



## 1.04 PRIVACY POLICY

### 1. PURPOSE

Housing for the Aged Action Group (HAAG) is committed to providing quality services and this policy outlines HAAG's ongoing obligations in respect of how Personal Information is managed.

HAAG is committed to taking all reasonable precautions to protect information from any loss or unauthorised use, access or disclosure

HAAG is committed to the principles of social justice and aims to ensure every individual is treated with dignity and respect regarding their age, cultural background, ability, ethnicity, gender identity, intersex variation, sexual orientation or religious beliefs.

The purpose of this document is to provide a framework for HAAG when dealing with privacy considerations.

This policy is developed in consultation with all employees and approved by the Committee of Management. It is referenced in relevant policies, procedures and other supporting documents to ensure that it is understood and actively used by employees. It is reviewed for quality improvement and/or relevant legislative changes.

It is part of the employee induction process and all employees are responsible for understanding and adhering to this policy.

HAAG ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws. HAAG will make Privacy Policy information freely available in relevant publications and on the organisation's website.

### 2. POLICY

HAAG holds two types of information which are covered by this policy, personal and organisational information.

HAAG have adopted the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 (Cth) (the Privacy Act). The APPs govern the way in which HAAG collects, uses, discloses, stores, secures and disposes of your Personal Information. Guiding HAAG to comply with both legislative requirements and ethical obligations.

All individuals including employees, volunteers, students, clients, Committee of Management members, HAAG members and stakeholders have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection and/or family violence concerns), employees act in accordance with the relevant policy and/or legal framework.

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| Applies to: All employees, volunteers, students, clients, CoM, members | Approved by: Committee of Management | Review Date: 28/8/2027      |



All employees, students, volunteers, Committee of Management members, will have an appropriate level of understanding on how to meet the organisation’s legal and ethical obligations to ensure privacy and confidentiality.

HAAG will:

- collect and keep personal information (other than sensitive information) about clients and/or employees only when necessary.
- ensure data about clients and/or employees is up to date, accurate and secure whether stored in hard copy or electronically in accordance with all applicable privacy legislation provisions and regulations.
- take account of cultural safety of vulnerable people in the way information about them is collected, stored and used.
- take account of sensitive information such as gender diversity and sexual orientation in the way this information is collected, stored and used.
- store records for the required length of time as per the relevant legislation.
- transfer or dispose of client records in a correct manner.

**Collection of Information**

HAAG will collect personal information only using lawful and fair means and endeavour to collect information about an individual directly from the individual. Employees will inform clients why their information is being collected, how it will be used and handled, whom it will be disclosed to and why, how they can access their information, any legal or funding requirements to collect it.

Personal information collected by HAAG is only for purposes which are directly related to the functions or activities of the organisation. These purposes include:

- enquiry about programs,
- referral to programs,
- administrative activities, including human resources management,
- Sector development activities,
- community development activities,
- complaint handling, and
- client Incident Reports provided to comply with funding obligations.

HAAG may also collect personal information about an individual from a variety of sources including:

- a form (either physical or online),
- telephone, email or in-person inquiry or discussion about HAAG or the services we provide,
- a referral made to us from another organisation,
- mail correspondence, emails and other electronic means,

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- from job applications and reference checks,
- direct contact while providing services,
- in course conducting advocacy on behalf of our clients.

HAAG may collect sensitive information such as a client’s racial or ethnic origin, sexual orientation, gender identity, intersex status, relationships, and health information when required for the provision of service delivery.

This information is only collected when it is provided voluntarily, it is reasonably necessary, we have consent to collecting it or as otherwise authorised by law.

In such instances the purposes for which this information is requested shall be disclosed and the way it will be used shall be clearly specified.

Sensitive information will be used only:

- for the primary purpose for which it was obtained.
- for a secondary purpose that is directly related to the primary purpose.
- with client consent; or where required or authorised by law.

HAAG provides information to clients and employees on collecting health and personal information including:

- the kinds of personal and sensitive information HAAG collects and stores.
- the purpose for which HAAG collects, holds, uses, and discloses personal/ sensitive information.
- how the information will be collected, recorded, stored and used.
- who can access the information or how it may be used in certain situations (if anyone) information may be transferred to and under what circumstances information will be transferred.
- the limits to privacy of personal information.
- the right to not disclose certain personal and sensitive information.
- the right to choose which individuals and services, sensitive information can/cannot be shared with.
- the right to consent and/or withdraw consent to HAAG recording information about their sexual orientation, gender identity or intersex status.
- how a client can access or amend information about them.
- how a client can make a complaint about the use of their personal information.

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Other information held by HAAG may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public.

