

# PRIVACY & CONFIDENTIALITY POLICY GUIDELINE

## 1 Summary

Life Without Barriers ('LWB') is committed to safeguarding the confidentiality of any personal or health or sensitive information of individuals by:

- Maintaining procedures that protect privacy with regard to the collection, use, retention and disclosure of personal information; and,
- Complying with the Australian Privacy Principles and the *Privacy Act 1988* (Cth) ('Privacy Act').

## 2 Who should read this document?

This Policy applies to the Personal Information of all Life Without Barriers' members, volunteers, employees, clients/beneficiaries and their authorised representatives, donors, business partners and Online Users collected or held by Life Without Barriers.

## 3 The meaning of terms and words used in this document

**Personal Information** means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is reasonably identifiable from the information or opinion.

Common examples include an individuals:

- name
- signature
- address
- telephone number
- date of birth
- medical records
- bank account details
- employment details
- commentary or opinion about a person.

**Health Information** is information or an opinion about:

- the physical, mental or psychological health (at any time) of an individual
- a disability (at any time) of an individual
- an individual's expressed wishes about the future provision of health services to him or her
- a health service that is provided or to be provided to an individual;
- other Personal Information collected to provide, or in providing, a Health Service
- other Personal Information about an individual collected in connection with the donation or intended donation by the individual of his or her body parts, organs or body substances
- other Personal Information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

Examples of health information include:

- information about an individual's physical or mental health
- notes of an individual's symptoms or diagnosis and the treatment given
- specialist reports and test results
- appointment and billing details
- prescriptions and other pharmaceutical purchases
- dental records

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- records held by a fitness club about an individual
- information about an individual's suitability for a job, if it reveals information about the individual's health
- an individual's healthcare identifier when it is collected to provide a health service
- any other personal information (such as information about an individual's date of birth, gender, race, sexuality, religion), collected for the purpose of providing a health service.

**Health Service** means an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the person performing it:

- to assess, record, maintain or improve the individual's health; or
- to diagnose the individual's illness or disability; or
- to treat the individual's illness or disability or suspected illness or disability; or
- the dispensing of a prescription drug or medicinal preparation by a pharmacist.

**Sensitive Information** means information or an opinion about an individual's;

- racial or ethnic origin;
- political opinion, or 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;
- criminal record; or
- health, genetic, biometric information or biometric templates.

**Online Users** refers to anyone who accesses the Life Without Barriers website: [www.lwb.org.au](http://www.lwb.org.au)

**The website** means the Life Without Barriers website: [www.lwb.org.au](http://www.lwb.org.au)

**CIRTS** is a computer-based system that has been developed especially for Life Without Barriers including client information reporting and tracking system. It is intended to allow LWB to securely store important information and to report on the care and services LWB provided to clients. This system enables LWB to better capture and monitor client achievements and outcomes, and to share this information with funding bodies and clients' networks.

## 4 What is our aim?

LWB engages volunteers, employees and contractors and holds contracts and receives funding from State and Federal governments to deliver government programs. In providing such services, we comply with the Privacy Act and the Australian Privacy Principles (APPs) and any additional contractual requirements, or other information privacy obligations under related state or commonwealth legislation.

## 5 Policy Guideline

This Privacy and Confidentiality Policy Guideline sets out how we comply with our obligations under the Privacy Act. We are bound by the Australian Privacy Principles 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 by them.

## **6 Objectives**

- To ensure information is received, recorded, accessed and stored appropriately to maintain confidentiality;
- To remain compliant with:
  - the Privacy Act 1988 (Cth) (as amended);
  - all other relevant legislation;
  - obligations imposed by Government body funding agreements as well as accreditation and licensing standards; and,
  - all CIRTS related policies and procedures; and
  - any other LWB Policies and Procedures related to the collection, storage or other use of Personal Information.
- To ensure that all individuals are aware of their rights in regards to privacy and confidentiality and are aware of the means to access or amend private information held about them; and,
- To ensure that any Personal information collected is directly related to Life Without Barriers' service functions or activities.

