

Privacy Policy

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Manual:	Governance	Version:	V5.0
Section:	Compliance	Issue Date:	September 2018
Person Responsible:	CEO	Date of next review:	September 2019
Author:	Quality Coordinator		

Purpose

This policy outlines a framework for Carers Victoria to responsibly manage the information provided to Carers Victoria by individuals in accordance with the Australian Privacy Principles (APPs) contained in the *Privacy Act 1988 (Cth.)*, the *Privacy Amendment (Private Sector) Act 2000 (Cth.)*, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)*, *Privacy and Data Protection Act 2014 (Vic)* and *The Health Records Act 2001 (Vic.)*.

Scope

This policy applies to Carers Victoria's Board, employees, volunteers, students, contractors, suppliers and consultants who are required to be consistent and careful in the way they manage what is written and said about individuals who access Carers Victoria's services, and how they decide who can see or hear this information.

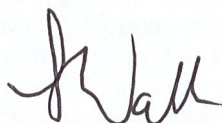
This policy applies to all records, hard copy and electronic which contain personal, sensitive or health information about individuals, and to interviews or discussions of a sensitive and personal nature.

Carers Victoria's statements, *Carers Victoria Privacy Statement*, *Electronic media and your privacy*, the *Carers Victoria Privacy Procedures* document and related forms are part of this policy.

This internal policy expands on the Carers Victoria Privacy Policy published on our website in accordance with APPs 1.3 -1.6 inclusive.

Authorised

Signature:



Date:

4/9/18

Chief Executive Officer

Policy

Carers Victoria is committed to protecting the privacy of individuals including the collection, storage and use of information about individuals, their needs and the services provided to them.

Carers Victoria is subject to, and bound by, the *Privacy Act 1988 (Cth.)*, the *Privacy Amendment (Private Sector) Act 2000 (Cth.)*, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)*, and the *Health Records Act 2001 (Vic.)*. Our management of personal, health and sensitive information is informed by these Acts and the *Australian Privacy Principles*.

Accordingly Carers Victoria will ensure that:

- It meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of individuals through its systems, practices and procedures.
- Individuals are provided with information about their rights regarding privacy, including their right to access and correct their information, lodge a privacy complaint and have that complaint dealt with fairly and promptly.
- Individuals are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- Personal information is collected by lawful means, stored and used as necessary for a function or activity to enable Carers Victoria to carry out its work.
- All staff, Board members, consultants, suppliers, contractors, students and volunteers understand what is required in meeting these obligations.

An individual's right to privacy may be limited by law in some circumstances. Examples include where a person is in danger of harming themselves or others, or where a child is at risk. Carers Victoria is required to report such situations to appropriate authorities and will do so in accordance with relevant laws and regulations.

Responsibilities

The Board of Carers Victoria is responsible for adopting this policy.

The CEO is responsible for the effective implementation of this policy and is part of the Privacy Group, as the lead decision maker on behalf of Carers Victoria. The CEO can bring in legal advisors as required.

The General Manager of Business Support is the secondary decision maker on behalf of Carers Victoria. This person can make decisions around Privacy when the CEO is not available within the timeframes required.

The Quality Coordinator is Carers Victoria's designated Privacy Officer and is responsible for maintaining this policy, procedures and associated documents. The Quality Coordinator/Privacy Officer is part of the Privacy Group and in this role, provides information and advice around procedures, privacy and general information about laws.

The Executive Assistant to the CEO supports the Privacy Group as required by organising meetings and liaising with any other relevant person to compile requested information.

The Privacy Group consists of the Privacy Officer, CEO and General Manager of Business Support. Others may be brought in as appropriate to respond to specific requests/issues in their areas of responsibility, eg General Managers and Service Managers. The Privacy Group is responsible for handling all Privacy requests from individuals for access to their personal information held by Carers Victoria and any privacy complaint related to an individual's information held by Carers Victoria.

