



Burnett Respite Services Ltd  
Trading As Carinbundi

## **PRIVACY & CONFIDENTIALITY POLICY**

**This is a Controlled Document**

### **Document Information and Revision History**

<b>Original Ratification</b>	11 <sup>th</sup> April, 2006	New Policy
<b>Original Author/s</b>	General Manager	Peter Cullen

### **Revision History**

Revision No.	Date	Author/s	Notes
1	April 2009	General Manager	Review of all Policies.
2	11 <sup>th</sup> June, 2011	General Manager	Rewrite into new format.
3	11 <sup>th</sup> June, 2011	General Manager	Review and ratification of all Policies.
4	17 <sup>th</sup> July, 2013	General Manager	Bi-annual Review of Policies.
5	19 <sup>th</sup> February, 2014	General Manager	Rewrite to meet requirements of the Privacy amendment (Enhancing Privacy Protection) Act 2012.
6	23 <sup>rd</sup> November, 2017	MRH Lawyers	Complete Rewrite.
7	3 <sup>rd</sup> April, 2018	CEO	Creation of replacement, improved, policy.
8	20 <sup>th</sup> November, 2019	CEO	Merge of the Confidentiality Policy into the Privacy Policy.
9	23 <sup>rd</sup> September, 2022	CEO & Quality Manager	Reviewed policy – added Regular Review. Section – No: 26.
10	9 <sup>th</sup> November, 2023	Senior Quality Manager	Update of Policy to reflect QMS Numbering System.
11	13 <sup>th</sup> February, 2024	Senior Management Team	Update of Policy to reflect staff.

## **Privacy & Confidentiality Policy**

### **1. Objectives**

The objectives of this policy are to:

- Protect and uphold the right to privacy of all clients, staff, volunteers, and representatives of agencies we deal with;
- The policy conforms to the *Privacy Act 1988 (Cth)* and the *Australian Privacy Principles* which govern the collection, use and storage of personal information;
- Will apply to all records, whether hard copy or electronic, containing personal information about individuals and to interviews or discussions of a sensitive personal nature; and
- This policy applies to internal records, client records and unpublished materials of Carinbundi.

### **2. Responsibilities**

The Board is committed to good corporate governance and acknowledges the importance of proactively monitoring and reviewing organisational policies and procedures. In the interests of good corporate governance and recognising the skills of the CEO and team in this area the Board delegates the responsibility for the monitoring and review of all policies and procedures to the CEO, except where a policy or procedure relates to corporate governance or work health and safety.

The Board shall be responsible for:

- The monitoring, review, and revision (where necessary) of all organisational policies and procedures related to corporate governance and work health and safety;
- Overseeing the CEO and his or her annual monitoring, review and revision of organisational policies and procedures; and
- Auditing compliance with corporate governance, work health and safety policy provisions, record keeping, and training.

The Board reserves its right to withdraw or delegate responsibilities to other officers within the organisation from time to time.

The CEO shall be responsible for:

- The annual monitoring, review, and revision (where necessary) of all organisational policies and procedures (excluding corporate governance and work health and safety policies);
- Auditing compliance with policy provisions, record keeping and training; and
- Annual reporting to the Board of all reviews of Policies and Procedures as part of regular annual performance reviews.

All Staff are responsible for:

- Adhering to all policies and procedures of the organisation; and
- Ensuring they are fully aware of and understand their obligations in relation to this policy.

### 3. Policy

Carinbundi complies with the obligations under the *Privacy Act 1988 (Cth)* (the 'Act') and the *Office of the Australian Information Commissioner*. The organisation will follow the guidelines of the *Australian Privacy Principles* in its information management practices.

Carinbundi is committed to protecting and upholding the right to privacy of all clients, staff, volunteers, the Board, and representatives of agencies we deal with. In particular, is committed to protecting and upholding our clients' right to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

Additionally, Carinbundi requires the Board members, staff, volunteers, and contractors to respect and maintain the confidentiality of individuals and the organisation's business generally. From time to time, the above personnel have access to information that is confidential to Carinbundi, other agencies that have dealings, or to other Board members, staff, volunteers, and contractors.

By committing transparency in its operations and ensuring it is open to public scrutiny Carinbundi must also balance and uphold the rights of individuals to privacy and of the organisation to confidentiality on sensitive corporate matters. Carinbundi will prevent unauthorised persons from gaining access to an individual's confidential records and permit individuals' access to their own records when this is reasonable and appropriate. Accordingly, access to some documents and records will be limited to specified individuals and not be available to others for viewing.

