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# Privacy and Confidentiality Policy

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## **RIA Privacy Statement – Your Privacy**

Personal information collected by Rights in Action Inc (RIA) is protected by the *Privacy Act 1988* (Cth) (the 'Privacy Act') and Queensland *Information Privacy Act 2009*. Personal information is any information that can be used to identify you and includes sensitive health information.

RIA follows the Australian Privacy Principles and Queensland Information Privacy Principles contained in the Privacy Act(s) in handling personal information from clients, business partners, donors, members of the public and RIA People (including members, volunteers, employees, delegates, candidates for volunteer work and prospective employees).

RIA has a **Privacy Policy** to protect your privacy. The Policy is available in hard copy on request, or accessed at [www.rightsinaction.org](http://www.rightsinaction.org)

The primary purpose for collecting personal information will depend on your relationship with our organisation and includes planning, funding, monitoring and evaluating our services. We usually collect personal information directly from you. However, we sometimes collect personal information from a third party such as your carer, trustee or authorised representative.

We only collect personal information for purposes that are reasonably necessary. Please be assured that wherever possible RIA uses information in a de-identified form. Personal information will not be disclosed to third parties without your consent, except where permitted or required under the Privacy Act. We take steps to protect all personal information and government related identifiers held by RIA against misuse, interference, loss, unauthorised access, modification and disclosure.

Your personal information may be used to:

- report to government or other funding bodies in a de-identified format
- process your donation, membership and provide receipts
- communicate with you about RIA programs and events which we believe may be of interest to you
- respond to your enquiries, feedback or complaints

It may also be used for:

- any other purpose for which it was requested with your consent
- directly related purposes of seeking of receiving advocacy assistance from our agency.

You can access the personal information that we hold about you, and you can ask us to correct the personal information we hold about you.

If you require further information, please contact us on 4031 7377.

Email: [info@rightsinaction.org](mailto:info@rightsinaction.org) or you can write to us at Rights In Action PO Box 1041N, North Cairns QLD 4870.

## **Privacy Policy**

Rights in Action Inc (RIA) respects the privacy of all people including our clients, employees, members, volunteers, referrers of clients and online users, and is committed to safeguarding the personal information that is provided to us.

### **Purpose**

The purpose of this privacy policy is to:

- clearly communicate the personal information handling practices of RIA
- enhance the transparency of RIA operations, and
- give individuals a better and more complete understanding of the sort of personal information that RIA collects, and the way we handle that information.

### **Scope**

This policy and procedure applies to all RIA clients, employees, members, volunteers, referrers of clients and online users.

The Privacy Act and this Privacy Policy do not apply to acts or practices which directly relate to employee records of RIA current and former employees.

### **Definitions**

**Online users** refers to anyone that accesses the Rights in Action website [www.rightsinaction.org](http://www.rightsinaction.org)

**Personal information** as defined by the *Privacy Act 1988* (as amended) is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not.

**Sensitive information** as defined by the *Privacy Act 1988* (as amended) is information or opinion (that is also personal information) about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record or health, genetic, biometric information or biometric templates, that is also personal information.

### **Overview of RIA Advocacy Assistance**

Rights In Action (RIA) aims to provide independent advocacy for people with disabilities, to uphold their rights and remove barriers of discrimination. RIA provides independent advocacy for people with a disability who live in the geographical areas of Cairns, Yarrabah, Mareeba and Atherton.

RIA engages volunteers and employees, and receives donations, funding and support from members of the community, corporations, groups and governments.

RIA also holds contracts to deliver State and Commonwealth government programs and we comply with the relevant state or national privacy principles and any additional obligations under the contract(s).

### **Outline of this policy**

**Part A - Personal Information Handling Practices** explains our general information handling practices including information about how we collect, use, disclose and store your personal information.

**Part B - Files** provides further information explaining how RIA manages personal information handling practices in relation to client files, employee records, and membership information.

## **Part A Our Personal Information and Handling Process**

### **Our obligations under the Privacy Act**

This privacy policy sets out how we comply with our obligations under the *Privacy Act 1988* (Privacy Act). We are bound by the Australian Privacy Principles (APPs) in the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them. RIA also acknowledges our obligations under The *Queensland Information Privacy Act* and other legislation of confidentiality in the *Child Protection Act 1999* and *Disability Services Act 2006*.

### **Collection of Personal and Sensitive Information**

If you would like to enquire about Rights in Action Inc (RIA) Services' on an anonymous basis or using a pseudonym, please tell us. If this is possible and lawful, we will take all reasonable steps to comply with your request.

