

# eCommunications Policy

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## **1 Introduction**

1.1 The purpose of this eCommunications Policy (Policy) is to maximise the effectiveness and minimise the risks associated with electronic communications by ensuring Softball Australia Limited (Softball Australia), Member States and affiliated associations and clubs:

- Do not breach spam, privacy and copyright legislation
- Do not send inappropriate and unwanted electronic communications
- Comply with best practice in regard to all electronic communications
- Maximise results from their electronic communications
- Use social media in a way that is inclusive and upholds the values of Softball Australia
- Use up-to-date member contact information when distributing electronic communications to minimise non-delivery
- Minimise duplicate and unnecessary communications on any given day or topic
- 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 Softball Australia. 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)
- Children Protection Policies
- Spam Act 2003 (Cth) (Spam Act)
- Copyright Act 1968 (Copyright Act)

## **2 Scope**

2.1 This Policy applies to all Softball Australia members, staff or any individual utilising Softball Australia electronic communications or social media. It is intended to cover future electronic dissemination services, including social media, as they develop and will be reviewed regularly to reflect changing technology.

## **3 Use of electronic communications**

3.1 Softball Australia distributes electronic communications for a variety of business purposes.



3.2 Softball Australia will use its best endeavours to use electronic communications effectively by ensuring:

- All electronic communications are targeted and relevant to specific segments
- The number of electronic communications sent to a recipient in a week is limited to their preferences 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 Softball Australia policies, and Softball Australia's values and codes of conduct
- Knowingly receiving or distributing pirated software or data
- Knowingly propagating a virus, link, malware 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 Softball Australia holds about an individual to third parties without the consent of the individual concerned, other than where required by law
- 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 Softball Australia employees. Limited personal use is acceptable, provided it complies with this Policy and best practice, and does not compromise productivity

## 4 Privacy

4.1 Softball Australia, Member States, affiliated associations and clubs are bound by Softball Australia's Privacy Policy, which is available on the Softball Australia website ([www.softball.org.au](http://www.softball.org.au)). The Privacy Policy commits us to protecting the personal information of members and non-members.



## 5 Copyright

- 5.1 Under the Copyright Act 1968 (Cth), 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 and networks
  - Reduction in productivity
  - Cost increases for internet access
  - Viruses and malware
  - Annoyance and frustration to the recipient
  - Important or relevant communication and 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 being perceived as spam all Softball Australia communication 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 consenting to receive electronic communications from Softball Australia. 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](#), section 9 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 Softball Australia 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. Further, if they do not respond to the initial communication, they must be removed from any future or additional communication about that product or service.
- If a non-member is not a past participant, subscriber or purchaser of a Softball Australia product or service, then they must give their express consent to receive any electronic communication.

## 8 Affiliates

8.1 Membership *infers* consent for Softball Australia to disclose the personal information of members to specific, nominated affiliates for defined purposes, eg research, surveys,



competitions (see Softball Australia's [Privacy Policy](#), which is available on the Softball Australia website ([www.softball.org.au](http://www.softball.org.au)) for further information). Members do not consent to receive electronic communications from any third parties.

## 9 Social Media

### Purpose

- 9.1 This Policy aims to provide some guiding principles to follow when using Social Media.
- 9.2 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, Softball Australia recognises the benefits of Social Media as an important tool of engagement and enrichment for its members.
- 9.3 Softball Australia, its Member States, Associations and Clubs have long histories and are highly respected organisations. It is important that their reputation is not tarnished by anyone using Social Media inappropriately, particularly in relation to any content that might reference the organisations.
- 9.4 When someone clearly identifies their association with Softball Australia, 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 Softball Australia's stated values and policies.
- 9.5 This Policy applies to the personal use of social media by Softball Australia members or staff where the Softball Australia member or staff makes reference to Softball Australia or related issues or potentially brings Softball Australia or its affiliates into disrepute.

### Guiding principles

- 9.6 The web is not anonymous. Softball Australia members and staff should assume that everything they write can be tracked back to them.
- 9.7 Due to the unique nature of softball 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 Softball Australia.
- 9.8 It is important that Softball Australia members and staff think of the web as a permanent record of online actions and opinions. Even when an item is deleted from a particular site, members and Staff must be aware that this content could continue to exist in some form elsewhere.
- 9.9 When using the internet for professional or personal pursuits, all members and Staff must respect the Softball Australia brand and follow the guidelines in place to ensure Softball Australia's Intellectual Property or its relationships with sponsors and stakeholders is not compromised, or the organisation is not brought into disrepute.