## **7 Guiding Principles**

- LWB acknowledges that individuals and communities have a right to privacy, dignity and confidentiality. This right will be upheld at all times through practices of sharing and providing information in a discrete manner, on a need-to-know basis and with consent, as required;
- LWB will be guided by the Australian Privacy Principles at all times;
- Where LWB operates databases or information systems (e.g. CIRTS or human resources information systems), the relevant policies and procedures are to be followed for the appropriate use of Personal Information within these systems;
- LWB aims to create a workplace which is respectful, ethical and professional in all matters pertaining to confidential or private information held about an individual.

## **8 Policy Commitments**

- LWB will make available to individuals information about privacy rights, and how to access or amend their Personal Information.
- LWB will ensure there is an allocated role of Privacy Officer as a central contact point for any individual requiring information or wanting to contact LWB about a privacy matter.
- LWB will take steps to ensure that this privacy policy is easily accessible, available free of charge and in an appropriate form.

## **9 Performance Indicators**

- Zero instances of a breach of confidentiality relating to Personal Information, Health Information or Sensitive Information.
- Data Privacy Breach Response Plan activated for all instances of possible or actual data privacy breaches.

## **10 Collection of Personal and Sensitive Information**

Personal and/or sensitive information collected by LWB from clients/beneficiaries, business partners, LWB people and Online Users is Personal Information and/or Sensitive Information and as such falls under this policy.

Our services can be accessed on an anonymous basis or using a pseudonym if requested. If this is possible and lawful, we will take all reasonable steps to comply with your request. However, we may not be able to provide the services in question if we are not provided with the Personal Information requested, or it is impractical to deal with individuals who have not identified themselves or use a pseudonym.

The LWB website may from time to time contain links to other websites. When an Online User accesses a website that is not LWB's website, it may have a different privacy policy.

## **11 How we collect information**

Where possible, we collect your Personal Information and Sensitive Information directly from you. We collect information through various means. We will not collect information unless it is reasonably necessary for the functions or activities of LWB.

If you do not want to disclose information that we have requested, please raise this with us.

There are situations where we may also obtain Personal Information about you from a third party source. If we collect information about you in this way, we will take reasonable steps to contact you and ensure that you are aware of the purpose for which we are collecting your personal information and the organisations to which we may disclose your information, subject to any exceptions under the Privacy Act.

## **12 Health information**

As necessary, to administer LWB services and functions, LWB may collect Health Information relating solely to the members of the organisation or to individuals who have regular contact with the organisation in connection with its activities. When collecting Health Information from you, as this is Sensitive Information, LWB will obtain your consent to such collection and explain how this information will be used and disclosed.

If Health Information is collected from a third party, LWB will inform you that this information has been collected and will explain how this information will be used and disclosed.

LWB will not use Health Information beyond the consent provided by you, unless your further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law. If LWB uses your Health Information for research or statistical purposes, it will be de-identified if practicable to do so.

## **13 Use and disclosure of Personal Information**

We only use Personal Information for the purposes for which it is given to us, or for the purposes which are related to one of our functions or activities. Personal Information will not be disclosed for marketing purposes.

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For the purposes referred to in this Privacy Policy (discussed above under “**Collection of Personal and Sensitive Information**”), we may also disclose your Personal Information to other external organisations including:

- government departments/agencies who provide funding for LWB services;
- contractors who manage some of the services we offer. In such circumstances, steps are taken to ensure that the contractors comply with the APPs when they handle Personal Information and are only authorised to use Personal Information in order to deliver the services or perform the functions required by LWB;
- doctors and health care professionals, who assist us to deliver our services;
- other regulatory bodies, such as WorkCover/WorkSafe; and
- our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, LWB 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 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 the 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 assist in locating a missing person;
- 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 health services;
- it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety;
- it is necessary for research or the compilation or analysis of statistics relevant to public health or public safety;
- it is reasonably necessary for the enforcement of a law conducted by an enforcement body, in this case LWB will make a written note of the disclosure;
- a permitted general situation exists, as defined in s16A of the *Privacy Amendment (Enhancing Personal Privacy) Act 2012*; or
- a permitted health situation exists as outlined by s16B of the *Privacy Amendment (Enhancing Personal Privacy) Act 2012*.

