

## 1. Background

HCO understands that privacy of personal information is essential. We respect and value the privacy of HCO workers, Clients, and others and we will only collect and use personal information in ways that are described in this policy and, in a way that is consistent with the rights of individuals and our obligations under the law.

## 2. Purpose

The purpose of this policy is to document the governing principles that will guide the management of privacy at HCO.

HCO is committed to complying with the national Privacy Act, 1988 and the associated Australian Privacy Principles, the SA Information Sharing Guidelines, the requirements of the Office of the Australian Information Commission (OAIC) and the NDIS Practice Standards.

HCO is committed to protecting the privacy of its workers, Clients and others when collecting, holding, using and disclosing personal information.

## 3. Scope/Application

This policy outlines the approach to maintaining privacy at HCO including the governing principles that ensure the appropriate management of personal information of workers, Clients and others for whom HCO may collect personal information.

This policy applies to all HCO officers and HCO workers.

## 4. Policy statement and principles

HCO respects the privacy rights of all individuals for whom HCO may collect personal information.

HCO works from the principle that individuals have the right to know what information HCO may collect about them, how it may be collected, why it is collected, where and how it is stored, who has access to the information, how we use it and to whom the information may be disclosed.

HCO's principles on the collection, use and disclosure of personal information are:

### 4.1 The kind of information HCO may collect and hold may include:

#### 4.1.1 *Personal information* such as:

- (a) Name, address, telephone number, other contact details
- (b) Birthdate, marital status, gender
- (c) Names and contact details of family members, legal guardians, nominees and significant others
- (d) Finance and banking details

- (e) Work and education history
- (f) Centrelink information
- (g) Medicare and Health fund information
- (h) Photos and videos
- (i) Personal computer MAC addresses.

**4.1.2** *Sensitive information* such as:

- (a) Racial or ethnic origin
- (b) Religious beliefs or affiliations
- (c) Sexual orientations or practices
- (d) Health information including that of a physical and psycho-social nature
- (e) Information about diagnoses and disability of individuals
- (f) Genetic information
- (g) Criminal record information.

**4.2 Collection of personal and/or sensitive information**

HCO will collect information provided directly by the individual, their authorised representative or from another third party, with the consent of the individual or where applicable their authorised representative.

**4.3 Storage of personal and/or sensitive information**

**4.3.1** HCO may store information as a:

- (a) digital record stored on its local servers
- (b) digital record with a third party locally based data centre
- (c) hard copy record/document stored at HCO head offices or HCO site office(s)
- (d) hard copy record/document stored at a registered off site storage facility.

**4.3.2** HCO will take all reasonable steps to secure and protect the information it holds and will restrict access in accordance with our legislative and regulatory requirements and HCO policies and procedures.

**4.3.3** HCO will take all reasonable steps to destroy or de-identify personal information no longer required in accordance with our legislative and regulatory obligations.

**4.4 The purposes for which HCO may collect, hold, use and disclose personal and/or sensitive information**

**4.4.1** HCO may collect, hold and use our worker's personal and/or sensitive information for the primary purpose of employment or engagement as providers of disability services and supports.

**4.4.2** HCO may collect, hold and use our Client's personal and/or sensitive information for the primary purpose of providing the services and support to our Clients as set out in their Service Agreements.

**4.4.3** HCO may collect, hold and use contractors and suppliers personal information for the primary purpose established in individual arrangements to supply a service.

#### **4.5 The circumstances in which HCO may disclose information to a third party**

HCO will only disclose an individual's personal and/or sensitive information to a third party:

**4.5.1** where the information is related to the primary purpose for which the information was collected.

**4.5.2** with the expressed consent of the individual or their legally appointed representative

**4.5.3** for a secondary purpose with the expressed consent of the individual or their legally appointed representative

**4.5.4** in a response to a medical emergency

**4.5.5** if required by law including:

**(a)** duty of care where there is an immediate risk of harm, abuse or neglect

**(b)** NDIS Quality and Safeguards Commission incident reporting

**(c)** NDIS practice standards auditing and compliance

**(d)** child protection mandatory reporting

**(e)** a court or tribunal order

**(f)** any relevant Royal Commission or parliamentary inquiry.

#### **4.6 Access and correction of personal and/or sensitive information**

HCO recognises the right of any individual for who we hold information, to have access to their information. HCO will provide access to information upon request including the ability to have the information corrected. Requests for access and correction will be facilitated by the HCO Privacy Officer.

