

Policy number:	OF 1.1	Version:	1
Date drafted:	September 2016	Approved by:	Chief executive officer
Responsible department:	Corporate services	Scheduled review date:	November 2018

Policy context: This policy relates to:	
Standard culturally secure practice	Performance expectation 2: Rights and responsibilities 2.2 Consumer rights and responsibilities polices and procedure
Legislation or other requirements	<i>Privacy Act 1988</i> (Cwlth) Amended 2012 http://www.comlaw.gov.au/Series/C2004A03712 Australian Privacy Principles Insert other legislation that applies
Related policies and procedures	Client charter Code of conduct Confidentiality policy Volunteer and recruitment policies Fundraising policy Document management Obtaining consent guidelines
Templates and forms	Consent and Privacy Form

Scope

This policy and procedure applies to all records, whether hard copy or electronic, containing personal information about individuals and to interviews or discussions that are of a sensitive personal nature.

Policy statement

St Patrick's Community Support Centre (St Patrick's) is committed to protecting and upholding the rights of individuals that engage with or access its services, their carers, families and other individuals that we engage with in the delivery of services and programs. This means that personal information is collected, used and stored in accordance with the *Privacy Act 1988* and in Australian Privacy Principles (APP).

This policy outlines how personal information is handled and the ways in which individuals can contact St Patrick's about the personal information it holds.

St Patrick's ensures that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the

privacy of clients and individuals that engage with its services

- clients and individuals who engage with its services are provided with:
 - information about their rights regarding privacy
 - privacy information when they are being interviewed or discussing matters of a personal or of a sensitive nature
- it effectively communicates any changes to the way in which it handles personal and sensitive information
- it acts on any breaches of privacy accordingly
- it provides all staff, volunteers and board members with training on how to apply the APP and to report any privacy issues, concerns or breaches to management
- all staff, board members and volunteers understand what is required to meet these obligations
- it reviews and monitors its privacy policy and procedures.

Breaching Australian Privacy Principles – client complaint

If a client/individual feels that St Patrick's has breached APP; they are to put their concern in writing. Complaints are dealt with in accordance with St Patrick's *complaint management policy and procedure*. If a response to the complaint is not within a reasonable time (10 business days) or if a client is not satisfied with the way the complaint has been dealt with, the client can make a complaint to the Office of the Australian Information Commissioner.

Clients accessing and correcting personal information

- If St Patrick's holds any personal information, access is granted to the individual to review or correct their information upon presentation of appropriate identification, unless access is denied under law.
- The individual must make a request in writing to St Patrick's to access their personal information. St Patrick's is to provide access within a reasonable time of receiving the request, and not charge the individual for making the request or supplying their personal information.
- St Patrick's may seek to update existing information from clients to ensure details are current and valid. If an individual is denied access, it may be for one of the following reasons:
 - providing access would pose a serious or imminent threat to the life or health of any individual
 - the privacy of others would be unreasonably affected
 - the request is frivolous or vexatious
 - the personal information relates to existing or anticipated legal proceedings with the individual
 - providing access would prejudice negotiations between St Patrick's and the individual
 - providing access would be unlawful or

- denying access is required or authorised under Australian law or court/tribunal order.

Collecting information

St Patrick's only collects personal information that is needed to carry out its duties. Clients have the right to not identify themselves or use a pseudonym when requesting services from St Patrick's, however this does not apply if it is impracticable for St Patrick's to provide services to the individual. The type of information collected depends on the service or program being requested or provided and **may** include:

- identity information, such as name, date of birth, sex, postal or email address, home and mobile phone numbers
- details of any commonwealth and state benefits being received
- citizenship and cultural identity
- medical and disability information relevant to us providing a service (for example, using a mobility aid to ensure access to services, food allergies)
- emergency/family contact details
- interpretation and translation needs
- literacy needs.

St Patrick's also collects personal information relating to human resource management, volunteering services donors and other services functions for purposes and functions listed below:

- service provision and monitoring
- recruitment
- remuneration and reimbursement
- quality and financial auditing
- queries, complaints, dispute resolution and feedback
- donation and fundraising events.

In collecting of information St Patrick's:

- staff only collect information from an individual person with their prior knowledge and consent and for the primary purpose for which it was collected
- personal information is stored in appropriate and secure locations, this includes paper and electronically collected information.

Contractors

- St Patrick's occasionally uses contractors or brokered staff to provide services to its clients. Those personnel are required and contractually bound to comply with St Patrick's privacy policy in the same way as St Patrick's own staff.
- In some instances St Patrick's may need to share personal information with lawyers, auditors or data specialists and they are bound by the same obligations

Cumulative data

St Patrick's uses de-identified client data for research and advocacy. De-identified data is personal information that has names, aliases and addresses removed and typically retains information such as age, gender, ethnicity, geographical area, services sought and other non-personal details.

Destruction of personal information

- St Patrick's retains personal information for various lengths of time dependent upon legislation and data retention requirements. As a general rule it is seven years.
- If a client seeks to have their personal information held by St Patrick's destroyed, that request must be made in writing.
- That request is to be complied with subject to St Patrick's legislative and lawful requirements.

Donations

- St Patrick's uses a third party online donations system. The online system must comply with this APP and must use secure 128-bit SSL encryption to protect the transfer of personal and financial information between a users browser and their server.
- Each donation is secured, and credit card details are not stored at any time.
- Where donations are made over the phone or via mail, a copy of that donation is retained for tax and audit purposes in a secure location and credit card details are destroyed.

