

Privacy of Personal Information – Policy and Procedure

Policy Control			
Owner	Quality and Compliance	Version	2
Date Approved	19/12/2023	Approved By	Quality and Compliance Manager
Next Review Date	19/12/2025	Applies To	KCS – All

Purpose

This policy and procedure outlines how Kirinari Community Services (KCS) will protect the privacy and confidentiality of personal information pertaining to customers, employees and all those who contribute to the work of KCS.

Scope

This Policy and Procedure applies to information collected and held in relation to KCS customers, employees, visitors, contractors, and volunteers.

This Policy and Procedure applies to all staff, volunteers, students, contractors and/or consultants who have a role in collecting information at KCS. All workers are required to take full responsibility for ensuring complete understanding of the commitments outlined in this Policy.

Definitions

Term	Meaning
Personal Information	Any information or an opinion about an individual who can be reasonably identified from that information or opinion, such as a person's name, date of birth and phone number
Sensitive Information	A subset of personal information including but not limited to: health information, information about an individual's political opinions, information about an individual's religious or philosophical beliefs, racial or ethnic origin, sexual orientation or practices or criminal record.

Policy Statement

KCS collects personal information and sensitive information to provide services and supports to Customers. KCS is committed to treating the personal and sensitive information it collects in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APP).

The APP requires organisations to manage personal information in a regulated, open and transparent manner, which is designed to:

- Enable transparency of operations according to the APP.
- Communicate the collection, use and management of personal and sensitive information
- Communicate the circumstances under which KCS would be required to disclose personal information to third parties.

- Ensure customers and employees of KCS are comfortable with entrusting their personal information to the organisation.
- Ensure employee compliance with the legislative requirements related to personal information collection, use, security and disclosure.
- Provide public access to KCS's privacy policy.

KCS commits to:

- only collect and maintain personal and/or sensitive information relating to customers, carers/guardians, Board Directors, employees, volunteers and those that contribute to the work of KCS, which is necessary for the provision of services
- take all reasonable steps to prevent unauthorised access if information has to be shared with a third party
- not disclose personal and/or sensitive information to a third party without the individual's consent or unless that disclosure is required or authorised by law.
- not sell or receive payment for disclosing personal information about services, customers, carers/guardians, Board Directors, employees, volunteers and other persons who contribute to the work of KCS
- have Board members, employees and volunteers sign the code of conduct as an agreement in relation to customer privacy and confidentiality upon commencement of working with KCS
- provide employees with induction and training to help them understand the importance of good information handling practices and their responsibilities
- ensure that all information we have is complete and accurate
- provide a mechanism for customers, carers/guardians, Board Directors, employees and volunteers to correct their information as required
- ensure that employees and volunteers never disclose personal and/or sensitive information to any person who does not need to know this information.

All people involved in KSC have the right of access to all records containing their personal information and to be informed as to why KCS is collecting the information and how the information gathered is administered.

All Customer enquiries or complaints about privacy are to be handled in line with Kirinari's Complaints, Compliments and Feedback Policy.

Anonymity

- KCS will give individuals the option of not identifying themselves or using a pseudonym when dealing with KCS except where it is not practical to do so.
- KCS allows individuals to make an anonymous complaint, compliment or provide feedback via our website. Individuals are advised that whilst they can make an anonymous complaint the capacity of KCS to investigate and resolve complaints will be limited in these circumstances.
- KCS allows individuals to donate anonymously but is unable to issue a tax-deductible receipt in this circumstance.

Collection of personal information – solicited and unsolicited

KCS (where possible) will collect information is to be collected directly from the individual. If we collect information from a third party, consent from the individual will be obtained.

If collecting personal information about a person from a third party, we will advise the person that the information has been collected.

KCS employees will take reasonable steps to ensure customers understand:

- what information has been and is being collected
- why the information is being collected, and whether this is due to a legal requirement how the information will be used or disclosed
- why and when their consent is necessary
- the procedures for access and correction of information, and responding to complaints of information breaches, including by providing this policy.

Personal information includes sensitive information. (Refer section 6 of this P&P). KCS will only collect sensitive information that is required for the primary purpose of customer service and support.

Personal information may also be collected when an individual:

- completes a course registration form
- seeks support or advice via the telephone or via email, or requests KCS to contact them purchases a service/support
- makes and/or attends a clinical appointment.

KCS will evaluate all unsolicited information it receives to decide if it should be kept, acted on or destroyed.

Where unsolicited information is received, KCS will determine whether the personal information could have been collected in the usual way, and then if it could have, it will be treated normally. If it could not have been, the individual (or their legal representative) must be contacted to ascertain validity of the information and if they are wishing this to be part of their personal information.

