

Electronic Communications Policy

Approved by the Board:

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1 Introduction

1.1 The purpose of this Electronic Communications Policy (**Policy**) is to maximise the effectiveness and minimise the risks associated with electronic communications by ensuring Boccia Australia (**BA**), Member States and affiliated associations and clubs:

- Do not breach spam, privacy and copyright legislation
- Do not send inappropriate and unwanted electronic communications to members and non-members
- Comply with best practice in regard to all electronic communications
- Get the best possible results from their electronic communications
- Use up-to-date member contact information when distributing electronic communications in order to minimise bounce-backs (non-delivery)
- Do not send electronic communications that might cause technical difficulties for recipients
- Do not put their technology systems at risk from viruses

1.2 This Policy defines the minimum standards for the administration and use of electronic communication technologies provided by or in use by BA. It follows best practice principles and has been established so that those who administer and use electronic communication technologies are aware of their obligations under and comply with the following legislation:

- *Privacy Act 1988 (Cth) (Privacy Act)*
- *Spam Act 2003 (Cth) (Spam Act)*
- *Copyright Act 1968 (Copyright Act)*
- *Other relevant policies*

2 Scope

2.1 Adherence to this Policy applies to all users, including members, employees, contractors and affiliates of BA when planning for and sending electronic communications to BA members and non-members and covers:

- 2.1.1 All emails, whether they are sourced internally or externally, and whether they are sent from within or outside BA.
- 2.1.2 All electronic communication technologies providing for the electronic transmission of text, images, files, voice, video and other data.

3 Use of electronic communications

- 3.1 BA distributes electronic communications to members and non-members for a variety of business purposes.
- 3.2 BA will use its best endeavours to use electronic communications effectively by ensuring:
- All electronic communications are targeted and relevant to specific member and non-member segments.
 - The number of electronic communications sent to a recipient in a week is limited to ensure our communications are not perceived as intrusive, annoying and as spam.
- 3.3 Prohibited use includes:
- Messages containing inappropriate material, which may be illegal or breach other BA policies, and BA's values and codes of conduct
 - Knowingly receiving or distributing pirated software or data
 - Knowingly propagating a virus, worm or other harmful programs
 - Disabling, interfering with or overloading any computer system, network or computer virus protection mechanism
 - Distributing electronic chain letters
 - Divulging any personal information BA holds about an individual to third parties without the consent of the individual concerned
 - Sending unauthorised messages from another user's messaging address except in the case of proxy group email addresses where multiple people have the authority to respond
 - Impersonating another user
 - Misrepresenting, obscuring, suppressing or replacing a user's identity on an electronic communication system. The user name, electronic mail address, organisational affiliation, and related information included with the electronic messages or postings must reflect the actual user unless the user is an authorised delegate
 - Excessive personal use by BA employees. Limited personal use is acceptable, provided it complies with this Policy and best practice, and does not compromise productivity.

4 Privacy

- 4.1 BA, Member States, affiliated associations and clubs are bound by the BA Privacy Policy, which is available on the BA website. The Privacy Policy commits us to protecting the personal information of members and non-members.

5 Copyright

- 5.1 Under the *Copyright Act 1968*, information protected by copyright can only be reproduced or distributed by the owner of the information or with the owner's permission. Copyright arises where original text or graphics are included in a message.
- 5.2 Copyright does not need to be claimed expressly. You cannot assume that a message is not protected by copyright just because it does not display the © symbol or a copyright message.
- 5.3 There is an implied permission (a licence) to reproduce or distribute emails and other electronic messages. However, there are circumstances where you should not assume there is implied permission, in particular if you:
- Receive a message that contains a statement expressly prohibiting the further distribution of the message then the express permission of the original sender of the message must be obtained prior to forwarding the message
 - Receive a message that you suspect may contain information that is in breach of copyright you should consult your manager before it is further distributed
 - Intend to keep a permanent copy of copyright protected information on file it is prudent to request permission from the author before doing so

6 Spam

- 6.1 Spam is defined as *unsolicited commercial electronic messages*. A spam message is not necessarily sent out in 'bulk' to numerous addresses. Under Australian law, a single electronic message can be considered as spam. In some instances, spam may contain material that is considered offensive or fraudulent.
- 6.2 Spam can cause:
- Disruptions to email delivery
 - Congestion of computer systems
 - Reduction in productivity
 - Cost increases for internet access
 - Viruses
 - Annoyance and frustration to the recipient
 - Key messages to be diluted or ignored
- 6.3 The *Spam Act 2003* (Cth), the *Spam (Consequential Amendments) Act 2003* (Cth) and the *Spam Regulations (2004)* prohibit spamming and impose severe penalties for repeat corporate offenders.

- 6.4 To minimise the risk of *spamming* all BA communications must comply with this Policy.

