young people and acknowledges their rights to express those opinions. The Commission also acknowledges that there is a generally accepted presumption that children and young people under the age of 15 do not have the capacity to make the necessary decisions or judgements about the collection, use and disclosure of their personal information.

For this reason, the Commission requires children and young people under the age of 15 to get the consent of a parent or guardian before they participate in a survey. The Commission also reserves the right to exclude children and young people from participating in some surveys.

(a) *SurveyMonkey*

From time to time the Commission may use SurveyMonkey for the collection, aggregation and analysis of survey data. Due to legislative requirements in the United States of America, where SurveyMonkey is based, and concerns about the privacy of children, SurveyMonkey do not allow children to participate in surveys which they conduct on behalf of the Commission. Therefore, children and young people under the age of 15 may not participate in surveys conducted by SurveyMonkey on behalf of the Commission. The Commission will notify potential participants when they are using SurveyMonkey.