



# PRIVACY & CONFIDENTIALITY

Branches Lifestyle Support collects personal information in order to conduct its business and to meet its legislative obligations. Organisationally it is bound by legislation in the management of matters relating to the privacy of personal information.

Branches Lifestyle Support is committed to treating the personal information we collect in accordance with the Australian Privacy Principles in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

This policy statement explains in general terms, what sort of personal information Branches Lifestyle Support holds and why we hold it, and how Branches Lifestyle Support collects, uses and discloses that information. This policy statement does not apply to personal information collected by Branches Lifestyle Support that is exempted under the Privacy Act.

## WHAT IS PERSONAL INFORMATION

### **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 material form or not.

Examples include:

- A person's name and address
- Information about likes and dislikes
- Place of employment

### **Sensitive information:** As set out in section 6 of the Privacy Act means:

(a) Information or an opinion about an individual's:

- Racial or ethnic origin
- Political opinions
- Membership of political associations
- Religious beliefs or affiliations
- Philosophical beliefs
- Memberships of professional / trade associations
- Sexual preferences or practices
- Criminal record

(b) Health information about an individual; or

(c) Genetic information about an individual that is not otherwise health information

### **Health information:**

Means information or an opinion about (a) the health or a disability of an individual or (b) an individual's expressed wishes about the future provision of health service to him or her; or (c) a health service that has been provided.

In order to provide the users of our service with the services they request, Branches Lifestyle Support will need to collect and use personal information. If provided with incomplete or inaccurate information, or personal information is withheld from us we may not be able to provide the services being sought.

## REQUIREMENTS OF LEGISLATION

The Commonwealth Government has enacted privacy legislation to protect information held by organisations about personal information (Privacy Act 1988).

In December 2000 the *Privacy Amendment Act (Private Sector) (2000)* further enacted the Privacy Act, (implementing the National Privacy Principles) to include provisions that regulate the way private sector organisations collect, use, disclose, keep secure and provide access to personal information.

Under the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, Branches Lifestyle Support is required to comply with the Australian Privacy Principles. This legislation regulates how we may collect, use, disclose and store personal information including sensitive information and how individuals may access and correct their personal information that Branches Lifestyle Support holds.

## WHY WE COLLECT PERSONAL INFORMATION

Personal information is collected so that we can provide the users of our service with the services they request and to enable us to comply with our legal obligations.

## WHAT PERSONAL INFORMATION DOES BRANCHES LIFESTYLE SUPPORT COLLECT AND HOLD?

The information we collect may include the following:

- Name
- Date of birth
- Occupation
- Address (postal and email)
- Telephone numbers
- Medicare number
- Police checks
- Pension or other concession details
- Medical history, test results, diagnosis and treatments
- Names and telephone numbers of persons to contact in an emergency

In the case of an individual applying for a position, information will be collected relative to the application.

## HOW BRANCHES LIFESTYLE SUPPORT COLLECTS PERSONAL INFORMATION

Wherever practicable, we will collect personal information directly, unless for a particular reason, that is not possible. Examples are:

- Applying for an advertised role
- An administrative form
- Giving personal and sensitive information in person or over the telephone
- Lodging a complaint with Branches Lifestyle Support

Additionally, we may obtain further information from a third party such as:

- An authorised representative (e.g. your Next of Kin or legal adviser)
- A health service provider (e.g. order prosthetics)
- A family member (e.g. a complaint)
- Other sources where necessary to provide services

## HOW WE HANDLE PERSONAL INFORMATION

Branches Lifestyle Support will act to protect personal information in accordance with the Australian Privacy Principles. We collect personal information to provide the users of our service with the services they request. The law also *requires* us to collect personal information.

Personal information may be used within the Branches Lifestyle Support to administer our services, and for risk management purposes. We disclose relevant personal information to external organisations to help us provide services. These organisations are bound by confidentiality arrangements and legislation. Users of the service can seek access to the personal information we hold about them. If the information we hold is inaccurate, incomplete, or out-dated, users of the service are asked to inform us so we can update it. Branches recognises the right of clients and staff to access personal information held about themselves and their right to have a support person of their choice to assist them in accessing such information.

## THE RIGHT TO ANONYMITY / PSEUDONYMITY

Where it is lawful and practicable to do so, individuals may deal with Branches Lifestyle Support anonymously or use a pseudonym (e.g. when enquiring about a service generally) however, in order for us to provide that person with a service, there are circumstances where this won't be achievable.

## CONSENT TO USE AND DISCLOSE YOUR PERSONAL INFORMATION

Branches Lifestyle Support will only collect and use personal and sensitive information that relates directly to the legitimate purpose for which it is being collected e.g. to provide a service or an activity relating to the specific health service such as collection of details for procurement of mobility aids, contract details.

In most cases, before or at the time of collection of personal or sensitive information (if that is not practicable, as soon as practicable thereafter), we will obtain the relevant person's consent to the purposes for which we intend to use and disclose that personal information. On entry to the service, Branches Lifestyle Support clients are asked to complete a "Consent to Release Information" form.

That consent is able to be withdrawn at any time, but it must be understood that by withdrawing consent, we may not be able to provide an individual with the services they require.