7 Consent

- 7.1 All recipients must give their consent to receive bulk electronic communications. There are two forms of consent that apply to bulk electronic communications:
- **Express consent:** A direct indication from the addressee that it is acceptable to send a specific electronic communication or communications of that nature. Direct indication might include making a specific request for information, opting-in by subscribing to an electronic mailing list or ticking a box consenting to receive electronic communications from BA. Non-members can express consent by subscribing (opting-in) to an electronic communication.
 - **Inferred consent:** Consent based on a business or other relevant relationship between the sender and addressee, where contact details have been provided and there is a reasonable expectation that further contact will be made. When someone becomes a member, a relevant relationship is established and members have a reasonable expectation that we will communicate with them on issues and about products and services that are relevant to them.
- 7.2 Consent is not always inferred where a relationship is established. Transactions such as the purchase of a publication or service, or attendance at a function or event alone are unlikely to be a sound basis for assuming a relevant relationship has been established and that consent can be inferred.
- 7.3 In all cases where there is inferred or expressed consent, members must be given the option to unsubscribe (withdraw their consent). See Social media below.
- 7.4 A member withdraws their inferred consent if they do not renew their membership. In those circumstances, the members must give their express consent before being included on any subsequent electronic communications.
- 7.5 In the case of non-members, the following applies:
- If the non-member is a past-participant, subscriber or purchaser of a BA product or service, then they may be included in the initial communication about future occurrences of that specific product or service. However, they must be given the option to unsubscribe from any future or additional communication about that product or service. If a non-member is not a past participant, then they must give their express consent to receive any electronic communication.

8 Affiliates

- 8.1 Membership *infers* consent for BA to disclose the personal information of members to specific, nominated affiliates for defined purposes eg. research, surveys, competitions (see

the BA Privacy Policy, which is available on the BA website for further information).
Members do not consent to receive electronic communications from any third parties.

9 Social Media

Purpose

- 9.1 Social Media offer the opportunity for people to gather in online communities of shared interest and create, share or consume content. As a member-based organisation, BA recognises the benefits of Social Media as an important tool of engagement and enrichment for its members.
- 9.2 BA, its Member States, associations and clubs have long histories and are highly respected organisations. It is important that BA's reputation is not tarnished by anyone using Social Media inappropriately, particularly in relation to any content that might reference the organisation.
- 9.3 When someone clearly identifies their association with BA, and/or discusses their involvement in the organisation in this type of forum, they are expected to behave and express themselves appropriately, and in ways that are consistent with BA's stated values and policies.
- 9.4 This policy aims to provide some guiding principles to follow when using social media. This policy does not apply to the personal use of Social Media by BA members or staff where the BA member or staff makes no reference to BA or related issues.

Scope

- 9.5 This policy applies to BA members, staff or any individual representing themselves or passing themselves off as being a member of BA.
- 9.6 This policy covers all forms of Social Media.

Guiding principles

- 9.7 The web is not anonymous. BA members and staff should assume that everything they write can be tracked back to them.
- 9.8 Due to the unique nature of Boccia in Australia, the boundaries between a member's profession, volunteer time and social life can often be blurred. It is therefore essential that members make a clear distinction between what they do in a professional capacity and what they do, think or say in their capacity as a volunteer for BA. BA considers all members of BA as its representatives.
- 9.9 Honesty is always the best policy, especially online. It is important that BA members think of the web as a permanent record of online actions and opinions. Even when an item is deleted from a particular site, Members must be aware that this content could continue to exist in some form elsewhere.

- 9.10 When using the internet for professional or personal pursuits, all members must respect the BA brand and follow the guidelines in place to ensure the BA Intellectual Property or its relationships with sponsors and stakeholders is not compromised, or the organisation is brought into disrepute.

Usage

- 9.11 For BA members and staff using Social Media, such use must not:
- 9.11.1 Abuse others or expose others to content that is offensive, inappropriate or for an illegal purpose
 - 9.11.2 Impersonate or falsely represent any other person, including BA or another member
 - 9.11.3 Abuse, harass or threaten any other person, including BA or another member
 - 9.11.4 Make defamatory or libellous comments
 - 9.11.5 Use obscene, offensive, insulting, provocative or hateful language
 - 9.11.6 Post material that infringes the intellectual property rights of others, including the BA Intellectual Property
 - 9.11.7 Intrude upon the privacy of other members of BA without the consent of such Members
 - 9.11.8 Interfere with the conduct of any event run by BA or with the role and responsibilities of BA as the peak body for Boccia in Australia
 - 9.11.9 Violate any security measures instituted at any facility of BA
 - 9.11.10 Comment in a way that may be construed as harming the reputation of themselves, another Member, or BA, including its sponsors or stakeholders
 - 9.11.11 Comment on, or publish, information that is confidential or in any way sensitive to BA, its affiliates, partners or sponsors
 - 9.11.12 Bring BA or the sport of Boccia into disrepute

