


# PRIVACY POLICY

	<b>Drafted by:</b>	Sandra Di Giantomasso
	<b>Administered by:</b>	Network Coordinator & CoG
	<b>Approved by Committee of Governance:</b>	
	<b>Next Review:</b>	

## POLICY

### INTRODUCTION

Network West Inc. is committed to meeting its legal obligations in relation to information privacy in the collection, administration, storage and disposal of personal information. Personal information is information which directly or indirectly identifies a person. It includes all written, verbal, photographic and digital forms of information.

Network West recognises the human right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and defined in this policy.

Network West is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles as minimum standards in relation to handling personal information.

### PURPOSE

**The purpose of this document is to:**

- provide a framework in the collection, use and disclosure of personal information in dealings with members, funding and reporting bodies
- protect the information entrusted to Network West by member organisations
- adhere to legislative requirements as set out in the:
  - [Privacy and Data Protection Act 2014](#) - Victorian legislation which applies to personal and sensitive information collected as part of Department of Health and Human Services contracted services.
  - [Health Records Act 2001](#) – Victorian legislation that applies to all organisations that handle health information.
  - [Privacy Act 1988](#) – Commonwealth legislation on responsible collection and use of personal and sensitive information.

### DEFINITIONS

**Personal information:** information or an opinion that is recorded in any form and whether true or not, about an individual or member organization whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Sensitive information:** information or an opinion about an individual's racial or ethnic origin, political opinions or membership, trade union affiliations, philosophical or religious beliefs, sexual orientation or criminal record.

**Health information:** information or opinion about the physical, mental or psychological health, or disability of an individual.

# PROCEDURES

## RESPONSIBILITIES

### *It is the responsibility of the Committee of Governance to:*

- adhere to the provisions of the relevant legislation or Award/Agreement
- review this policy when the need arises
- inform the Networker and committee members as part of their induction to Network West of this Policy.

### *It is the responsibility of the Network Coordinator to:*

- implement this policy, monitor changes in Privacy legislation, and advise the need to review this policy as and when the need arises.
- Inform staff and volunteers of this Policy as part of their induction to Network West

### *It is the responsibility of all employees, committee members and volunteers to:*

- adhere to this policy and sign a Confidentiality Agreement (refer Appendix B)

## PROCESSES

### Collection

#### *Network West will:*

- Only collect information that is necessary for the performance and primary function and reporting of core business of the network
- Inform stakeholders about collection of information via a privacy statement, wherever practicable. This statement notifies stakeholders why we collect the information and how it is handled. Refer Appendix A
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Ensure conversations or meetings where personal information is discussed take place in a private setting.

### Use and Disclosure

#### *Network West will:*

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose such as required reporting.
- Only use or disclose personal information collected for a secondary purpose where:
  - the secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
  - the person has consented; or
  - certain other legal reasons exist or disclosure is required to prevent serious and imminent threat to life, health or safety.
- For other uses, obtain consent from the relevant person or organisation

- Only use personal information for direct marketing if the person whose personal information has been collected has consented (ie. they have not taken an opt-out option).
- Provide all individuals access to their own personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the personal information is not accurate, then Network West must take steps to correct it.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.

## **Data Quality**

### ***Network West will:***

- take reasonable steps to ensure the information collected is accurate, complete, up to date, and relevant to the functions we perform.

## **Data Security and Retention**

### ***Network West will:***

- Safeguard personal information it collects from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure. Any sensitive information that is current, will be kept in a secure location either online or in a lockable filing cabinet and only accessed by the Networker Committee of Governance and Finance Officer.
- Only destroy records in accordance with the Records Management Policy.
- Ensure all information is handled in accordance with the person or organisation's expectations.

## **Openness**

### ***Network West will:***

- ensure stakeholders are aware of Network West's Privacy Policy and its purposes.

Make this policy freely available on the Network West website.

- submit an annual Service agreement compliance certification (SACC) stating it complies with information privacy.
- immediately notify the Department of Health and Human Services if Network West becomes aware of a breach or potential breach by the organisation (or any person acting on behalf of the organisation)

## **Access and Correction of personal information**

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date. Where that individual is unknown to the staff member, a visible form of identification is required.
- Ensure all requests for information disclosure are referred to the Networker. In some cases, consistent with the Privacy Act, Network West may refuse to give individuals access to personal information it holds about them. In such cases, reasons for refusal will be provided. Reasons for denying access include;
  - If it poses a serious and imminent threat to the life or health of any individual
  - If it will have an unreasonable impact on the privacy of other individuals
  - If it is unlawful

- If it is likely to prejudice an investigation of possible unlawful activity
- If the request for access is frivolous or vexatious
- If the information relates to existing legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery or subpoena in those proceedings.

