

## PROCEDURE

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### Privacy and Personal Information Management

#### Breakaway Toowoomba Inc. obligations under the Privacy Act

This Privacy Procedure sets out how we comply with our obligations under the *Privacy Act 1988 (amended)* and *Privacy Amendment (Private Sector) Act 2000 and the Information Privacy Act (Qld) 2009*. We are bound by the Australian Privacy Principles outlined in the *Privacy Act 1988 (amended)* which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access, and correct personal information held about them. We will obtain your consent as applicable prior to collecting, using and/or sharing your information. If you do not provide consent and/or you withdraw your consent at a later date, we may not be able to provide the services you require.

Under the *Privacy Act 1988 (amended)* individuals do have an option of anonymity or using a pseudonym. If this is possible and lawful, Breakaway Toowoomba Inc. will take all reasonable steps to comply with your request if you seek to do this. However, it may be impracticable to provide a service to clients without the personal information requested.

#### Collection of Personal and Sensitive Information and its use

Breakaway Toowoomba Inc. collects personal and sensitive information from clients, employees, donors, business partners, members and online users. The nature and extent of personal and sensitive information collected will depend on the reason for your interaction with Breakaway Toowoomba Inc.

#### Information collected from clients:

- contact details (name, address, telephone numbers, email, etc.)
- personal details including date of birth, gender, income
- information on personal issues and experiences, relationships
- family background, supports clients may have in the community
- areas of interest
- health information and/or medical history
- credit card numbers or bank account details; and
- photographs/film/video consent.

#### Information is collected by:

- service applications
- online registration
- telephone; and
- during service induction/consultations/meetings/activities.

**Information is used for the purpose of:**

- providing services to clients
- to provide clients with the most appropriate services for their needs
- to meet any requirements of the NDIS
- to monitor and evaluate existing services and plan for future services
- to produce annual reports and for research purposes which may involve registered service providers/organisations
- to comply with legal obligations; and
- to produce promotional materials.

**Information collected from volunteers, employees, delegates and candidates for volunteer work and prospective employees:**

- contact details (name, address, telephone numbers, email, etc.)
- personal details including personal details of emergency contact person(s)
- date of birth
- country of birth, citizenship, residency and/or visa details
- details of current/previous employment or volunteer involvement
- skills and experience
- languages spoken and written
- qualifications, drivers licence details
- information and opinions from referees for prospective employees and candidates for volunteer work
- a screening check such as Blue Card/Yellow Card/Working with Children (WWC) Card/Police Check may be required for some roles (particularly those involving children, young people and other vulnerable individuals). Individuals will be required to provide certain information for a Police Check. There are different arrangements for screening checks in each state and territory of Australia. In some cases, the screening check will be received directly by Breakaway Toowoomba Inc. and stored securely or destroyed; and
- in some situations, it is necessary for Breakaway Toowoomba Inc. to collect or receive information about an individual's health. In this circumstance, Breakaway Toowoomba Inc. will advise why the information is being collected and if and to whom it will be released.

**Information is used for the purpose of:**

- to provide Breakaway Toowoomba Inc. services
- to process an application to become a member, volunteer or employee
- to facilitate a placement in an appropriate service position
- to provide feedback on performance as a volunteer or employee
- to meet legislative responsibilities to all volunteers and employees
- to obtain feedback from individuals about their experiences
- to assist with the review and improvement of programs and services
- to keep individuals informed about new developments and opportunities
- to provide information about Breakaway Toowoomba Inc. services; and
- to promote additional participation within Breakaway Toowoomba Inc. (e.g. disability support, membership, donor).

## **Online users**

To the extent that this Privacy Procedure applies to online privacy issues, it is to be read in conjunction with the conditions of use of the Breakaway Toowoomba Inc. website.

### **Information collected from online users:**

- contact details (name, address, telephone numbers, email, etc.)
- non-personal information e.g. visitor navigation and statistics
- server address, browser type, date and time of visit; and
- personal information.

### **Information is used for the purpose of:**

- to analyse website usage and make improvements to the website; and
- respond to inquiries.

Breakaway Toowoomba Inc. does not match personal information collected with non-personal information.

