

Policy Reference:	5	Date adopted:	August 2023
Prepared By:	Risk and Compliance Officer		
Version:	4		
Approved By:	Board		
Date of current review:	June 2023	Date for next review:	June 2026

1. Purpose

The purpose of this policy is to ensure:

- there is appropriate application of the Australian Privacy principles to the activities of Centacare; under the Privacy Act;
- the types of information which Centacare may collect about participants, employees, contractors and others and how that information is collected and used; and
- Retention and security of personal information by Centacare; and
- how the organisation can disclose the information collected; this includes access to personal information held by agencies; and
- how individuals can access the information held.

2. Scope

This policy applies to:

- Centacare South West NSW Ltd (Centacare) and its Board; and
- All employees, volunteers, contractors, work experience students and trainees carrying out work for Centacare;
- All participants of Centacare e.g. parents, caregivers and children.
- All records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive and personal nature.

3. Definitions

Term	Definition
Privacy policy	A statement that explains in simple language how Centacare handles personal information
Health information	Health information is any information about a person's health or disability, and any information that relates to a health service they have received or will receive. Health information is sensitive and personal, which is why there are laws to protect your rights to keep your health information private.

Term	Definition
Personal information	<p>Personal information' is defined as any 'information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not. • whether the information or opinion is recorded in a material form or not.
Sensitive information	<p>Information or an opinion about an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin; or • political opinions; or • membership of a political association; or • religious beliefs or affiliations; or • philosophical beliefs; or • membership of a professional or trade association; or • membership of a trade union; or • sexual orientation or practices; or • criminal record; that is also personal information; or • health information about an individual. <p>Note: Sensitive information has a higher level of privacy protection than other personal information</p>

4. Policy statement

Centacare is committed to protecting the privacy of personal and sensitive information which it collects and holds. We gather such information to allow us to meet our objectives of improving our community's access to primary health care services.

Centacare must comply with the Australian Privacy Principles under the Privacy Act 1988 and other privacy laws which govern how organisations' hold, use and discloses personal information (including sensitive information).

The organisation has utilised the "*Australian Privacy Principles Guidelines (2019): Privacy Act (1988)*" for the development of this policy.

5. Centacare's Application of Australian Privacy Principles

Centacare handles all personal information in a manner which complies with the Australian Privacy Principles. We obtain consent (written or verbal) to collect, share, store and/or disclose this information. Centacare will only collect personal information:

- after a person has consented;
- when and any secondary use is related to the main reason for collection of personal information; or
- in circumstances in which collection is necessary by the public interest such as law enforcement or public or individual health and safety.

Centacare takes reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date. The organisation protects the

information it holds against loss, unauthorised access, use, modification, disclosure and misuse.

6. Responsibility

The Australian Privacy Principles.

Section 1: Consideration of personal information privacy.

APP1: Open and transparent management of personal information.

The organisation will only collect personal information necessary to undertake our service, program delivery and function. This is managed in a transparent and risk reduction way by appropriate processes which:

- d. make sure that individuals providing personal information is informed about and understands the use of collecting the information;
- e. disclosure to whom and under what circumstances that personal information may be disclosed to another party;
- f. allow and provide individual access to the information held about that person; and
- g. considers the application of processes that manage privacy risks at each stage of the information cycle including collection, use, disclosure, storage; destruction or de-identification.

This policy will be made available to any individual upon request.

APP2: Anonymity and pseudonymises

Anonymity and pseudonymity are important privacy concepts. They enable individuals to exercise greater control over personal information and decide how much personal information will be shared or revealed to others.

Centacare allows individuals the option of not identifying themselves when providing information except when:

- h. Centacare is required by law or court tribunal order to deal with persons who have identified themselves or;
- i. it is impractical for Centacare to manage individuals who have not identified themselves or have used a pseudonym.

Part 2 - Collection of personal health information APP3:

APP3: Collection of solicited personal information

Centacare can collect health information where it is reasonably necessary for its function or activities, and the person concerned consents to the collection.