#### **4.7 Complaints**

HCO recognises the right of any individual for who we hold information to make a complaint if they believe their privacy may have been breached. HCO will provide options to individuals on how to report breaches and/or make complaints including directly through HCO's complaint system or to external regulatory bodies.

**4.8** HCO will respond to, investigate and report privacy breaches in accordance with our legislative and regulatory requirement and HCO policies and procedures.

### **5. Roles and responsibilities**

#### **5.1 HCO Board**

The HCO Board is responsible for adhering to and endorsing the Privacy policy.

#### **5.2 Chief Executive Officer (CEO)**

The CEO has primary responsibility for the implementation of the Privacy policy.

### 5.3 Privacy Officer

The Privacy Officer has responsibility for:

- 5.3.1 Providing advice on HCO privacy policy to officers, HCO workers, Clients and Client representatives.
- 5.3.2 Facilitating access and correction requests, managing and where applicable and appropriate reporting and/or investigating complaints or concerns in regard Privacy breaches.

### 5.4 Other relevant stakeholders

All HCO officers and workers have a responsibility to comply with HCO privacy policy and procedures.

## 6. References

- 6.1 GOV.04 HCO Information and records management policy
- 6.2 HCO Employment contract
- 6.3 HCO Code of conduct
- 6.4 C-AF 9 Client consent
- 6.5 C-AF 10 Client consent to release/disclose information
- 6.6 HCO Privacy statement
- 6.7 Client privacy and dignity procedure
- 6.8 HCO Client privacy easy-read
- 6.9 POL 5 Information and Communication Technology
- 6.10 IT.06 Data breach response plan
- 6.11 IT.07 Cybersecurity framework
- 6.12 Privacy Act, 1988
- 6.13 Notifiable data breaches scheme
- 6.14 SA Information sharing guidelines
- 6.15 NDIS Act, 2013

## 7. Glossary of terms/definitions

- 7.1 **Primary purpose** – The purpose for which HCO collects personal information is known as the ‘primary purpose’ of collection. This is the specific function or activity for which HCO collects the personal information.
- 7.2 **Secondary purpose** – A purpose other than the primary purpose.
- 7.3 **Personal information** – is defined as any ‘information or opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not’.

- 7.4 Sensitive information** – Sensitive information is defined in the Privacy Act to include information or an opinion about such things as an individuals racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union or other professional body, criminal or health information.
- 7.5 Express consent** - Express consent is given explicitly, either orally or in writing.
- 7.6 MAC address** - Media Access Control address assigned as a unique identifier to all network devices.
- 7.7 Worker** - A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:
  - 7.7.1** an employee
  - 7.7.2** a contractor or subcontractor
  - 7.7.3** an employee of a contractor or sub-contractor
  - 7.7.4** an employee of a labour hire company who has been assigned to work in the person’s business or undertaking
  - 7.7.5** an outworker
  - 7.7.6** an apprentice or trainee
  - 7.7.7** a student gaining work experience
  - 7.7.8** a volunteer
  - 7.7.9** a person of a prescribed class [as defined by the *Work Health and Safety Act 2012 Subdivision 2 (7)*].

## 8. Revisions

Date	Minor, major or editorial revision	Description of revision(s)
7/12/2022	Major	Update to new policy template and include current organisational, regulatory and legislative requirements

<b>Implementation date:</b> 7/12/2022	<b>Location:</b> L:\01 - Policies & Standards\01 - Policies\01 Governance Policies
<b>Document authorisation:</b> Board	<b>Review date:</b> 7/12/2025
<b>Document owner:</b> CEO	<b>Version:</b> 1.6

**Signature:** 

**Date:** 7/12/2022

© 2022 Printed versions of this document are uncontrolled. Before using a print copy verify that it is the current version stored on the HCO Network