PRIVACY

Reviewed - Feburary 2024 **Version 3.1**

CC 07

Southern Stay Disability Services Inc. is committed to providing quality services and this policy outlines our ongoing obligations to participants, families, carers in respect of how we manage their personal information.

We have adopted the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 (Cth) (the Privacy Act). The APPs govern the way in which we collect, use, disclose, store, secure and dispose of personal information.

Southern Stay is also bound by the Victorian privacy laws, the *Privacy and Data Protection Act 2014, National Disability Insurance Scheme (Code of Conduct) Rules 2018* and the *Health Records Act 2001*, as well as other laws which impose specific obligations regarding handling information.

Scope

All information and personal details collected by Southern Stay.

Definitions

Privacy and Confidentiality - are two separate concepts that protect different types of information. 'Privacy' is used in relation to information that is protected under law (normally under the Privacy Act 1988 (Cth)), whereas 'confidentiality' refers to different information contained in valid contracts and agreements. So they differ in the extent to which they protect different kinds of information (Refer CC02 Cofidentiality)

Personal information - is information which directly or indirectly identifies a person.

Policy

Southern Stay is committed to protecting the privacy of personal and sensitive information which we collect for the purpose of providing services to our Participants.

Procedure

What is Personal Information and why do we collect it?

Personal information is information or an opinion that identifies an individual. Examples of personal information we collect include names, addresses, email addresses, phone, and facsimile numbers.

This personal information is obtained in many ways including:

- Interviews
- Correspondence
- by telephone
- by email
- via our website https://www.southernstay.org.au

We collect personal information for the primary purpose of providing our services to participants and/or providing information to our participants and marketing. We may also use personal information for secondary purposes closely related to the primary purpose, in circumstances where someone would reasonably expect such use or

disclosure. Participants, family members or carers may unsubscribe from our mailing/marketing lists at any time by contacting us in writing.
When we collect personal information, we will, where appropriate and where possible, explain why we are collecting the information and how we plan to use it.

Sensitive Information
Sensitive information is defined in the Privacy Act to include information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record, or health information.
Sensitive information will be used by us only:

- For the primary purpose for which it was obtained.
- For a secondary purpose that is directly related to the primary purpose.
- With participant consent, or where required or authorised by law.

Third Parties
Where reasonable and practicable to do so, we will collect participant's personal information directly. However, in some circumstances we may be provided with information by third parties. In such a case we will take reasonable steps to ensure that a participant is made aware of the information provided to us by the third party.

Disclosure of Personal Information
Personal information may be disclosed in several circumstances including the following:

- Third parties where consent is given to the use or disclose; and
- Where required or authorised by law

Security of Personal Information
All personal information is stored in a manner that reasonably protects it from misuse and loss and from unauthorized access, modification, or disclosure.

When a participant's personal information is no longer needed for the purpose for which it was obtained, we will take reasonable steps to destroy or permanently de-identify this information. However, most of the personal information is or will be stored in client files which will be kept by Southern Stay for a minimum of 7 years.

Access to Personal Information
Participants may access the personal information we hold about them and to update and/or correct it, subject to certain exceptions. If a participant wishes to access their personal information, they can contact us in writing.

Southern Stay will not charge any fee for a participant's access request but may charge an administrative fee for providing a copy of their personal information.

To protect a participant's personal information, we may require identification before releasing the requested information.

Maintaining the Quality of Personal Information

It is important to us that all personal information is up to date. We will take reasonable steps to make sure that participant's personal information is accurate, complete, and up to date. If a participant finds that the information we have is not up to date or is inaccurate, they are to advise us as soon as practicable so we can update our records and ensure we can continue to provide quality services.

Privacy Breach

In the instance of a breach of a participant's privacy Southern Stay will implement a thorough review of the incident and implement any review findings. Data beaches will follow process outlined in *Admin 15 – Data Breaches* policy. In dealing with personal information, we abide by the obligations imposed on us under federal law, including the *Privacy Act 1988* (Cth) and the *National Disability Insurance Scheme Act 2013* (Cth) (*NDIS Act*) and will notify affected individuals and the Office of the Australian Information Commissioner of serious data breaches where appropriate.

Information provided on the form requires the organisation to enter details about:

- the privacy incident,
- participants involved,
- immediate risks, and
- how the incident is being managed.

In addition to the current critical incident report form, the new form will include fields on information security and practices.

Once the report is submitted, Southern Stay's organisation contact will receive a confirmation email and a reference number. The report will be received by the divisional privacy officer and directed to the Southern Stay's contract manager within the department (i.e. local engagement officer or program advisor), who will work with the funded organisation to manage the incident as required.

Policy Updates

This Policy may change from time to time and is available on our website.

Resources

Key Legislation, Acts & Standards

- *Australian Privacy Principles (Cth)*
- *Privacy and Data Protection Act 2014* (Vic)
- *Privacy Act 1988* (Cth)
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth)
- *Public Records Act 1973 (Vic)*
- *Information Privacy Act 2000* (Vic)
- Health Records Act 2001 (Vic)
- *Freedom of Information Act 1982* (Vic)
- *National Disability Insurance Scheme Act 2013* (Cth)
- *National Disability Insurance Scheme (Code of Conduct) Rules 2018* (Cth)
- Freedom of Information Act 1982 (Vic)
- *AS/NZS ISO 9001:2016* s7.4 Communication

Key Aligned Documents

- Admin 03 - Information, Communication and Technology
- Admin 15 – Data Breaches

- Admin 05 - Documents and Records
- CC 01 – Complaints and Grievances
- CC 02 – Confidentiality
- CC 03 – Occupational Violence, Discrimination, Sexual Harassment and Bullying
- CC 07 – Privacy
- CC 18 – Code of Conduct
- CC 23 – Communication
- CS02 Service Agreement
- CS23 - Vulnerable People in Emergencies Policy
- HR 06 – Public Relations
- HR 10 - Performance Management, Discipline, Redundancy and Termination

References

- The Office of the Australian Information Commissioner's (OAIC) – *The Australian Privacy Principles: From Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012*, 2014

Privacy Policy Complaints and Enquiries

For queries or complaints about our Privacy Policy please contact us at:

Southern Stay
181 Fairy Street Warrnambool
PH 5564 3444

46 Brown Street Hamilton
PH 55721028

Email: admin@southernstay.org.au

For information about:

Health Records Act:	**Information Privacy Act**:
Health Complaints Commissioner Phone: 1300 582 113 Web: https://hcc.vic.gov.au/health-records	The Office of the Victorian Information Commissioner Phone: 1300 006 842 (1300 00 OVIC) Web: https://ovic.vic.gov.au/