9. PRIVACY AND CONFIDENTIALITY

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Please see:
7. Elder Abuse
10. Client Rights and Responsibilities
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Appendix 3: Australian Privacy Principles
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Volume 2/Section 4: HR Recruitment and Management - Appendix 1: Staff Code of Conduct,
Professional and Ethical Practice

9.1 Overview of Privacy Act and Australian Privacy Principles
The Privacy Act 1988 is the National Legislation which ensures that organisations, including non-government organisations, businesses and government agencies protect people’s personal information and are transparent about how they handle this information. This includes the collection, use, storage and disclosure of personal information and access to and correction of that information. It was amended in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and these changes came into force on 12 March 2014.

The main changes were the replacement of the National Privacy Principles (NPPs) by the Australian Privacy Principals (APP’s). There are now 13 APP’s:

Part 1 – Consideration of personal information privacy
Australian Privacy Principle 1 – open and transparent management of personal information;
Australian Privacy Principle 2 – Collection of personal information;

Part 2 – Collection of personal information
Australian Privacy Principle 3 – collection of solicited personal information;
Australian Privacy Principle 4 – dealing with unsolicited personal information;
Australian Privacy Principle 5 – notification of the collection of personal information;

Part 3 – Dealing with personal information
Australian Privacy Principle 6 – use of disclosure of personal information;
Australian Privacy Principle 7 – direct marketing;
Australian Privacy Principle 8 – cross-border disclosure of personal information;
Australian Privacy Principle 9 – adoption, use or disclosure of government related identifiers;

Part 4 – Integrity of personal information
Australian Privacy Principle 10 – quality of personal information;
Australian Privacy Principle 11 – security of personal information;

Part 5 – Access to, and correction of, personal information
Australian Privacy Principle 12 – access to personal information;
Australian Privacy Principle 13 – correction of personal information;

The APP’s are designed to help ensure that the quality of personal information is complete, accurate, up-to-date and used only for the purposes it was collected.

9.2 Key Definitions
When used in the privacy policy the term ‘personal information’ and ‘sensitive information’ has the meaning given to it in the Act.

9.2.1 ‘Personal information’ - means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

9.2.2 ‘Sensitive information’ means:
   a) Information or an opinion about an individual’s:
      • Racial or ethnic origin; or
      • Political opinions; or
      • Membership of a political association; or
      • Religious beliefs or affiliations;
      • Philosophical beliefs; or
      • Membership of a professional or trade association; or
      • Membership of a trade union; or
      • Sexual preferences or practices; or
      • Criminal records;
   b) Health information about an individual;
   c) Genetic information about an individual that is not otherwise health information.

9.3 Privacy Policy
SydWest Multicultural Services is committed to forming relationships built on trust, ethics and professionalism. We recognise the importance of protecting the privacy and the rights of individuals in relation to their personal information held by SydWest MSI.

Privacy relates to many areas including the right not to be watched, listened to or reported upon without consent and/or in a manner which is not applicable and relevant to the client/carer’s well-being and case management. Privacy refers to the client’s physical environment and possessions, physical and bodily needs, personal relationships and personal information and needs.
We respect staff and client’s rights to privacy under the Privacy Act 1988 and we comply with all of the Act’s requirements in respect of collection, management and disclosure of staff and client’s personal information.

9.4 Collect, hold, use and disclose of client’s personal information.

9.4.1 What personal information do we collect and hold?
At all times we try to only collect the information we need for the particular service, activity or function we are carrying out. We may collect your personal information directly from you unless it is unreasonable or impracticable to do so.

We may collect the following types of personal information:
  a) name;
  b) mailing or street address;
  c) e-mail address;
  d) telephone, mobile and fax number;
  e) age or birth date;
  f) profession, occupation or job title;
  g) details of the services provided by SydWest Multicultural Services, together with any additional information necessary to deliver those services and to respond to your enquiries;
  h) information you provide us through direct case work, customer surveys, activities, sessions and functions;
  i) sensitive information (i.e. Ethnic background, gender, sexual orientation, religious beliefs, personal preferences);
  j) medicare Number (if applicable);
  k) medical condition (if applicable);
  l) names and telephone numbers of advocates, family members and next of kin details (if required);
  m) visa type;
  n) date of arrival;
  o) country of origin;
  p) language spoken at home
  q) marital status.

9.4.2 For what purposes do we collect, hold, use and disclose your personal information?
We collect personal information about you so that we can perform our services, business activities and functions and to provide best possible quality service.

