

<b>1.7</b>	<b>PRIVACY</b>
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<b>Applies to:</b>
NOSS staff, volunteers and board members

<b>Version: 4</b>
<b>Date approved: 2022</b>
<b>Next review date: 2025</b>

<b>Policy context:</b> This policy relates to	
Standards or other external requirements	NDIS Quality and Safeguards Practice Standards NDIS Code of Conduct
Legislation or other requirements	The Privacy Act 1988 (Commonwealth of Australia) and the Australian Privacy Principles Personal Information Protection Act 2004 (Tasmania) Privacy Amendment (Notifiable Data Breaches) Act 2017

## POLICY

NOSS Tasmania Inc. (NOSS) is committed to protecting and upholding the right to privacy of clients, staff, volunteers, Board of Governance (board) members and representatives of agencies we deal with. In particular, NOSS is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

NOSS requires staff, volunteers and board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

NOSS will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel
- clients are provided with information about their rights regarding privacy
- clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all staff, board members and volunteers understand what is required in meeting these obligations

## DEFINITIONS

<b>Term</b>	<b>Definition</b>
<b>Confidentiality<sup>1</sup></b>	Confidentiality protects private information that is disclosed in a legal document or relationship (written or verbal)
<b>Personal information</b>	<p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"><li>• whether the information or opinion is true or not</li><li>• whether the information or opinion is recorded in a material form or not.</li></ul> <p>Common examples:</p> <ul style="list-style-type: none"><li>• information about a person's private or family life</li><li>• information about a person's working habits and practices</li><li>• commentary or opinion about a person</li></ul>
<b>Privacy<sup>2</sup></b>	<p>Privacy includes</p> <ul style="list-style-type: none"><li>• Physical Privacy (an individual's right to sustain their own physical space/bodily privacy)</li><li>• Surveillance Privacy (protection of communications made by and between individuals)</li><li>• Information Privacy (relates to the government's responsibility to regulate and protect individuals' data)</li></ul> <p>The purpose of the Act is to regulate and protect information belonging to individuals.</p>
<b>The Privacy Act<sup>3</sup></b>	<p>The Act allows individuals to:</p> <ul style="list-style-type: none"><li>• Ask for access to their personal information</li><li>• Know why their information is being collected, how it will be used and to whom it will be disclosed</li><li>• Have the option not to identify themselves</li><li>• Ask for personal information that is incorrect to be corrected</li><li>• Make a complaint about an organisation or agency</li></ul>

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<sup>1</sup> Source: Etherington Solicitors (2021), The Key Differences Between Privacy and Confidentiality, Blog Post, Etherington Solicitors <https://etheringtons.com.au/the-key-differences-between-privacy-and-confidentiality/>

<sup>2</sup> Source: Etherington Solicitors (2021),

<sup>3</sup> Source: Etherington Solicitors (2021),

## PROCEDURES

### 1. Collecting information

Collecting personal information is essential for NOSS to safely provide a quality service. NOSS will

- ensure privacy for clients, staff, volunteers or board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities (including personal details, medical information, financial information and other relevant information to the service provided by NOSS)
- use fair and lawful ways to collect personal information (including verbally or via forms and documents)
- collect personal information only by consent from an individual
- ensure that personal information collected is accurate, complete and up to date
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it

All workers are responsible for ensuring privacy for clients or other workers when discussing sensitive or personal matters, by holding the conversation at an appropriate place or time.

### 2. Disclosing information

The information collected by NOSS may be used to:

- safely support and meet the needs of our clients
- report to funding bodies. For example, fulfil audit requirements and complete census information
- administer client and customer accounts
- manage human resource requirements

Unless required by law, or in exceptional circumstances as described under the Privacy Act, NOSS will only disclose personal information when we have consent to do so and when it is essential for the safe provision of services.

NOSS will ensure that personal information disclosed is accurate, complete and up to date

Personal information about a client will not be disclosed to others unless they have a direct involvement with that client. For example, information must not be discussed with a support worker who does not work with that client.

NOSS management is responsible for content in NOSS publications, communications and web site and will ensure:

- appropriate consent is obtained for the inclusion of any personal information about any

individual including NOSS personnel

- information being provided by other agencies or external individuals conforms to privacy principles
- that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website

### **3. Unauthorised disclosure or data breach**

NOSS will view the unauthorised disclosure of, or access to, personal information by our employees or volunteers as a serious breach of this policy. This will be treated as an incident, in accordance with the Incident Reporting Policy, and may result in disciplinary action.

In the event of a data breach, NOSS management will:

1. Contain the data breach to prevent any further compromise of personal information.
2. Assess the data breach by gathering the facts and evaluating the risks, including potential harm to affected individuals and, where possible, taking action to remediate any risk of harm.
3. Notify individuals and, if an 'eligible data breach' under the National Data Breach scheme, the Australian Information Commissioner.
4. Review the incident and consider what actions can be taken to prevent future breaches.

Refer to the diagram in Appendix 1 from the Office of the Australian Information Commissioner for more detailed instruction.

### **4. Security and storage**

NOSS will:

- take reasonable steps to protect all personal information from misuse, interference and loss and from unauthorised access, modification or disclosure
- securely destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired

Personal information in hard copy will be:

- stored in a secure location accessible only by authorised users, such as a locked filing cabinet
- only removed from the site if required, and then transported in a manner that it remains secure and confidential

Personal information stored electronically will be protected using passwords and virus protection software and only accessed by authorised users.

### **5. Access to personal information**

Individuals (workers or clients) will be able to access their personal information upon request in order to review or correct that information. However, access may be denied to information in accordance with the exemptions contained in the Act.

## 6. Privacy information for clients

At the intake meeting, clients will be told what information is being collected, how their privacy will be protected and their rights in relation to this information.

## 7. Privacy enquiries/ complaints

NOSS management will be responsible for handling any queries or complaint about a privacy issue.

All complaints will be dealt with in accordance with the NOSS Complaints Management Policy and if necessary, referred to the Office of the Australian Information Commissioner.

## POLICY IMPLEMENTATION

Members of the Board of Governance and other volunteers will make a Declaration of Confidentiality upon commencement of their roles.

NOSS management will be responsible for:

- ensuring that all workers are familiar with the Privacy Policy and administrative procedures for handling personal information
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy

All workers sign the Staff/Volunteer Confidentiality Agreement upon commencement of employment.

## DOCUMENTATION and RECORD KEEPING

Documents related to this policy	
Related policies	Client Consent Policy Code of Conduct and Professional Ethics Policy Complaints Management Policy Incident Reporting Policy Staff Induction, Training and Development Policy
Forms, record keeping or other organisational documents	Client Service Agreement Consent to Collect/ Release Information and Images form Declaration of Confidentiality Letter of Employment Staff Confidentiality Agreement

# POLICY



## DELEGATIONS

<b>Reviewing and approving this policy</b>		
<b>Frequency of Review</b>	<b>Review of policy and policy compliance</b>	<b>Approval</b>
3 years	CEO or delegate	Board of governance

# APPENDIX 1

Sourced 10 July 2019 from <https://www.oaic.gov.au/resources/privacy-law/privacy-act/notifiable-data-breaches-scheme/flowchart-ndb.png>

