

PRIVACY POLICY

1 Policy statement

Concern Australia values and respects the right to privacy of every person that we deal with.

Concern Australia is committed to protecting all personal information that we collect and complying with the *Privacy Act 1988* and other applicable privacy laws, regulations, standards and contractual obligations.

2 Scope

This policy applies to all clients and their families, staff, volunteers, contractors, placement students, donors, supporters and partners.

3 Definitions

Personal information

Information or an opinion about an identified person (or a person who is reasonably identifiable). Personal information can be:

- true or false
- verbal, written or photographic
- recorded on unrecorded

Personal information does not include:

- anonymous information
- aggregated information (eg data that reflects trends)
- de-identified information not reasonably capable of re-identification
- information about companies or other entities which does not identify individuals

Sensitive information

A special category of personal information subject to stricter legal requirements for collection, storage, use and disclosure. Sensitive information is information or an opinion about a person'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
- criminal record, including court proceedings
- health information (see below)

Health information

Health information is generally afforded a higher level of protection under Privacy Laws.

Health information includes information or opinions about a person's:

- physical and mental health
- disability (at any time)
- health preferences (including future provision of health services)
- use of health services
- bodily donations (eg blood, organs)
- genetics

4 Responsibilities

CEO/Executive Team

Promote a culture that values privacy.

Promote awareness and understanding of this policy.

General Manager –
Business Operations

Respond to requests for access to personal information.

Managers

Ensure that workers are aware of and understand this policy.

Identify privacy risks in area of responsibility.

Monitor and enforce policies.

Provide leadership by example.

All employees

Comply with this policy.

Maintain confidentiality of workplace information (including but not limited to client information, payroll, finance, HR, complaints, investigations etc) in accordance with our Code of Conduct.

Report breaches of this policy.

5 Guidelines

5.1 Collection of personal information

Concern Australia collects personal information from clients and their families, staff, volunteers, contractors, placement students, donors, supporters and partners.

We collect personal information in several ways including directly through conversation, by email, by telephone, through our website, and via referral forms and assessments. We will only collect information by lawful and fair means.

We will only collect information if it is relevant and reasonably necessary for one or more of our functions or activities. These include:

- the accommodation and support of young people in out of home care through our Inside Out program
- provision of training to young people through our Hand Brake Turn program
- provision of support to young people through our Steps homelessness outreach program
- recruitment and employment/engagement of staff, volunteers, contractors and placement students
- Association membership
- fundraising

5.2 Collection of sensitive and/or health information

We may need to collect sensitive information about you. This might include information about your cultural or ethnic origin, religious beliefs or gender and sexual orientation.

We may collect health information about you (such as information regarding disability or mental health) when we have your consent or when we are required or authorised by law to collect such information eg Concern Australia is required to collect medical history for clients in some programs.

5.3 Collection of information via our website

You can visit any Concern Australia website without identifying yourself or providing personal information.

If you identify yourself (for example, by providing your contact details in an enquiry, or donating through our secure portal, any personal information you provide to us will be managed in accordance with this Privacy Policy. Sensitive payment information (eg credit card details) is not recorded.

Our website uses 'cookies'. A 'cookie' is a small file stored on your computer's browser which assists in managing customised settings of the website and delivering content. We collect certain information such as your device type, browser type, IP address, pages you have accessed on our website and on third-party websites. Cookies captured from your activity on our website(s) enable us to:

- maintain the continuity of your browsing session
- remember your details and preferences when you return
- use Google Analytics to collect information such as demographics and interests, visits to our websites, length of visit and pages viewed
- tailor our advertising through networks on other websites; or other marketing purposes

If you do not wish to enable this function, you can set your browser to notify you when you receive a cookie and this will allow you to either accept or reject it. Please note that rejecting cookies may affect some of the functions on our website.

Our website may contain links to third-party websites which includes but is not limited to:

- social media accounts
- articles and information
- funding bodies
- other service providers
- private companies

We are not responsible for the content or privacy practices of websites that are linked to our website, and when selecting to follow a link, you do so at your own discretion.

5.4 Use and disclosure of information

We will normally only use or disclose personal information for the purposes for which it was collected and for purposes that are related to one of our services or activities.

We may disclose personal information to external organisations including:

- government departments or agencies who provide funding for our services
- contractors who assist in the delivery of our services
- auditors and regulatory bodies
- when providing references for former employees/volunteers

Except as set out above, we will not disclose your personal information unless one of the following applies:

- we have obtained consent
- you would reasonably expect us to use or disclose the information because it is directly related to the purpose for which it was collected
- we are required or authorised to do so by law
- it will lessen or prevent a serious threat to an individual's life, health or safety or the public's health or safety
- it is reasonably necessary to locate a missing person
- it is reasonably necessary to assist a law enforcement agency to perform its function

5.5 Transfer of information outside Victoria

Some organisations to which we disclose information may be located, or may store information on computer servers, outside Victoria. We will take all reasonable steps to ensure that any recipient organisation is subject to the same legal obligations to protect privacy that apply to us.