We collect, hold, use and disclose your personal information for the following purposes:
  a) to provide the most relevant services to you and to send communications requested by you;
b) to answer enquiries and provide information or advice about existing and new services;
c) to conduct business processing functions including providing personal information to other service providers or other third parties upon client’s consent;
d) to update our records and keep your contact details up to date;
e) to process and respond to any complaint made by you;
f) to comply with any law, rule, regulation, lawful and binding determination decision or direction of a regulator, or in co-operation with any governmental authority;
g) for WHS purposes to protect both yourself and staff;
h) to develop strategic planning and management;
i) to get better understanding of your needs;
j) reporting to funding body.

Your personal information will not be shared, rented or disclosed other than as described in this Privacy Policy. We take reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. We may hold your information in electronic and hard copy form. Personal information is destroyed or de-identified when no longer needed.

9.4.3 Anonymity.
Where possible, we will allow you to interact with us anonymously or using a pseudonym. For example, if you contact our offices phone lines with general inquiries we will not ask for your name unless we need to adequately handle your question.

However, for most of our services, activities and functions we usually need your name, contact information and enough information about the particular matter to enable us to effectively and efficiently handle your enquiry or complaint.

9.4.4 What happens if we can’t collect your personal information?
We may need certain information to assess your entitlements. If you do not provide us with the personal information described above, some or all of the following may happen in some cases:
   a) we may not be able to provide the requested services to you, either to the same standard or at all;
   b) we may not be able to provide you with information about services that you may want;
   c) your needs may not be addressed.

9.4.5 To whom may we disclose your information?
We may disclose your personal information to:
   a) our employees within SydWest MSI for the purposes of providing other services upon your prior consent;
   b) any other service provider/organisation for any authorised purpose with your express consent;
   c) Funding bodies (where appropriate or required) and your nominated contact persons following your written or verbal consent;
9.4.6 Collection of sensitive information.
Sometimes we may need to collect sensitive information about you, for example, to handle a complaint. This might include information about your racial or ethnic origin, health or religious beliefs.

9.4.7 Promotional materials.
We may send you direct promotional communications and information about our services that we consider may be of interest to you. These communications may be sent in various forms, including mail, SMS, fax and email, in accordance with applicable marketing laws, such as the Spam Act 2003. If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so. In addition, at any time you may opt-out of receiving marketing communications from us by contacting us (see the details below) or by using opt-out facilities provided in the marketing communications and we will then ensure that your name is removed from our mailing list.

9.4.8 How can you access and correct your personal information?
You may request access to any personal information we hold about you at any time by contacting us (see the details below). Where we hold information that you are entitled to access, we will try to provide you with suitable means of accessing it (for example, by mailing or emailing it to you).

There may be instances where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal within 30 days.

If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, then you may request us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment then we will add a note to the personal information stating that you disagree with it.

9.4.9 What is the process for complaining about a breach of privacy?
If you believe that your privacy has been breached, please contact us using the contact information below and provide details of the incident so that we can investigate it.

Our procedures for investigating and dealing with clients complain is outlined in Section 15: Clients Complaints. Appendix 38: Complaints Form.

9.4.10 Do we disclose your personal information to anyone outside Australia?
SydWest Multicultural Services do not disclose your personal information overseas.
9.5 Procedures to be followed:
Staff must respect the following:

a. Not leave files unattended on desks or in any place where other clients or other non authorised people have access;
b. Staff to ensure logging off their computer when unattended;
c. Staff not to leave confidential documents unattended on the photocopier/printer;
d. Files will not be left in locked cars;
e. Client files will be sent by registered mail or delivered in person by a SydWest MSI employee. Prior to a client file being sent by registered mail, a photocopy of all material in the client file will be made and kept on the premises;

9.6 Respect
The staff of SydWest MSI will demonstrate respect towards clients (current, former and potential) at all times. This will apply to all aspects of direct and indirect communication with the client and with other services on matters relating to the client.

Such respect will also include respect for the client’s:

- Abilities and Disabilities
- Language and Culture
- Religious and other beliefs
- Cultural identity
- Sexual orientation
- Right to service without discrimination or racism.

9.7 Confidentiality Policy
SydWest MSI will take all reasonable steps to ensure that the confidentiality of all its management, advisory members, staff, volunteers, students and clients (within the limits of the law) is maintained.

SydWest MSI will protect confidentiality wherever possible, and will create an environment of respect and privacy. Confidentiality applies to verbal and written information and includes that which is stored on computers.

9.7.1 Limits of Confidentiality
This refers to situations where the worker may have a legal or statutory responsibility to fulfill and which overrides the client’s right to confidentiality.