All Board members, employees, volunteers, students, contractors, suppliers and consultants are responsible for complying with this policy and its procedures.

Procedure

The procedures which support Carers Victoria's adherence to this policy are detailed in a separate *Privacy Procedures* document. These procedures ensure that Carers Victoria:

- only collects information from clients we support or provide services to, with the prior knowledge and consent of the individual concerned as to what is being collected, the purposes of its collection and use, how it will be stored, the right to access and correct the information, make a privacy complaint and how it will be dealt with and the conditions under which information will be shared (APP1, APP2, APP3, APP5, APP7);
- only uses the information provided for the purposes for which it was collected (APP6);
- do not disclose information provided by clients to a third party without consent or as required by law (APP6, APP7);
- does not disclose client information to other institutions and authorities except if required by law or other regulation (APP6);
- removes information about our clients from records when it is no longer required or is unsolicited (except where archiving and/or retention are required by law or regulation) (APP4, APP11);
- ensures that the information held on a client or organisation will be up-to-date, relevant, non-obtrusive and objective (APP10);
- takes reasonable steps to correct inaccurate, incomplete or out-of-date information on a regular basis, including allowing the individual concerned to have access to and to correct their information (APP12, APP13);
- has processes and policies to protect the information Carers Victoria has under its control from:
 - a) Unauthorised access;
 - b) Improper use;
 - c) Alteration; and
 - d) Unlawful or accidental destruction and accidental loss (APP11);Take reasonable steps to protecting personal information by using appropriate hardware and software to use appropriate hardware and software; and
- only adopt, use or disclose a government related identifier when required to do so in relation to a service provided on contract to government (APP 9).

Carers Victoria's Privacy Policy (Public): Key Extracts

Key extracts from the Public (easier-read) version of Carers Victoria's Privacy Policy are shown in Appendix A.

Topics covered includes:

- use of information,
- disclosure to third parties,
- personal information and technology including cookies and social media, and
- privacy complaints

Refer to Appendix A for further information.

Privacy Incidents/Breaches

Privacy incidents are situations where personal and/or health information has become compromised. This information may relate to any person including clients, carers, staff and volunteers. Examples of privacy incidents include disclosure to a third party without consent and electronic information being 'hacked'.

Privacy incidents and breaches to this Policy are serious and, depending on circumstance, may amount to a breach of the Code of Conduct. See the Code of Conduct Policy for information about how breaches to the Code are managed including investigation and disciplinary action.

Where client personal and health information is compromised, the privacy incident shall be reported to the relevant body in line with their requirements, which may include:

- Department of Health and Human Services through its Client Incident Management System (CIMS). Refer to the Client Incident reporting policy, or the Department's website for details about reporting.
- Department of Social Services <https://www.oaic.gov.au/agencies-and-organisations/guides/data-breach-preparation-and-response>

Privacy breaches may also have legal ramifications. Such cases will be referred as appropriate to the relevant authority such as the Victoria Police.

Related documents

Carers Victoria *Privacy Procedures* and related forms
Carers Victoria *Privacy and Confidentiality Agreement Policy*
Carers Victoria *Code of Ethics and Behaviour Policy*
Carers Victoria *Responsible Use of Electronic Equipment Policy*
Board Member *Code of Conduct*
BUD – *The Carer System: Training Documentation*
Carers Victoria *Protecting Children Policy*
Carers Victoria *Cash Handling Policy*
Carers Victoria *Direct Mail Donor Management Policy*
Department of Health and Human Services Privacy Policy

Relevant legislation

Privacy Act 1988 (Cth.),
Privacy Amendment (Private Sector) Act 2000 (Cth.),
Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.),
Privacy and Data Protection Act 2014 (Vic.)
Health Records Act 2001 (Vic.)
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Public Records Act 1973 (Vic)
Spam Act (2003)

References

Australian Service Excellence Standard C.2.2

Department of Health and Human Services Privacy Policy & CIMS.