However, an organisation may collect health information without consent if an exception applies. One of the exceptions is for where it is necessary for the management, funding or monitoring of a health service and:

- j. the particular purpose cannot be served by collecting de-

identified information;

k. it is impracticable to obtain the individual's consent; and the collection

is either:

- required by or under an Australian law;
- in accordance with rules established by competent health or medical bodies that deal with obligation of professional confidentiality which bind the organisation; or
- in accordance with guidelines issues by the CEO of the National Health & Medical Research Council and approved by the Commissioner under s 95A of the Privacy Act (s 16B(2))

Centacare will only collect personal information by:

- l. lawful and fair means; and
- m. directly from the individual, unless an exception applies.

The organisation will make sure that everyone who provides personal information is informed about and understands the purpose of collecting the information and its intended use/disclosure.

APP4: Managing unsolicited information

Unsolicited information is personal information received by Centacare where the agency has taken no steps to collect the information.

Centacare must decide whether it could have collected the information under APP3. If the information received could not have been obtained under APP3 this information is to be destroyed.

Centacare will not maintain information received about an individual, unless that individual has given permission.

Centacare may from time to time collect commercial information that is available in the public domain.

APP5: Notification of the collection of personal information

Centacare will take reasonable steps to notify an individual to ensure the individual is aware of:

- n. Centacare's contact details;
- o. fact, purpose and circumstances of collection;
- p. information relating to Centacare's Privacy Policy; and
- q. whether the information is likely to disclose personal information it collects to other agencies, cross border or other countries.

Part 3: Dealing with personal information

APP6: Use and disclosure of personal information

Centacare will only use personal information for the purpose for which it was collected. The following exceptions are:

- r. the individual has consented to a secondary use or disclosure;
- s. the individual would reasonably expect Centacare to use or disclose the information for a secondary purpose;'
- t. the secondary use or disclosure is required or authorised by law or a court/tribunal order;
- u. Centacare is a permitted health organisation in relation to the secondary use or disclosure (consent); and
- v. The disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on the behalf of an enforcements body.

Centacare will maintain records of where use or disclosure is utilised.

Should the information be used for secondary or related purpose such as service evaluation and improvement further consent is not required provided the data is de-identified i.e. elements of the data will be removed or substituted to ensure an individual's identity cannot readily be determined. Using or disclosing personal information as required by authorised by law.

Centacare may use or disclose personal information for a secondary purpose if the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order.

Centacare will comply with the release of personal information where:

- a warrant, order or notice is issued by a court;
- Centacare is subject to statutory requirements; or
- as required by or under an Australian law that includes Commonwealth, State and Territory legislation as well as common law; (6.2b) or where there is suspected unlawful activity, misconduct of a serious nature, or fraudulent conduct.

APP7: Direct marketing

Centacare will not provide personal information to another person or organisation for direct marketing except:

- with the express consent of the individual in circumstances where that specific use of the information is intended; or

- when the organisation is a contracted service provider to the Commonwealth/State and the disclosure of the information is necessary to meet an obligation under that contract.

APP8: Cross-border disclosure

Centacare will not provide personal information across borders, or information overseas unless legally required to do so. Should Centacare be required to provide personal information to a cross-border/overseas entity, Centacare must take reasonable steps to ensure the recipient does not breach the APP's in relation to the information and is accountable in ensuring the information complies with APP6.

APP9: Adoption, use or disclosure of Government related identifiers

Centacare will not disclose Government identifiers except for the provision of healthcare as authorised by law to provide individual healthcare to our participants.

Part 4 – Integrity of personal information.

APP10: Quality of personal information

Centacare takes all reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete, relevant and up to date.

The organisation will ensure that the quality of personal information at two distinct points in the information handling cycle. The first is at collection and the second is at the time the information is used or disclosed.

APP11: Security of personal information

Centacare takes care to protect and hold securely personal information whether electronic or on paper.

All personal information held by Centacare will be:

- w. accessible by staff only on a “need to know” basis;
- x. if in paper form, received and stored in secure, lockable location;
- y. in electronic form, password and fire wall protected, externally backed up by a provider contractually bound to confidentiality; and
- z. not removed for Centacare offices.

Centacare destroys or permanently de-identifiers personal information that is no longer required to be held according to legislation.

Part 5 Access to and correction of personal information

APP12: Access to personal information.

Participants may request access to their own personal information. Access will be provided unless there is a sound reasons under the Privacy Act (1988) or other relevant law to withhold access.

