

PRIVACY & CONFIDENTIALITY

OVERVIEW

Advocacy for Disability Access and Inclusion Inc. is covered by the 10 National Privacy Principles (NPP), as set out in the *Privacy Act 1988* as amended by the *Privacy Amendment Act (Private Sector) 2000*.

Advocacy for Disability Access and Inclusion recognises the importance of protecting personal information, which it may be required to collect from employees and clients who become associated with its business.

The purpose of this policy and procedure is to ensure that any individual who provides information to Advocacy for Disability Access and Inclusion Inc., is protected according to the requirements of the *Privacy Act 1988*, *Privacy Amendment Act (Private Sector) 2000*, and *Privacy Amendment (Notifiable Data Breaches) Act 2017*, as well as those relating to clients with disability as required under the *Disability Service Act 1986* and the *Disability Services Act 1993*.

POLICY

For the purpose of this Policy, “information” is described as:

“Personal information” means information relating to an individual, including an opinion, which may be provided to Advocacy for Disability Access and Inclusion Inc. as part of its operational requirements either in material form or not, and whether true or not. Such information may personally identify an individual or make the person’s identity reasonably apparent.

“Sensitive information” means information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a professional, or trade association, membership of a trade union, sexual practices, criminal record, or health information.

Advocacy for Disability Access and Inclusion Inc. takes its obligations under the Privacy Act seriously, and as such, will take all reasonable steps in order to comply with the Act and protect the privacy of personal information it holds.

PROCEDURE:

Collection and Use of Information

Advocacy for Disability Access and Inclusion Inc. may require the collection of personal information from individuals to enable it to provide their services.

Advocacy for Disability Access and Inclusion Inc. may collect and hold personal information, such as, but not limited to, names of employees, clients, volunteers and proprietors of organisations, addresses, telephone numbers, facsimile numbers, e-mail addresses, titles, and professional affiliations. These details are collected for the purpose of providing services to clients, and the marketing of our services. Advocacy for Disability Access and Inclusion Inc. will not disclose this information to any other organisation, nor will it send any information overseas for any purpose whatsoever.

In the event that sensitive information is collected by Advocacy for Disability Access and Inclusion Inc., it will not be used for any purpose without the express permission of the individual. The collection use and disclosure of information will be in accordance with the Act.

Storage, Access and Retention of Personal Information

All personal information collected by Advocacy for Disability Access and Inclusion Inc. will be retained as part of a database, which will be securely monitored and maintained by Advocacy for Disability Access and Inclusion Inc. The data will not be made available to a third party, unless it is legally required and verified, without the authority of the individual who provided the personal information.

Advocacy for Disability Access and Inclusion (ADAI) will make available for inspection all personal information, based on the information supplied by the individual that it holds in relation to an individual, provided reasonable notice is given. In the event that any part of the personal information that the individual inspects is determined to be incorrect and requires alteration then ADAI will make such alteration in compliance with the corrected advice provided by the individual.

Advocacy for Disability Access and Inclusion Inc. will take all reasonable steps to protect the security of the personal information that it holds. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy.

Where information held by Advocacy for Disability Access and Inclusion Inc. is no longer required to be held, and law does not require the retention, then Advocacy for Disability Access and Inclusion Inc. will destroy such personal information by a secure means.

Compliance

If an individual has any concerns regarding the privacy of personal information, then the individual may make a complaint to the Business Manager of Advocacy for Disability Access and Inclusion Inc. who will then endeavour to resolve the complaint.

Sources of Information

Where possible, Advocacy for Disability Access and Inclusion Inc. will collect the information directly from individuals, customers, and clients.

Advocacy for Disability Access and Inclusion Inc. acknowledges that there is no obligation for an individual to provide Advocacy for Disability Access and Inclusion Inc. with personal information. However if an individual chooses not to provide Advocacy for Disability Access and Inclusion Inc. with personal details, it may not be able to provide the individual with a full range of services or reduce the ability of servicing the individual's organisation direct.

Should an employee require further information in relation to privacy, please visit:

www.privacy.gov.au

Confidentiality

Each person who contacts Advocacy for Disability Access and Inclusion has a right to expect to be treated with courtesy and respect, and in a manner, which ensures they are able to retain their dignity. They can expect to have information, which is provided by them to the organisation to be kept strictly confidential.

All information provided to or created by Advocacy for Disability Access and Inclusion staff during the course of their employment where it is reasonable that confidentiality should be maintained will be protected from inappropriate disclosure.

All Advocacy for Disability Access and Inclusion staff are directed to maintain written details on clients' files in a lockable case file, accessible to themselves only. Such files and information are the property of Advocacy for Disability Access and Inclusion Inc. and must not be copied or removed unless as a result of a court order or authorised by the Business Manager.

