




Privacy - Private Information Management Policy and Procedure

Statement

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) promotes the rights of individuals to freedom of expression, self-determination and decision-making, whilst supporting opportunities for participation and active inclusion in society. In doing so, PQSA respects the privacy of all and recognises that the protection of the privacy of individuals must be balanced, responsible and transparent. PQSA will also provide assistance where individuals exercise their right to complain about any alleged compromise of their privacy.

Approved by: 	Date: 27/1/2016
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The Paraplegic and Quadriplegic Association of SA Inc. is incorporated under PQSA Incorporation Act 1985 (SA) and conducts its business through operating Divisions, namely PARAQAD SA and HOMECARE PLUS.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version

SCOPE

This policy and its associated procedures apply to all PQSA members, workers, clients, donors, business partners and online users.

The Privacy Act and this Privacy Policy do not apply to acts or practices which directly relate to employee records.

DEFINITIONS

Advocate: for the purpose of this policy, is a person being, but not limited to, a family member, case manager or significant other, who speaks on behalf of an individual.

Accurate: free from error or defect.

Anonymous: an individual is not required to provide any personal information or identifiers.

Consent:

- ◆ **Express Consent:** is clearly and unmistakably stated, rather than implied. It may be given in writing, by speech (orally), or non-verbally, e.g. by a clear gesture, such as a nod in response to a direct question. NB Non-written express consent that was not evidenced by witnesses or accompanied by an audio or video recording may be disputed if a party denies that it was given.
- ◆ **Implied Consent:** is not expressly provided by a person, but rather inferred from a person's actions and the facts and circumstances of a particular situation (or, in some cases, by a person's silence or inaction).

De-identification: the process used to prevent a person's identity from being connected with information.

Disclose: the release of personal information from effective control.

Direct Marketing: involves the use and/or disclosure of personal information to communicate directly with an individual to promote goods or services.

Fair means: is not oppressive, does not involve intimidation or deception, and is not unreasonably intrusive.

Individual: means a person, such as members, volunteers, employees, clients, donors, business partners and online users.

Must – indicates a mandatory action required by law, industrial instrument, or a PQSA policy or procedure.

On-line user – refers to anyone who accesses an authorised website of PQSA

Opt-out – to choose not to participate.

Personal Information – as defined by the *Privacy Act 1988* is “information or an opinion about an identified individual, or an individual who is reasonably identifiable”:

- ◆ Whether the information is true or not, and
- ◆ Whether the information or opinion is recorded in a material form or not.

Primary Purpose – for the purpose of this policy, refers to information collected from clients then used for the sole purpose of providing services.

Pseudonym: the use of a descriptor that is different from an individual's actual name.

Reasonably Practicable – for the purpose of this policy, means that which is or was at a particular time, reasonably able to be done in relation to ensuring the privacy of an individual's personal information, taking into account and weighing up all relevant matters.

Secondary Purpose – is the use of information for purposes other than those relating to service provision and could include PQSA campaigns, public relations and events or another service division of PQSA.

Sensitive information – as defined by the *Privacy Act 1988*, is "information or opinion (that is also personal information) about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices or criminal record."

Unsolicited personal information – is information that is not requested or additional to requested information.

Worker – for the purpose of this policy is a person who carries out work in any capacity including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, apprentice or trainee, or a student gaining work experience, or a volunteer.

RESPONSIBILITIES

It is the responsibility of all individuals to understand the Privacy Principles as outlined in this policy and its associated procedures and apply them in a fair and equitable manner.

POLICY

PQSA is committed to serving and supporting the best interests of individuals with disabilities living independently in the community in a manner which recognises their inherent worth and dignity, their right to experience life's events and develop their full potential.

In carrying out this mission, PQSA engages workers, and receives donations, funding and support from members of the community, corporations, groups and government.

In addition to the services that PQSA provides from donated funds, it also holds contracts to deliver government-funded programs. In providing such services, PQSA must comply with the relevant state or national privacy principles and any additional obligations under each contract.

This policy sets out how workers comply with their obligations under the *Privacy Act 1988* (Privacy Act). PQSA is bound by the Australian Privacy Principles (APPs) in 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. PQSA is also bound by the requirements of Ombudsman SA's Information Sharing Guidelines.

PROCEDURES

PQSA's designated Privacy Officer:

Manager, Human Resources
PQSA Head Office

Privacy Statement

No Personal or Health information will be collected from an individual without their consent. All individuals will have access to a Privacy Statement that will outline what information will be collected and what its primary and secondary purpose will be. All individuals will be given the opportunity to opt out of any or all parts of the use of their personal information.