Situations where access may be withheld include:

- aa. a threat to the life or health of an individual;
- bb. access creates an unreasonable impact on the privacy of others;
- cc. the request is clearly frivolous or vexatious or access has been granted previously;
- dd. there are existing or anticipated legal dispute resolution proceedings;
- ee. denial to access required by legislation or law enforcement agencies; and
- ff. Centacare suspects unlawful activity or conduct of a serious nature; giving access would reveal evaluative information within Centacare in connection with a commercially sensitive decision-making process.

Centacare responds to a request to access or amend information within 30 business days of receiving the request.

Access through an intermediary

APP 12.6 Provides that, access may be given through the use of a mutually agreed intermediary. The role of the intermediary is to enable an individual to be given access to their personal information and to have the content of that information explained, where direct access would otherwise be refused.

APP13: Correction of personal information

Centacare will correct personal information it holds about an individual if it is inaccurate, out of date, incomplete or misleading.

Amendments may be made to personal information to make sure it is accurate, relevant, current, complete and not misleading, considering the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, Centacare may refuse the request.

If the requested changes to personal information are not made, the individual may make a statement about the requested changes and the statement will be attached to the file/record.

Centacare will respond to queries and requests for access and amendment to personal information within 30 days by electronic means or by registered post correspondence.

Confidentiality of other Information

All information held by Centacare during its activities is confidential. It is appropriate that a decision to release it to make public (e.g. website content) -the CEO should be consulted and provide due consideration to confidentiality of the information and the appropriateness of wider distribution.

7. Responsibilities

Responsibility	Role
Policy Owner	Chief Executive Officer
Compliance, Monitoring and Review	Management Team
Reporting	Chief Operating Officer
Records Management	Risk and Compliance Officer

8. Regulatory Compliance

- Corporations Act 2001 (Cth)
- Privacy Act 1988 (Cth)
- Government Information (Public Access) Act 2009 NSW
- Government Information (Public Access) Regulation 2018 NSW
- Health Records and Information Privacy Act 2002 No 71
- Australian Human Rights Commission Act 1986 (Cth)
- The Fair Work Act 2009 (Cth)
- Children’s Guardian Act 2019 (NSW)
- Children's Guardian Regulation 2022 (NSW)
- Children’s and Young Persons (Care and Protection) Regulation 2022 (NSW)
- Protected Disclosures Act 1994 (NSW)

9. Related Documents

Document	Details
Policy & Procedures	Governance Charter Policy
Policy & Procedures	Clinical Governance Policy
Policy & Procedures	Financial Management Policy
Policy & Procedures	Human Resources Policy
Policy & Procedures	Privacy Policy
Policy & Procedures	Feedback, Complaints, Grievances Policy
Policy & Procedures	Professionalism Policy
Policy & Procedures	Diversity and Inclusion Policy
Policy & Procedures	Participant Welfare Policy
Policy & Procedures	Service Provision
Policy & Procedures	Asset Management
Policy & Procedures	Abuse, Neglect, Exploitation, and Discrimination Policy
Policy & Procedures	Risk Management

Document	Details
Policy & Procedures	Risk Management – Disaster & Emergency Management
Policy & Procedures	Whistle Blower Protection Policy
Policy & Procedures	Fraud Policy
Policy & Procedures	Carers Policy
Policy & Procedures	Information Management Policy
Policy & Procedures	Code of Conduct Policy
Policy & Procedures	Child Safe Policy
Policy & Procedures	Quality Policy
Procedures & Forms	Operational Manual – NDIS Program
Procedures & Forms	Operational Manual – Family and Communities Program
Procedures & Forms	Operational Manual – School Wellbeing Program
Procedure	5.01 Privacy
Procedure	5.02 Confidential Information
Procedure	5.03 Access to confidential information
Procedure	5.04 Filing and management
Procedure	5.05 Client records
Procedure	5.06 Responding to subpoenas'

10. Policy Review

10.1 Approval and Review

Policy Reference:	5	Date adopted:	August 2023
Approved By:	Board		
Date of current review:	July 2023	Date for next review:	June 2026

10.2 Amendment History

Review Date	Approved Date	Details of Amendment
January 2020	April 2020	Referenced to Privacy Act
July 2023	August 2023	Review – minor amendments to update legislative references and current Centacare Policies and Procedures.