Both are available at: www.dhhs.vic.gov.au/publications/privacy-policy

Department of Human Services (Vic) Standards 1.1 and 1.2

Department of Social Services Home Care Standards 1.3 and 3.2

Office of the Australian Information Commissioner Resources available at: www.oaic.gov.au

Review

This policy has been assigned a scheduled review date, however policies may be reviewed at any time to improve their effectiveness. Persons who wish to put forward suggestions for improvement should direct them to the “Responsible Person” named on the policy.

Further information

Persons who require assistance understanding this policy or needs clarification of its associated procedures should refer in the first instance to their immediate supervisor who is responsible for the policy’s implementation in their work area. If further guidance is required please refer to the “Responsible Person” named on the policy.

Document control

All changes to be recorded in version control table, indicating minor / major change.

Version	Name	Position	Details of changes	Distribution	Date
V3	Caroline Mulcahy	CEO	Adopted by the Board And authorised by the CEO	Board; CEO	24 April 2014
V4	Leah Lonsdale, Anita Craike, Liz Ruggeri	Quality Coordinator, Service Manager – Aged, Fundraising Manager	Various to reflect changing marketing, donations and communications requirements and input from these teams. Added exception of privacy where legislation and regulation requires involving authorities, e.g. Protecting children from sexual abuse	Leadership	3 March 2016
5.0	Leah Lonsdale	Quality Coordinator	Privacy incident/breach clauses including DHHS Privacy Incident reporting. Reference to the Privacy and Data Protection Act 2014 (Vic) Changes to Privacy Officer, addition of Privacy Group	Quality committee, Leadership	June 2018

Appendix A - Key Extracts from “Public” Privacy Policy

The kinds of personal information that we collect and hold

The type of information we collect, store and use to provide the services you request, and for communications, marketing and fundraising include your:

- name, address, telephone number, email address;
- occupation, gender, age;
- information about your caring role;
- records of services accessed; and
- financial transactions (e.g. donations or subscriptions).

Any sensitive information we collect, such as racial or ethnic backgrounds, health information or sexual preferences is done in a lawful and respectful manner and with the individual’s consent.

How we collect personal information

Carers Victoria collects an individual’s personal information in different ways as necessary and by lawful means to carry out our work, including but not limited to:

- when we provide the services you request;
- when you donate or respond to a fundraising campaign;
- when you participate in one of Carer Victoria events or carer activities, including subscriptions to our newsletter; and
- sourcing commercial lists from reputable suppliers.

We may photograph you at a Carers Victoria event. In this case we will take reasonable steps to obtain your consent before using the images.

We may also use established and emerging technologies collect personal information – see “Personal information and technology below”.

How we hold personal information

Carers Victoria takes reasonable steps to notify individuals when collecting personal information. Your personal information is recorded in the Carers Victoria database and can be accessed by you or a third party with your written consent or as required by law.

The purposes for which we collect, hold and use personal information

Carers Victoria may use personal information to provide services you request and to keep you informed of activities, including but not limited to:

- conducting research;
- fundraising campaigns;
- inviting you to participate in events or fundraising programs; and
- providing you with marketing and promotional material.

Access to and updating your information, or withdrawing consent

You have the right to access information we hold about you unless otherwise stated within the Privacy Act.

You can update information they previously provided to Carers Victoria, request not to receive further communication from us or withdraw your consent for Carers Victoria to use your information, including images.

If you do this however, Carers Victoria may not be able to provide you with services or information requested in the future.

From time to time Carers Victoria may contact you to check or update your personal information. If you believe any such call to be fraudulent, please contact the Privacy Officer at Carers Victoria immediately on 1800 242 636 or report it to www.scamwatch.gov.au.

