

1. Preamble

HCO is funded under the National Disability Agreement to provide community based accommodation and other support services within their local community to persons with an intellectual disability as their primary disability.

HCO is covered by the 10 National Privacy Principles (NPP) (Refer to Attachment 2), as set out in the Privacy Act 1988 (Amended by the Privacy Amendment (Private Sector) Act 2000).

2. Policy and Procedures

2.1 HCO commitment

HCO takes its obligations under the Privacy Act seriously, and as such, will take all reasonable steps in order to comply with the Act and protect the privacy of personal information that it holds.

HCO recognises the importance of protecting personal information, which it may need to collect from its staff, clients and those associated with the service.

HCO is committed to following the *SA Government's Information Sharing Guidelines (ISG)* issued in 2013.

HCO commits to ensuring that any individual who provides information to HCO is protected according to the requirements of the Privacy Amendment Act (Private Sector) 2000.

2.2 Definitions

- *Record* is a document, data base (however kept), photograph or other pictorial representation of a person.
- *Organisation* is an individual, body corporate, partnership, unincorporated association or a trust.
- *Personal information* is information or opinion (including any forming part of a database) relating to an individual, which may be provided to HCO, as part of its support activities, either in material form or not, and whether true or not. Such information may personally identify an individual or make a person's identity apparent.
- *Primary purpose* is the main reason for which HCO collects personal information.
- *Secondary purpose* is a use that is directly related to the primary purpose for which the information was collected and the use of the information in this manner would be within the reasonable expectation of the person providing the information.
- *Sensitive information* refers to information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual practices, criminal record or health information, including any disability.

- *Access:* This involves HCO giving an individual / advocate information about the individual. This may include inspecting personal information held by HCO or providing a copy of the information.
- *Collection:* HCO collects personal information if it gathers, acquires or obtains personal information from any source or by any means. This includes information not requested or obtained by accident.
- *Disclosure:* In general terms information is disclosed when HCO releases information to others. Disclosure does not include giving information to an individual / advocate about the individual – that is *Access*.
- *Openness:* Provided HCO is open about the information it collects and what is done with it then problems should be avoided.
- *Use* refers to the handling of information within HCO including use of the information in a publication.

2.3 Collection and use of information

HCO may require the collection of personal information, including health information, to be able to provide appropriate accommodation and support services.

HCO will only collect personal information which is essential for the purpose for which it is required.

The collection of personal or sensitive information requires prior written consent from the individual or nominated advocate, family member or representative of the Public Trustee, as directed by the Guardianship Board.

The reasons for the collection of personal information include, but are not limited to:

- beneficial accommodation placement;
- effective health management;
- sensitive personal development options;
- improved independence;
- most useful community involvement;
- contact options in the event of illness or emergency;
- referral to other necessary services and supports; or
- legal responsibilities pertinent to contractual obligations.

HCO may collect and hold personal information, such as, but not limited to, names of employees and proprietors of organisations, addresses, telephone numbers, facsimile numbers, e-mail addresses, titles and professional affiliations. These details are collected in order to provide exemplary accommodation and support services to clients. HCO may also use such information to determine client satisfaction with the service.

Personal or sensitive information collected by HCO will be used solely for the primary purpose for which it is collected or for a closely related secondary purpose. Any use of personal or sensitive information for a secondary purpose must be approved by the Privacy Officer.

2.4 Disclosure of information

HCO will not disclose personal or sensitive information to a third party unless it is:

- necessary to provide appropriate services to clients;
- legally required and verified by government or associated bodies; or
- authorised in writing by the individual, their nominated advocate, family member or representative of the Public Trustee, as directed by the Guardianship Board, who provided the personal information.

However, situations may arise where information is shared without consent where:

- it is not possible to seek consent; or
- where seeking consent places the client or a family member at risk of anticipated serious threat to their wellbeing and/or safety.

In such cases, consent must be obtained from a member of the HCO Management Team.

The collection, use and disclosure of information will be in accordance with HCO's Information Management Policy.

2.5 Storage, access and retention of personal & sensitive information

HCO will take all reasonable steps to protect the security of the personal information that it holds.

All personal and sensitive information collected by HCO will be retained as part of a database, which will be securely monitored and maintained by HCO. The passwording of electronic materials, accessible to designated personnel will ensure their security.

Any hard copies of this information will be stored in locked files accessible only to designated personnel.

All staff and volunteers are required to sign a confidentiality clause prior to commencement of working with HCO.

HCO will make available for inspection all personal information, based on the information supplied by the individual or representative, that it holds in relation to the individual, provided reasonable notice is given.

In the event that any part of the personal information that the individual or their representative inspects is determined to be incorrect and requires alteration then HCO will make such alteration in compliance with the corrected advice provided by the individual or their representative.

Where personal information held by HCO is no longer required to be held, and the retention of said information is not required by law, then HCO will destroy such personal information by deleting the relevant computer files and by the secure shredding of hard copies.

Compliance

If any individual has any concerns regarding the privacy of personal information, then the individual may make a complaint to the CEO, who will endeavour to resolve the complaint.

2.7 Sources of information

Where possible, HCO will collect information directly from individuals, clients and/or their nominated representatives.

In some instances HCO may collect information from press reports or published media, but will endeavour to verify such details with the person concerned.

HCO acknowledges that there is no obligation for an individual or their nominated representative to provide it with personal information. However, if an individual or their nominated representative chooses not to provide HCO with personal details, HCO may not be able to provide the individual with a full range of services.

2.8 Administration

The Manager Client Services will act as HCO's Privacy Officer.

The Privacy Officer's role includes acting as a reference point for staff queries concerning the legislation, and to handle requests from the public that cannot be answered directly by staff.

If a staff member receives a privacy query from the public that looks like turning into a complaint, the Privacy Officer should be advised immediately.

Every effort will be made to meet the inquirer's request, within the requirements of the legislation. (N.B. The Federal Privacy Commissioner will only investigate a complaint if he is sure that the parties involved are unable to resolve the issue amongst themselves.)

2.9 References

Should any person require further information in relation to privacy, please visit www.privacy.gov.au/publications