

Summary

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

- Maintaining procedures that protect privacy during the collection, use, retention, and disclosure of personal information; and,
- Complying with the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth) (Privacy Act).
- Complying with legislation and standards that are specific to services, working arrangements, and jurisdictions.

Who should read this document?

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

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. Personal Information includes Health Information and Sensitive Information.

Common examples include an individual's:

- 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 them
- 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
- 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 LWB website: www.lwb.org.au

The website means the LWB website: www.lwb.org.au.

CIRTS is a computer system developed especially for LWB as a client information reporting and tracking system. It allows us to securely store important information and to report on the care and services we provide to clients. This system enables us to better capture and monitor client achievements and outcomes, and to share this information with funding bodies and clients' networks.

What is our aim?

We engage 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.

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.

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, including state and territory privacy legislation
 - obligations imposed by Government body funding agreements as well as accreditation and licensing standards
 - all CIRTS related policies and procedures
 - any other LWB policies and procedures related to the collection, storage or use of Personal and Sensitive Information.
- To ensure that all individuals are aware of their privacy and confidentiality rights and know how to access or amend private information held about them.
- To ensure that any Personal information collected is directly related to LWB service functions or activities.

Guiding Principles

- We acknowledge that individuals and communities have a right to privacy, dignity and confidentiality. This right will be always upheld through practices of sharing and discretely providing information, on a need-to-know basis and with consent, as required.
- We will be guided by the Australian Privacy Principles at all times.

- Where we operate databases or information systems (e.g. CIRTIS or human resources information systems), the relevant policies and procedures must be followed to ensure the appropriate use of Personal and Sensitive Information within these systems.
- We aim to create a workplace that is respectful, ethical and professional when managing confidential or private information held about an individual.

Policy Commitments

- We will make available to individuals information about privacy rights and how to access or amend their Personal Information.
- We will ensure there is a central contact point for any individual requiring information or wanting to contact LWB about a privacy matter.
- We will take steps to ensure that this privacy policy is easily and freely accessible, in an appropriate format.

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.

Collection of Personal and Sensitive Information

This policy applies to any personal or sensitive information LWB collects from clients, business partners, employees and online users.

Our services can be accessed anonymously 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 our services if we are not provided with required Personal Information, or it may be 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, which may have a different privacy policy.

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 reason we are collecting your personal

information and the organisations to which we may disclose your information, subject to any exceptions under the Privacy Act.

Health information

As necessary, to administer our services and functions, we 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, we 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, we will inform you that this information has been collected and will explain how this information will be used and disclosed.

We 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 we use your Health Information for research or statistical purposes, it will be de-identified if practicable to do so.

Use and disclosure of Personal Information

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

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 to deliver the services or perform the functions required by LWB
- doctors and health care professionals, who assist us in delivering our services
- other regulatory bodies, such as WorkCover/WorkSafe
- our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, we 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
 - to assist in locating a missing person
 - to establish, exercise or defend a claim at law
 - for a confidential dispute resolution process
 - for the enforcement of a law conducted by an enforcement body, in this case we will make a written note of the disclosure.
- it is necessary:
 - to provide health services
 - for the management, funding or monitoring of a health service relevant to public health or public safety
 - for research or the compilation or analysis of statistics relevant to public health or public safety
 - a permitted general situation exists, as defined in s16A of the *Privacy Act 1988 (Cth)*; or
 - a permitted health situation exists as outlined by s16B of the *Privacy Act 1988 (Cth)*.

We usually don't send personal information outside Australia. If we need to, we'll take reasonable steps to protect your privacy—like asking for your consent, checking that the country has similar privacy laws, or making sure the organisation we share it with agrees to protect your information.

In some cases, we may be required to share your information under Australian law, an international agreement Australia is part of, or if it's needed by a law enforcement agency.

Collection and retention of sensitive information

We collect and retain personal information about clients, carers, and staff if it is reasonably necessary for, or directly related to, our services, functions or activities. We may only request and collect sensitive information if the individual consents to that sensitive information being collected or an exception applies to *Australian Privacy Principle 3*.

Security of Personal Information and Sensitive Information

We take reasonable steps to protect the Personal 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 our employees 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 or Sensitive Information is no longer required, it is destroyed in a secure manner or de-identified.

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, 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 our functions or activities.
- access discloses a 'commercially sensitive' decision-making process or information
- 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, we will assume (unless otherwise informed) that any request relates to current records. These current records will include personal information that 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. 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 requested information within 30 days.

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

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

If we deny access to information, we will explain our reasons in writing. Where there is a dispute about the right to access information or forms of access, we will deal with this in accordance with our complaints procedure. More information about this process can be obtained from the Privacy Officer.

If an individual can establish that Personal Information we hold about them is not accurate, complete or up-to-date, we 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, we will

explain, in writing, the reasons for refusal and how you can make a complaint. We will not charge an individual for making the request or correcting the information.

LWB Privacy Data Breach Response Plan

If we become aware of a privacy breach affecting someone covered by this policy, we will follow the LWB Privacy Data Breach Response Plan. Where the breach is likely to cause serious harm, we will notify the affected individual and the Office of the Australian Information Commissioner. When we notify an individual about a data breach, we will explain what they can do to protect themselves and what steps we've taken to fix the issue—whether it's a problem with our systems, processes or practices.

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.

We aim to resolve complaints within 30 days. If the matter is more complex, it may take longer, but we will keep you updated throughout the process.

All complaints and outcomes will be recorded.

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

Changes to this Privacy Policy

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

How to contact us:

Individuals 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