Carinbundi will ensure that:

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

By accessing the Carinbundi website, engaging our services, or providing personal information to us, the client consents to the collection, use, and disclosure of that information to the terms of this policy, as well as any other contractual or other arrangements (if any) that may apply between the client / staff and Carinbundi. It is a requirement, prior to commencement or employment that all staff are to sign the *Confidentiality Agreement* and adhere to the agreement. A client / staff continued use of the Carinbundi website and / or services, indicates that they accept the conditions of this Policy, and consent to the collection and use of any personal information the client / staff provides while using our services or website.

#### 4. Procedures

##### Collecting Personal Information:

Personal information collected by Carinbundi may include but is not limited to the following:

- **Providing Services to Clients** – Carinbundi collects clients, staff, and family members personal information such as names, addresses and other contact details. Detailed history such as date of birth, health information, needs and circumstances (e.g. living arrangements), records or communication and other information as may be required in order to provide services. The specific information will depend on the type of service being provided, and will be collected from the client before and during the provision of services;
- **Distributing Publications and Direct Marketing** – Carinbundi may collect and store personal information on their publications and / or direct marketing list (e.g. name, address, email address and contact details) in order to distribute newsletters and other communications in print and electronic form to staff, family members, clients we have met or provided services to. Carinbundi will only use sensitive information (e.g. health information) for direct marketing purposes with the client's express prior consent. Clients may opt-out of receiving direct marketing by contacting the Privacy Officer (*refer to contact details page 12*), or opting out by the mechanism provided;
- **Assisting with Client Queries** – clients may choose to provide Carinbundi with their name or other contact details when they call the organisation by phone (or write to us) so that Carinbundi can respond to their requests for information about services and / or operations. If a client chooses to remain anonymous, Carinbundi may not be able to provide the full range, or any, services to that person;
- **Conducting Our General Business Activities** – Carinbundi collects personal information about individuals for general business operations. From time to time, Carinbundi may collect, use and disclose personal information for 'quality assurance', risk management, billing and administrative purposes;
- **Research** – if a client agrees to be contacted about research opportunities for which they may be eligible, Carinbundi may place their name and contact details onto the organisation's internal research database. The client must be informed about the purpose of the research project, the information to be collected, and how; the information they provide will be used and given copies of any subsequent publications. Clients may opt-out of participation in research activities at any time by contacting our Privacy Officer (*refer to contact details on page 12*). The collection of personal information will be limited to that which is required for the conduct of the project and individual clients will not be identified. Organisational clients in research projects will generally be identified in Carinbundi research unless the nature of a particular project requires anonymity or an organisation specifically requests it.
- **Sensitive information** – Carinbundi may collect sensitive information if it is relevant to the provision of services. That information will be treated in accordance with the requirements of the Act and any state and / or Territory Health Information Legislation.

It is usual practice to collect personal information directly from the staff, client, or their authorised representative such as a carer, guardian, or other responsible person. At the initial intake assessment and recruitment, clients and staff will be told what information is being collected, how their privacy will be protected and their rights in relation to this information.

A personnel HR file is held for each staff member for 7 years and contains the following:

- Contact details and contact details in case of an emergency;
- A copy of the employee's contract;
- All correspondence relating to job description changes, salary changes, leave entitlements such as long service leave, continuous service leave, unpaid and parent leave.

Access to personnel information is restricted to the HR Manager, CEO, Community Relations Manager / EA, and authorised staff.

Carinbundi collects information from an authorised representative if the client has consented for the organisation to collect the information in this way. Where it is not reasonable or practical for Carinbundi to collect this information directly from the client (such as in an emergency, because the client is not able to provide the information required, or where collection in this way is not lawful), Carinbundi will look at the most reasonable and an efficient way to collect the information without inconvenience to the client.

If a client chooses not to provide certain personal information to Carinbundi, it may not be possible to provide a client with the services they require or communicate with the client.

In addition to the means of collection of information set out above, Carinbundi may also collect personal information:

- When the client provides information through the Carinbundi website;
- From 3<sup>rd</sup> parties such as 'credit reporting bodies';
- From any of Carinbundi's related companies;
- From publicly available sources of information; and
- From 3<sup>rd</sup> parties, where it is reasonably necessary or normal business practice, so that Carinbundi can continue to provide clients with Carinbundi services.