However, we will not be able to provide advocacy to a person with disability if we are not provided with the personal information necessary for us to do so. The nature and extent of personal and sensitive information collected by RIA varies depending on your particular interaction with our agency. RIA may collect personal and sensitive information from (not limited to) clients, families and carers, service providers, and health professionals.

### **Clients (People seeking or receiving advocacy)**

Information collected may include:

- contact details (name, address, 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 and areas of interest
- photographs, signatures, tax file numbers and
- health information and/or medical history

How the information is collected:

- enquiry / referral form
- membership applications
- online referral
- telephone or face to face interview

Purpose use of the information collected:

- to provide independent individual advocacy
- to provide referral to appropriate services
- to meet the requirements of government funding bodies
- to monitor and evaluate outcomes of our advocacy assistance
- to produce performance reports to funding bodies
- to comply with legal obligations

### **RIA Members and Donors**

Information collected:

- contact details (name, address, telephone numbers, email etc.)
- donation history

How the information is collected:

- correspondence, email, direct deposit identifiers
- telephone

Purpose for which Rights in Action Inc uses the information:

- to process membership fees and donations and provide accurate receipts
- to facilitate on-going fundraising and marketing activities
- to comply with legal obligations
- to provide information about RIA
- to receive invitations to upcoming events and activities
- to recognise support of RIA

**RIA People (volunteers, employees, Board of Management members – for work or prospective engagement).**

Type of information collected:

- 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 license details, criminal history screening
- information and opinions from referees for prospective employees and candidates for volunteer work
- in some situations it is necessary for RIA to collect or receive information about an individual's health. In this circumstance, we will advise why the information is being collected and whether and to whom it will be released.

Purpose for which Rights in Action uses the information:

- to process an application to become a member, volunteer or employee of our organisation
- to facilitate a placement in an appropriate position
- to assist with services whilst an individual is employed or engaged as a volunteer
- 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 RIA to review and improve its programs and services to keep individuals informed

**Additional Information**

The RIA website may from time to time contain links to other websites. Access for other websites may have a different privacy policy. To verify how that website collects and uses information, the user should check that particular website's policy.

**How RIA Collects Information**

Where possible, we collect your personal and sensitive information directly from you.

We collect information through various means, including telephone and in-person interviews, appointments, forms 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 that you wish to provide, please feel free to 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 contact you and ensure that you are aware of the purposes for which we are collecting your personal information and the

organisations to which we may disclose your information, subject to any exceptions under the Act. For example, we may collect information about you from a health care professional, such as your doctor.

### **Health Information**

RIA may collect health information to assist us in our advocacy efforts. When collecting health information, we will obtain your consent and explain how the information will be used and disclosed. RIA will not use health information beyond the consent provided by you.

### **Use and disclosure of Personal Information**

We only use personal information for the purposes for which it was given to us, or for purposes which are related to one of our functions or activities.

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

- government departments/agencies who provide funding for RIA services
- referees and former employers of RIA employees and volunteers, and candidates for RIA employee and volunteer positions; and
- our professional advisors, including our accountants, auditors and lawyers.

RIA will not disclose an individual's personal information to a third party unless one of the following applies:

- the individual has provided consent/authority to do so
- 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 otherwise required or authorised by law (eg: it will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety)
- 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 assist in locating a missing person
- it is reasonably necessary to establish, exercise or defend a claim at law
- 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 reasonably necessary for the enforcement of a law conducted by an enforcement body.

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

RIA 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. Only authorised personnel are permitted to access these details.

When the personal information is no longer required, it is destroyed in a secure manner, or deleted according to our Records Disposal Policy.

### **Access to and correction of personal information**

If an individual requests access to the personal information we hold about them, or requests that we change that personal information, we will allow access or make the changes unless we consider that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made to the RIA Manager. For security reasons, you will be required to put your request in writing by completing an "Application to Access Personal File Records Form" 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 undermined. We will provide access by allowing you to inspect, take notes or print outs of personal information that we hold about you. We will take all reasonable steps to provide access or 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.

RIA may charge you reasonable fees to reimburse us for the cost we incur relating to your request for access to information, including in relation to photocopying and delivery cost of information stored off site.

If an individual is able to establish that personal information RIA holds about her/him is not accurate, complete or up to date, we 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 RIA
- access discloses a 'commercially sensitive' decision making process or information; or
- any other reason that is provided for in the APP's or in the Privacy Act.

