# PRIVACY POLICY

| 1. PURPOSE | St Vincent de Paul Society Canberra/Goulburn (the Society) is committed to the protection and appropriate handling of personal information consistent with its obligations under the Privacy Act 1988 (Privacy Act) and the Australian Privacy Principles (APPs); and supports and upholds the rights of its companions, participants (and their carers) to privacy and confidentiality. |

| 2. SCOPE | This policy applies to all persons who are engaged in the collection or handling of private information on behalf of the Society. |

| 3. DEFINITIONS | **Private Information (or Personal Information):** Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not.  

**Sensitive Information:** (a) Personal information about an individual’s: racial or ethnic origin; political opinions or membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional association, trade association or trade union; sexual orientation or practices; or criminal record; or (b) an individual’s health information.  

**Australian Privacy Principles (APPs):** A set of inalienable principles entrenched in the Privacy Act (1988) and ratified by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 which address individual privacy consideration and outline legal requirements.  

**Companion:** In a broad sense, any person who receives assistance through any program of the Society.  

**Participant:** A person who receives assistance through any of the Society’s Special Works programs in particular.  

**Carer:** A person whose life is affected by virtue of close relationship with a Companion/Participant, or who has a chosen caring role with a Companion/Participant.  

**Eligible Data Breach:** Unauthorised access to or disclosure of, or loss of personal information held by an organisation where this is likely to result in serious harm to any of the individuals to whom the information relates. |

| 4. POLICY | **Open and transparent management of personal information (APP 1)**  

The Society is committed to taking all such steps as are reasonably practical to implement and maintain practices, procedures and
systems that ensure compliance with the Australian Privacy Principles, and enable it to deal with all related inquiries and complaints. The Chief Executive Officer is responsible for ensuring this policy is kept up-to-date, that all Society people are aware of it, that it is covered in Society inductions, that it is included in the Code of Conduct, and that adequate privacy training (including familiarisation with this policy and any related procedures) is given to all persons who handle or who may incidentally come into contact with private information.

**Anonymity and pseudonymity (APP 2)**
The Society upholds the right of persons to engage with the Society anonymously or pseudonymously, so long as this remains practicable or identification is not required by law.

**Collection of solicited personal information (APP 3)**
The Society will not collect personal information unless it is necessary for one or more of its functions or activities, and this, only by fair and lawful means. Sensitive information will not be collected without an individual’s consent. Information pertaining to an individual will only be collected from the individual themselves, unless it is unreasonable or impractical to do so.

**Kinds of information the Society collects and holds include:**
- Information about those we assist through conferences and Special Works (e.g. names, addresses, income information, ethnicity, languages, case history, details of help provided, limited medical history)
- Information about donors including contact information, frequency and amount of donations
- Information about attendees of various Society events
- Employee, member and volunteer information
- Website visitor information
- Information collected about individuals with whom the Society enters into a business relationship
- Sensitive information which is necessary for the performance of the Society’s functions or activities, or where the information relates to the activities of the Society and also relates solely to Society members or individuals who have regular contact with the Society (in connection with its activities)

**Means by which the Society collects personal information include:**
- Direct collection from individuals who make contact in person, by telephone, by email, or via Society websites and online forms
- Third parties or a publicly available sources (but only if the individual has consented to such collection or would reasonably expect their personal information to be collected in this way, or if it is necessary for a specific purpose such as to arrange a particular event)
- Individuals who contact the Society and supply personal information about others in the documents they provide to us

**Purposes for collecting personal information include:**
- To better deliver services to those we assist
- To satisfy statistical reporting requirements where the Society is being funded under a government contract
To provide the public with examples of the impact of our work (on an anonymous/pseudonymous basis)

To keep donors and event attendees informed about Society activities and provide the opportunity to donate or attend again

To identify website visitor behavioural patterns

To better manage the Society’s employee functions and to satisfy certain legal record-keeping and reporting requirements

To better manage the Society’s membership and volunteer functions

Dealing with unsolicited personal information (APP 4)
In cases where the Society receives unsolicited personal information, if it is determined that the information could not otherwise have been collected (i.e. through appropriate means) and provided the information is not contained in a Commonwealth record, the information is to be de-identified and/or destroyed.

Notification of the collection of personal information (APP 5)
When collecting personal information the Society will take reasonable steps to ensure the individual concerned is aware of the following:

- The Society's contact details
- The purposes for which the information is collected
- The main consequences (if any) for the individual if the information is not collected
- Any other entities to which the information is likely to be disclosed
- The fact that the Society’s Privacy Policy contains information about how they may access their information and seek corrections and complain about privacy breaches, how complaints will be dealt with, and the fact that information will not be disclosed overseas

Use or disclosure of personal information (APP 6)
The Society is committed not to use or disclose personal information for any purpose other than that for which it was collected unless the individual has consented, or unless the individual should reasonably expect the information to be disclosed for a secondary purpose which is related to the primary purpose, or unless use or disclosure is otherwise required or permitted under the Act.