Carinbundi also collects limited information about all visitors to Carinbundi's online resources, such information is used only to identify generic behavioural patterns. Carinbundi may use cookies, Google Analytics, or other technology to track visits to the Carinbundi website to monitor its effectiveness, maintain our server, and improve services.

Types of data collected include:

- Server address;
- Top-level domain name (for example - .com, .gov, .au, etc);
- The date and time of a visit to the site;
- The pages accessed and documents downloaded during a visit;
- The previous site/s visited;

- If a person visited the Carinbundi site before;
- The type of browser used.

**These statistics will not identify you as an individual.**

### ***Dealing with Personal Information:***

Personal information is collected when it is necessary to undertake and provide services and activities, this may include sensitive information, including but not limited to, health information. Carinbundi collects personal information so that the organisation can improve and perform business activities and functions, to provide clients / staff with any products or services they may request, or to respond to any query or complaint that they may have.

In dealing with personal information, Carinbundi staff will:

- Ensure privacy for clients, staff, volunteers, or the Board when they are being interviewed or discussing matters of a personal or sensitive nature;
- Only collect and store personal information that is necessary for the functioning of the organisation and its activities;
- Use fair and lawful ways to collect personal information;
- Collect personal information only by consent from an individual;
- Ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it;
- Ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual or correct wrong information about themselves;
- Take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure;
- Destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired; and
- Notify the individual and the Office of the Australian Information Commissioner (OASIC) when there has been a data breach (or suspected breach) of personal information if it is likely to result in serious harm to individuals whose privacy has been breached.

Carinbundi will not share any of a client's personal information with 3<sup>rd</sup> parties without client's consent, except:

- If Carinbundi are required by law, or it is believed in good faith that such action is necessary in order to comply with the law, co-operate with law enforcement or other government agencies, or comply with a legal process served on the company (including other service providers or insurers) or court order;
- If disclosure of the information will prevent or lessen a serious and imminent threat to somebody's life or health;
- To our contractors, service providers and volunteers - only to the extent necessary for them to perform their duties to Carinbundi or any Carinbundi-related companies;
- To Carinbundi's professional advisers, including Accountants, Auditors and Lawyers;

- To any government or semi-government organisation who requests it – including (but not limited to) as part of any application for a grant or other benefit under the NDIS;
- If as a client, to family members or health or other service providers, if required for Carinbundi, or other service providers, to provide services to the client; and
- If the client is not able to provide Carinbundi with consent, Carinbundi may use and disclose a client's personal information with the consent of a responsible person (as defined under the Act).

If Carinbundi retains any sensitive information, that information will not be used, shared, or disclosed without the client's express or implied consent that is current, voluntarily given and obtained in accordance with the *Privacy Principles* in the Act. If a client is unable to give consent, then Carinbundi may use and disclose personal and sensitive information with the consent of a responsible person (as defined under the Act).

### **Responsibilities for Managing Privacy:**

All staff are responsible for the management of personal information to which they have access and in the conduct of research, consultation, or advocacy work. All client and staff records will be kept securely and updated, archived, and destroyed according to the organisation's *Client Records Policy* and *Filing/Records and Retention Management Policy*.

The Community Relations Manager / EA is responsible for the content in Carinbundi's publications, communications and website and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual including Carinbundi personnel;
- Seek to ensure information being provided by other agencies or external individuals conforms to privacy principles; and
- 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.

HR Manager, CEO, Community Relations Manager / EA, and authorised staff are responsible for safeguarding personal information relating to Carinbundi staff, the Board members, volunteers, contractors and Carinbundi members.

Carinbundi uses and discloses personal information collected to provide and improve services to clients and their family members, including identifying and providing services offered by 3<sup>rd</sup> parties; and allowing the exchange of information between service providers with whom Carinbundi has dealings with on behalf of clients.

Information is used to assess the level of satisfaction with Carinbundi services from clients and their family members. We also use personal information to verify client identities, to communicate with clients (and family members) to distribute our publications, conduct events, and raise awareness of Carinbundi services.

Personal information is also used to:

- Undertake general business activities, including interacting with contractors and service providers, billing, and administration;
- Administer and manage services, including charging and billing clients for services (as applicable);
- Conduct appropriate checks for fraud;
- Update Carinbundi records and keep client contact details up to date;
- Maintain and develop business systems and infrastructure, including testing and upgrading of these systems; and
- For other purposes with client consent, or as permitted by law.