### **Additional information (website privacy)**

The website may from time to time contain links to other websites. Breakaway Toowoomba Inc. stresses that when an online user accesses a website that is not the Breakaway Toowoomba Inc. website, it may have a different Privacy Procedure. To verify how that website collects and uses information, the user should check that website's Privacy Policy.

### **How information is collected**

Personal and sensitive information will be collected directly from you, where possible. Information is collected through various means including telephone conversations, in-person interviews and questionnaires. If you feel that the information that we are requesting, either on our forms or in our discussions with you, is not information you wish to provide, please raise this with us.

In some situations, we may also obtain personal information about you from a third-party source. If we collect information about you in this way, we will take reasonable steps to inform you of the purpose for collecting information about you. We may also need to disclose your information to a third-party source, subject to any exceptions under the Act.

### **Health Information**

As part of providing services, Breakaway Toowoomba Inc. may collect information about your medical history. This is requirement for some services provided by Breakaway Toowoomba Inc. When collecting health information from you, we will obtain your consent to collect the information and explain how the information will be used and disclosed.

If health information is collected from a third party (such as your doctor), Breakaway Toowoomba Inc. will inform you that this information has been collected and we will explain how this information will be used and disclosed.

Breakaway Toowoomba Inc. will only use health information for the purposes in which

consent was provided unless further consent is obtained from you. If necessary, it may be used in accordance with an exception under the *Privacy Act 1988 (amended)* or in compliance with another law. If your health information is used for research or statistical purposes, it will be redacted.

## **Use and Disclosure of Personal Information**

Personal information is used only for the purposes for which it has been collected or for purposes which are related to Breakaway Toowoomba Inc. functions or activities.

For the purposes referred to in this Privacy Procedure (discussed above under '*Collection of Personal and Sensitive Information and its use*'), we may also disclose your personal information to other external organisations including:

- doctors and health care professionals, who assist us to deliver our services
- other regulatory bodies, such as WorkSafe
- referees seeking a reference for former employees
- external employers when seeking a reference for candidates seeking employment or voluntary positions with Breakaway Toowoomba Inc; and
- our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, Breakaway Toowoomba Inc. will not disclose an individual's personal information to a third party unless one of the following applies:

- the individual has consented
- the individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information - directly related to the purpose for which it was collected)
- it is reasonably necessary for a confidential dispute resolution process
- it is necessary to provide a health service
- it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety
- it is necessary for research or the compilation or analysis of statistics relevant to public health or public safety
- it is reasonably necessary to assist in locating a missing person
- it will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety
- it is otherwise required or authorised by law
- it is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities
- it is reasonably necessary to establish, exercise or defend a claim at law; and
- it is reasonably necessary for the enforcement of a law conducted by an enforcement body.

We **do not** send personal information out of Australia. If we are otherwise required to send information overseas, we will take measures to protect your personal information. We will protect your personal information either by ensuring that the country of destination has similar protections in relation to privacy or that we enter into contractual arrangements with the recipient of your personal information that safeguards your privacy.

## **Security of Personal and Sensitive Information**

Breakaway Toowoomba Inc. takes reasonable steps to protect the personal and sensitive information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.

These steps include password protection for accessing our electronic IT system, securing paper files in locked cabinets and physical access restrictions to only authorised personnel.

Our employees and contractors are obliged to respect the confidentiality of any personal information held by us. Breakaway Toowoomba Inc. is not, however, responsible for events arising from unauthorised access to an individual's personal information.

## **Access to and correction of Personal Information**

If an individual requests access to their personal information or requests a change to their personal information, we will allow access or make the changes. We will not allow access or make changes if we consider that there is a sound reason under the *Privacy Act 1988 (amended)*, *Information Privacy Act (Qld) 2009* or other relevant law to withhold the information, or not make the changes.

For security reasons, you will be required to put your request in writing and provide proof of your identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not breached.

In the first instance, Breakaway Toowoomba Inc. will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Breakaway Toowoomba Inc. databases and in paper files, and which may be used on a day to day basis.

