Your privacy notice checklist

What?

Decide what to include by working out:

- what personal information you hold;
- what you do with it and what you are planning to do with it;
- what you actually need;
- whether you are collecting the information you need;
- whether you are creating new personal information; and
- whether there are multiple data controllers.

If you are relying on consent, you should:

- display it clearly and prominently;
- ask individuals to positively opt-in;
- give them sufficient information to make a choice;
- explain the different ways you will use their information, if you have more than one purpose;
- provide a clear and simple way for them to indicate they agree to different types of processing; and
- include a separate unticked opt-in box for direct marketing.

Also consider including:

- the links between different types of data you collect and the purposes that you use each type of data for;
- the consequences of not providing information;
- what you are doing to ensure the security of personal information;
- information about people's right of access to their data; and
- what you will not do with their data.

Where?

Give privacy information:

- orally;
- in writing;
- through signage; and
- electronically.

Consider a layered approach:

- just in time notices;
- video;
- icons and symbols; and
- privacy dashboards.

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When?

Actively give privacy information if:

- you are collecting sensitive information;
- the intended use of the information is likely to be unexpected or objectionable;
- providing personal information, or failing to do so, will have a significant effect on the individual; or
- the information will be shared with another organisation in a way that individuals would not expect.

How?

Write and present it effectively:

- use clear, straightforward language;
- adopt a style that your audience will understand;
- don't assume that everybody has the same level of understanding as you;
- avoid confusing terminology or legalistic language;
- draw on research about features of effective privacy notices;
- align to your house style;
- align with your organisation's values and principles;

- be truthful. Don't offer people choices that are counter-intuitive or misleading;
- follow any specific sectoral rules;
- ensure all your notices are consistent and can be updated rapidly; and
- provide separate notices for different audiences.

Test and review

Before roll out:

- test your draft privacy notice with users; and
- amend it if necessary.

After roll out:

- keep your privacy notice under review;
- take account of any complaints about information handling; and
- update it as necessary to reflect any changes in your collection and use of personal data.

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