### Usage

- 9.10 For Softball Australia members and staff using Social Media, such use must not:



- 9.10.1 Post or link to pornographic or indecent content
- 9.10.2 Abuse others or expose others to content that is offensive, inappropriate or for an illegal purpose
- 9.10.3 Impersonate or falsely represent any other person
- 9.10.4 Abuse, bully or threaten any other person, including SAL or another member
- 9.10.5 Make any defamatory or discriminatory comments that violate Softball Australia's culture of inclusiveness. In using social media, members and staff are mindful that Softball Australia recognises, respects and values qualities which are unique to individuals such as gender, language, ethnicity, age, religion, disability and sexual orientation.
- 9.10.6 Use obscene, offensive, insulting, provocative or hateful language
- 9.10.7 Post material that infringes the intellectual property rights of others, including Softball Australia's Intellectual Property
- 9.10.8 Intrude upon the privacy of other members of Softball Australia without the consent of such members
- 9.10.9 Interfere with the conduct of any event run by Softball Australia or with the role and responsibilities of Softball Australia as the peak body for softball in Australia
- 9.10.10 Violate any security measures instituted at any facility of Softball Australia
- 9.10.11 Comment in a way that may be construed as harming his or her reputation, another member, or Softball Australia, including its sponsors or stakeholders
- 9.10.12 Comment on, or publish, information that is confidential or in any way sensitive to Softball Australia, its affiliates, partners or sponsors
- 9.10.13 Bring Softball Australia or the sport of softball into disrepute
- 9.11 In relation to Softball Australia's Social Media platforms:
  - 9.11.1 Post or link to pornographic or indecent content
  - 9.11.2 Make excessive postings on a particular issue or post multiple versions of the same opinion or information on Social Media platforms operated by Softball Australia
  - 9.11.3 Promote commercial interests in Social Media platforms operated by Softball Australia
  - 9.11.4 Posting internet addresses, links to websites, email addresses or other personal information on Social Media platforms operated by Softball Australia
- 9.12 For Softball Australia staff using Social Media, such use must not interfere with work commitments.
- 9.13 Furthermore, Softball Australia members and staff may not use the Softball Australia 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 Softball Australia.

### **Branding and Intellectual Property**

- 9.14 It is important that any trademarks belonging to Softball Australia or any Member State, association or club are not used in personal electronic communications or social media applications, except where such use can be considered incidental (where incidental is taken to mean 'happening in subordinate conjunction with something else') or with permission.
- 9.15 Social networking sites allow photographs, videos and comments to be shared with innumerable other users. Softball Australia 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 Softball Australia event will not appear publicly on the internet. In certain situations, Softball Australia members or staff could potentially breach the Privacy Act or inadvertently make Softball Australia liable for breach of copyright.

### **Official Softball Australia 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 Softball Australia (or other appropriate person from the relevant club/association/Member State level) has given prior written consent to create, monitor and maintain the page or forum.
- 9.17 Similarly, appropriate permissions must be obtained in writing for the use of Softball Australia Intellectual Property or the intellectual property relating to club/association/Member State/ levels. 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 Softball Australia 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.
  - Softball Australia members or staff should be considerate to others in 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 Softball Australia members or staff online
  - Softball Australia staff must not use Softball Australia online to promote personal projects
  - All materials published or used must respect the copyrights of third parties



## Social media abuse

- 9.19 Softball Australia, 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 Softball Australia and/or Member States.
- 9.20 In circumstances of a breach or suspected breach of this Policy, Softball Australia may:
- 9.20.1 Make a necessary public comment such as a correction, clarification, contradiction or apology
  - 9.20.2 Issue a formal warning
  - 9.20.3 Report any breach of any law to any local authority or wronged party
  - 9.20.4 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:
    - (a) warning or caution
    - (b) suspended penalty
    - (c) fine
    - (d) suspension from membership
    - (e) a combination of any of the above
  - 9.20.5 Terminate employment or engagement with Softball Australia
  - 9.20.6 Exercise any of its available rights at law

## Consultation or advice

- 9.21 This social media information has been developed to provide guidance for Softball Australia members and staff in social interaction. Softball Australia members or staff, who are unsure of their rights, liabilities or actions online and require clarification, should contact the Softball Australia office.

