

Privacy Board Policy

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Scope

Entity	Service	Applicable to
Indigo Australasia	All departments	All employees and volunteers
Exclusions: None		

1. POLICY STATEMENT

Indigo Australasia is committed to complying with the Privacy Amendment (Enhancing Privacy Protection) Act 2012, in relation to the personal and sensitive information it collects. The Privacy Amendment Act incorporates the Australian Privacy Principles, and both personal and sensitive information held by the Organisation will be treated in accordance with those Principles.

2. AUTHORITY

Adopted by Indigo Board on Wednesday, 28 October 2020.

3. PURPOSE AND BACKGROUND

Indigo Australasia respects the privacy of individuals, and is open about the way it handles all, personal information (including sensitive information and health information) given to it by employees, volunteers, customers and members of the public.

4. RELATED DOCUMENTS

RELEVANT LEGISLATIVE CONTEXT OR AUTHORITY

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- Privacy Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) – Australian Privacy Principles
- Privacy Regulation 2013
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- State Records Act 2000 (WA)
- Freedom of Information Act 1992 (WA)
- National Disability Insurance Scheme Act 2013

RELATED INDIGO POLICIES

- Customer Feedback Management Board Policy
- Information and Communications (ICT) Policy
- Employee and Volunteer Code of Conduct Board Policy

OTHER DOCUMENTS

- Aged Care Quality Standards
- National Standards for Disability Services
- NDIS Practice Standards and Quality Indicators
- NDIS Code of Conduct
- Board Governance Framework
- Customer Feedback Management Guideline
- Consent Guideline
- Open Disclosure Guideline
- Notifiable Data Breaches Procedure

5. DEFINITIONS

5.1. Personal information - Personal Information has the meaning provided in the *Privacy Act 1988 (Cth)* which is “*information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.*” Personal information includes sensitive information and health information.

5.2. Sensitive information - information or an opinion 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.

5.3. Health Information has the meaning provided in the *Privacy Act* (Cth) and includes:

- information or an opinion about the health or a disability of an individual;
- an individual's expressed wishes about the future provision of health services to him or her;
- a health service provided, or to be provided, to an individual; and
- other personal information collected to provide, or in providing a health service.

5.4. The term "staff" in the procedures below includes Board members, staff, contractors and volunteers.

6. PROCEDURES

Indigo will only collect, hold, use and disclose personal information that is reasonably necessary for the purposes of delivering Indigo services.

6.1. Staff will only use personal information to:

- identify consumers, carers and service users;
- communicate with service users and stakeholder about our services;
- provide services to consumers, carers and stakeholders;
- evaluate and improve our services; and
- meet statistical and reporting requirements.

6.2. Staff will collect the following types of personal information to deliver services:

- names, title, contact phone, email and address details;
- date of birth and gender;
- employment status, Centrelink payments, Department of Veteran Affairs number;
- marital status;
- driver's licence details; and
- bank account details.

6.3. Staff will collect the following types of sensitive information only if the individual consents, and it is reasonably necessary for Indigo/ILA's delivery of services to the individual concerned:

- ethnicity;
- languages;
- health;
- disability;

- personal information about individuals' care needs, family or friends caring roles; and
- photograph and video footage.

6.4. Staff will not disclose personal or sensitive information collected with other parties, including overseas recipients, without the consent of the person concerned.

6.5. In addition, staff will:

- consider providing information services only to an individual who wishes not to identify themselves, or who have used a pseudonym, without jeopardising the outcome of services to be delivered;
- collect personal information directly from the person concerned in a lawful and fair manner, or collect information from a third party, with the consent of the person concerned;
- notify the person concerned at the time of, or as soon as practicable, of Indigo's intention to collect, record, use and disclose personal information received. Notification must include Indigo's identity, contact details, the purposes for which personal information is collected, and the main consequences (if any) for the individual if all or some of the information is not collected;
- ensure that the personal information that Indigo collect, use and disclose is accurate, up to date and complete and (in the case of use and disclosure) relevant;
- destroy or permanently de-identify personal information that is no longer needed for any purpose that is permitted by the Australian Privacy Principles, including information received by unsolicited means;
- not use or disclose information collected for another purpose, other than the primary purpose for the information collected, including the use of personal information for direct marketing, unless the individual concerned has consented to this use or disclosure for that purpose. Indigo will provide a simple means by which the individual can easily request not to receive direct marketing communications from the organisation;
- upon request by the individual, give the individual access to their personal information. A request for personal information must be made in writing to the service manager. A written response to this request is required within 30 days from the relevant service manager. Indigo will not charge the individual for making a request or for giving access to the personal information;

- correct the personal information upon request from the individual concerned to ensure that, having regard to the purpose of which it is held, the information is accurate, up to date, complete and relevant and not misleading. If Indigo refuses to correct the personal information as requested by the individual, then the reasons must be documented in writing for the refusal and the means available to complain about the refusal;
- promptly investigate, remedy and document any complaint or grievance regarding the handling of personal or sensitive information in accordance with Indigo’s Consumer Complaints and Feedback Policy;
- provide copy of Indigo’s Privacy Policy on request to consumers, carers and families, stakeholders and suppliers; and
- report any suspected breach of privacy to their Manager and assist in the subsequent investigation and mitigation of suspected data breaches.

6.6. In certain circumstance Indigo may not be able to obtain consent before collecting personal information. These circumstances may involve customers not being able to communicate consent to us for reasons which may include age, cognitive impairment or other illness. In these circumstances, Indigo may be limited in how it can collect, use and disclose personal information. Indigo will only do so in accordance with the Privacy Legislation. If customers are not able to provide consent, the Privacy Legislation allows us to obtain consent from a legal guardian or attorney or someone else who is entitled to act on their behalf. Similarly, if a customer cannot give consent for any reason, the Privacy Legislation also allows Indigo to disclose personal information in limited circumstances if the disclosure is necessary to enable the provision of appropriate care or treatment

6.7. Indigo must securely store and protect the personal information held from misuse, interference, and loss and from unauthorised access, modification or disclosure. Indigo Australasia Information Technology (IT) systems are password protected and comply with relevant security standards.

7. GOVERNANCE

Date Created: August 2018	Date Endorsed: 22/08/2018	Next Review Date: April 2022
Date Reviewed: 28 October 2020	Reviewed By: Indigo Board	Approved By: Indigo Board
Comment: 05/02/2020 – Policy amended to change name from ILCWA to Indigo		