5.6 Consent

Legislation does not identify an exact age at which people can make their own privacy decisions. For consent to be valid, the person must have the capacity to provide consent, including sufficient maturity and understanding of what is being proposed.

In line with the Office of the Australia Information Commissioner recommendations, we will generally assume that any person over the age of 15 will have capacity to consent unless there are known reasons that impact the individual's capacity.

5.7 Information sharing

Concern Australia is an Information Sharing Entity under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme. These Schemes recognise that a child's safety and wellbeing and the safety of an individual at risk of family violence take precedence over privacy.

Consent to collect or disclose personal information is not required under the following circumstances:

- to promote the safety and wellbeing of a child
- when assessing or managing the risk of family violence to a child

- when information relates to a perpetrator or alleged perpetrator of family violence, for the purpose of assessing or managing family violence risk

5.8 Quality of information

We will take reasonable steps to ensure that personal information that we collect, use, store and disclose is accurate, complete and up to date.

5.9 Security and storage of information

We may store personal information in hard-copy documents, as electronic data or in our software or IT systems (and those of our service providers).

We take reasonable steps to protect personal information that we store from loss, misuse, unauthorised access, modification or disclosure.

These measures include password protection and two-factor authentication for accessing our electronic systems, securing paper files in locked cabinets and physical access restrictions.

We will notify any affected individual if a data breach occurs that is likely to result in serious harm.

5.10 Retention and disposal of information

We will only keep personal information for as long as it is required by law. Information that is retained will be archived in a manner that enables retrieval but does not compromise security.

If personal information is no longer required, it will be destroyed in a secure manner.

5.11 Right to access and correct your information

We try to ensure that personal information we hold is accurate, complete, and up to date. If you ask us we will provide you with access to, and allow you to correct, personal information that we hold about you, although this is subject to exceptions under the *Information Privacy Principles* and *Health Privacy Principles*, for example where:

- access would pose a serious threat to the life or health of any individuals
- access would have an unreasonable impact on the privacy of others
- the information relates to commercially sensitive decision-making processes
- access would be unlawful or denying access is required or authorised by law
- access would prejudice enforcement activities relating to criminal activities and other breaches of the law, public revenue or a security function; or
- the information is to be used in legal proceedings

Requests for access should be made to the General Manager – Business Operations. For security reasons, requests must be made in writing and proof of identity must be provided. This is necessary to ensure that personal information is only provided to the correct individual and the privacy of others is not compromised.

We will take all reasonable steps to provide access to the requested information 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 reasonable steps to provide access to the requested information within 30 days.

If we refuse to provide access or to make changes, we will provide you with the reason(s).

5.12 Making a complaint

You have the right to make a complaint if you have a concern about how we handle, process or manage your personal, sensitive or health information. Complaints may be submitted in a variety of ways, as detailed in our *Complaints Policy*.

6 Review and publication

This *Privacy Policy* will be reviewed every three years from date of issue or earlier in the event of legislative or regulatory changes.

Version control

Issue date	Version	Author	Reviewer/Approver	Description of Changes
25 May 2016	2.0	B Caicedo	G Wardan	Extensive updates
31 Mar 2021	2.1	M Wells		Format and logo
24 Nov 2023	3.0	M Wells	Executive team	Policy significantly rewritten. This policy replaces the <i>Privacy and Confidentiality Policy</i> .

Related documents

Relevant legislation/standards	Associated policies/forms
<i>Charter of Human Rights and Responsibilities 2006 (Vic)</i> <i>Privacy Act 1988 (Cwth)</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Health Records Act 2001 (Vic)</i> <i>Public Records Act 1973 (Vic)</i> <i>Fair Work Act 2009 (Cwth)</i> <i>Freedom of Information Act 1982</i> <i>Children, Youth and Families Act 2005 (Vic)</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i> <i>Family Violence Protection Act 2008 (Vic)</i> <i>Australian Privacy Principles (APPs)</i> <i>Information Privacy Principles (IPPs)</i> <i>Health Privacy Principles (HPPs)</i> <i>Victorian Protective Data Security Standards 2016</i> <i>Notifiable Data Breaches Scheme 2017</i> <i>Child Information Sharing Scheme 2017</i> <i>Family Violence Information Sharing Scheme 2017</i>	Code of Conduct Risk Management Policy Complaints Policy Incident Reporting Policy Live-in Mentor’s Handbook Young Person’s Handbook Learner’s Handbook Photo/video consent form



Signed acceptance (for employees/volunteers)

Please sign and date the following acceptance to confirm that you have received a copy of this Policy and agree to abide by the conditions contained within.

Acceptance

I, have read and understood Concern Australia’s *Privacy Policy* and agree to abide by its provisions.

I understand that any breach of this policy will render me liable to appropriate disciplinary action which may result in dismissal, and improper use and disclosure of such information obtained directly or indirectly by virtue of my employment/engagement by or association with Concern Australia may also lead to prosecution.

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Signature of employee/volunteer

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Full name of employee/volunteer

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Position

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Date