

Function: Human Resources
Subject: PRIVACY & INFORMATION

PURPOSE AND SCOPE

Carinya Society respects the privacy of all individuals including participants, residents, employees, volunteers, Board Members and all other stakeholders, and is committed to safeguarding the personal information that is provided to us. The purpose of this policy is to:

- Clearly communicate the personal information handling practices of Carinya Society
- Enhance the transparency of Carinya Society operations, and
- Give individuals a better and more complete understanding of the sort of personal information that Carinya Society holds, and the way in which it is handled.

This Policy applies to all Carinya Society participants, residents, employees, volunteers and relevant stakeholders. We are bound by the:

- Privacy Act 1988 (Cth) and Australian Privacy Principles.
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- Health Records Act 2001 (Vic) and the Health Privacy Principles.
- Privacy and Data Protection Act 2014 (Vic) and the Information Privacy Principles.

The Privacy Act and this Privacy Policy do not apply to acts or practices which directly relate to employee records of Carinya Society's current and former employees.

This policy should be read in conjunction with the Privacy & Information Statement.

POLICY

1. Personal Information Handling Practices

1.1 Our obligations under the Privacy Act

Carinya Society is bound by the Australian Privacy Principles (APPs) within the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

1.2 Collection of Personal and Sensitive Information

If an individual would like to access any Carinya Society services using a pseudonym, they must inform the organisation. If this is possible and lawful, Carinya Society will take all reasonable steps to comply with the request. However, Carinya may not be able to provide the services should the requested personal information not be provided. Carinya Society is unable to provide services to individuals who wish to remain anonymous.

The nature and extent of the personal and sensitive information collected by Carinya Society varies depending on each individual's interaction with the organisation. Carinya Society collects personal and sensitive information from all participants, employees and volunteers.

1.3 How Information is Collected

Wherever possible, Carinya Society collects personal and sensitive information from the individual directly. This information can be collected through various means, including telephone and face to face conversations, forms, emails and questionnaires. If an individual feels that the information being requested is not information which they wish to provide, the individual should raise this with the organisation.

In some situations, information may also be obtained from a third party source. If information is collected in this way, all reasonable steps will be taken to contact the individual and ensure that they are aware of the purposes for which the information is being collected and the organisation to which the information may be disclosed, subject to any exceptions under the Act.

1.4 Health Information

As part of providing services, Carinya Society may collect health information. When collecting such information from an individual, Carinya Society will obtain consent to such collection and explain how the information will be

used and disclosed.

If health information is collected from a third party (such as a doctor), Carinya Society will inform that individual that this information has been collected and will explain how this information will be used and disclosed.

Carinya Society will not use health information beyond the consent provided by the individual, unless further consent is obtained, in accordance with one of the exceptions under the Privacy Act or, in compliance with another law. If Carinya Society uses an individual's health information for research or statistical purposes, it will be de-identified if practicable to do so.

1.5 Use and Disclosure of Personal Information

Carinya Society only uses personal information of the purposes for which it was obtained, or, for purposes which are related to one of its functions or activities.

For the purposes referred to in this Privacy Policy, we may also disclose an individual's personal information to other external organisations including (but not limited to):

- Government departments/agencies who provide funding for Carinya Society services
- Other regulatory bodies, such as WorkSafe

Except as set out above, Carinya Society will not disclose an individual's personal information to a third party unless one of the following applies:

- The individual has consented
- The individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
- It is otherwise required or authorised by law
- It will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety
- It is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities
- It is reasonably necessary to establish, exercise or defend a claim at law
- It is reasonably necessary for a confidential dispute resolution process
- It is necessary to provide a health service
- It is necessary for the management, funding or monitoring of a health service relevant to public health or public safety
- It is reasonably necessary for the enforcement of a law conducted by an enforcement body

2. Security of Information / Data

Carinya Society takes reasonable steps in order to protect the personal and sensitive information and data held by the organisation against misuse, interference, loss, unauthorised access, modifications and disclosure.

These steps include password protection for our electronic IT system, taking data security measures and securing paper files in locked cabinets and physical access restrictions. Only authorised personnel are permitted to access these details.

When the personal information is no longer required, it is destroyed in a secure manner.

2.1 Data Breaches

Notifiable Data Breach – The passage of the Privacy Amendment (Notifiable Data Breaches) Act 2017 established the Notifiable Data Breach (NBD) scheme in Australia. As a result CARINYA SOCIETY must notify individuals whose personal information is involved in a data breach that is likely to result in serious harm and report data breaches involving clients via the DHHS Critical Incident Management System (refer to relevant policies and procedures).

2.2 Access to and correction of personal information

If an individual requests access to the personal information held about them, or requests that changes be made to this information, Carinya Society will allow access or make the changes unless there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not to make the changes. Requests for access and/or correction should be made to the Privacy Officer (details of which are set out below).

In the first instance, Carinya Society will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Carinya Society's databases and

personal files, and which may be used on a day to day basis.

Carinya Society will provide access by allowing individuals to inspect, take notes or print outs of personal information that is held. If personal information (for example, names, addresses, etc) is duplicated across different databases or areas, Carinya Society will generally provide one print out of this information, rather than multiple printouts.

Carinya Society will take all reasonable steps to provide access to the information requested within 14 days of the request. In situations where the request is complicated or requires access to a large volume of information, all reasonable steps to provide the information requested within 30 days will be taken.

If an individual is able to establish that personal information held about them is not accurate, complete or up to date, Carinya Society will take reasonable steps to correct all records.

Access will be denied if:

- The request does not relate to the personal information of the person making the request/the person making the request is not authorised to do so
- Providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety
- The request is deemed to be frivolous and vexatious
- The request relates to existing or anticipated legal proceedings
- Providing access would prejudice negotiations with the individual making the request
- Access would be unlawful
- Denial of access is authorised or required by law
- Access would prejudice law enforcement activities
- Access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Carinya Society
- Access discloses a 'commercially sensitive' decision making process or information
- Any other reason that is provided for in the APP's or the Privacy Act

If the organisation denies access to information, information as to why access was denied will be provided to the individual. Where there is a dispute about the individual's rights to access information, or forms of access, this will be dealt with in accordance with Carinya Society's Complaints Procedure.

RESPONSIBILITY

Implementation:	Management Team
Review:	Quality Advisor
Approval:	CEO

RELATED DOCUMENTS

END OF DOCUMENT