



## Privacy and Confidentiality Policy

### 1. Purpose and Scope:

Tailem Bend Community Centre Incorporated (TBCC) is committed to protecting and upholding the right to privacy of consumers, board of management, staff, contractors, volunteers, members and representatives of agencies we deal with. In particular TBCC is committed to protecting and upholding the rights of our consumers to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

TBCC requires board of management, staff, and volunteers to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

TBCC subject to legislation applying to the organisation and/or its consumer groups. The organisation will follow the guidelines of the *Australian Privacy Principles* in its information management practices.

TBCC will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of consumers and organisational personnel
- consumers are provided with information about their rights regarding privacy
- consumers and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all board of management, staff, volunteers, members and consumers understand what is required in meeting these obligations
- it will adhere to all requirements imposed under the *Privacy Act 1988*, including the requirements imposed by the *Privacy Amendment (Notifiable Data Breaches) Act 2017*, to strengthen the protection of personal information.

This policy conforms to the *Privacy Act (1988)* and the *Australian Privacy Principles* which govern the collection, use and storage of personal information.

This policy provides guidelines for the collection, use of, access to, security, archiving and disposal of personal information held by the organisation. Providing a framework to protect the right to privacy of those involved with TBCC in accordance with State and Commonwealth legislation. It applies to all personal and sensitive information. Board, staff, contractors, volunteers and other entities that are or have been engaged or serviced by TBCC currently or in the past are also protected and bound by this Policy.

### 2. Definitions:

- **Collection** - Gathering, acquiring or obtaining personal information from any source, including third parties
- **Consent** - Agreement given voluntarily by a person or their guardian to gather, use or disclose information that may be personal or sensitive
- **Disclosure** - Making personal information available to others sharing new or secret information known.

- **Personal Information** - Any information that can identify a person. Some obvious examples are name and address, but can also include health records, bank account details, photos, videos and work details.
- **Sensitive Information** - Information or opinion about a person's health, racial or ethnic origin, political opinion, professional or trade association, religious beliefs or affiliations, philosophical beliefs, sexual preference or criminal record. Sensitive information collected must be relevant to the purpose for which it is collected. For staff, only criminal record and professional associations, next of kin as an emergency contact and any health conditions that may impact WHS are collected.

### 3. Background:

We have chosen to apply the principles of the Privacy Act 1998 (Commonwealth) and the South Australian Government Privacy Principles, although we are not covered by either the Act (see Part 3 Principle 6 – use or disclosure of personal information).

*If an APP entity holds personal information about an individual that was collected for a particular purpose (the primary purpose), the entity must not use or disclose the information for another purpose (the secondary purpose) unless:*

- (a) the individual has consented to the use or disclosure of the information; or*
- (b) subclause 6.2 or 6.3 applies in relation to the use or disclosure of the information*

We believe that it is important to provide a clear, mutual understanding of the rights and responsibilities concerning the quality, collection, use of, access to, security, archiving and disposal of personal information held by us.

### 4. Policy:

#### Responsibilities for managing privacy

- All board, staff and volunteers are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- Chief Executive Officer (CEO) is responsible for content in TBCC publications, communications, social media and web site and must ensure the following:
  - appropriate consent is obtained for the inclusion of any personal information about any individual including TBCC personnel
  - information being provided by other agencies or external individuals conforms to privacy principles
  - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website
- TBCC CEO is responsible for safeguarding personal information relating to TBCC board of management, staff, contractors, volunteers, members and representatives of agencies we deal with.
- **The Privacy Contact Officer:** The Privacy Contact Officer will be the TBCC CEO The CEO will be responsible for:
  - ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
  - ensuring that consumers and other relevant individuals are provided with information about their rights regarding privacy

- handling any queries or complaint about a privacy issue

### **Privacy information for clients**

At initial assessment consumers will be told what information is being collected, how their privacy will be protected and their rights and responsibilities in relation to this information.

### **Privacy for interviews and personal discussions**

To ensure privacy for consumers or staff when discussing sensitive or personal matters, the organisation will:

Be sensitive of surrounds and who may be able to hear discussions, move to private interview spaces, including home visits, or view or monitor for email responses.

### **Participants in research projects**

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used
- given copies of any subsequent publications

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in TBCC research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