If an individual requests access to, or the correction of personal information held, Network West will as soon as practicable, but no later than 45 days after receiving the request:

- provide access, or reasons for the denial of access;
- correct the personal information, or provide reasons for the refusal to correct the personal information; or
- provide reasons for the delay in responding to the request for access to or correction of personal information

### **Anonymity**

- Where lawful and practicable, allow people from whom the personal information is being collected to not identify themselves or use a pseudonym

### **Making information available to other organisations**

#### ***Network West can:***

- Only release personal information about an individual with that person's written consent.

### ***Related Documents***

- Complaints & Appeals Policy
- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act (Vic)
- DHHS Service Agreement Information Kit
- Records Management Policy

## APPENDIX A

### PRIVACY STATEMENT – To be used when collecting personal information

We believe your privacy is important.

We have put in place a Privacy Policy which illustrates how we will collect, use, disclose, manage and transfer personal information including health information. This policy is available on request.

Network West is bound by the Commonwealth and Victorian Privacy Laws. If we need to collect health information we are bound by the Health Records Act 2001. Health information is information about the physical mental or psychological health of an individual. If we have collected personal information we are bound by the Privacy Act 1988 and Privacy and Data Protection Act 2014. Personal information means recorded information or opinion about a readily identifiable individual.

If you are unsure about this, please contact the Networker.

#### **Purpose for which information is collected**

The reasons for which we generally collect personal information are:

<b>Personal information and health information collected in relation to:</b>	<b>Primary purpose for which information will be used</b>
Committee members	To comply with the requirements of the ACNC. For the management of the Network by the Committee of Governance
Job applicants, employees, contractors, volunteers and students on placement	To assess and (if necessary) to engage the employees, contractors, volunteers or students, as the case may be. To administer the individual's employment, contracts or placement of students and volunteers
Member organisations	To comply with the requirements of Department of Health & Human Services. For planning and registration purposes.

You should be aware that under relevant privacy legislation, other uses and disclosures of personal information are permitted, as set out in the legislation.

#### **Disclosure of personal information, including health information**

We may disclose some personal information, including health information held about an individual to:

- Government departments or agencies as part of our legal and funding obligations,
- Local Government for planning purposes,
- Organisations providing services related to employee entitlements and employment,
- Anyone to whom the individual authorises us to disclose information.

#### **Access to Information**

Individuals on whom we hold personal or health information are able to gain access to this information in accordance with applicable legislation. The procedure for doing this is set out in our Privacy Policy which is available on request.

## APPENDIX B

### PRIVACY, CONFIDENTIALITY AND SECURITY AGREEMENT

**Network West** is committed to ensuring we comply with relevant privacy, confidentiality and security legislation to protect our members, staff and organisation.

All persons, including Network West's employees, contractors, volunteers, students and committee members who come into contact with, or have access to confidential information have a responsibility to maintain privacy, confidentiality and security of that information.

To assist Network West to comply with legislation, staff and committee members are encouraged to make themselves aware of the content of the 'Privacy Policy' and the impact on their role. If you have any questions or concerns relating to privacy, confidentiality or security of information whilst employed or on the committee of Network West, please contact the Networker or Chairperson.

Confidential information may include information relating to:

- employees, contractors, volunteers, eg salaries, employment records, disciplinary actions
- third parties, eg vendor contracts, computer programs, technology
- business information, eg financial records, reports, memos, contracts
- operations improvement, quality assurance, peer review eg reports, presentation, survey results

**As part of my employment or as a committee of governance member, I understand and agree to the following:**

1. I WILL protect the privacy of Network West's members and employees.
2. I WILL report any activities to the Chairperson of the Committee of Governance (or other committee members) that I suspect may compromise the privacy or confidentiality of information. I understand these reports, made in good faith, will be held in confidence to the extent permitted by law.
3. I WILL NOT disclose, copy, release, sell, alter, misuse, be careless with or destroy any confidential information unless it is part of my job to do any of these tasks, whereby I will follow the correct procedures.
4. I WILL ONLY access information I need to do my job or to support my role on the committee
5. I WILL NOT remove confidential information from Network West unless it is an authorised work practice
6. I AM RESPONSIBLE for my use of confidential information
7. I UNDERSTAND my obligations under this Agreement will continue after termination of my employment or after I have left the committee of governance
8. I am aware that failure to comply with this agreement may result in the termination of my employment with Network West or as a committee member and depending on severity of confidentiality breach may end up in civil or criminal penalties.

By signing this, I agree that I have read, understand and will comply with this Agreement.

<b>Name</b>	
<b>Position</b>	
<b>Signature</b>	
<b>Date</b>	