PRIVACY POLICY

Purpose

This document sets out Allowah's policy in relation to the management of personal information.

Definitions

APP means Australian Privacy Principle

Health Information means:

a) information or an opinion about:
    i. the health or a disability (at any time) of an individual; or
    ii. an individual's expressed wishes about the future provision of health services to him or her; or
    iii. a health service provided, or to be provided, to an individual; that is also personal information; or
b) other personal information collected to provide, or in providing, a health service.

Staff means anyone who carries out work for Allowah including employees, contractors, subcontractors, visiting medical officers, employees of labour hire companies (e.g. nursing agency staff), outworkers, apprentices and trainees, students, volunteers, and Person(s) Conducting a Business or Undertaking who are individuals if they perform work for Allowah. The term 'staff' may refer to one or more individuals.

Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

a) whether the information or opinion is true or not; and
b) whether the information or opinion is recorded in a material form or not.

Legislative Compliance means that all persons to whom this policy applies are required to comply with the provisions of the Privacy Act 1988 (C'lth) and the Australian Privacy Principles contained therein.

Industry standards means National Safety and Quality Health Service 2nd Edition Standards - Standard 1 – Clinical Governance Standard (1.16) and NDIS (Provider Registration and Practice Standards) Rules 2021 Version 4 - (Core Module, Division 1, Section 8 Privacy and Dignity)

Sensitive Information means

a) information or an opinion about an individual's:
    i. racial or ethnic origin; or
    ii. political opinions; or
    iii. membership of a political association; or
    iv. religious beliefs or affiliations; or
    v. philosophical beliefs; or
    vi. membership of a professional or trade association; or
    vii. membership of a trade union; or
    viii. sexual preferences or practices; or
    ix. criminal record;

    that is also personal information; or

b) health information about an individual.

Policy Statement

All staff, all persons who provide services to or on behalf of Allowah, all persons who have access to personal information collected by Allowah and all persons about whom personal information is collected are required to comply with the provisions of the Privacy Act 1988 (C'lth) including the Australian Privacy Principles [APPs], the Notifiable Data Breaches Scheme and all other legislation which applies to Allowah.

Allowah will manage personal information in an open and transparent way and will take all reasonable steps to implement practices, procedures and systems that will enhance accountability for its information handling practices and assure community trust and confidence in those practices.

Allowah will make a copy of this policy available at no cost to those who require a copy and will use its best endeavours to make it available in the format required.

Personal Information will only be collected, used or disclosed with consent unless otherwise required or authorised by law. Consent may be either express or implied.

Personal Information will be stored and handled in such a manner as to ensure that it is not subject to any unauthorised access, use or disclosure. Allowah will use its best endeavours to ensure that all personal information is accurate, up-to-date, complete and relevant.

Requirements

The following are the specific requirements of this policy.

Collection of Personal Information

As a health and disability service provider, Allowah collects a wide range of personal information including demographic information (e.g. name, address, date of birth), general health information, mental health information, sexual information, information about family members and/or associates, information about personal and social circumstances, financial information, legal information, education information, employment information and a wide range of information necessary for the purposes of carrying out its functions.

Allowah collects personal information from a variety of sources including the individuals to whom the information relates, family members and associates, other health care providers, community service organisations, law enforcement agencies, schools, insurance companies, Federal & State Government agencies, employers, and other individuals and/or entities who may have information relevant to Allowah's activities. As a general principle, where personal information is not collected directly from the individual concerned, Allowah will take reasonable steps to ensure that the individual is informed about the collection unless the individual has previously expressly or impliedly consented to the collection. Personal information will only be collected in a manner that is lawful and fair.

Information collected by Allowah may be in either an electronic copy or hard copy.

Allowah collects personal information for the purposes of carrying out its functions as a health and disability services provider, employer, business operator, education provider, charity and other associated functions.

Use and Disclosure of Personal Information

Allowah will only use and/or disclose information for the purpose(s) for which it was collected unless otherwise required or authorised by law. Health Information will only be used for the primary purpose of collection and any directly related secondary purpose. Allowah may be required by the legal process (subpoena, search warrant, Notice of Discovery, Office of the Ombudsman) to disclose personal information. Allowah will also use or disclose personal information where it is authorised by law such as for research purposes or for the purpose of assisting law enforcement authorities. Information may also be used or disclosed where a permitted health situation or permitted general situation exists.

