

POLICY Privacy and Confidentiality

1. PURPOSE

The purpose of this policy is to define the manner in which Senses Australia will maintain privacy and confidentiality in its dealings with its clients, its employees and with the general public.

2. SCOPE

This policy applies to all Senses Australia employees, directors, volunteers, contractors and members who are engaged in Senses Australia activities.

3. POLICY STATEMENT

Senses Australia respects every individual's legal right to privacy. This policy sets out Senses Australia's practices relating to the collection, holding, use and disclosure by Senses Australia of personal and sensitive information relating to an individual, as required by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) (Law).

Senses Australia's legal obligations are set out in full in the Australian Privacy Principles contained in the Act. You can find these on the Privacy Commissioner's website at www.oaic.gov.au.

RESPONSIBILITIES

It is the responsibility of every person in scope to ensure he or she complies with this policy. Where a person is unsure of his or her obligations under this policy, they should contact their manager for clarification of any issues.

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1. MEANING OF WORDS

1.1 In this policy:

anonymity is where an individual is not required to and does not identify him or herself when engaging with Senses Australia.

Government contract (Federal / State) is any funding agreement between a government agency and Senses Australia that requires Senses Australia to disclose personal and/or sensitive information about individuals to that agency.

Government record Personal or sensitive information collected by Senses Australia in connection with a government contract.

consent is a voluntary and informed agreement by an individual to something Senses Australia does. Where Senses Australia considers that a person is unable to give this consent to the use of his or her personal information for a particular purpose, Senses Australia will ask that person's parent or guardian to provide the consent.

direct marketing is the promotion of Senses Australia fundraising, direct mail appeals, wills and bequests activities, Senses Australia training, employment, educational resources and programs to individuals and informing individuals of issues of disability services generally.

health records are part of personal information and sensitive information, and include information or an opinion about a person's health or disability. In the case of Senses Australia, most health records that are subject to the Law are collected for the purpose of assessing clients and placing employees and volunteers in positions in Australia.

personal information is information, or an opinion, about an individual who is reasonably identifiable, whether or not that information or opinion is recorded in some way, and whether or not the information or opinion is true. Personal information collected by Senses Australia includes contact details, educational qualifications, personal history and personal financial information.

primary purpose – there are a large number of Senses Australia activities that are primary purposes for which Senses Australia collects information. Some examples are:

- the provision of disability services
- assessing, placing and engaging with Senses Australia employees, contractors, Directors and volunteers;
- providing training;
- conducting assessments and reference checks such as police checks through a third party (i.e. Crimtrac, CV Check, etc...) Crimtrac;
- soliciting donations from the public;
- collecting personal histories and images for Senses Australia archives and publications.

pseudonym is a pet name or nickname that is used by an individual engaging with Senses Australia where Senses Australia is not obliged to collect that individual's true name.

secondary purpose is, in the case of personal information, a purpose that is related to the primary purpose and, in the case of sensitive information, a purpose that is directly related to the primary purpose.

sensitive information is part of personal information and includes information Senses Australia may collect such as racial or ethnic origin, religious beliefs,

membership of a professional or trade association, criminal record, or health information.

solicited information is personal information that Senses Australia takes active steps to collect.

unsolicited information is personal information about an individual that Senses Australia has not asked for but receives in some other way.

2. OPEN AND TRANSPARENT MANAGEMENT OF INFORMATION

2.1 Senses Australia will make this policy publicly available on its website at www.senses.org.au and will take reasonable steps to provide a copy of this policy, free of charge, to anyone who asks for it. A person may request a copy of the policy by contacting Senses Australia:

Senses Australia
PO Box 142
BURSWOOD WA 6100
Tel: 61 8 9473 5400
Fax: 61 3 9473 5499
Email: admin@senses.org.au

2.2 When asked to do so by an individual, Senses Australia will take reasonable steps (subject to the Law) to let the person know, generally, what sort of personal information Senses Australia holds about that person, for what purposes, and how it collects, holds, uses and discloses that information.

2.3 Senses Australia has in place procedures, including this policy, to ensure that it complies with the Australian Privacy Principles, and that individuals may approach Senses Australia with any questions or complaints about Senses Australia's compliance with the Law.

3. ANONYMITY AND PSEUDONYMITY

3.1 Where it is not unlawful or impracticable, individuals dealing with Senses Australia will be given the option of not identifying themselves, or of using a nickname, when dealing with Senses Australia.