BA's social media platforms

- 9.11.13 Make excessive postings on a particular issue or post multiple versions of the same opinion or information on Social Media platforms operated by BA
 - 9.11.14 Promote commercial interests in Social Media platforms operated by BA
 - 9.11.15 Posting internet addresses, links to websites, email addresses or other personal information on Social Media platforms operated by BA
- 9.12 For BA staff using Social Media, such use must not interfere with work commitments.
- 9.13 Furthermore, BA members and staff may not use the BA brand to endorse or promote any product, opinion, cause or political candidate; and it must be abundantly clear to all readers

that any and all opinion shared are those of the individual, and do not represent or reflect the views of BA.

Branding and Intellectual Property (IP)

- 9.14 It is important that any trademarks belonging to BA or any Member State, association or club are not used in personal social media applications, except where such use can be considered incidental (where incidental is taken to mean 'happening in subordinate conjunction with something else'). Trademarks include:
- Club, association and BA logos
 - Images depicting Boccia volunteers, staff and/or equipment, except with the permission of those individuals
 - Other BA imagery including National Team logos
- 9.15 Social networking sites allow photographs, videos and comments to be shared with thousands of other users. BA members and staff must recognise that it may not be appropriate to share photographs, videos and comments in this way. For example, there may be an expectation that photographs taken at a BA event will not appear publicly on the internet. In certain situations, BA members or staff could potentially breach the Privacy Act or inadvertently make BA liable for breach of copyright.

Official BA blogs, social pages and online forums

- 9.16 When creating a new website, Social Media page or forum for use by a member or others, care should be taken to ensure the appropriate person from BA (or other appropriate person from the relevant club/association/stage level) has given prior written consent to create, monitor and maintain the page or forum.
- 9.17 Similarly, appropriate permissions must be obtained for the use of BA Intellectual Property or the intellectual property relating to a club/state/national level. Images of children may not be replicated on any site without the written permission of the child's parent and/or guardian.
- 9.18 For official BA Social Media:
- Posts must not contain, nor link to, pornographic or indecent content;
 - Some hosted sites may sell the right to advertise on their sites through 'pop-up' content which may be of a questionable nature. Websites with questionable advertising should be avoided as the nature of the 'pop-up' content cannot be controlled;
 - BA members or staff should be considerate to others in such circumstance and should not post information when they have been asked not to or consent had not been sought and given. They must also remove information about another person if that person asks them to do so;
 - Under no circumstance should offensive comments be made about BA members

or staff online;

- BA employees must not use BA online to promote personal projects; and
- All materials published or used must respect the copyrights of third parties.

Social media abuse

9.19 BA, its Member States, associations and clubs continually monitor online activity in relation to the organisation and its members. Detected breaches of this Policy should be reported to BA.

9.20 In circumstances of a breach or suspected breach of this Policy, BA may:

- Make a necessary public comment such as a correction, clarification, contradiction or apology
- Issue a formal warning
- Report any breach of any law to any local authority or wronged party
- Take any disciplinary action available to it under the Constitution or any Regulations or By-Laws made under the Constitution which may include or be in the form of a:
 - warning or caution
 - suspended penalty
 - fine
 - suspension from membership
 - a combination of any of the above
- Terminate employment or engagement with BA
- Exercise any of its legal rights

Consultation or advice

9.21 This social media information has been developed to provide guidance for BA members and staff in a new area of social interaction. BA members or staff, who are unsure of their rights, liabilities or actions online and seek clarification, should contact the BA office.

10 Unsubscribe facility

10.1 All bulk electronic communications must include an unsubscribe facility. In the case of emails, practically this will mean that people can return e-mail with the words "unsubscribe" in the subject line.

10.2 All unsubscribe requests for communications should be directed to Boccia Australia, secretary@boccia.com.au or the BA office.

11 Author identification

- 11.1 Recipients of BA electronic communications must be able to clearly identify its source and the contact details of the author. All BA emails must display the name, contact number, email address.

12 Sign-off information

- 12.1 All business emails, whether bulk emails, one-to-one, one-to-a few or one-to-many, must include a sign-off in the form of a personal signature in a style prescribed in BA's Style Guide.
- 12.2 Additional information can be added to personal email signatures to promote Boccia programs and activities.
- 12.3 As all external emails already include a number of footers, any additional information must be brief and should include a web link or contact for further information.
- 12.4 In the case of activities with dates, they should not be promoted more than two months in advance and should be removed once the date has passed.

