

# Privacy Policy

## Policy statement

CbyC takes the privacy of individuals seriously and is committed to treating personal information in accordance with the *Privacy Act 1988 (Cth)*, *Information Privacy Act 2009 (Qld)* and other key obligations that govern the use of personal information as specific to not-for-profits. Whilst CbyC is subject to the *Privacy Act 1988 (Cth)*, this Act does not override CbyC obligations under the *Information Privacy Act 2009 (Qld)* nor the terms of its funding contract.

## Purpose

To explain the how, what, when and why of the personal and sensitive information (which includes health information) CbyC collects, uses, discloses and stores when clients, job applicants, members and donors (herein referred to as persons or individuals) interact with the organisation.

## Scope

This Policy applies to all staff engaged/employed by CbyC involved in the collection, use, disclosure and storage of client, member or donor personal information and job applications for advertised positions. Note, all other employment information (e.g. contained within personnel files) is managed in accordance with workplace laws and not privacy legislation. Records of current and past employees which are directly related to the employment relationship are exempt from the application of the *Privacy Act*.

From time to time CbyC may outsource services or hire contractors to perform professional services. Such contractors are required to comply with the requirements of this Policy, the *Privacy Act*, other relevant legislation and funding requirements.

## Procedure

### **Communication and Dissemination**

CbyC makes available, in plain English, information on an individual's rights to privacy and what to do if they believe the organisation is in breach of their privacy in a variety of formats, including but not limited to:

- this Policy is available to clients and the community via the [CbyC website](#)
- brochures about its services
- verbally when collecting information and consent
- via intake (e.g. application forms for volunteering).

### **Collection**

CbyC collects personal information to provide quality counselling and information services. Personal information is only collected where necessary for CbyC's functions and activities, and by lawful and fair means.

The type of personal information collected depends on a person's relationship with CbyC, the nature of the service being provided and any legal obligations CbyC may have. When CbyC collects personal information, it will whenever practical, outline why this information is being collected and will only record personal information when an individual, for example:

- sends CbyC a message (e.g. in the [Contact Us](#) section of the CbyC website)
- requests or consents CbyC to provide services – including in person, online or by phone – noting consent may be withdrawn at any time by contacting CbyC

- makes a comment on CbyC's social media platforms
- makes a donation
- subscribes to the CbyC [mailing list](#) or asks to receive newsletters/updates
- asks to obtain resources such as promotional materials
- completes the [Feedback Form](#) (or alike) on the CbyC website
- participates in promotional activities (e.g. publicity shoot or other audio visual)
- applies for a position with CbyC
- supplies goods/services to CbyC
- wishes to become a Member of CbyC.

Information collected **may** include:

- name
- date of birth
- contact details (e.g. phone, email)
- details of treating practitioners (e.g. GP)
- medical history
- banking details
- Medicare number
- alternative contact person
- gift and donation amounts
- Health Care Card and/or Centrelink Customer Reference Number (CRN)
- name/s and date of birth of child/ren and partner/s.

At times CbyC may be required to collect government identifiers such as Medicare, however will only use and disclose this information in accordance with the *Privacy Act*. For job applicants applying for employment with CbyC, personal information will only be collected in relation to their application and as part of the recruitment process. CbyC may also store information about an unsuccessful application for the purposes of future recruitment.

Where reasonable and practicable, CbyC will only collect personal information from the person directly. However where CbyC is unable to collect personal information directly, it may obtain further information from a third party (e.g. authorised representative, health service, family member or other sources such as previous employer/referee in the case of job applicants) where necessary for its functions and activities.

### **Sensitive Information**

CbyC will only collect sensitive information where the client has consented to the collection and only where it is reasonably necessary for the organisation's functions or activities.

### **CbyC website**

CbyC does not try to identify or collect personal information from individuals visiting the [CbyC website](#). Individuals however may choose to provide their personal information when completing the online [Feedback Form](#) or when making an enquiry via the [Contact Us Form](#). Any CbyC staff may read these communications from the website and will forward to the relevant service/team.

To help the website work optimally, CbyC may collect statistics about visits, such as how many individuals visit the website and their IP address, which pages they visit, the domains they come from and which browsers they use. This information will not be used to track or identify individuals.

Links to other external websites are contained on the CbyC website. These external sites are not subject to this Policy nor is CbyC responsible for the content or the privacy practices of these sites.

CbyC may, at times, be obliged by law to allow law enforcement agencies and other government agencies with relevant authority, to inspect its IP logs.

## **Anonymity**

Individuals can choose to deal with CbyC anonymously or by using a pseudonym, if it is lawful and practicable to do so. CbyC will respect any individual's request for anonymity, however may not be able to provide the required information or services, progress with a complaint nor provide a receipt for a tax deductible donation. Similarly, it is impractical and impossible for a job applicant to engage with CbyC anonymously as part of the recruitment process.

## **Unsolicited Personal Information**

If CbyC receives unsolicited personal information, an assessment will be made as to whether the personal information could have been collected by the organisation.

- Where it is determined that the unsolicited personal information could not have been collected, CbyC will destroy or de-identify the personal information as soon as practicable if it is lawful and reasonable to do so. This may be affected by options available to CbyC and the resources and costs of taking such action.
- CbyC may retain unsolicited personal information where it has determined that the organisation could have collected the information. Such information will be dealt with in accordance with this Policy.