In general, we do not transmit or disclose Personal Information outside of Australia, unless required to do so, in which case we will take all reasonable measures to protect your Personal Information by gaining your consent to the disclosure, or ensuring that the country of destination has similar protections in relation to privacy, and does not breach the Australian Privacy Principles, or that we enter into contractual arrangements with the recipient of your Personal Information that safeguards your privacy. Alternatively, if the information is required under Australian law, or if the information is required or authorised under international agreement to which Australia is a party to, or if it is reasonably necessary by an enforcement body, it may be shared.

## **14 Security of Personal Information and Sensitive Information**

LWB takes reasonable steps to protect the Personal Information and Sensitive Information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.

These steps include password protection for accessing our electronic IT systems, securing paper files in locked cabinets and applying physical access restrictions. Only authorised personnel are permitted to access our systems and controlled premises.

If LWB staff need to transport personal or sensitive information (e.g. medical records), it should be stored securely, for example, kept in a secure satchel/briefcase or locked in the boot of a car when not in use.

When Personal Information is no longer required, it is destroyed in a secure manner, or will be de-identified.

## **15 Access to and correction of Personal Information**

If an individual requests access to the Personal Information we hold about them, or seeks to change that Personal Information, upon this request we will give the individual access, unless:

- the request does not relate to the Personal Information of the person making the request;
- the request would have an unreasonable impact on the privacy of other individuals;
- providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety;
- providing access would create an unreasonable impact on the privacy of others;
- the request is frivolous and vexatious;
- the request relates to existing or anticipated legal proceedings;
- providing access would prejudice negotiations with the individuals making the request;
- access would be unlawful;
- denial of access is authorised or required by law;
- access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of the LWB.
- access discloses a 'commercially sensitive' decision making process or information; or
- any other reason that is provided for in the APPs or in the Privacy Act.

Requests for access and/or correction should be made to the Privacy Officer. For security reasons, any request must be made in writing with proof of identity. This is necessary to ensure that Personal Information is provided only to the correct individuals and that the privacy of other persons is preserved.

In the first instance, LWB will assume (unless otherwise informed) that any request relates to current records. These current records will include personal information which is included in LWB databases and in paper files which may be used on a day-to-day basis.

We will take all reasonable steps to provide access to the information requested within a reasonable period after your request has been made. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

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We will provide access by allowing you to inspect, take notes or print outs of Personal Information that we hold about you.

LWB may charge you reasonable fees to reimburse us for the costs we incur relating to your request for access to information, including in relation to photocopying and delivery cost of information stored off site. For current fees, please contact the Privacy Officer.

If we deny access to information, we will set out our reasons for denying access in writing. Where there is a dispute about the right to access information or forms of access, this will be dealt with in accordance with LWB's complaints procedure. More information about this process can be obtained from the Privacy Officer.

If an individual is able to establish that Personal Information LWB holds about her/him is not accurate, complete or up-to-date, LWB will take reasonable steps to correct our records unless it is impracticable or unlawful to do so. In the event a request for change is refused LWB will set out, in writing, the reasons for refusal and the mechanism by which you can complain. We will not charge an individual for making the request or correcting the information.

## **16 Complaints Procedure**

If you have a complaint about our privacy practices or our handling of your Personal Information or Sensitive Information, you may notify our Privacy Officer.

All efforts will be made to address complaints and achieve an effective resolution of your complaint within a reasonable timeframe. In most cases this will be 30 days or as soon as practicable. However if the matter is complex, the resolution of the complaint may take longer.

All complaints and outcomes will be recorded.

In the event that an anonymous complaint is received we will note the issues raised and where appropriate, investigate and resolve them appropriately.

## **17 Changes to this Privacy Policy**

LWB will review, amend and/or update this policy from time to time as appropriate.

## **18 How to contact us:**

Individual can obtain further information in relation to this Privacy Policy, or provide any comments, by contacting:

The Privacy Officer

Life Without Barriers

PO Box 2226

DANGAR NSW 2309

Phone (02) 4033 4500

Fax (02) 4927 5113

Email: [privacyofficer@lwb.org.au](mailto:privacyofficer@lwb.org.au)