Direct marketing (APP 7)
The Society will only use personal information for the purposes of direct marketing if the Society collected the information form the individual, if the individual should reasonably expect the information to be used for this purpose, and if the individual has not requested not to receive such direct marketing. In any case, all direct marketing material will include a prominent means for the recipient to opt out.

Cross-border disclosure of personal information (APP 8)
The Society will not send personal information outside Australia

Adoption, use or disclosure of government related identifiers (APP 9)
The Society will not disclose or adopt for its own use a government-related identifier.

Quality of personal information (APP 10)
The Society will take reasonable steps to ensure that the personal information it collects, uses, or discloses is accurate, up-to-date, complete and relevant. This includes maintaining and updating personal information when advised by individuals that their personal information has changed, and at other times as necessary.

**Security of personal information (APP 11)**
The Society will take reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification, or incidental disclosure.

These steps include password protection for accessing our IT systems (including cloud-based systems), use of secure online payment technology when people wish to make donations, properly securing paper files, physical access restrictions to areas where material is stored, and restriction of access to Companion and Participant records only to relevant case workers and their supervisors.

Where personal information is no longer needed, and provided the information is not contained in a Commonwealth record, the information is to be de-identified and/or destroyed in a secure manner.

**Accessing and correcting personal information [APPs 12 and 13]**

The Society will provide an individual with access to their personal information when requested (subject to any exceptions under APP 12.3). There will be no charge for lodging such a request, but in certain circumstances there may be a nominal charge for accessing records (e.g. for photocopying).

All requests to access personal information, or any request that personal information be changed, will receive a response as soon as reasonably practicable.

In cases where access or correction of personal information is refused, the individual will be advised of this in writing along with the reasons for refusal and information about how to complain.

Where an individual in such circumstances requests their personal information include an associated statement that the information is inaccurate, out-of-date, incomplete, irrelevant, or misleading the Society will make every effort to comply. The Society will also take reasonable steps to correct any personal information it deems to be inaccurate &c. and, if requested by the affected individual, will take reasonable steps to advise any third parties to whom this information has been provided.

**Notification of eligible data breaches**

Following an ‘eligible data breach’, the Society will take all reasonable steps to complete a thorough investigation within thirty (30) calendar days after becoming aware of any grounds that caused it to suspect an eligible data breach has occurred.

Where serious harm cannot be mitigated through remedial action, the Society will notify affected individuals and the Privacy Commissioner as soon as practicable.

In all cases, the Society will handle data breaches in accordance with the Privacy Act 1988, and will follow the guidance document: “Data Breach Preparation and Response” produced by the Office of the Australian Information Commissioner.
Additional undertakings:
In keeping with the above principles, the Society is also committed to:
- Companion/Participant interviews being conducted and contacts being made in private settings (wherever practicable)
- Where possible, obtaining the informed consent (as defined in the National Standards for Mental Health Services 2010) of each Companion/Participant about what information will be shared, with whom and how it will be shared; and noting this on the Companion/Participant’s case record
- Communicating case information with carers in general terms only when consent has been refused or withdrawn by a Companion/Participant

Complaints about the Society's privacy practices
The Society is committed to handling all complaints about its privacy practices, and will consider all such complaints promptly and provide a response to complainants as soon as possible. [Complaints can be addressed to the Society by emailing info@svdp-cg.org.au or by calling (02) 6282 2722.]

5. REFERENCES
Privacy Act 1988
Privacy Amendment (Enhancing Privacy Protection) Act 2012
National Standards for Mental Health Services 2010
ACT Information Privacy Act 2014
Australian Capital Territory Privacy Principles- Privacy Fact Sheet 42

6. APPENDICES
Appendix One: APP 12.3 (Circumstances under which an entity is not required to give a person access to their personal information)

7. RELATED DOCUMENTS
CG-007 Records Management Policy
CG-006 Complaints Management Policy

8. APPROVED
Chief Executive Officer

9. APPROVED DATES
This policy was approved on: 08 June 2018
This version 2.1 takes effect from: 08 June 2018
This policy will be reviewed by: 30 June 2020

10. POLICY OWNER
Director, Governance and Compliance
Appendix One
Privacy Act (1988) Schedule 1 Part 5 Sect. 12.3 (APP 12.3)

Exception to access - organisation

12.3 If the APP entity is an organisation then, despite subclause 12.1, the entity is not required to give the individual access to the personal information to the extent that:

(a) the entity 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

(b) giving access would have an unreasonable impact on the privacy of other individuals; or

(c) the request for access is frivolous or vexatious; or

(d) the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or

(e) giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or

(f) giving access would be unlawful; or

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

(h) both of the following apply:
   i. the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity’s functions or activities has been, is being or may be engaged in;

   ii. giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

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

(j) giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.