13 Monitoring

- 13.1 The infrastructure that supports electronic communications by BA, Member States, affiliated associations and clubs is BA property and BA has a right to review and monitor all aspects of usage.
- 13.2 BA monitors and filters emails and downloads to protect our IT systems from viruses and worms and to block spam and other unsuitable material, including material that could be

construed as harassment. Large email attachments may also be blocked. Access to some internet sites is also blocked.

- 13.3 BA may also monitor and audit email and internet use for the purpose of identifying inappropriate email content and use (including personal use).

14 Breaches

- 14.1 Any breach of this Policy will be raised with the offending individual and the matter will be dealt with by BA in accordance with any disciplinary action available to it under the Constitution or any Regulations or By-Laws made under the Constitution.

15 Definitions

- 15.1 In this Policy defined terms will be in accordance with BA Constitution unless otherwise defined:

Best Practice: Best practice describes the *best* way of approaching an activity, whether its website design, writing a letter, constructing a report, creating a survey or communicating with members. BA's best practice electronic communications model follows techniques, methods and processes intended to produce efficient and effective communication with members. It also promotes formatting consistency, which affects BA's corporate style and, at a broader level, its professional reputation.

Bulk Electronic Communications: Bulk electronic communications are defined as those that are sent to multiple recipients. Examples of bulk electronic communications include, but are not limited to:

- Electronic newsletters sent to a subscriber list of members and non-members
- Emails, SMS, MMS or iM

In the case of bulk electronic communications to members, the mailing list must be compiled from BA's database for each communication to:

- Comply with this Policy
- To ensure recipient data is up-to-date
- To ensure the exceptions (opt-outs) are managed correctly

In the case of bulk electronic communications to non-members, past-participant, subscriber or purchaser, their contact details must be added to BA's mailing databases. The mailing lists must be compiled from these databases for each bulk electronic communication and must follow the same procedure as the Member Protection Policy to ensure all exceptions (opt-outs) are managed correctly.

In the case of all bulk electronic communication, inferred (to members) or express (to nonmembers), consent is required and an unsubscribe facility must be provided. See Consent for more information.

Electronic communications to and between small groups such as committees are not considered bulk electronic communications for the purpose of this Policy.

Business Electronic Communications: Electronic communications sent by BA or by an individual as an employee or representative of BA. They include one-to-one, one-to-a few and one-to-many electronic communications.

De-duplication of data: This process involves deleting duplicate data from a mailing list to ensure a recipient is listed only once on a mailing list and does not receive a communication multiple times.

Electronic communications: Transmission of text, images, files and other data facilitated through technologies including (but not limited to):

- Email
- Fax
- Mobile phone text messaging (SMS)
- Multimedia messaging (MMS)
- Instant messaging (iM)

Member means a person who is registered with BA, Members States, associations and clubs

Personal Electronic Communications: Electronic communications sent by an individual for personal (non-business) purposes. They include one-to-one, one-to-few and one-to-many electronic communications.

BA Intellectual Property includes, but is not limited to, BA's ideas, patents, registered and unregistered design rights, registered and unregistered trademarks, drawings, inventions and any copyright subsisting in any works, documents or other items and all other intellectual property and industrial property rights (without imitation) and similar or analogous rights existing under the laws of any country and all rights to apply for or register such rights. For the avoidance of doubt, BA Intellectual Property includes:

- BA, Member State, association and club logos;
- Images depicting BA or club volunteers, staff and/or equipment, except with the permission of those individuals; and
- Other BA imagery.

Social Media is a broad and changing concept. It generally refers to interactive electronic forums or online media where people are communicating, posting, participating, sharing,

networking or bookmarking. For the purposes of this Policy, Social Media extends to, but is not limited to as follows:

- Electronically communicated material, whether written, photographic, video, or audio, which is accessible by more than the Member alone
- Facebook, YouTube, Twitter, MySpace, LinkedIn, Wikipedia, Flickr, Instagram and related domains
- Blogs, social networking sites, instant messaging, social bookmarking, media sharing and collaborative editing websites
- Leaving product or service reviews on retailer sites, or customer reviews sites
- Taking part in online votes and polls
- Taking part in conversations on public and private web forums (message boards)
- Editing a Wikipedia page
- Any other forum which might reasonably be classified as social media as that term is generally understood
- Any other forum for public comment

The intent of this policy is to include anything posted online where information is shared that might affect members, colleagues, clients, sponsors or BA as an organisation.

Spam is a generic term used to describe electronic 'junk mail'.

For further information see:

http://www.austlii.edu.au/au/legis/cth/consol_act/sa200366/ <http://www.comlaw.gov.au/>

http://www.dcita.gov.au/communications_and_technology/Policy_and_legislation/spam

Unsubscribe means to cause an address to be removed from a mailing or distribution list. It is a requirement of all commercial electronic communications that an unsubscribe facility be provided.