

Privacy, Confidentiality, and Information Security

Confidentiality and Information Security

The Centre has a legal and ethical obligation to ensure confidentiality is maintained in relation to:

- the operations and management of The Centre
- matters relating to members and clients of The Centre
- sensitive government information not in the public domain
- employees or volunteers of The Centre.

Centre staff (our People) must not disclose confidential information to anyone who is not employed by The Centre or who is employed by the Centre but does not need the information to perform their work, unless required to disclose this information by law.

Our People may not disclose, distribute, copy, or electronically transmit the Centre's confidential information. Disclosure of confidential information will result in disciplinary action, even if there is no actual benefit to the individual from the disclosure.

Discussions involving sensitive information should always be held in confidential situations. Conversations should therefore not take place on public transport, in public places, restaurants, elevators, bathrooms or other places where they may be overheard.

All devices such as computers, storage devices and mobile phones providing access to confidential information should be password protected.

It is illegal to derive financial or other benefit, either directly or indirectly, from the use of confidential information, including under legislation such as Insider Trading and Securities and Futures Industry Codes.

All employees and volunteers of The Centre will be required to sign and comply with the organisation's Confidentiality Agreement. These obligations continue to be in force after termination of employment or other relationship with The Centre.

Privacy

The Centre recognises the importance of maintaining employee, volunteer and client confidentiality and is committed to protecting the privacy of all persons interacting with The Centre. The Centre will comply with the Privacy Act 1988 and the Australian Privacy Principles (APP) included in the Act.

The Centre is bound by laws which impose specific obligations under the Privacy Act for it to protect the confidentiality and privacy of personal information it collects, holds, and administers. It will take such steps as are reasonable in the circumstances to implement procedures and practices, relating to its functions or activities that will enable individuals to:

- know why their personal information is being collected, how it will be used and who it will be disclosed to have the option of not identifying themselves, or of using a pseudonym in certain circumstances
- ask for access to their personal information (including health information)
- stop receiving unwanted direct marketing
- ask for their personal information that is incorrect to be corrected
- make a complaint about the organisation if they think it has mishandled their personal information.

The Centre will comply with the thirteen Australian Privacy Principles (APP) in its dealings with personal information relevant to all activities conducted by The Centre. The following schedule sets out an overview of the five parts of the APP.

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Consideration of personal information privacy

Australian Privacy Principle 1 - Open and transparent management of personal information.

The Centre will collect and hold the kind of personal information requested in The Centre's "Employee Registration Form", "Volunteer Registration Form", "New and Renewing Membership Form for Not-for-Profit Organisations", and "Application Form" (for use by corporate members). The above forms can be obtained at The Centre's premises by presenting a request to the People and Office Manager.

Personal information is mainly collected via the above four (4) forms, which are completed by the employee, the volunteer, the client, or the client's authorised representative. Any required information unavailable at the time of completing the form may be collected via an alternative written medium submitted by the individual.

Personal information is mainly held in a computer database, which is accessible by applying a secret password granted to authorised individuals only. Personal information is also held in a locked steel filing cabinet, and the keys opening that cabinet are held by the Manager attending to volunteers, the People and Office Manager and the Membership Manager, who are all authorised to access those files.

The Centre will collect, hold, use, and disclose the kind of personal information required for the purpose of enabling The Centre to carry out its stated mission and to conduct interactions with or on behalf of its employees, volunteers, and clients effectively and efficiently in accordance with written statements/forms signed by individual employees, volunteers, or clients.

An individual may access their own personal information and may seek the correction of such information by contacting their relevant manager or the People and Office Manager, requesting access to the personal information held about that individual, and by providing corrected information in writing whenever this is appropriate.

An individual may complain about a breach of the APP verbally or in writing to their relevant manager or the People and Office Manager. If the manager contacted is unable to resolve the complaint, it will be referred to the Chief Executive Officer (CEO). If the CEO is unable to resolve the complaint, it will be referred to the Audit & Risk Committee, and that Committee may have to forward a recommended resolution to the Board of Directors for approval.