Information Sharing Statement

PQSA follows the Ombudsman SA Information Sharing Guidelines (ISG) to promote the safety and wellbeing of children and vulnerable adults. PQSA will work closely with other organisations to coordinate the best support for its clients. Under the ISG, the informed consent of PQSA clients will be sought and respected in all situations, unless:

- It is unsafe or impossible to gain consent or consent has been refused; *and*
- Without information being shared, it is anticipated a child or vulnerable adult will be at risk of serious harm, abuse or neglect or pose a risk to their own or public safety.

Personal Information

PQSA has an obligation, as far as reasonably practicable, to ensure that the personal information it collects, uses or discloses is accurate, up-to-date and complete.

To meet this obligation, PQSA will endeavour to:

- ◆ meet/speak with an individual or their advocate on an annual basis, producing a profile of the individual's personal information for verification;
- ◆ collect and record personal information in a consistent manner;
- ◆ add all updated or new personal information to relevant existing records within two (2) business days of receiving the information.

Health Information

As part of administering certain PQSA services, it may be necessary to collect health information to develop a Health Plan. When collecting health information from an individual, PQSA will obtain the individual's specific consent and explain how the health information will be used; this will be stipulated on our Privacy Statement Form.

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

Opinions

PQSA will take reasonable steps to ensure an opinion is accurate and from a reliable source.

All opinions recorded by PQSA will be clearly identified as opinions and will clearly identify who formed the opinion.

Security of Personal Information

PQSA will take all reasonable steps to protect personal information it holds from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

Hard Copy Personal Information

- ◆ All personal information held by PQSA in hard copy will be kept in secure, lockable filing cabinets. Cabinets will be locked after use;
- ◆ No hard copy files will be left unattended on desks or counters;
- ◆ No hard copy files containing personal information will be removed from PQSA's premises without permission from a Manager;
- ◆ Hard copy files containing personal information must be returned to PQSA premises and secured on the day they are removed, unless authorised by a Manager;
- ◆ All individual files will be locked in the boot of a vehicle when being transported;
- ◆ Only personnel with authority to access individual files will access them;
- ◆ All personal information of individuals no longer accessing the services of PQSA will be archived in accordance with PQSA policy and destroyed appropriately;
- ◆ Regular audits of individual personal files will be undertaken by an appointed Manager to ensure security and consistency of information.

Soft Copy Personal Information

- ◆ All personal information held by PQSA in soft copy will be kept in files with the appropriate level of security and access;
- ◆ All personal information of individuals no longer accessing the services of PQSA will be archived in accordance with PQSA policy;
- ◆ All PQSA hardware that has held personal information on individuals cannot be sold or gifted; it must be destroyed;
- ◆ Regular audits of individual personal files will be undertaken by an appointed Manager to ensure security and consistency of information.

Government Related Identifiers

PQSA will not store/organise the personal information that it holds about an individual with reference to a Government related identifier, e.g. medicare number, driver's licence, passport number or Centrelink Reference Number.

Unsolicited information

All unsolicited information must be destroyed or de-identified as soon as possible, unless:

- ◆ It is contained in a Commonwealth record, or
- ◆ It is unlawful or unreasonable to do so.

Unsolicited information that is sensitive will be destroyed by either:

- ◆ Shredding, or
- ◆ Being placed in a PQSA security bin.

Anonymity

PQSA understands that anonymity is an important element of privacy and, where possible, will allow individuals to interact anonymously or using a pseudonym such as when making general enquiries, asking general questions or participating in surveys.

A person enquiring about PQSA services does not have to provide personal details. Online forms used by individuals enquiring about services or products will not require the completion of personal information boxes, e.g. name and address. This must be stated on the form.

However, for most of the services and functions provided by PQSA, it will usually require a name and contact information to enable PQSA to effectively and efficiently handle inquiries or deliver services. Furthermore, PQSA may choose not to provide sensitive information (such as service pricing) without disclosure of particular personal information.

Sharing personal information overseas

PQSA will not disclose personal information to any overseas entity unless authorized by an individual.

Information Technology (IT) Systems

- ◆ Risk assessments of PQSA's IT systems are undertaken on a regular basis to ensure the appropriate levels of security that prevent unauthorised network access.
- ◆ PQSA will ensure that its websites and other network environments are secure and up to date.
- ◆ PQSA's IT department will regularly test IT security systems and processes.

Personal information being faxed, received by fax, photocopied or printed to remote printers.

No personal information in regards to individuals will be faxed internally. It must be scanned and emailed.

Personal information being printed must be immediately removed from the printer. Any printed material not removed from printers will be dealt with as follows:

- ◆ Printed material at the front office or shop printers not removed within half ($\frac{1}{2}$) an hour will be shredded or put in the security bin.
- ◆ Printed material at the back office printers not removed within one (1) hour will be shredded or put in the security bin.

