

SUBJECT:	PRIVACY AND CONFIDENTIALITY		
Functional Area	Executive	Document Ref:	PS EXE03(18)
Applicable From:	16/03/2018	Revisions No:	5
Responsibility:	Chief Executive	Review Date	2020

REVISION SCHEDULE:

Effective Date	Authorised By	Alterations
08/04/2015	Judy Curran	Included the code for the Commendations and Complaints Operating Procedures
05/05/2017	Heidi Limareff	Changes made to 'Use and Disclosure' to include external service providers for mail outs. Document formatted – font change.
16/03/2018	Heidi Limareff	Included the Notifiable Data Breach (NDB) Scheme to Data Security

1. Purpose:

In the context of this Policy and related Operating Procedures, the Can:Do Group comprises Townsend House Inc (operating under the Can:Do4Kids brand name), the Royal South Australian Deaf Society Inc (operating under the Deaf Can:Do brand name), and any relevant current and future commercial or subsidiary organisations, including Can:Do Hearing.

This Policy Statement and related operating procedures outlines how **Can:Do Group** manages personal information collected from clients, parents, carers, guardians, donors and other stakeholders. It describes the types of information held by Can:Do Group and why, in addition to how that information is collected, held, used and disclosed. Employees' and volunteers' records are managed under specific Employment Legislation.

2. Scope:

In the context of this Policy and related Operating Procedures, the **Can:Do Group** comprises Townsend House Inc (operating under the Can:Do4Kids brand name), the Royal South Australian Deaf Society Inc (operating under the Deaf Can:Do brand name), and any relevant current and future commercial or subsidiary organisations, including Can:Do Hearing.

This Policy Statement applies to all employees, volunteers and other individuals involved with the organisation.

3. Policy Statement:

Can:Do Group is committed to the right to privacy and the protection of personal information in accordance with the Privacy Amendment Act (2012) and the *Australian Privacy Principles* enshrined in that Act, and as amended.

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Concerns or complaints about the way in which Can:Do Group handles personal information should be lodged in accordance with OP EXE01-02 *Commendations and Complaints Operating Procedures*.

This Policy will be available in the Can:Do Group website.

4. Guiding Principles:

Consistent with the Act and the Australian Privacy Principles the development of procedures under this policy will be based on the following:

4.1 Collection:

Can:Do Group will only collect, in a fair, non-intrusive and lawful way, personal information that is necessary for the organisation to undertake its day to day operations, including, but not limited to, the provision of quality services to clients. Sensitive information will only be collected with the individual's consent to the collection of the information. Sensitive information is a subset of personal information and is defined in the Act as:

- information or an 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
- health information about an individual
- genetic information (that is not otherwise health information)
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- biometric templates

Can:Do Group will take reasonable steps to ensure the individual is aware of how to access their information, how it is collected, other organisations to which Can:Do Group may disclose the information and any other action required by the *Privacy Amendment Act* and the *Australian Privacy Principles*.

Personal information will be collected by Can:Do Group staff that might require access to that information in connection with service delivery, employment or other requirements.

Wherever possible and practicable, personal information will be collected directly from the individual, rather than from someone else. Where personal information is collected from a third party, the consent of the individual will be obtained prior to collection of

the information and the individual will be informed the reason for the information collection and how it will be used. Where the collection of information is regarding a child under the age of 18 or a person who has a guardian responsible for them can provide the information and will be informed the reason for collection and how it will be used.

In case the Can:Do Group receives unsolicited personal information, it will determine whether it could have collected the information as per prescribed in this Policy whereby the information will be treated , If not, the information must be destroyed or de-identified as soon as practicable.

We collect information when a prospective employee or volunteer registers their application to join the dedicated team at Can:Do Group. Consent forms are signed to allow Can:Do Group to keep the information given to us voluntarily in the form of resumes, references, etc. Unsuccessful applicants will have their information securely destroyed after a period of three months.

4.2 Consequences of not providing necessary details

As Can:Do Group services are often funded by third parties such as the Office of Hearing Services, state government and NDIS there are requirements to report key statistics related to clients serviced. Refusal to provide information required by funders may lead to cessation of services. This will be determined on a case by case basis.

4.3 Use and Disclosure:

Can:Do Group will use or disclose personal information only for the purpose for which it was collected (the primary purpose), or for purposes related to the primary purpose except where personal information is required to be disclosed by law.