### **Confidentiality:**

Personnel will:

- Retain all confidential information in the strictest confidence and do not disclose any confidential information to any person other than for purposes directly related to their position at Carinbundi;
- Not use any confidential information that they have acquired in relation to the activities of Carinbundi for their own interests or the interests or purposes of others not associated with Carinbundi;
- Not make copies of any confidential information for any other reason other than those essential to and directly related to their position and responsibilities with Carinbundi; and
- Upon the request, and in any event upon the cessation of their engagement or employment with Carinbundi return or destroy containing confidential information which are in their possession.

This will not prevent an individual from:

- Disclosing information to proper authorities in relation to concerns about improper conduct, breaches of laws or breaches of duty of care;
- Providing access for external reviewers to non-identified information for the purposes of formal audit processes;
- Making a formal complaint to appropriate authorities about an aspect of the organisation's operation; and
- Disclosing any information that they may be required to disclose by any court or regulatory body or under applicable law.

### **Privacy for Interviews and Personal Discussions:**

To ensure privacy for clients or staff when discussing sensitive or personal matters, the Program Manager / HR Manager will arrange interviews, discussion, and concerns to be held in an appropriate setting / environment.



### **Security of Privacy:**

Carinbundi does, from time to time, use web-based programs for particular activities such as email broadcast which may be hosted offshore, or cloud service providers - but only when the supplier agrees with Carinbundi to be bound by the *Privacy Laws* (or where the jurisdiction in which the data is located, has laws that are equal to or better than the *Australian Privacy Laws*).

Carinbundi regards the security of a client's personal information as a priority and implements a number of reasonable physical and electronic measures to protect it. Staff and volunteers who may have access to client information may be required to sign a **Confidentiality Agreement** and if contract service providers are used, they will be bound by our **Privacy & Confidentiality Policy**.

We remind clients, however, that the internet is not a secure environment and although all care is taken, Carinbundi cannot guarantee the security of information provided to Carinbundi via electronic means.

The Carinbundi website may contain links to third-party websites, and third-party websites may also have links to the Carinbundi website. The organisation does not endorse any of those Websites or links. This Privacy & Confidentiality Policy does not apply to external links or other websites that may also collect personal information. It is encouraged that people read the privacy policies of any website linked to, and from, the Carinbundi website.

### **CCTV:**

Carinbundi has CCTV monitoring to ensure the security of people within the business and security of the workplace. It is expected that the CCTV monitoring will:

1. Reduce incidents of theft, vandalism, and destruction by the public;
2. Increase work health and safety monitoring compliance;
3. Gather information that may be used in evidence if a crime is committed within view of a camera; and
4. Maintain a reliable record of any serious incidents that may occur.

The position of all cameras is disclosed at all times to all employees, clients, and the public. At no time does Carinbundi use hidden or secret cameras. CCTV cameras are clearly visible. At no time does Carinbundi use cameras in areas that are ordinarily private areas of the workplace (such as lunchrooms or toilets and bedrooms). Signs are at each entrance to notify people that they may be under surveillance. Camera footage is securely stored for seventeen (17) days.

Personal information collected by CCTV surveillance is protected under the *Privacy Laws*.

### **Transactions and Payments:**

The Carinbundi website may be enabled for online transactions using a certified secure payment gateway. However, despite the security on the site, clients should be aware that there are risks in transferring information across the internet and Carinbundi cannot accept liability for any breaches. When an internet payment is made, the credit card number is used only to make a debit and is not retained by the organisation.

*If relevant*, payments made online on the Carinbundi website are processed in real time using a secure payment gateway. Payments are processed in Australia (and for all other countries) in Australian Dollars. The website has security measures designed to protect against any loss, misuse and / or alteration of personal information under the organisation's control.

### **Accessing and Correcting Information:**

Clients and Staff are entitled to view the information Carinbundi holds, and reasonable requests for access and correction will be responded to as quickly as possible. Access to a large amount of information, or information from various sources within the organisation, may take time before Carinbundi can respond. If a client or staff wishes to view information held by Carinbundi, they should contact the Privacy Officer.

If Carinbundi refuses to provide a client access to their personal information or to correct their personal information, Carinbundi will give a reason for such a decision. Individuals who are refused access to their own records or information files may appeal by contacting the Privacy Officer who will review the decision in the context of this policy.