3.2 While it may not be always possible or lawful to allow individuals this choice, in cases where it is possible, Senses Australia will give individuals this option.

4. COLLECTION

Personal Information

4.1 Senses Australia has diverse operations. Because of that, Senses Australia collects personal and sensitive information from individuals for many different purposes. This means that, each time Senses Australia collects personal information, it will give the individual tailored advice that complies with paragraph 4.4.

4.2 Senses Australia will only collect personal information (other than sensitive information) when the information is reasonably necessary for or directly related to one of more of the Senses Australia functions or activities and it will only collect personal information by lawful and fair means.

4.3 Where it is reasonable and practicable to do so, Senses Australia will only collect personal information from the individual it relates to.

4.4 At or before the time Senses Australia collects personal information from an individual, or as soon as practicable after that, Senses Australia will advise the individual of matters specifically related the personal information being collected, and will take reasonable steps to ensure that individual is aware of the following:

4.4.1 that Senses Australia is the collector, and how to contact Senses Australia;

4.4.2 the facts and circumstances of the collection – for example, whether the information is collected over the phone, by software applications (e.g. cookies, web analytics), via social media applications (including but not limited to Facebook, LinkedIn, YouTube, etc...), or from a third party;

4.4.3 that the individual is able to access that information and ask for it to be corrected;

4.4.4 the purposes for which the information is collected, both the primary purpose, and where there is a related purpose, that secondary purpose;

4.4.5 organisations (or the types of organisations) to which Senses Australia usually discloses information of the kind being collected;

4.4.6 details of any Australian law or a court/tribunal order that requires the information to be collected;

4.4.7 whether or not that information will be transferred overseas (including information stored in the cloud) and to what countries (if known); and

4.4.8 the main consequences (if any) for the individual if all or part of the information is not provided by that individual.

4.5 If Senses Australia collects solicited information about an individual from a third party, Senses Australia will take reasonable steps to ensure that the individual is or has been made aware that the information has been collected, how it was collected, and from whom, and will comply with the requirements of paragraph 4.4.

4.6 Where it receives unsolicited personal information, Senses Australia must decide within a reasonable period of time whether that personal information about an individual could have been lawfully collected by the Senses Australia itself, and:

4.6.1 If so, the information will be dealt with in accordance with this privacy policy and paragraph 4.4 will be complied with in relation to that information; or

4.6.2 if not, and the information is not contained in a Government record, Senses Australia will, as soon as practicable, but only if lawful and reasonable to do so, destroy the information or ensure that the information is de-identified, unless under a Government contract the information must be dealt with under another law.

Sensitive Information

4.7 Senses Australia will not collect sensitive information about an individual unless:

4.7.1 the individual has consented to the collection of that information and the information is reasonably necessary for Senses Australia to carry out one or more of its functions or activities; or

4.7.2 the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or

4.7.3 there are some special situations under the Law that allow the use or disclosure of sensitive information without consent. In each case, if it does this, Senses Australia will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner about this use of disclosure. Some of these special situations are :

(a) where Senses Australia reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;

(b) Senses Australia has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Senses Australia functions or activities, and Senses Australia needs to disclose the information so that it can take appropriate action; or

(c) Senses Australia reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing.

The complete list of these special situations is contained in the Law.

5. USE AND DISCLOSURE

Primary purpose

5.1 Senses Australia may use personal information collected from an individual for a primary purpose notified to that individual.

5.2 Where the information is sensitive information, Senses Australia may only use that information for a primary purpose or a directly related purpose the individual has consented to.

5.3 Whether or not an individual has consented to the use or disclosure, in the case of any obligation Senses Australia has under a Government contract, Senses Australia is entitled to comply with a requirement under that Government contract to disclose personal or sensitive information to the Government agency funding the activity.

Secondary Purpose

5.4 Senses Australia may sometimes use or disclose personal information about an individual for a secondary purpose. However, Senses Australia will only use or disclose personal information about an individual for a secondary purpose in limited circumstances. Senses Australia will, wherever reasonably possible, seek consent from individuals before using their personal information for a secondary purpose.