Exceptions to disclosure

Consent to disclose personal information is not required if the information is:

- necessary to prevent or lessen an imminent threat to life, health or safety of the customer. subject to a subpoena.
- used for the purpose for which it was obtained. For example, a record of a customer's seizures may be required by the doctor who is managing a customer's epilepsy treatment.
- de-identified data for the purposes of research.
- In addition, exceptions to disclose without customers' consent are where the information is: required by law
- necessary to lessen or prevent a serious threat to a customer's life, health or safety or public health or safety, or it is impractical to obtain the customer's consent

- to assist in locating a missing person
- to establish, exercise or defend an equitable claim
- for the purpose of a confidential dispute resolution process.

Personal health information guidelines

Personal health information is considered sensitive personal information and will be managed with appropriate levels of privacy.

KCS will take all reasonable steps to maintain the privacy of all information except. If the data is to be used for secondary or unrelated purposes, KCS will obtain the informed consent of the person.

Personal health information will only be used for the purpose of providing medical services and for claims and payments (unless otherwise consented). KCS staff will inform the customer where there is a statutory requirement to disclose certain personal information (for example, some medical conditions require mandatory notification).

Access to personal information

If a customer of one of KCS's services wishes to discuss obtaining access to their personal information held by KCS, or which they believe may be held by KCS, in the first instance they should contact the Customer Service Team Manager (CSTM).

When managing access to personal information KCS will:

- give individuals access to their own data upon request
- take reasonable steps to ensure that the person seeking access to information is in fact the individual to whom make information available upon request.

Access may be refused if KCS reasonably believes that:

- the request does not relate to the personal information of the person making the request a person's health, safety and wellbeing may be compromised by releasing the information providing access would be unlawful or would prejudice a legal investigation
- the request is frivolous and/or vexatious
- the information relates to an existing or anticipated legal claim between KCS and the customer the information would not be accessible through the legal discovery process.

Direct marketing

KCS will not use any personal information in relation to direct marketing to a customer without that customer's expressed consent.

Customers may opt-out of direct marketing at any time by notifying KCS through a letter or an email.

Use of identifiers

In dealing with government agencies, KCS is often obliged to collect and use identifying numbers issued by those agencies. This will be done according to law or regulation as required by individual agencies.

KCS will adopt its own identifier system in respect of individuals. KCS will not use or disclose the identifier unless necessary for customer care.

Employee information

Board member information:

- name, residential address
- national criminal record check outcome
- working with children check/NDIS worker screening check
- contact details.

KCS collects personal information from employees as part of its contractual relationship with individuals. This information would include but not be limited to:

- name, address, next of kin, contact details
- previous employment history
- relevant medical information
- qualifications
- bank details for the deposit of wages
- criminal record check outcomes
- probity checks (WWCC, NDIS)

Destruction

KCS will destroy personal information once it is not required to be kept for the purpose for which it was collected or required to be kept by law. This includes removing information from decommissioned laptops, mobile devices and mobile phones.

Financial records

KCS maintains a database of suppliers, customers and other contacts with which it engages in financial transactions. The computerised financial system operated by KCS accesses this database in order to process financial transactions.

The information held in the database for each contact consists of the contact's name, address, telephone numbers, banking details or other identifiers necessary for effective financial processing.

The information is not made available to any third party except to government agencies as required by law.

Complaints

If an individual believes their privacy has been breached by KCS they can make a formal complaint to the service. Information about how to make a complaint to KCS or an external agency is provided in the Customer and Other Stakeholder Complaints P&P for customers and the Grievance P&P for employees and volunteers using the complaints compliments and feedback form.

Enquiries or complaints regarding this policy or the handling of personal information should be directed to the CEO or their delegate.

Personal information data breach

For guidelines regarding how we manage data breaches please see Manage data breach process

Regulations, Policies, Procedures Relevant to this Policy

- Corporations Act 2001 (Commonwealth)
- Crimes Act 1900 (NSW)
- Criminal Procedure Act 2009 (Vic)
- Criminal Records Act 1991 (NSW)
- Disability Act 2006 (Vic)
- Disability Discrimination Act 1992 (Commonwealth)
- Disability Inclusion Act 2014 (NSW)
- Disability Inclusion Regulation 2014 (NSW)
- Health Records Act 2001 (Vic)
- Health Records and Information Privacy Act 2002 (NSW)
- National Disability Insurance Scheme Act 2013 (Commonwealth)
- Privacy Act 1998 (Commonwealth)
- Privacy Amendment (Enhancing Privacy Protection Act 2012 (Commonwealth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Commonwealth)
- Privacy Amendment (Private Sector) Act 2000 (Commonwealth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Telecommunications (Interception and Access) Act 1989 (Commonwealth)
- Workplace Surveillance Act 2005 (NSW)
- NDIS (Specialist Disability Accommodation) Rules 2020 (Commonwealth)
- NDIS (Quality Indicators) Guidelines 2018 (Commonwealth)
- Residential Tenancy Act 1997 (Vic)
- Residential Tenancies Act 2010 (NSW)