Generally, if requested, Carinbundi will amend any personal information which the client demonstrates is inaccurate, incomplete, or not current; and Carinbundi will remove any information that is not relevant. If Carinbundi disagrees with the client's view on these matters, the organisation will keep a note on file setting out the client's view of the information held.

Any requests for information about clients from outside agencies or individuals will be referred to Senior Managers. In accordance with the Privacy Consent, Medical Consent and Financial Statement, clients have consented for Carinbundi to share information.

### **Data Breach:**

Carinbundi takes all reasonable steps to prevent data breaches. However, if the organisation suspects that a data breach has occurred, Carinbundi will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. If found so, Carinbundi will:

- Take all reasonable steps to contain the breach;
- Where possible, take action to remediate any risk of harm;
- Notify individuals and the NDIS Commission where an individual is likely to suffer serious harm (or if otherwise required by law);
- Review the incident and consider what actions can be taken to prevent future breaches; and

- Report data breaches that have occurred (and that comply with the *OAIC - Office of Australian Information Commissioner*).

### **Complaints:**

If a client wishes to make a complaint about a possible breach of privacy, they must provide full details of their complaint in writing and send it to the Privacy Officer. If the complaint relates to Carinbundi's failure to provide access to, or to correct, any personal information that is held about a client, the client may lodge a complaint directly with the *Office of the Australian Information Commissioner* (for more information, see [www.oaic.gov.au](http://www.oaic.gov.au)).

If a complaint does not relate to these matters, the client must first lodge a complaint with the organisation in writing and provide details of the incident / complaint, so that the organisation can investigate. Carinbundi will treat any and all complaints with confidentiality, the complaint will be investigated, and the organisation will ensure that the complainant is contacted within 48 hours, complaint is resolved within a reasonable time – namely 14 days. In any event, within the time required by the relevant *Privacy Legislation*, if applicable).

Individuals enquiring about their rights and remedies for breaches of privacy can access detailed information from the *Office of the Australian Information Commissioner* [www.oaic.gov.au](http://www.oaic.gov.au).

## **5. Definitions**

**Confidential** information includes the following:

- Personal staff or the Board member information such as home address, telephone numbers, and other non-work related information;
- Personal information provided by individuals or about individuals in the course of performance reviews, leave applications, supervision sessions or similar discussions. Information about any internal dispute or grievance;
- Business conduct in the Board meetings, other than that identified as being for public discussion; and
- Any confidential and proprietary information concerning financial transactions, competitive tenders or expressions of interest or any other organisational plans or activities identified by the Board or Senior Management.

**Personal Information:** Any information that can be used to identify the client i.e. name, address, telephone number, email address and profession or occupation. If the information Carinbundi collects personally identifies the client or staff, or the client or staff is reasonably identifiable from it, the information will be considered 'personal information'.

## **6. Regular Review**

This policy is subject to revision, as Carinbundi will regularly audit and review its management processes to ensure they remain effective. The organisation may at any time, vary this Policy by publishing an updated version on the Carinbundi website. Clients and staff accept that by using the website, or

continuing to use our services, Carinbundi has provided clients and staff with sufficient notice of the variation.

Supporting documents to this policy refer:

- Intake and Referral Policy;
- Client Records Policy;
- Filing/Records and Retention Management Policy;
- Client Decision Making and Choice Policy;
- Client Rights Policy;
- Privacy Consent;
- Medical Consent; and
- Financial Statement.

## **7. Further Information**

Any employee requiring further information about this policy should contact any member of the Senior Management Team.

### **The Privacy Contact Officer:**

The Privacy Contact Officer will be the Clive Pearce. They will be responsible for:

- Ensuring that all staff are familiar with the Privacy Policy and Administrative procedures for handling personal information;
- Ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy; and
- Handling any queries or complaints about a privacy issue.

If any person would like more information about our Privacy & Confidentiality Policy, or about the way Carinbundi manages client's and staff's personal information, they can contact the Privacy Officer:

Name: Clive Pearce (Chief Executive Officer)

Email: [cpearce@carinbundi.com.au](mailto:cpearce@carinbundi.com.au)

Mail: Carinbundi, PO Box 7011, Bundaberg North, QLD 4670

Phone: (07) 4158 9600

Additional information on the Australian Privacy Principles can be obtained from

<http://www.oasic.gov.au>.