5.5 Senses Australia may use personal information about an individual for a secondary purpose if:

5.5.1 the individual has consented to the use or disclosure; or

5.5.2 the individual would reasonably expect Senses Australia to use or disclose the information for the secondary purpose and the secondary purpose is;

(a) if the information is sensitive information, it is directly related to the primary purpose; or

(b) if the information is not sensitive information, it is related to the primary purpose; or

(c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or

(d) Some special situations set out in the Law allow the use or disclosure of personal information without consent. In each case, if it does this, Senses Australia will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner. Some of these special situations are:

(i) where Senses Australia reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;

(ii) Senses Australia has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Senses Australia functions or activities, and Senses Australia needs to disclose the information so that it can take appropriate action; or

(iii) Senses Australia reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported as missing, or

(iv) Senses Australia reasonably believes that the use or disclosure of the information is reasonably necessary for an enforcement body's enforcement related activities (and Senses Australia will make a written note that Senses Australia has used the information for that purpose).

The complete list of these special situations is contained in the Law.

6. DIRECT MARKETING

6.1 Senses Australia may only use personal information about an individual for direct marketing where an exception applies under the Law. In every situation where Senses Australia is permitted to use or disclose personal information for direct marketing, Senses Australia will allow the individual to 'opt out' and will act on the individual's request to 'opt out'.

6.2 Senses Australia may use personal information (other than sensitive information) about an individual for direct marketing if:

6.2.1 Senses Australia collected the information from the individual:

(a) and the individual would reasonably expect Senses Australia to use or disclose the information for direct marketing;

(b) Senses Australia has provided a simple means so that the individual can easily request not to receive direct marketing communications from Senses Australia; and

(c) the individual has not made a prior request to Senses Australia to not receive direct marketing communications from Senses Australia.

6.2.2 Senses Australia collected the information from someone other than the individual and:

(a) either the individual has consented to the use or disclosure for the purpose, or it is impracticable to obtain the individual's consent; and

(b) in each direct marketing communication with the individual, Senses Australia includes a prominent statement that the individual can ask not to receive further direct marketing communications from Senses Australia; or

(c) Senses Australia otherwise draws the individual's attention in some other way to the fact that the individual may make that request; and

(d) the individual has not made a request asking Senses Australia to stop sending direct marketing communications.

6.3 If Senses Australia uses or discloses personal information about an individual for:

6.3.1 direct marketing, an individual may ask Senses Australia to stop sending direct marketing communications from Senses Australia and Senses Australia must do that within a 14 days after receiving the request unless exceptional circumstances apply; or

6.3.2 where the personal information is used for the purpose of facilitating direct marketing by other organisations on behalf of Senses Australia, an individual may request Senses Australia not to use or disclose the individual's information for direct marketing by other organisations and Senses Australia must act on that request within 14 days after receiving the request (unless exceptional circumstances apply).

6.4 The individual may request Senses Australia to be provide details of where his or her personal information came from (e.g. which other organisation) and Senses Australia must do so within 14 days after receiving the request (except in exceptional circumstances) unless it is impractical or unreasonable to do so.

6.5 Senses Australia will not charge any individual for the making of, or to give effect to, these requests.

7. TRANSBORDER DATA FLOWS

7.1 Occasionally, Senses Australia may transfer personal information to an organisation (other than Senses Australia or the individual concerned) that is in a foreign country or, Senses Australia may store some personal information on databases that are in the cloud. In most cases, where Senses Australia transfers information, the information will be de-identified.

7.2 Senses Australia will only send information overseas if it has taken reasonable steps to ensure that the transferred information, will not be held, used or disclosed by the recipient organisation inconsistently with the Australian Privacy Principles. Some ways Senses Australia will assess this are:

7.2.1 Is the organisation receiving the information subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information

that are substantially similar to the Australian Privacy Principles and there are ways an individual can enforce the privacy right or

7.2.2 Has the individual concerned consented to the information transfer after having been advised that Senses Australia will not be taking reasonable steps to ensure that the transferred information is held, used or disclosed by the recipient consistently with the Australian Privacy Principles; or

7.2.3 Is the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or

7.2.4 Are there special situations set out in the Act that permit the transborder transfer of personal information? In each case, if it transfers information because of a special situation, Senses Australia will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner.

8. DATA QUALITY

8.1 Senses Australia will take all reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date and relevant, having regard to the purposes of the use or disclosure of the personal information that is collected.

9. DATA SECURITY AND HANDLING

9.1 Senses Australia will take all reasonable steps to protect the personal information it holds from misuse, interference (which may include measures to protect against computer attacks), loss and unauthorised access, modification or disclosure.

9.2 Senses Australia data handling practices are regularly reviewed. All sensitive information is separately stored and shared among employees on a need to know basis only.

