

Newtown Neighbourhood Centre

Section: 1

Section Name: Effective Management

Policy Area: 1.3 Information Management

Policy Name	Privacy
Policy Number	1.3.2
Relevant procedures	Confidentiality Procedure Information and Records Management
Author	Management Team
Status & date ratified	Operational. Ratified 2017_05_15
Responsible person	Management Team
Communication strategy	Targeted training, managers meeting, all staff meeting, team meeting CEO email update
Public /private	Public

Policy Statement

Newtown Neighbourhood Centre (NNC) is committed to protecting and upholding the right to privacy of service users, staff, and volunteers, board of management members, representatives of agencies we deal with, donors, members, and other stakeholders. In particular NNC is committed to protecting and upholding the rights of our service users to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

Purpose and Scope

NNC is subject to legislation and privacy principles which govern the collection, use and storage of personal information. Personal information is information which directly or indirectly identifies a person. This policy aims to comply with the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and the Australian Privacy Principles (APPs), and the *Health Records and Information Privacy Act 2002* (HRIP Act) and the Health Privacy Principles (HPPs) which govern the collection, use and storage of personal information including health information.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

This policy aims to ensure that:

- NNC meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel.
- Clients and consumers of NNC funded services are provided with information about their rights regarding privacy.
- Clients and consumers of NNC funded services organisational personnel are provided with privacy during interviews or discussions of a sensitive personal nature.

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- All staff, board of management members and volunteers understand what is required in meeting these obligations.

Outcomes

The protection of the privacy and confidentiality of NNC's clients, staff, volunteers, donors, members and stakeholders and members is crucial to service provision and positive, trusting relationships.

NCC's communication and recordkeeping relating to interactions with clients, staff, volunteers, donors, members and stakeholders will protect their privacy and confidentiality and, allow them access to their records and enable sharing of information within legislative guidelines.

NCC complies with the following principles:

Australian Privacy Principles (APPs) Summary

APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

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Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

Office of the Australian Information Commissioner

<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Health Privacy Principles (HPPs) Summary

Collection

1. Lawful

Only collect health information for a lawful purpose that is directly related to the agency or organisation's activities and necessary for that purpose.

2. Relevant

Ensure health information is relevant, accurate, up-to-date and not excessive, and that the collection does not unreasonably intrude into the personal affairs of a person.

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3. Direct

Only collect health information from the person concerned, unless it is unreasonable or impracticable to do so.

4. Open

Inform a person as to why you are collecting health information, what you will do with it, and who else may see it. Tell the person they can view and correct their health information, and any consequences that will occur if they decide not to provide their information to you. If you collect health information about a person from a third party you must still take reasonable steps to notify the person that this has occurred.

Storage

5. Secure

Ensure the health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Health information should be protected from unauthorised access, use or disclosure.

Access and accuracy

6. Transparent

Explain to the person what health information is being stored, the reasons it is being used and any rights they have to access it.

7. Accessible

Allow a person to access their health information without unreasonable delay or expense.

8. Correct

Allow a person to update, correct or amend their personal information where necessary.

9. Accurate

Ensure that the health information is relevant and accurate before using it.

Use

10. Limited

Only use your health information for the purpose for which it was collected or for a directly related purpose, which a person would expect. Otherwise, you would generally need their consent to use their health information for a secondary purpose.

Disclosure

11. Limited

Only disclose health information for the purpose for which it was collected or a directly related purpose that a person would expect. Otherwise, you would generally need their consent.

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Identifiers and anonymity

12. Not identified

Only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently.

13. Anonymous

Give the person the option of receiving services from you anonymously, where this is lawful and practicable.

Transferrals and linkage

14. Controlled

Only transfer health information outside New South Wales in accordance with HPP 14.

15. Authorised

Only use health records linkage systems if the person has provided or expressed their consent.

Information and Privacy Commission NSW
<http://www.ipc.nsw.gov.au/hrip-act>

Collecting and Management of Personal Information

“Personal information” is information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information is true or not; and
- whether the information or opinion is recorded in a material form or not.

Personal information is used only for the purposes for which it is collected, unless data has been de-identified or consent has been obtained to use the data for other purposes.

Personal information, including data collected by NNC is maintained, reviewed, retained, secured and disposed of in accordance with the Information and Records Management Policy.

Sensitive information is defined as information or an opinion about an individual's:

- health;
- racial or ethnic origin;
- political opinions;
- membership of a political association professional or trade association or trade union;
- religious beliefs or affiliations;
- philosophical beliefs;
- sexual preferences or practices;

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- criminal record;
- biometric information that is to be used for certain purposes;
- biometric template.

Health information means:

- personal information that is information or an opinion about:
 - the physical or mental health or a disability (at any time) of an individual, or
 - an individual's express wishes about the future provision of health services to him or her, or
 - a health service provided, or to be provided, to an individual, or
- other personal information collected to provide, or in providing, a health service, or
- other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or
- other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or healthcare identifiers.

NNC ensures that people about whom data is collected are aware of the data being recorded, the purpose of recording the data, and which data will be transmitted to other bodies (including funding bodies and national statistical agencies) and for what purpose. De-identified client data will be forwarded to government-endorsed national and state agencies, as per funding requirements.

NNC attempts to align data items on its administrative forms as closely as possible to national and state data collection items in order to promote quality, consistency and continuity of state and national data.

Responsibility

Board of Management, Chief Executive Officer and Managers

Distribution

Board of Management, Chief Executive Officer, Managers, All Staff and Volunteers

Related NCC Documents

- Confidentiality Procedure
- Information Management Policy
- Code of Ethics and Conduct Policy
- Code of Confidentiality Policy

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Relevant Legislation and Standards

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

Health Records and Information Privacy Act 2002 (NSW)

Specialist Homelessness Service (SHS) Standards

NSW Disability Standards 2012

Home Care Standards 2015

Authorisation

Certifies that the policy has been through all necessary procedures and is now operational.

Authorised by:

Name: Liz Yeo

Position: Chief Executive Officer

Signature: 

Date: 15 May 2017

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