It will be invoked when the worker believes that:

a. Concerns about a client’s safety and well-being are held;
b. Risk of self-harm (by a client);
c. A criminal offence that is likely to cause harm to a person or, is likely to be committed;
d. Where documents are legally sought and requested through a subpoena.
9.7.2 Procedures

a. All clients and groups are informed that information gathered from them will be recorded in their files and, made available to other staff for the purposes of providing continuity of service delivery;
b. All clients and groups are informed that their cases will be discussed with legal bodies where required;
c. All interviews will take place in a private space. Information collected during the referral process for people who do not become ongoing clients can be aggregated into broad categories and used in data collection. Data collected will be used for the purposes of accountability to funding providers and for inclusion in Annual reports;
d. Data collected will be securely kept for the period of time required by funding provider;
e. Staff are entitled to share information with an external supervisor where necessary for the purposes of supervision and debriefing. Information disclosed will be treated confidentially by the supervisor;
f. In the event that the client reveals information about HIV/AIDS Status, staff are required to comply with the HIV/AIDS Policy and are further required not to record this information in the clients file;
g. Information that does not relate to the client’s needs and issues will not be sought or recorded;
h. All clients should have access to their records and should be informed of this right;
i. Information about BOD members or staff members will not be disclosed without informed consent prior to the disclosure of information. This includes providing others with personal information such as private telephone numbers, mobiles and addresses;

9.8. Website - Privacy Policy (www.sydwestmsi.org.au)
At SydWest Multicultural Services we develop systems that ensure you maintain maximum possible control over your personal data while fostering the growth of a more interactive environment. Below are the policies we use for protecting the information you provide during a visit to our Internet site.

9.8.1 Feedback and Request Forms
In a few areas on our web site, we ask you to provide information that will enable us to enhance your site visit or follow-up with you after your visit. It is completely optional for you to participate.

For example, we request information from you when you:

a. Request information through online forms;
b. Provide feedback;
c. Enquire about possible employment and/or volunteering position;

In each of the instances above, we ask for your name, email address and other appropriate personal information that would be needed to register for and/or respond to your request or enquiry. SydWest Multicultural Services is not obligated to respond. In the case of newsletters or mailing lists, you will be able to “unsubscribe” to these mailings at any time.
The information you provide will be kept confidential and will be used only to support your relationship with SydWest Multicultural Services Inc. Information regarding you or your request and/or enquiry will not be revealed or disclosed to any outside organization.

As our website is linked to the internet, and the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information you communicate to us online. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

9.8.2 Cookies
At SydWest Multicultural Services, we may use “cookies” to measure traffic patterns, to determine which areas of our website have been visited. We use this to research our users’ requests so that we can improve our information of services on the website. Our cookies do not collect personal information. If you do not wish to receive cookies, you can set your browser so that your computer does not accept them. We may log IP addresses (that is, the electronic addresses of computers connected to the internet) to analyse trends, administer the website, check users movements, and gather broad demographic information. We use this information to maintain, secure and improve our websites and to enhance your experience when using them.

At SydWest Multicultural Services we use a range of tools provided by third parties, including our web hosting company TechFlare Solutions and Google Analytic and to collect or view website traffic information. These sites have their own privacy policies. In relation to Google Analytics you can opt out of the collection of this information using the Google Analytics Opt-out Browser Add-on.

9.8.3 Links
Our website may contain links to other websites operated by third parties. We make no representations or warranties in relation to the privacy practices of any third party website and we are not responsible for the privacy policies or the content of any third party website. Third party websites are responsible for informing you about their own privacy practices.

9.8.4 Social Networking Services
We use social networking services such as Facebook and YouTube to communicate with the public about our services and activities. When you communicate with us using these services we may collect your personal information, but we only use it to help us to communicate with you. These sites have their own privacy policies.

9.8.4 E-mail Lists
We collect your e-mail and, if you provide it, other contact details when you subscribe to our email lists. We only use this information for the purpose of sending you SydWest MSI newsletter, invitation to various functions and events, updates about SydWest MSI services and activities and to administer the e-mail lists.

9.9 Contacting us
If you have any questions about this privacy policy, any concerns or a complaint regarding the handling and management of your privacy or a possible breach of your privacy, please contact our office using the details set out below.
We will treat your requests or complaints confidentially. Our representative will contact you within 10 working days after receipt of your complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in a timely and appropriate manner.

Our office contact details are:
SydWest Multicultural Services
PO Box 869 Blacktown NSW 2148
Tel: 02 9621 6633
E-mail: info@sydwestmsi.org.au (please write “privacy” in the subject line).