Personal information

This is information that identifies an individual or could reasonably identify an individual, such as name, contact details, and records with their dealings with St Patrick's. The kind of personal information held is outlined in *collecting information*.

St Patrick's:

- collects, uses or discloses personal information, for the particular (primary) purpose it was collected for
- may share personal information with other internal programs where it is deemed relevant to the service being requested.

- does not give personal information about an individual to other organisations, private businesses or anyone else unless:
 - the individual has consented
 - the individual would reasonably expect, or has been told, that the information of that type is required to be passed to individuals or other organisations
 - it is reasonably necessary for the enforcement of law, required or authorised by law
 - it will prevent or lessen a serious and imminent threat to an individual's life or health.

Security of personal information

- St Patrick's secures personal information and protects it from unlawful access, dissemination, misuse or transmission.
- Personal information kept in electronic or hard copy is given comparable levels of security.
- St Patrick's has procedures in place to protect the personal information held, against loss, unauthorised access, use, modification or disclosure, and against other misuse. These procedures include:
 - maintaining electronic client, staff and volunteer records
 - restricted access to electronic systems and files
 - staff and volunteer induction and training
 - seeking consent from individuals
 - archiving procedures including restricted access storage facility
 - how to store information securely when out of the office.
- When the personal information St Patrick's collects is no longer required, it destroys, archives or deletes it in a secure manner, in accordance with relevant legislation and utilises secure document destruction services for the disposal of hard copy documents containing personal information.

Sensitive information

This type of personal information includes, amongst other things, details about an individual's racial or ethnic origin, religious beliefs, criminal history or health and medical information.

Procedure

1. Dealing with personal information

In dealing with personal information, St Patrick's staff:

- ensure privacy for clients, staff, volunteers or board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation

and its activities

- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- ensure that people know what sort of personal information is held, what purposes it is held it for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

2. Purposes for holding personal information

St Patricks collects personal information for the primary purpose for which it was collected, in order to:

- provide services to eligible clients
- meet its legal obligations
- meet funding requirements
- enable proper governance processes such as internal and external audits
- provide the services and programs that St Patricks does, including but not limited to; housing (crisis and transitional accommodation), emergency relief, health and allied services, education and training, recreation and outdoor activities, art and music programs and specialist programs, such as youth, and rough sleepers, and fundraising. Use of that information may be shared between more than one service/program within St Patrick's in order to expand or improve the services to the client
- conduct marketing, sponsorship and fundraising activities, to promote St Patricks services and programs
- provide customer service functions, for example handling inquiries and receiving feedback and complaints
- monitor and evaluate services in order to continuously improve the services and programs St Patrick's provides

3. Exceptions

There are times when personal information is shared with a third party without clients consent. This may include:

- when we are required to do so by the law

- where there is a serious threat to life, health and safety of any individual, or to the public health or safety

4. Responsibilities for managing privacy

- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The communications coordinator is responsible for content in St Patrick's publications, communications and web site and must ensure the following:
 - appropriate consent is obtained for the inclusion of any personal information about any individual including St Patrick's personnel
 - information being provided by other agencies or external individuals conforms to privacy principles
 - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.
- The manager of corporate services or delegate:
 - is responsible for safeguarding personal information relating to St Patrick's staff, board members, volunteers, contractors, donors and other external stakeholders
 - is the privacy contact officer and is responsible for:
 - ensuring that all staff are familiar with the *privacy policy and procedure* and administrative procedures for handling personal information
 - ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
 - handling any queries or complaint about a privacy issue.

5. Privacy information for clients

St Patricks:

- ensures that all staff are trained on the APP and the collection and use and management of personal information
- develops appropriate policies and procedures that support this policy (for example internet security, confidential document waste management, document security, social media)
- provides clients with information on the use and collection of personal information in plain English and how to access this
- obtains client consent when collecting information and where client consent is not able to be provided for reasons of incapacity, intellectual or cognitive disability or some other reason, St Patricks will seek to link them with an appropriate advocate who either act on their behalf or assist them to

consent

- ensures staff and volunteers are informed of and sign confidentiality agreements
- ensures personal information containing contact details and their personal history is to be stored in secure locations; where only authorised persons can access. However, less sensitive information may be stored within a secure electronic environment or in clearly labelled archive boxes, in specific filing rooms or archival areas in St Patrick's buildings
- ensures personal information is not left uncontrolled on desks or around offices where accidental access could occur
- ensures the physical office environment is set up to consider the position of computer screens in relation to information privacy within the office environment.

6. Participants in research projects

- People being invited to participate in a research project must be:
 - given a choice about participating or not
 - given the right to withdraw at any time
 - informed about the purpose of the research/project, the information to be collected, and how information they provide will be used.
 - given copies of any subsequent publications.
- The collection of personal information is to be limited to that which is required for the conduct of the project. Individual participants are not to be identified.

7. Staff training

To uphold the rights of clients, staff and volunteers to confidentiality and privacy staff are to be trained and provided with information relative to their role on the:

- the Australian Privacy Principles
- collection of information
- confidentiality, limits to confidentiality and obtaining clients'
- the organisation's processes for managing requests for information and complaints
- document management.

8. Communication

St Patrick's makes available information in plain English on an individuals rights to privacy as set out in the APP and what to do if they think St Patrick's is in breach of their privacy through a variety of formats including:

- the website
- leaflets and brochures about its services



- verbally when collecting information and consent
- via intake forms (such as volunteer forms, client intake sheets, applications for lodging).