## USE OF PERSONAL INFORMATION

Branches Lifestyle Support only uses personal information for the purpose for which it has been given to us, unless one of the following applies:

- The other purpose is directly related to the purpose for which information has been given to us, (and it would be reasonably expected), or we have already indicated that information is usually disclosed for another purpose or to other individuals, organisations or agencies.
- Consent has been given for us to use information for another purpose.
- Branches Lifestyle Support is required or authorised by law to disclose information for another purpose; or
- The disclosure of information is reasonably necessary for the enforcement of the law.

Examples of when personal information may be used include:

- To enable other services providers involved in an individual's treatment to provide continuity of care
- Conveying information to a responsible person (e.g. a parent, guardian, spouse) when the individual is incapable or cannot communicate, unless the individual has requested otherwise
- Conveying information to close family members in accordance with the recognised customs of medical practice
- Management, funding, service monitoring, planning, evaluation and complaint handling
- Legislative and regulatory compliance reporting
- Billing and debt recovery
- Addressing liability indemnity arrangements including reporting to an insurer or legal representative
- Preparing the defence for anticipated or existing legal proceedings

### **Contractors**

Where Branches Lifestyle Support outsources any services or hires contractors to perform professional services within Branches Lifestyle Support the contractor is required to comply with the requirements of the Privacy Act 1988 and other relevant legislation.

### **Job Applications**

Branches Lifestyle Support only collects personal information of individuals who apply for positions within Branches Lifestyle Support for the primary purpose of assessing, (and if successful), engaging the applicant. This information is then used in the following ways:

- Manage the individual's employment
- Insurance purposes
- Ensuring relevant contact information is held
- Satisfying legal obligations

Branches Lifestyle Support may store information about an unsuccessful applicant for the purpose of future recruitment.

### **Employee Information**

Personal information directly related to the employee relationship collected by Branches Lifestyle Support as part of the employment process, including pre-employment checks, becomes exempt under the Privacy Act 1988 immediately the employment relationship is established. Branches Lifestyle Support will review employee access requests on a case by case basis.

Under the Act, Branches Lifestyle Support cannot sell a list of employees to another organisation for the purposes of marketing.

Branches Lifestyle Support acknowledges the recommendation by the Privacy Commissioner that the personal information of employees be handled in a manner that is consistent with that for other personal information.

### **Volunteer Records**

Records of personal information collected and held by Branches Lifestyle Support in relation to its volunteers will be managed in accordance with the Australian Privacy Principles.

## **USE OF COMMONWEALTH GOVERNMENT IDENTIFIERS**

In certain circumstances we are required to collect government identifiers such as Medicare numbers. We will only use or disclose this information in accordance with the law.

## **SECURITY OF PERSONAL INFORMATION**

Branches Lifestyle Support will take all reasonable steps to keep the personal information provided to us secure and to protect it from misuse, interference and loss as well as unauthorised access, modification or disclosure.

We have a range of procedures in place to provide a secure environment for the personal (and other information) we hold. Our security measures include but are not limited to:

- Educating our staff about their obligations with regard to personal information
- Requiring our staff to use passwords when accessing our systems
- Employing firewalls, intrusion detection systems and virus scanning tools to protect against unauthorised persons and viruses entering our systems
- Using secure networks
- Providing secure storage for physical records

When information we hold is identified as no longer needed for any purpose we ensure it is effectively and securely destroyed e.g. by shredding and other means as in the case of electronic records and equipment.

## **ACCURACY OF PERSONAL INFORMATION**

It is our aim to ensure that the personal information we hold is accurate, complete, up-to-date and relevant. If a user of the service believes that any of the information we hold is not accurate, complete or up-to-date, it is encouraged that contact be made with us to have it corrected.

Where we are satisfied that that the information we hold is faulty, we will take all reasonable steps to correct the fault. If we are unable meet the request, we will provide formal advice as to the reason we cannot change certain information.

## **CROSS BORDER DISCLOSURE [TRANSFER OF INFORMATION OVERSEAS]**

In the unlikely event that Branches Lifestyle Support transfers personal information to countries outside Australia, we will only do so in compliance with applicable Australian data protection and privacy laws. We will take all reasonable steps to protect personal information no matter what country it is stored in or transferred to. There are no foreseeable circumstances at present where information or data, relevant to people who use our service, is stored or transferred to any overseas destination.

## **GAINING ACCESS TO PERSONAL INFORMATION**

Users of the service can request at any time to access their own personal and sensitive information held by Branches Lifestyle Support. We do not request any fees or charges to access personal information.

## **MAKING A COMPLAINT OR CONTACTING US**

Any party with concerns about the personal or sensitive information we collect, use, hold or disclose, or complaints about possible breaches of privacy rights, is encouraged to contact Branches Lifestyle Support.

## **REQUIREMENTS FOR BRANCHES LIFESTYLE SUPPORT EMPLOYEES**

Staff are required to recognize that as a condition of their employment with Branches Lifestyle Support, that they are obliged to ensure that they will not commit, or in any way be party to, or knowingly permit, any of the following:

- An improper disclosure of any confidential matters of Branches Lifestyle Support.
- The retention of any confidential information or documents used by them or others during the term of their employment.

Staff need to confirm that they have been advised of the policy of Branches Lifestyle Support in this regard and that they are fully aware of their obligation to keep personal information private and confidential.

Staff must recognize that this obligation continues after they cease employment with Branches Lifestyle Support and that they cannot disclose to any future employer, or use for their own purposes, any confidential information, records, documentation or materials that they may have had access to in the term of their employment.

Confirmation of the agreement to the non-disclosure is required as part of the contract of employment.