Access to and Correction of Personal Information

As a general rule, all persons have a right to access their personal information held by Allowah. There are some circumstances where Allowah is permitted to deny access to personal information such as where the access would have an unreasonable impact on the privacy of others or where granting access is unlawful or denying access is required or authorised by law.

Allowah will take reasonable steps to ensure that all personal information it holds is accurate, up-to-date, complete, relevant and not misleading. Individuals may apply to Allowah to correct any personal information held by Allowah and Allowah will consider all such requests. If Allowah does not amend the information as requested, we will provide written reasons for the refusal to amend the information.

All requests for Access or Correction are to be directed to the Nurse Manager whose contact details are set out below.

Complaints

Allowah has established processes for dealing with complaints relating to Privacy. All complaints are to be directed in the first instance to the Nurse Manager or Director of Disability Support Service Provision [DSSP]. All complaints will be acknowledged and a response will be provided as soon as practicable. If you are not satisfied with the management of the complaint or the response, you may request that the complaint be reviewed by the Chief Executive Officer [CEO]. You may at any time also lodge a complaint with the Office of the Australian lnformation Commissioner or the Health Care Complaints Commission [HCCC].

Notifiable Data Breaches (NDB) Scheme

In February 2018 the Australian Government introduced the Notifiable Data Breaches [NDB] Scheme. As an organisation with security obligations under the Australian Privacy Act 1988, Allowah must also comply with the obligations of the NDB Scheme.

The NDB Scheme introduced an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. The notification must include recommendations about the steps individuals should take in response to the breach. The Australian Information Commissioner must also be notified of eligible data breaches.

Eligible Data Breach

An eligible data breach arises when the following three criteria are satisfied:

1) There is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that an entity holds;
2) This is likely to result in serious harm to one or more individuals; and
3) The entity has not been able to prevent the likely risk of serious harm with remedial action.

Steps for assessing an eligible data breach can be found at https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme/assessing-a-suspected-data-breach

Notification of a Data Breach

When Allowah is aware of reasonable grounds to believe an eligible data breach has occurred, we will promptly notify individuals at likely risk of serious harm. The Commissioner will also be notified as soon as practicable through a statement about the eligible data breach.

The notification to affected individuals and the Commissioner must include the following information:

- the identity and contact details of the organisation;
- a description of the data breach;
- the kinds of information concerned; and
- recommendations about the steps individuals should take in response to the data breach.

The notification to the Commissioner can be made using the OAIC's Notifiable Data Breach form which can be found here: https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB

Responsibilities

Responsibilities for managing privacy

All staff are responsible for the management of personal information to which they have access.

The CEO is responsible for content in Allowah's publications, communication and websites and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual including staff of Allowah;
- Information being provided by other agencies or external individuals conforms to privacy principles; and

- The website(s) contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website(s).

The CEO is responsible for safeguarding personal information relating to Allowah staff, governance committee members, volunteers and contractors.

The CEO is responsible for:

- Ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information;
- Ensuring that clients/families and other relevant individuals are provided with information about their rights regarding privacy; and
- Handling any queries or complaints about a privacy issue.

Privacy information for clients

At the initial assessment, intake or pre-admission clients/families will be told what information is being collected, how their privacy will be protected and their rights in relation to this information.

Privacy for interviews and personal discussions

To ensure privacy for clients/families or staff when discussing sensitive or personal matters Allowah:

- provides offices for use by key staff when discussing sensitive issues either in person or over the phone;
- has rooms for conducting initial assessments/pre-admission meetings/client care reviews/early intervention; and
- provides an office for the Director Disability Support Service Provision to conduct intake meetings.

Contact Details

Nurse Manager

Bernadette Dela Torre

8 Perry Street

Dundas Valley NSW

Ph: 02 8877 3400

E: bernadette.delatorre@allowah.org.au

Director of Disability Support Services

Maura Hanney

Allowah

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Chief Executive Officer

Elizabeth McClean

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