The Centre will not disclose personal information to overseas or interstate recipients.

The Centre's Confidentiality and Privacy Policy is available free of charge to all individuals who may currently be interacting with, or who may consider entering interactions with The Centre, and thus become affected by the organisation's compliance with the APP. Details of The Centre's open and transparent management of personal information are also made available on The Centre's website.

If a person or body requests a copy of The Centre's policy on management of personal information in a particular form, The Centre will take such steps as are reasonable in the circumstances to give the person or body a copy in that requested form.

Australian Privacy Principle 2 - Anonymity and pseudonymity.

Individuals will have the option of not identifying themselves, or of using a pseudonym, when dealing with The Centre in relation to a particular matter, unless:

- The Centre is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves in relation to that matter; or

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- It is impractical for The Centre to deal with individuals who have not identified themselves or who have used a pseudonym in relation to that matter.

Collection of personal information

Australian Privacy Principle 3 - Collection of solicited personal information.

The Centre only collects solicited personal information, which is necessary for, or related to, one or more of the organisation's functions or activities.

If any personal information collected is of a sensitive nature:

- the individual has consented to the collection of the information; and/or the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- a permitted general situation applies to the collection of the information by The Centre; or the information relates solely to individuals who have regular contact with The Centre in connection with the organisation's activities.

Australian Privacy Principle 4 – Dealing with Unsolicited Personal Information

If The Centre receives unsolicited personal information about an individual and determines that The Centre could not have collected the personal information under Australian Privacy Principle 3 and that the information is not contained in a Commonwealth record, The Centre will destroy the information, provided it is lawful and reasonable to do so.

Australian Privacy Principle 5– Notification of the Collection of Personal Information

If The Centre receives unsolicited personal information about an individual which the organisation could have collected under Australian Privacy Principle 3, The Centre will:

- Take such steps as are reasonable in the circumstances to ensure that the individual knows the organisation has collected the information and the circumstances of that collection.
- Notify the individual of all matters relevant to the purpose for which The Centre collects the personal information received.

Dealing with Personal Information

Australian Privacy Principle 6 - Use or disclosure of personal information.

The Centre does not use or disclose personal information held about an individual for any purpose other than the primary purpose for which the information was collected, unless:

- The individual has consented to the use or disclosure of the personal information for a secondary purpose; or
- The individual would reasonably expect The Centre to use or disclose the information for the secondary purpose and the secondary purpose is related to the primary purpose. In the case of sensitive information, the secondary purpose would be directly related to the primary purpose; or
- The use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- One or more of five (5) relevant permitted general situations exist:
 - Lessening or preventing a serious threat to the life, health, or safety of any individual, or to public health or safety.
 - Taking appropriate action in relation to suspected unlawful activity or serious misconduct.
 - Locating a person reported as missing.

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- Asserting a legal or equitable claim
- Conducting an alternative dispute resolution process.

The existence of any of those five (5) situations would cause the use or disclosure of the information. The Centre reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body. The Centre will make a written note of the use or disclosure under such circumstance(s).

Australian Privacy Principle 7 - Direct marketing.

The Centre may use or disclose personal information (other than sensitive information) held about an individual for the purpose of direct marketing, if:

- The Centre collected the information from the individual; and
- The individual would reasonably expect The Centre to use or disclose the information for that purpose; and
- The Centre provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation (opt-out option); and
- The individual has not made such an opt-out request to The Centre.

The Centre will:

- not use or disclose sensitive information about an individual for the purpose of facilitating direct marketing by other organisations.
- only use personal information which has been collected from a person other than themselves for direct marketing with the consent of the individual whose personal information has been collected (and they have not taken up the opt-out).

In each direct marketing communication with the individual, The Centre will:

- draw the persons attention to the fact, or prominently displays a notice that provides a simple means by which the individual may easily request not to receive direct marketing communications from the organization;
- set out The Centre's business address and telephone number and, if the communication with the individual is made by electronic means, a number or address at which the organisation can be directly contacted electronically.