Can:Do Group will not divulge any information gathered from clients, staff and other stakeholders to any third party without prior written consent of the individual (or the written consent of a person who is responsible for the individual) except:

- non-identifying data required by funding bodies and by government departments for planning purposes;
- where it is reasonable that the disclosure is necessary to prevent or lessen serious threat to the life or health of the client or another person. Please see *Information Sharing Guidelines for promoting safety and wellbeing* issued by Ombudsman SA and Can:Do Group policy *CS03.1 Information Sharing Guidelines (Appendix)*
- where lawfully required to ensure that the business operations of the organisation are maintained;
- where required by law or by Government Offices/Agencies.
- When Can:Do Group engages the services of an external mail house, consultant and/or data cleansing agency and when the aforementioned service provider has in place a confidentiality agreement that upholds the Australian Privacy Principles to ensure that privacy is protected.

Non-sensitive information may be used for direct marketing purposes in accordance with the *Australian Privacy Principles, the Do Not Call Register Act 2006* and the *Spam Act 2003*

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Specific to Can:Do Group service clients: For information on which third parties may receive your information please reference the signed terms of trade document for the department with which you are engaged.

4.4 Data Quality:

Can:Do Group will endeavor to take all reasonable steps to ensure that the personal information collected, used or disclosed, is accurate, complete and up-to-date.

4.5 Data Security:

Can:Do Group will ensure that all personal information held is protected from misuse, unauthorized access, modification or disclosure. Can:Do Group will destroy or de-identify personal information that is no longer required.

Under legislative and or contractual obligations, Can:Do Group is required to retain client records for up to seven years after closure of a file.

For more details about how the Can:Do Group manages records please see *OP QUA01-02(14) Record Management Operating Procedures*.

The Notifiable Data Breach (NDB) Scheme imposes requirements on organisations that are required to secure personal information under the Privacy Act 1988. The NDB Scheme strengthens protection for personal information, and allows individuals to take steps to protect information following a breach, or suspected breach. For more details on data Breach and Identification Reporting see *OPEXE03-01(18) and Australian Privacy Principles – Privacy fact sheet 17*

4.6 Openness:

On request by clients, staff and other stakeholders Can:Do Group will take reasonable steps to provide an overview of the type of personal information held and the purpose for it being held, the method of collection, use and disclosure of the information.

This Policy Statement must be available to anyone who asks for it and must be published on the Intranet and website

4.7 Access and Correction:

A right of access is available to individuals regarding personal information held by the organisation, by way of a written request to the Chief Executive. Can:Do Group will take all reasonable steps to provide this access within twenty-one days of original request.

Wherever possible and reasonable, steps will be taken to correct inaccurate or incomplete personal information.

Can:Do Group reserves the right not to provide requested information in certain circumstances as stated in the *Privacy Act – Australian Privacy Principles*.

4.8 Identifiers:

Can:Do Group will generate and use its own unique identifying code or numbers for its clients, staff or other stakeholders. In order to fulfil its obligations to specific agencies, Can:Do Group will use and disclose an identifier assigned to an individual by that agency.

4.9 Anonymity:

Can:Do Group will give clients and other stakeholders the option of not identifying themselves, or of using a pseudonym, when entering transactions with Can:Do Group, whenever it is lawful and practicable.

4.10 Transborder data flows

Can:Do Group does not transfer or send information outside of Australia. In some instances electronic data storing may be outsourced in which case Can:Do Group will require the supplier not to transmit or store any information overseas.

4.11 Sensitive Information:

Can:Do Group will only collect or disclose sensitive information about clients, staff and other stakeholders with the consent of the individual concerned, or if it is required by law.


5. Related documents:

This policy statement is related to, and should be read in conjunction with the following documents:

- OPQUA01-02(16) Record Management Operating Procedures
- OPEXE03-01(18) Data Breach Identification and Reporting Procedure
- Australian Privacy Principles – Privacy fact sheet 17
- CS03.1 Information Sharing Guidelines (Appendix)
- Information Sharing Guidelines for promoting safety and wellbeing
- Privacy Amendment Act (2012) – Australian Privacy Principles
- Do Not Call Register Act 2006
- Spam Act 2003
- OP EXE01-02(15) Commendations and Complaints Operating Procedures
- EXE15-EXE19 Terms of Trade (Departmental)

APPROVED BY CHIEF EXECUTIVE

This Policy Statement supersedes all other Policies relating to Privacy and Confidentiality and is applicable across the Can:Do Group from the authorising date below.

Approved By	Position	Date	Signature
Heidi Limareff	Chief Executive	16/03/2018	

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