If we deny access to information we will set our reasons for denying access. Where there is a dispute about your right of access to information or forms of access, this will be dealt with in accordance with the complaints 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 and have it investigated and dealt with under this complaints procedure.

If you have a complaint about RIA's privacy practices or our handling of your personal and sensitive information please contact our Manager.

A privacy complaint relates to any concern that you may have regarding RIA privacy practices 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. The goal of this policy is to achieve an effective resolution of your complaint within a reasonable timeframe.

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 our Manager.
- **Investigation:** Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- **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 in the resolution of the complaint.
- **The complaint is substantiated:** If your complaint is found to be substantiated, you will be informed of this finding. We will then take appropriate agreed steps to resolve the complaint, address your concerns and prevent the problem from recurring. If the complaint is not substantiated, or cannot be resolved to your satisfaction, but this Privacy Policy has been followed, RIA may decide to refer the issue to an appropriate intermediary. For example, this may mean the Disputes Resolution Service 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 are free to take your complaint to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au)  
OR Office of the Information Commissioner [www.oic.qld.gov.au](http://www.oic.qld.gov.au)  
The OIC will aim to resolve the matter by mediation. If that process fails the matter may be referred to the Queensland Civil and Administrative Tribunal.

We will keep a record of your complaint and the outcome.

We are unable to deal with anonymous complaints. This is because we are unable to investigate and follow-up such complaints. However, in the event that an anonymous complaint is received we will note the issues raised and, where appropriate, try and investigate and resolve them appropriately.

### **Changes to this Privacy Policy**

RIA reserves the right to review, amend and/or update this policy from time to time.

We aim to comply with the APPs and other privacy requirements required to be observed under State or Commonwealth Government contracts. If further privacy legislation and/or self-regulatory codes are introduced or our Privacy Policy is updated, we will summarise any substantial modifications or enhancements in this section of our Privacy Policy.

## **Part B – Files:**

### **How we handle specific types of files that contain personal information**

#### **Public Awareness and Education Files**

##### **Purpose**

The purpose of public awareness and education files is to record details of public awareness and educational activities, such as contact with the media, speeches, event management, surveys and publication preparation. The limited personal information in public awareness and education files relates to organisations, individuals, media representatives, event attendees, service providers and events calendars.

##### **Collection**

It is our usual practice to collect personal information in public awareness and education files directly from individuals. Sometimes we may collect personal information from an individual's representative or from publicly available sources such as websites or telephone directories.

##### **Use and disclosure**

We only use the personal information in public awareness and education files for the purposes of undertaking public awareness and education initiatives and managing public relations. The personal information on public awareness and education files is not disclosed to other organisations or anyone else without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to those organisations or individuals, or the disclosure is otherwise required or authorised by law.

##### **Data security**

Public awareness and education files are stored in either password protected electronic media or in locked cabinets in paper form. When no longer required, personal information in public awareness and education files is destroyed in a secure manner or deleted in accordance with our Records Disposal Policy.

#### **Contacts Lists**

##### **Purpose**

We maintain contacts lists which include contact information about individuals who may have an interest in the disability sector. We use these contacts lists to distribute information about our activities and publications.

##### **Collection**

It is our usual practice to collect personal information in contacts lists directly from individuals, for example, where they have asked to be added to a contact list. Sometimes we collect personal information from a third party or from a publicly available source such as a website or telephone directory.

We usually only collect personal information in this way if the individual would reasonably expect us to, or has given their consent. For instance, we might collect this information if we thought that the individual (or the organisation they work for) would like to receive information about services we are

carrying out, or that they might be likely to consider information about the disability sector useful in the work they do. We would only contact this individual in their work capacity.

### **Use and disclosure**

We only use personal information in contacts lists for the purpose of managing stakeholder relations. We do not give personal information about an individual to other organisations or anyone else without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to those organisations or individuals, or the disclosure is otherwise required or authorised by law.

### **Data quality**

We maintain and update personal information in our contacts lists when we are advised by individuals that their personal information has changed. We also regularly audit contacts lists to check the currency of the contact information. We will remove contact information of individuals who advise us that they no longer wish to be contacted.

### **Data security**

The personal information in the contacts lists is stored in either password protected electronic media or in locked cabinets in paper form. When no longer required, personal information in contacts lists are destroyed in a secure manner or deleted in accordance with Records Disposal Policy.