## 10 Unsubscribe facility

- 10.1 All bulk electronic communications must include an unsubscribe facility. In the case of email broadcasts this facility is in the mandatory footer included in all Softball Australia and affiliate emails and will be in the same or similar form to the unsubscribe facility set out as follows:

[Unsubscribe](#) | [Privacy Policy](#) | [Copyright](#) |

- 10.2 Under Softball Australia policy, unsubscribe requests via the unsubscribe facility in the mandatory footer are actioned automatically. Requests received by phone, mail, email or in person must be actioned within three working days.



- 10.3 All unsubscribe requests for communications should be directed to [info@softball.org.au](mailto:info@softball.org.au) or the Softball Australia office.

## **11 Author identification**

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

## **12 Sign-off information**

- 12.1 All business emails, whether bulk emails, one-to-one, one-to-few or one-to-many, must include a sign-off in the form of a personal signature in a style prescribed in Softball Australia's Style Guide.
- 12.2 Additional information can be added to personal email signatures to promote softball 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 SAL, Member States, affiliated associations and clubs is Softball Australia property and Softball Australia has a right to review and monitor all aspects of usage.
- 13.2 Softball Australia monitors and filters emails and downloads to protect its 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 Softball Australia 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 Softball Australia 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 Softball Australia's Constitution unless otherwise defined:

**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. Softball Australia'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 Softball Australia's corporate style and, at a broader level, its professional reputation.

**Bulk Electronic Communications** means communications sent to multiple recipients. Examples of bulk electronic communications include, but are not limited to:

- Electronic newsletters sent to a subscriber list
- Emails, SMS, MMS or IM

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

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

In the case of bulk electronic communications to non-members, past-participants, subscribers or purchasers, their contact details must be added to Softball Australia'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 non-members), consent is required and an unsubscribe facility must be provided. See [Consent](#), section 7 above 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** means electronic communications sent by Softball Australia or by an individual as an employee or representative of Softball Australia. They include one-to-one, one-to-few and one-to-many electronic communications.

**De-duplication of data** means a process which 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 (electronic communications)** means dissemination of text, images, files and other data facilitated through technologies including, but not limited to:

- Email



- Fax
- Short Message Service (SMS) via mobile phone text messaging
- Multimedia Messaging Service (MMS)
- Instant messaging (IM)
- Forums, blogs and posts (eg Facebook, Snapchat, Twitter, Instagram)

**Member** means a Member State, Associate Member, individual member or Life Member as defined in clause 5 of Softball Australia's Constitution.

**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.

**Softball Australia Intellectual Property** includes, but is not limited to, Softball Australia'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 rights existing under the laws of any country and all rights to apply for or register such rights. For the avoidance of doubt, Softball Australia Intellectual Property includes:

- Softball Australia, Member State, association and club logos
- The Australian National Team names or any other associated slogans:
  - *Aussie Steelers*
  - *Junior Steelers*
  - *Aussie Spirit*
  - *Junior Spirit*
- Images depicting softball volunteers, staff, except with the permission of those individuals
- National Programs including Softball Batter Up, Batter Up, Softball Community Coaching Program, and Indigenous Softball Program
- All current national events:
  - Gilley's Shield
  - John Reid Shield
  - Nox Bailey Shield
  - Elinor McKenzie Shield
  - Esther Deason Shield
  - Arthur Allsopp Shield
  - Summer Slam



- Fully Loaded Softball
- Other Softball Australia imagery including national team logos

**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, but is not limited to:

- 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 and related domains
- Blogs, social networking sites, instant messaging, social bookmarking, media sharing
- 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 Softball Australia as an organisation.

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

**Staff** includes permanent and temporary, paid and unpaid staff, contractors and consultants of Softball Australia.

For further information see:

- [http://www.austlii.edu.au/au/legis/cth/consol\\_act/sa200366/](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](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.



## Document control

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