You will be able to inspect the information personally, take notes or print outs of personal information that we hold about you. If personal information (for example, your name and address details) is duplicated across different databases, Breakaway Toowoomba Inc. will generally provide one printout of this information, rather than multiple printouts.

We will take all reasonable steps to provide access to the information requested within 14 days of your request. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

Breakaway Toowoomba Inc. may charge you reasonable fees to reimburse us for the cost we incur relating to your request for access to information, these may include photocopying and delivery cost of information stored off site.

If an individual is able to establish that personal information held by Breakaway Toowoomba Inc. is not accurate, complete or up to date, Breakaway Toowoomba Inc. will take reasonable steps to correct our records.

### **Access will be denied if:**

- the request does not relate to the personal information of the person making the

- request
- providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety
  - providing access would create an unreasonable impact on the privacy of others
  - the request is frivolous and vexatious
  - the request relates to existing or anticipated legal proceedings
  - providing access would prejudice negotiations with the individual making the request
  - access would be unlawful
  - denial of access is authorised or required by law
  - access would prejudice law enforcement activities
  - access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Breakaway Toowoomba Inc.
  - access discloses a 'commercially sensitive' decision making process or information; and
  - any other reason that is provided for in the Australian Privacy Principles or in the *Privacy Act 1988 (amended)* or the *Information Privacy Act (Qld) 2009*.

If access to information is denied to you, we will inform you in writing of the reasons for not granting you access to your information. If there is a dispute about your right to access information or how you can access your information, this will be dealt with in accordance with the complaint's procedure set out below.

### **Complaints Procedure:**

If you have provided us with personal and sensitive information or we have collected and hold your personal and sensitive information, you have a right to make a complaint. Your complaint will be investigated and dealt with under this Complaints Procedure.

A privacy complaint relates to any concern relating to Breakaway Toowoomba Inc. Privacy Procedures or our handling of your personal and sensitive information. This could include matters such as how your information is collected or stored, how your information is used or disclosed or how access is provided to your personal and sensitive information.

Every step will be taken to resolve your complaint as soon as practicable or within 30 days of you lodging your complaint. However, in some cases, particularly if the matter is complex, the resolution may take longer.

Once the complaint has been made, we will try to resolve the matter in a number of ways such as:

- ***Request for further information:*** We may request further information from you. You should be prepared to provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.
- ***Discuss options:*** We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with your service provider.
- ***Investigation:*** Where necessary, the complaint will be investigated. It may be necessary to contact other persons in order to proceed and progress with the

investigation.

- **Conduct of our employees:** If your complaint involves the conduct of our employees, we will raise the matter with the employee concerned and seek their comment and input into the resolution of the complaint.
- **If the complaint is substantiated:** If your complaint is found to be substantiated, you will be informed of this finding. We will attempt to reach a mutually agreeable outcome to resolve your complaint.
- **If the complaint is not substantiated** or cannot be resolved to your satisfaction and this Privacy Procedure has been followed, Breakaway Toowoomba Inc. may decide to refer the issue to an appropriate intermediary. For example, this may mean an appropriately qualified lawyer or an agreed third party, to act as a mediator.
- **At the conclusion of the complaint**, if you are still not satisfied with the outcome you can take your complaint to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).

All complaints will be kept on our database along with a record of the outcome.

If an anonymous complaint is made, we are unable to investigate and respond to such complaints. However, in the event that an anonymous complaint is received we will note the issues raised. Based on the information received, where appropriate and if possible, we will investigate and attempt to resolve any identified problems.

#### **Retention and Disposal of Personal Information:**

Once the retention date for personal information has expired it will be disposed of securely or deleted according to legislative requirements.

#### **Changes to this Privacy Procedure:**

Breakaway Toowoomba Inc. reserves the right to review, amend and/or update this procedure from time to time.

If further privacy legislation and/or self-regulatory codes are introduced or our Privacy Procedure is updated, we will summarise any substantial modifications or enhancements in this section of our Privacy Procedure.

#### **How to contact us:**

If you would like further information or a copy of Breakaway Toowoomba Inc's Privacy and Personal Information Management Procedure, contact our office by telephoning (07) 46 395 100.

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