## **Use and Disclosure**

CbyC will only use and disclose of personal information for the purpose for which it was collected unless:

- the person has consented to its use for another purpose
- the person would reasonably expect it to be used for a related purpose (or if the information is sensitive information, for a directly related purpose)
- it is required or authorised by law
- the use or disclose is otherwise permitted by the Privacy Act (e.g. to lessen or prevent a serious threat to life, health or safety).

Examples of how an individual's personal information may be used or disclosed by CbyC include:

- enabling better coordination between CbyC and other providers involved in a client's care
- providing information to a responsible person (e.g. parent, guardian) if the client is incapable or cannot communicate, unless the client has requested that CbyC not disclose their health information
- management, funding, service monitoring, planning, evaluation and complaint handling, insurer or legal services
- quality assurance processes, accreditation, risk, client experience/satisfaction surveys, staff education and training
- provision of reminders for appointments or follow-up services
- letting individuals know about support service options available to assist them
- inviting individuals to participate in events and fundraising
- recover unpaid loans
- research and advocacy, however this will not contain personally identifying information (i.e. de-identified data that has names, aliases and addresses removed).

## **Marketing and Fundraising**

CbyC will not use or disclose personal information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

CbyC uses a third-party online donations system which must comply with the *Privacy Act* and uses secure encryption to protect the transfer of personal and financial information between the user's

browser and their server. Each donation is secured and no credit card details are stored at any time (refer also to the Receipt of Monies Policy). Where donations are made over the phone or via email directly to the CbyC office, a copy of the donation is retained for tax and audit purposes in a secure location and credit card details destroyed.

### **Access and Correction**

Requests for access to personal information must be made in writing to the Manager via email [coord@childrenbychoice.org.au](mailto:coord@childrenbychoice.org.au). The Manager will respond within a reasonable period after the request is made by either giving access or notifying of their refusal to give access. An individual may be charged a reasonable fee for CbyC providing this information. CbyC will let individuals know the fee on submission of their request.

Access to minutes of general meetings and the members register will be provided in accordance with the terms of the Constitution.

Unless an exemption applies, CbyC will facilitate access in the manner requested (e.g. mail, phone, in person, hard copy or electronic record) if it is reasonable and practical to do so factoring in the volume of information requested, nature of the information requested and any special needs of the individual requesting the information. Where access is refused in the manner requested by the individual, the Manager will consult the individual to try to satisfy their request and seek alternative means of access (e.g. redacting the personal information about another person, providing a summary of the requested personal information).

Requests for access may be refused or limited on a permitted ground specified within the *Privacy Act*, for example:

- where CbyC reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to the public health or safety
- giving access would have an unreasonable impact on the privacy of other individuals
- the request for access is frivolous or vexatious.

CbyC aims to retain the most accurate, complete, up-to-date and relevant personal information. Requests by individuals seeking a correction of any personal information that CbyC holds about them must be made in writing to the Manager via email [coord@childrenbychoice.org.au](mailto:coord@childrenbychoice.org.au). There is no charge for requesting the correction of personal information. Where an individual can demonstrate that the personal information is inaccurate, incomplete, out-of-date, irrelevant or misleading, CbyC will take reasonable steps to correct the personal information. This may include, but is not limited to, making appropriate additions, deletions or alterations to a record or declining to correct personal information if it would be unreasonable to take such steps.

Where access or the correction is refused the individual will be provided a written notice advising of the reason for the refusal (except to the extent that it would be unreasonable to do so having regard for the grounds for refusal) and the complaint mechanisms available.

### **Data Quality and Security**

CbyC holds personal information in a number of ways including electronically and hard copy paper files held at the office. CbyC takes reasonable steps to ensure that the personal information collected, used and disclosed is accurate, current, complete and relevant. Individuals are encouraged to inform CbyC of any changes in their contact details to ensure information is up-to-date.

CbyC also takes reasonable steps to ensure personal information is protected from misuse, interference, loss, unauthorised access, modification or disclosure. Security measures employed by CbyC include, but are not limited to:

- physical measures (only staff with keys are allowed unsupervised access to the premises)
- technological measures (access controls, including passwords for access to each computer and for individual programs/services where personal information is stored, firewalls, virus scanning tools)
- educating staff about their obligations under this Policy.

Personal information will only be kept while it is required for the purpose for which it was collected, for a permitted secondary purpose or as required by law. When information held is identified as no longer needed, CbyC will ensure it is effectively and securely destroyed or deleted. CbyC utilises secure document destruction services for the disposal of hard copy documents containing personal information.

### **Breaches**

Under the standard terms of its funding contract with the Department of Communities, Disability Services and Seniors, CbyC is required to notify the Department as soon as possible of any breach of the privacy requirements under the IP Act or contract.

In addition to the above, CbyC is also required to notify affected individuals and the Office of the Australian Information Commissioner (OIA) when a data breach is likely to result in serious harm to individuals whose personal information is involved in the breach. Eligible notifications to the OIA will be lodged through the Notifiable Data Breach Form.

### **Questions and Complaints**

If individuals have any questions, concerns or wish to make a complaint about a breach of the *Privacy Act* or access/correction requirements they may:

- discuss their concerns with the staff member providing the service
- raise their concern with the Manager via email [coord@childrenbychoice.org.au](mailto:coord@childrenbychoice.org.au)
- lodge a complaint in accordance with the Compliments, Complaints and Feedback Policy.

If the individual is still concerned or their matter remains unresolved, they can make a privacy complaint with the Office of the Australian Information Commissioner or the Office of the Information Commissioner Queensland.