9.3 Client management records (that include personal, sensitive and health information) are stored on separate databases and are accessible only to those who require the information to undertake this activity e.g. support workers, therapists and management.

9.4 Training and guidance to Senses Australia personnel has been established to support this privacy policy.

9.5 Senses Australia will take all reasonable steps to destroy or permanently de-identify personal information about an individual that it holds, if the information is no longer needed for any purpose for which it is able to be used or disclosed, and where there is no law or Court/tribunal or Government contract that requires Senses Australia to keep the information.

10. ACCESS AND CORRECTION

10.1 If Senses Australia holds personal information about an individual, and the individual requests access to that information, Senses Australia will provide the individual with access to that information unless any of the following exceptions apply:

10.1.1 Senses Australia reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or

10.1.2 giving access would have an unreasonable impact upon the privacy of other individuals; or

10.1.3 the request for access is frivolous or vexatious; or

10.1.4 the information relates to existing or anticipated legal proceedings between Senses Australia and the individual, and the information would not be provided by the process of discovery in those proceedings; or

10.1.5 providing access would reveal the intentions of Senses Australia in relation to negotiations with the individual in such a way as to prejudice those negotiations; or

10.1.6 providing access would be unlawful; or

10.1.7 denying access is required or authorised by or under an Australian law or a court/tribunal order; or

10.1.8 both of the following apply:

(a) Senses Australia has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates the Senses Australia functions or activities has been or is being or may be engaged in; and

(b) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

(c) providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

(d) giving access would reveal evaluative information generated within Senses Australia in connection with a commercially sensitive decision-making process.

10.2 Senses Australia will respond to an access request within a reasonable period after the request is made and will give access to the personal information in the manner requested by the individual, if it is reasonable and practicable to do so.

Senses Australia may, in appropriate circumstances, charge the individual an appropriate (and not excessive) fee for giving access to the personal information.

10.3 If Senses Australia refuses to give access to personal information in the manner requested by the individual or because one or more of the exceptions referred to in paragraph 10.1 of this policy apply, Senses Australia will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.

10.4 An individual can ask Senses Australia to correct personal information held by Senses Australia. Senses Australia will respond to the request within a reasonable period of time after the request is made and will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading. Senses Australia may also take such itself, if Senses Australia it finds personal information it holds about an individual is inaccurate, out of date, incomplete, irrelevant or misleading.

10.5 If Senses Australia refuses to correct the personal information when requested to do so by an individual, Senses Australia will give the individual a written notice about the refusal that complies with the regulations to the Law and includes information about how a person can complain about the refusal.

10.6 Where Senses Australia has previously disclosed personal information about the individual to another APP entity, an individual can request Senses Australia to notify that APP entity of corrections made to their personal information. Senses Australia will take all reasonable to give that notification unless it is impracticable or unlawful to do so.

10.7 An individual can request Senses Australia to attach a statement to information saying that the information is inaccurate, out of date, incomplete, irrelevant or misleading. Senses Australia will answer that request within a reasonable period after it is made and will take reasonable steps as are to ensure the statement is able to be seen by the users of the information.

11. COMPLAINTS

11.1 Senses Australia will consider complaints made by an individual in relation to:

11.1.1 a decision by Senses Australia to refuse access to personal information requested by the individual; or

11.1.2 a decision not to correct an individual's personal information; and Senses Australia will respond within a reasonable period after the complaint is received. The Senses Australia response to a complaint is final.

11.2 Any individual may make a complaint about how Senses Australia handles an individual's personal information to the Office Australian Information Commissioner

(OAIC). Further information is available on the OAIC website:
<http://www.oaic.gov.au/privacy/privacy-complaints>.

12. CONTACT DETAILS

12.1 All queries or complaints regarding this Privacy Policy, or requests for access to, or correction of, personal information should be directed to the Executive Director Corporate Services Senses Australia as follows:

Senses Australia
PO Box 142
Burswood WA 6100
Tel: 61 8 9473 5400
Fax: 61 8 9473 5499
Email: admin@senses.org.au

13. REVIEW

13.1 This Privacy Policy will be reviewed every three years, or earlier when there are any changes to the Law, and updated as required.

RELATED POLICIES
Nil.

SUPPORTING QMS DOCUMENTS
FORM Authority to Collect, Use and Disclose Client Information
PROCEDURE Client Documentation and Records
SUPPORT MATERIAL Privacy Statement

RELEVANT LEGISLATION OR STANDARDS
Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
Public Interest Disclosure Act 2003