Access to personal information

PQSA, where reasonably practicable, will give an individual access to their personal information upon request, having regard to any special needs of the individual. PQSA will allow access unless there is sound reason under the Privacy Act or other relevant law to withhold the information.

The request to access personal information should be made as follows:

- ◆ Request to the Privacy Officer;
- ◆ The person making the request must identify themselves; and
- ◆ It should be in writing and can also be made through an individual's advocate.

The Privacy Officer will take all reasonable steps to provide access to information requested within fourteen (14) business days of the request. In situations where the request is complicated or requires access to a large volume of information, the Privacy Officer will take all reasonable steps to provide access to the information within thirty (30) business days.

Individuals can access their personal information either via:

- ◆ Hard copy, access to a file or printed document from a computer; or
- ◆ Soft copy on a PQSA approved computer.

The information remains the property of PQSA.

An individual withdrawing from PQSA services can ask that the information be removed from the main system. The information will then be archived and destroyed according to legislative and PQSA policy.

PQSA reserves the right to charge an appropriate fee for:

- ◆ Worker costs in the search and location of information;
- ◆ The cost of photocopying, delivery costs for information stored off site and postage if applicable.

The Privacy Officer will acknowledge the request for personal information in writing within two (2) business days of receiving the request and after verifying the identity of the person requesting the personal information. The written response will:

- ◆ Explain the procedure for retrieving information;
- ◆ Identify how long it will take to allow access to the information;
- ◆ Identify who the responsible person is that will be providing the personal information with contact details;
- ◆ Explain how the information will be provided;
- ◆ Disclose if there is a cost involved – what the cost is and how the individual is to pay prior to the information being provided; and
- ◆ If the request cannot be responded to an explanation as to why.

Soft copy access:

- ◆ Must be via an authorised PQSA computer;
- ◆ Must be in the presence of an PQSA worker;
- ◆ The individual must only have access to their information or opinions.

If PQSA deems to refuse access to information, the Privacy Officer will:

- ◆ Give a written response explaining why the information cannot be accessed, e.g. it is not available in the requested format; and, where necessary:
- ◆ Refer the applicant to PQSA's Clients Complaints Policy and Procedures.

Correction of Personal Information

If an individual establishes that the personal information held by PQSA is inaccurate, out of date, incomplete, irrelevant or misleading, PQSA will take reasonable steps to amend that information as soon as practicable.

If personal information is updated or amended that has previously been disclosed to another entity, the individual can request that PQSA notify that entity and reasonable steps will be taken to give that notification.

If PQSA refuses a request to amend or update personal information, a written notice will be issued setting out the reasons for the refusal, complaint procedures available to complain about the refusal and any other matter prescribed by regulations.

Direct Marketing

For the purposes of Direct Marketing, an individual does not have to provide personal information but may choose to use a pseudonym.

PQSA may use personal information to provide individuals with marketing information about events, campaigns, products and services.

Obligations – PQSA will always allow an individual to request not to receive direct marketing communications (opt-out) and will comply with such a request.

PQSA will provide simple and accessible means for an individual to request not to receive direct marketing communications.

If PQSA should engage another organisation to assist with direct marketing, it may be necessary to share an individual's personal information. PQSA will ensure:

- ◆ That the contract to undertake direct marketing by a third party will stipulate that the personal information remains the property of PQSA and will not be used by the other organisation for any unauthorised marketing or sale of such information.

Grievance and Complaints

If an individual associated with PQSA feels that there has been a breach of their privacy, they can lodge a complaint that will be handled in strictest confidence in line with the procedures as set out in the Client Complaints Policy and Procedure.

RELATED LEGISLATION & Standards

- ◆ Privacy Act 1988
- ◆ Australian Privacy Principles
- ◆ Freedom of Information Act 1982
- ◆ Disability Services Standard 1
- ◆ Information Sharing Guidelines
- ◆ Privacy Regulations 2013

SUPPORTING PQSA DOCUMENTATION

- ◆ HomeCare+ Client Handbook
- ◆ Support Services Client Handbook
- ◆ Advocacy Policy
- ◆ Information Sharing Guidelines
- ◆ Disclosure of Private information Standard Operating Procedure
- ◆ Archiving and Retrieving Files Standard Operating Procedures
- ◆ Child Protection Policy and Procedure
- ◆ Client Photos and Personal Information Use Policy
- ◆ Confidentiality Policy
- ◆ Code of Ethical Behaviour
- ◆ Client Complaints Management Policy and associated procedures
- ◆ Record Retention and Disposal Policy and Procedure
- ◆ Recruitment Policy and Procedure
- ◆ Vulnerable Adult Protection Policy and Procedures

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.