The Centre will not use or disclose sensitive information about an individual for the purpose of facilitating direct marketing by other organisations.

Australian Privacy Principle 8 - Cross-border disclosure of personal information.

If The Centre discloses any personal information to an Australian interstate or overseas recipient including a provider of Information Technology (IT) services, it will establish that they are privacy compliant. The Centre will have systems in place which provide sufficient security. Refer to the *Data and Information Security Policy*.

The Centre may use online or 'cloud' service providers to store personal information and to provide services to The Centre that involve the use of personal information, such as services relating to email, instant messaging, and applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

Australian Privacy Principle 9 - Adoption, use or disclosure of government related identifiers.

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Individuals are not required to disclose their unique identifier unless this is one of the purposes for which the unique identifier was set up (or is directly related to those purposes).

The Centre:

- does not adopt its own an identifier of an individual instead of their name.
- cannot assign a unique identifier to a person if that unique identifier has already been given to that person by another agency.
- will not use any government related identifiers unless they are reasonably necessary for its functions.
- will not use or disclose an identifier assigned to an individual unless the identifier is:
 - necessary for the organisation to fulfil its obligations to a government agency.
 - required or authorised by or under an Australian law or a court/tribunal order; or
 - reasonably believed by The Centre to be necessary for law enforcement purposes or court proceedings.

Integrity of personal information

Australian Privacy Principle 10 - Quality of personal information.

The Centre will take any reasonable steps to ensure that the personal information collected by the organisation is accurate, up-to-date, and complete, and that the information being used or disclosed by The Centre is accurate, up-to-date, complete, and relevant, having regard to the purpose of the use or disclosure.

Australian Privacy Principle 11 - Security of personal information.

The Centre will take any reasonable steps to ensure that the personal information held is:

- Protected from misuse, interference, and loss
- Protected from unauthorised access, modification, or disclosure.

The Centre will take any reasonable steps to destroy the personal information held or to ensure that the information is de-identified, if:

- The Centre no longer needs the information for any purpose for which the information may be used or disclosed by The Centre under this Policy; and
- The Centre is not required by or under an Australian law, or a court/tribunal order, to retain the information.

Australian Privacy Principle 12 - Access to personal information.

The Centre will, on request by the individual, give the individual access to their personal information, unless:

- The Centre 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
- Giving access would have an unreasonable impact on the privacy of other individuals; or
- The request for access is deemed to be frivolous or vexatious; or
- The information relates to existing or anticipated legal proceedings between The Centre 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
- Giving access would be unlawful; or
- Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- The Centre has reason to suspect that unlawful activity, or a serious breach of the spirit or the stated requirements of The Centre's Code of Conduct has been, is being or may be engaged in; and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

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- Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- Giving access would reveal evaluative information generated within The Centre in connection with a commercially sensitive decision-making process.

The Centre will respond to the request for access to the individual's personal information within a reasonable time after the request is made and give access to the information in the manner requested by the individual if it is reasonable and practicable to do so. The Centre will take any steps as are reasonable in the circumstances to give access in a way that meets the needs of the organisation and the individual.

Australian Privacy Principle 13 - Correction of personal information.

If The Centre holds personal information about an individual and is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant, or misleading; or the individual requests The Centre to correct the information, The Centre will take any steps that are reasonable in the circumstances to update and correct the information.

If The Centre corrects personal information about an individual that The Centre previously disclosed to another APP entity, and the individual requests The Centre to notify the other APP entity of the correction, The Centre will take such steps as are reasonable in the circumstances to give that notification, unless it is impracticable or unlawful to do so.

If The Centre refuses to correct the personal information as requested by the individual, The Centre will give the individual a written notice that sets out:

- The reason(s) for the refusal except to the extent that it would be unreasonable to do so; and
- The mechanisms available to complain about the refusal.

The Centre must take such steps as are reasonable in the circumstances to implement practices and procedures, relating to the organisation's functions or activities, that:

- Will ensure that The Centre complies with the APP; and
- Will enable The Centre to deal with inquiries or complaints from individuals about the organisation's compliance with the APP.