Disclosure of your personal information to others

Carers Victoria will not disclose or provide your personal information to any other body or organisation in Australia or overseas without your consent, except where required by law or where information is provided to third parties in confidence to carry out work on our behalf. Third parties include but are not limited to:

- health service professionals;
- database, web hosting service providers;
- mail houses, printers;
- professional services, for example, lawyers, accountants and auditors;
- research consultants, advertising agencies; and
- payment gateway provider.

Carers Victoria will ensure third parties are bound by the Australian Privacy Principles to keep your personal information confidential. In situations where Carers Victoria engages third parties that conduct all or part of their business overseas, we take reasonable steps to ensure your information is managed according to the Australian Privacy Principles. Carers Victoria will not disclose your information to third parties for marketing purposes.

Carers Victoria may use volunteers to assist in carrying out our work. Volunteers are required to enter a Privacy and Confidentiality agreement with Carers Victoria.

Personal information and technology

Visiting Carers Victoria website

The Carers Victoria website uses cookies to track site visits including pages accessed and any facilities used. If you are concerned about the use of cookies, your browsers can be configured to notify you when you receive a cookie and provide you with the opportunity to reject it. You may refuse all cookies from Carers Victoria websites however functionality may be reduced. Our online credit card processing company may also use cookies for identification and anti-fraud purposes.

Links to other externally controlled web sites are provided for your interest. While these links are provided in good faith, Carers Victoria does not control and is not responsible for the content or privacy practices of those websites. Please refer to the relevant Privacy Policies on those pages before providing your personal information.

Carers Victoria uses Google analytics to track visits to our website and we use this information to track the effectiveness of our website. For more information please read Google's Privacy Policy. (<http://www.google.com/policies/privacy/>).

Online activity and social media

You can engage with Carers Victoria through social media, Facebook, Twitter, LinkedIn and Instagram. We may get in touch with you via social media if you are not a follower by using the details on your record, such as your email address. If you do not wish this to happen, please contact the Privacy Officer at Carers Victoria (details below).

Email marketing

The Spam Act (2003) prohibits the sending of unsolicited emails, SMS or MMS messages for commercial purposes from or within Australia or to people in Australia. Carers Victoria is guided by the best practice developed on responsible electronic messaging practise by the Association for Data-driven Marketing & Advertising in conjunction with industry, consumer representatives and administered by the Australian Communications and Media Authority.

Security

We take all reasonable steps to ensure that your personal information is protected. Carers Victoria and our hosting services apply security controls to protect our electronic media from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss.

There are, however, always risks involved when information is transmitted electronically. You should be aware that the internet is an insecure public network and that there is always a potential risk that transactions are being viewed, intercepted or modified by third parties.

If you feel that the information that you are sending is sensitive or confidential you should consider using a more secure way of contacting us – for example by phone or by post.

By using our website, you acknowledge that the internet is an inherently insecure environment and that you use the website at your own risk. You acknowledge that you do not hold Carers Victoria responsible for any security breaches, viruses, loss of data or other loss that may occur as a result of using this website.

For more information about our electronic media Terms and Conditions go to <http://www.carersvictoria.org.au/footer/terms-conditions>. To access the electronic media Disclaimer, go to <http://www.carersvictoria.org.au/footer/disclaimer>.

Privacy complaints

If you have any questions or concerns about how we collect, use or disclose your personal information or if you wish to make a privacy complaint, you may contact our Privacy Officer at:

The Privacy Officer
Carers Victoria
PO Box 2204
Footscray VIC 3011
Australia

Or make a complaint directly to the Office of the Australian Information Commissioner at:

GPO Box 5218
Sydney NSW 2001
Phone: 1300 363 992
Email: enquiries@oaic.gov.au
www.oaic.gov.au

Any privacy complaint made to Carers Victoria will be dealt with fairly and in a timely manner.

Carers Victoria Privacy Policy

Carers Victoria may change or amend this Privacy Policy at any time and without notice. An up to date version of this Privacy Policy will be posted on Carers Victoria website www.carersvictoria.org.au, or you can contact the Privacy Officer at the address specified above.