<b>Date first formulated</b>	November 2015 ( <i>Previously called Privacy Policy V1 approved by Board 24/8/07</i> )	
<b>Dates approved by Board</b>	V1 V2 V3	<b>June 2016</b> <b>April 2020</b> <b>Feb 2022</b>
<b>Next Review Date</b>	February 2024	
<b>Related Documents</b>	<p>Privacy and Confidentiality Policy  Human Resources Management Policy  Document Control Register  Code of Conduct Form  Feedback and Complaints Policy  Feedback and Complaints Procedure  Information Technology and Social Media Policy  ISG Appendix  Definition of privacy: <a href="http://ehrweb.aaas.org/ehr/books/glossary.html">ehrweb.aaas.org/ehr/books/glossary.html</a>  The Australian Privacy Principles  <a href="https://www.oaic.gov.au/_data/assets/pdf_file/0006/2004/the-australian-privacy-principles.pdf">https://www.oaic.gov.au/_data/assets/pdf_file/0006/2004/the-australian-privacy-principles.pdf</a>  Aged care Charter of rights  <a href="https://www.health.gov.au/health-topics/aged-care/providing-aged-care-services/delivering-quality-aged-care-services#charter-of-aged-care-rights">https://www.health.gov.au/health-topics/aged-care/providing-aged-care-services/delivering-quality-aged-care-services#charter-of-aged-care-rights</a>  Aged care Standards  <a href="https://www.health.gov.au/health-topics/aged-care/providing-aged-care-services/delivering-quality-aged-care-services#aged-care-quality-standards">https://www.health.gov.au/health-topics/aged-care/providing-aged-care-services/delivering-quality-aged-care-services#aged-care-quality-standards</a>  National Principles for Child Safe Organisations  <a href="https://childsafegov.au/national-principles">https://childsafegov.au/national-principles</a>  Rights of every child  <a href="https://static.unicef.org/rightsite/files/rightsforeverychild.pdf">https://static.unicef.org/rightsite/files/rightsforeverychild.pdf</a>  Know your rights and responsibilities  <a href="https://static.unicef.org/rightsite/files/Know_your_rights_and_responsibilities.pdf">https://static.unicef.org/rightsite/files/Know_your_rights_and_responsibilities.pdf</a>  Children's rights and responsibilities flyer  <a href="https://static.unicef.org/rightsite/files/rights_leaflet.pdf">https://static.unicef.org/rightsite/files/rights_leaflet.pdf</a>  Overview of child protection legislation across state and territory jurisdictions, Resource sheet developed by the Australian Institute of Family Studies  <a href="https://aifs.gov.au/cfca/publications/australian-child-protection-legislation">https://aifs.gov.au/cfca/publications/australian-child-protection-legislation</a>  Australian and New Zealand Standard</p>	
<b>Legislation</b>	<p>Equal Opportunity Act 1984  <a href="https://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984.aspx">https://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984.aspx</a>  Work Health &amp; Safety Act  <a href="https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx">https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx</a>  Children's Protection Act 1993  <a href="https://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993.aspx">https://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993.aspx</a>  Aged Care Act 1997  <a href="https://www.legislation.gov.au/Details/C2013C00389">https://www.legislation.gov.au/Details/C2013C00389</a>  Commonwealth Privacy Act 1988  <a href="https://www.legislation.gov.au/Details/C2020C00025">https://www.legislation.gov.au/Details/C2020C00025</a></p>	

Department Human Service DHS Critical Client Incidents Policy  
 Coronial Policy  
<https://www.sa.gov.au/topics/housing/public-and-community-housing/community-housing-organisations/managing-a-community-housing-organisation/managing-critical-client-incidents>  
 State Records Act 1997  
<https://www.legislation.sa.gov.au/LZ/C/A/STATE%20RECORDS%20ACT%201997.aspx>  
 Guardianship Act 1993  
<https://www.legislation.sa.gov.au/LZ/C/A/GUARDIANSHIP%20AND%20ADMINISTRATION%20ACT%201993.aspx>  
 Information Sharing Guidelines for Promoting the Safety and Well-being of Children, Young People and their Families 2008.  
[https://www.ombudsman.sa.gov.au/wp-content/uploads/information\\_sharing\\_guidelines.pdf](https://www.ombudsman.sa.gov.au/wp-content/uploads/information_sharing_guidelines.pdf)  
 Workplace Gender Equality Act 2012  
<https://www.legislation.gov.au/Details/C2016C00895>  
 Australian Human Rights Commission Act 1986 (Federal)  
<https://www.legislation.gov.au/Details/C2019C00030>  
 Crimes Act 1914 (Federal)  
<https://www.legislation.gov.au/Details/C2020C00012>  
 Criminal Law Consolidation Act 1935 (SA)  
<https://www.legislation.sa.gov.au/LZ/C/A/CRIMINAL%20LAW%20CONSOLIDATION%20ACT%201935/CURRENT/1935.2252.AUTH.PDF>  
 Fair Work Act 2009  
<https://www.legislation.gov.au/Details/C2019C00270>  
 Volunteers Protection Act 2001 (SA)  
<https://www.legislation.sa.gov.au/LZ/C/A/VOLUNTEERS%20PROTECTION%20ACT%202001/CURRENT/2001.65.AUTH.PDF>  
 Return to Work Act 2014  
<https://www.legislation.sa.gov.au/LZ/C/A/RETURN%20TO%20WORK%20ACT%202014/CURRENT/2014.16.AUTH.PDF>

**Signed on behalf of TBCC Board of Management by:**

**Name:** Jack Hunt

**Position held:** Chairperson

**Signature:**

**2 February 2022**