### Third party collection

HAAG will only collect information directly from an individual, their appointed guardian and/or carer however there may be times where HAAG collects information via indirect means including:

- when an individual authorises HAAG to ask for and to collect personal information about them from another source and/or service.
- if HAAG is provided with personal information about a person as part of a service to another individual (i.e. partner applying for housing). In the case that information has been collected from a third party, the individual will be informed.
- receipt of unsolicited personal information.

HAAG will only collect personal information when requested or taken steps to collect it through service provision, employment, or membership. However, personal, and sensitive information may be volunteered without HAAG requesting or taking steps to collect including:

- misdirected mail.
- third party without consent.

In such situation, HAAG will determine whether this information could have been lawfully collected on a volunteer basis had we taken steps to collect that information and if so, seek consent from the individual to record or if not destroy.

If information is of a *sensitive* nature, HAAG will take steps to destroy or de-identify that information, unless we are provided consent or are authorised by law to retain the information.

The purposes for which HAAG uses the personal information of job applicants, employees, members, volunteers, and contractors include:

- necessary recruitment requirements.
- for insurance purposes.
- for occupational health and safety.
- to satisfy HAAG's legal obligations.

HAAG will not collect sensitive information (including their sexual orientation, gender identity, intersex status or relationship status) about an employee, volunteer or student unless:

- consent is provided to the information being collected.

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- the information is reasonable and necessary for one or more functions or activities related to the employee or volunteer.

HAAG will only collect information directly from an employee, volunteer, or student in the case where information has been gathered from a third party such as during a reference check, the employee will be informed that information will be gathered.

### Sharing of Information

Where client information may be shared without consent, HAAG will attempt to consult with the client on their views and inform them if this occurs. HAAG will take all steps to prevent inadvertent collusion with alleged perpetrators.

Employees are to refer to their manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to HAAG or its clients, employees, and stakeholders.

The privacy of personal information is defined by legislation (Privacy Act 1988). At all times, HAAG acts in accordance with these legal requirements and respects the confidentiality of other sensitive information. However, HAAG may share information about clients and other involved individuals with organisations (subject to consent), except under the Family Violence Sharing Scheme and Child Information Sharing Scheme, where it would be in the best interest of the client or other individual to do so.

HAAG is a prescribed information sharing entity (ISE) under the Family Violence Information Sharing Scheme and Child Information Sharing Scheme (Victoria). HAAG may collect and share information under Part 5A of the Family Violence Protection Act 2008 as part of its legislative obligations, if there is a serious threat to a client, employee(s) or another individual's life, health, safety, or welfare. This information may be also shared without consent if assessing or managing risks to a victim survivor and/or child victim survivor of family violence, or to promote the safety or wellbeing of a child or young person.

Under the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme requests by other Prescribed Information Sharing entities (ISE) for disclosure of information will only be handled by a manager, in line with HAAG's Family Violence policy and Request for Information procedure.

### Use and Disclosure

HAAG only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies (for example in a Client Incident Report), other organisations or individuals if:

- the individual has consented.
- it is required or authorised by law.

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- it will prevent or lessen a serious and imminent threat to somebody’s life or health.

HAAG may need to disclose LGBTIQ+ status should a referral be made to a LGBTIQ+ specific organisation. Should HAAG assist a client with a housing application for the Victorian Housing Register, it is not a requirement to disclose LGBTIQ+ status.

HAAG will not use or disclose personal, sensitive and/or health information about clients to any third parties without consent.

**Data Quality**

HAAG takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

**Data Security**

Together with the Record Management Policy, this policy directs steps taken by HAAG to protect the personal information held against loss, unauthorised access, use, modification, or disclosure and against other misuse. These steps include reasonable physical, technical, and administrative security safeguards for electronic and hard copy of paper records.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas.
- Physically securing the areas in which the personal information is stored.
- Not storing personal information in public areas.
- Positioning computer terminals, and printers so that they cannot be seen or accessed by unauthorised people or members of the public.

An Information Asset Register records data stored across the organisation systems and the different access levels so that not all employees can view all information.

Technology controls are used to protect all information stored to minimise data breaches (through exploitation or misuse) and combat cyberattacks.

Australian IT Support (ASIT) is responsible for maintaining HAAG’s IT security system and recommend appropriate security and back up measures to mitigate identified risk.

Reasonable technical safeguards include:

- Using passwords to restrict computer access and requiring regular changes to passwords.
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email).
- Using electronic audit trails.

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- Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure employees, Committee of Management members, volunteers and students take all necessary measures to maintain the necessary cyber security procedures, privacy, including protecting passwords, securing access to computers, and maintaining protective software (supported by ASIT).

HAAG will destroy records in accordance with the organisation’s Records Management Policy.

**Access and Correction**

Individuals may request access to personal information held about them.

Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include, where:

- there is a threat to the life or health of an individual.
- access to information creates an unreasonable impact on the privacy of others.
- the request is clearly frivolous or vexatious or access to the information has been granted previously.
- there is existing or anticipated legal dispute resolution proceedings.
- denial of access is required by legislation or law enforcement agencies.
- if sensitive information is sought such as gender identity or transition during service provision or employment with HAAG.

HAAG is required to respond to a request to access or amend information within 45 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete, and not misleading, considering the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, HAAG may refuse the request.

If the requested change to personal information is not made, the individual may make a statement about the requested changes which will be attached to their record.

HAAG is responsible for responding to queries and requests for access/amendment to personal information.

**Anonymity and Identifiers**

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that Housing for the Aged Action Group does not store any of their personal (including Sensitive) information.

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As required by the Privacy Act 1988, Housing for the Aged Action Group will not adopt a government assigned individual identifier number e.g. Medicare number as if it were its own identifier/client code.

### Organisational Information

All employees, Committee of Management members, volunteers and students agree to adhere to the HAAG Code of Conduct when commencing employment, involvement, or a placement. The Code of Conduct outlines the responsibilities to the organisation related to the use of information obtained through their employment/ involvement/ placement.

### Stakeholder Information

HAAG works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. HAAG employees will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The way employees manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters into with a third party.

### Breach of Privacy or Confidentiality

If a client or stakeholder is dissatisfied with the conduct of HAAG employees or Committee of Management member, with regards to privacy and confidentiality of information, a complaint should be raised. Information on making a complaint will be made available to clients, stakeholders and will be found on the HAAG website. Additionally, a complaint can be taken over the phone by any employee and/or the call transferred to a manager.

If an employee is dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the employee's direct Manager. Employees who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

Where an employee suspects or knows they have committed privacy breach they should contact their supervisor as soon as practicable. Management will review the incident or event and manage accordingly in relation to regulatory requirements and mandatory reporting.

## 3 DEFINITIONS

- **Privacy provisions of the Privacy Act 1988 (Cth)** govern the collection, protection and disclosure of personal information provided to HAAG by employees, volunteers, students, clients, Committee of Management members, employees, volunteers, students and stakeholders.

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- **Child Information Sharing Scheme (CISS)** refers to the Scheme which enables prescribed organisations and services to share information with each other to promote the wellbeing or safety of a child or group of children.

The Scheme is underpinned by the MARAM Framework which guides what information is relevant and how to safely share information to assess and manage family violence risk to children and adult.

- **Confidentiality** applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g., it is information that is not available in the public domain.
- **Consent** means voluntary agreement to some act, practice, or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement. It can be provided verbally or in writing.
- **Disclosure** is the sharing or communicating of information to external organisations or individuals.
- **Individual** means any person such as a client, employees, Committee of Management, HAAG member, volunteer, student, contractor, or a member of the public.
- **Information Sharing Entity** is an organisation prescribed under the Family Violence Information Sharing Scheme and Child Information Scheme
- **The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)** is a Family Violence Information Sharing Scheme commenced in February 2018. The Scheme enables prescribed organisations and services to share information that is relevant to assessing or managing family violence risk between themselves, to ensure the safety and protection of those experiencing family violence and to hold perpetrators to account.
- **Organisational information** includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (1988) however some organisational information may be deemed confidential.
- **Personal information** means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Federal Privacy Act (1988).
- **Sensitive information** is a subset of personal information that means information or opinion about an individual's race, gender diversity, sexual orientation, disability, ethnic origin, religious or philosophical beliefs, political opinions, membership of a political association, membership of a professional or trade association or membership of a trade union.

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- **The public domain** in relation to confidentiality is “common knowledge,” i.e. information that can be accessed by the public.
- **Use** is the sharing and use of information within an organisation.

#### 4. SCOPE

All employees, students, volunteers, clients, Committee of Management members, HAAG members.

#### 5. LEGISLATION

Children, Youth and Families Act 2005

Disability Act 2006

Family Violence Protection Act 2008

Health Records Act 2001

Privacy Act 1988 (Cth)

Privacy and Data Protection Act 2014

Public Records Act 1973

##### **Resources**

Office of the Victorian Information Commissioner

Office of the Australian Information Commissioner

Family Violence Multi-Agency Risk Assessment and Management Framework

Australian Privacy Principles guidelines

#### 6. RELATED POLICIES

Code of Conduct

Family and Domestic Violence Including Elder Abuse

Records Management

External Communication

Compliments Complaints & Feedback Management

#### 7. HAAG DOCUMENTS

Feedback Form

Rights Responsibilities Privacy and Feedback Brochure

Information Asset Register

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[Client Consent to Share Information](#)

[MARAM Resources](#)

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