Case files are only to be removed from the Advocacy for Disability Access and Inclusion Inc. if:

- The file is closed and will be archived at Head Office.
- Such files and information are the property of Advocacy for Disability Access and Inclusion and must not be copied or removed unless as a result of a court order or authorised by Business Manager or Chief Executive Officer.
- The advocate has permission to work at home in special circumstances (incapacity, office site renovation etc.).
- It is essential for the advocate to have immediate access to the complete file, regardless of location, i.e. Negotiated Education Plans, home visits. In this situation, the confidentiality of the file must be protected.

Procedures for protecting confidentiality and privacy to be adhere to by advocates of Advocacy for Disability Access and Inclusion Inc. are:

- Case discussions with workers from other agencies will only occur with client consent that may be verbal or written and verbal consent is to be noted in the client's file.

- Case discussions within Advocacy for Disability Access and Inclusion will not identify clients by name. Number only will identify case files.
- Written information / documents provided by clients to be kept on file only as long as needed for resolution of a particular issue, after which original documents to be returned to the client.
- Faxes, which contain confidential information, must be sent on paper that states the legal responsibility of the sender and the recipient of the fax.
- The sender of the fax must ring the destination in advance to ensure someone is available to receive and file the faxed information immediately.
- Emails that contain confidential information, must state the legal responsibility of the sender and the recipient of the email.
- Client files and employee records will be stored securely and will only be accessed on a need to know basis by authorised staff.
- Such files and information are the property of Advocacy for Disability Access and Inclusion and must not be copied or removed unless as a result of a court order or authorised by the Business Manager.
- No information about a client, their family, or circumstances will be released to anyone outside of Advocacy for Disability Access and Inclusion unless it is a requirement as part of a staff member's official duties and would be an expectation of the client/family. Information provided must be accurate, relevant, fair, current, and non-judgemental.
- No information about a staff member will be divulged outside of the organisation without the express permission of that staff member.
- Staff will ensure that information provided about Advocacy for Disability Access and Inclusion outside of the organisation is of such a nature and made in such circumstances as to create no reasonably foreseeable possibility of prejudice to the organisation.
- Staffs are not permitted to discuss any matters pertaining to the operations of the organisation with the media unless approved by the Director.
- Staff members who contravene this policy and procedure will be liable to disciplinary action, which may include termination of employment.

Access to Information

Employees of Advocacy for Disability Access and Inclusion have the appropriate right of access to information that is required to carry out their duties and responsibilities. In all instances, the existence of a clear need to know qualifies any right to know.

Personnel Files

Each employee of Advocacy for Disability Access and Inclusion has right of access to information in the file that refers to them.

Client Files

Each client of Advocacy for Disability Access and Inclusion has right of access to information in the file that refers to them. The file can be accessed by request to the Business Manager.

Communication of Information

A legislative obligation may require Advocacy for Disability Access and Inclusion to report or disclose certain information to third parties which may be an exception to the National Privacy Principles as provided under the Privacy Act 1988 (Cth). In other instances, third parties may have a need to know information held by Advocacy for Disability Access and Inclusion, but not have an ongoing legislative right. In either case, before information is transmitted or made available, the third party must:

- Show that they have the authority to access the information
- Create permission for it to be released to them

The Advocacy for Disability Access and Inclusion employee dealing with the release must ensure that they have themselves the necessary authority and delegation to access and release the information.

Duty of Care

Information can exist which if not communicated to other's could result in adverse consequences for a client and/or other employees. In such cases, duty of care obligation is created for those who are aware of the information to make it known to those who need to know. The information must be limited to the minimum operational facts required, and must avoid the release of personal details as far as practicable.

Data Breaches

While ADAI has safe systems in place that supports the maintenance and transfer of client information manually and electronically including password protected computer systems, locked filing systems, minimisation of transfer or transportation of minimal client information, and use of anti-virus software, there is still potential for a data breach.

Under the Australian Privacy Act 1988 (Privacy Act) and Privacy Amendment (Notifiable Data Breaches) Act 2017, ADAI are required to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to individuals whose personal information is involved in the breach.

Data Breach Response Plan

In the event of a data breach per the Privacy Amendment (Notifiable Data Breaches) Act 2017, the Chief Executive Officer is the appointed responsible person.

As the appointed responsible person the CEO must conduct a quick assessment of a suspected eligible data breach to determine whether it is likely to result in serious harm deemed as a notifiable breach. An eligible data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure. Where it is likely to result in serious harm, the responsible person must notify the individual or individuals whose personal information is involved in the data breach, and the Australian Information Commissioner. The notification must include a description of the eligible data breach, the kind or kinds of information involved, and what steps the entity recommends that individuals at risk of serious harm take in response to the eligible data breach. Notifications to the Commissioner must be submitted online via the Officer of the Australian Information Commissioner <https://www.oaic.gov.au/>

The CEO in collaboration with staff will also conduct a review of its privacy and confidentiality processes and make any necessary amendments to minimise any further risk of data breaches.

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