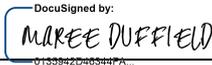


# PRIVACY POLICY AND PROCEDURES

<b>Version:</b>	001
<b>Applies to:</b>	Board of management, Staff,volunteers and clients of HBCAC
<b>Approved on (date):</b>	[dd/mm/yy]
<b>Scheduled review (date):</b>	[dd/mm/yy]
<b>Signature of Chair:</b>	

## PURPOSE

The Board of HBCAC is committed to protecting the privacy of personal information (which includes sensitive information) and health information, about people using its services and staff, which the centre collects, uses and discloses. Personal information is information which directly or indirectly identifies a person. Health information is information about that person's health status. These terms are as defined in the *Privacy and Data Protection Act 2014* (VIC) and the *Health Records Act 2001* (Vic).

As HBCAC runs a Community House funded under a Service Agreement with DHHS, it is a **contracted service provider**. HBCAC is required to attest to DHHS that its practices and systems for the collection, use, disclosure, protection, and disposal of personal information and health information are compliant with the *Privacy and Data Protection Act 2014* (VIC) and the *Health Records Act 2001* and with any applicable code of practice as required under the Service Agreement with DHHS.

Using and disclosing information about clients is a legitimate part of providing services. However, it is important to note that information may only be dealt with in accordance with the law.

The purpose of this document is to provide a framework for HBCAC in dealing with these privacy considerations. It applies to all personal and health information collected, stored, used and disclosed about any individual including clients, staff, and volunteers.

## POLICY

HBCAC endorses fair information handling practices and use of information in compliance with its obligations under the *Privacy and Data Protection Act 2014* (VIC) and *Health Records Act 2001*.

HBCAC collects and administers a range of personal information for the purposes of its operations, programs and governance. Personal information will be used only for the intended purpose. Where the intention includes confidentiality, information will be treated as such unless otherwise required by law.

At present, HBCAC does not collect nor store any health information.

HBCAC is committed to protecting the privacy of personal information it collects, holds and administers.

HBCAC recognises the essential 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 Vision, core values, philosophies and reflected in HBCAC's privacy policy, which is compliant with the *Privacy and Data Protection Act 2014* (VIC).

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

HBCAC will:

- collect only information which the organisation requires for its primary function;
- ensure stakeholders are informed as to why we collect the information and how we administer the information gathered;
- use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- store personal information securely, protecting it from unauthorised access; and
- provide stakeholders with access to their own information, and the right to seek its correction;

The HBCAC may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the HBCAC's operations and practices and to make sure it remains appropriate to the changing legal environment.

## **PROCEDURES**

HBCAC's Board is responsible for developing, adopting and reviewing this policy.

The leader of the Governance Sub-committee is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

### **Collection**

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HBCAC will:

- only collect information that is necessary for the performance and primary function of HBCAC and where the individual has consented to the collection;
- notify individuals about why we collect the information and how it is administered;
- notify individuals that this information is accessible to them;
- collect personal information from the individual themselves wherever possible;
- collect sensitive information only with the individual's consent- Sensitive information includes health information and information about religious beliefs, race, gender and others; and
- determine, where unsolicited information is received, whether the personal information could be collected in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the individual whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).

### **Use and Disclosure**

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HBCAC will:

- only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose;
- for other uses, HBCAC will obtain consent from the affected individual;
- in relation to a secondary purpose, use or disclose the personal information only where:
  - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; and
  - the individual has consented; or
  - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety;
- in relation to personal information which has been collected from an individual, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and HBCAC has provided an opt out and the opt out has not been taken up;
- in relation to personal information which has been collected other than from the individual themselves, only use the personal information for direct marketing if the individual whose personal information has been collected has consented (and they have not taken up the opt-out);
- provide all individuals access to personal information except where it is a threat to life or health or it is authorised by law to refuse and, if a person is able to establish that the personal information is not accurate, then HBCAC must take steps to correct it. HBCAC may allow a person to attach a statement to their information if HBCAC agrees it is inaccurate;
- where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties; and
- make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.

## **Storage**

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HBCAC will:

- implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure;
- before HBCAC discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant;
- will have systems which provide sufficient security; and
- ensure that HBCAC data is up to date, accurate and complete.

## **Destruction and de-identification**

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HBCAC will:

- De-identify and destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones; and

- change information to a pseudonym or treat it anonymously if required by the individual whose information HBCAC holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

### **Data Quality**

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HBCAC will:

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

### **Data Security and Retention**

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HBCAC will:

- only destroy records in accordance with the HBCAC's Records Management Policy.

### **Openness**

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HBCAC will:

- ensure stakeholders are aware of HBCAC's privacy policy and its purposes; and
- make this information freely available in relevant publications and on the co-operative's website.

### **Access and Correction**

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HBCAC will:

- 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.

### **Anonymity**

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HBCAC will:

- allow an individual from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

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

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HBCAC may:

- release information to third parties where it is requested by the individual concerned.

### **Definitions**

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#### **PERSONAL INFORMATION**

Personal information is defined in the Privacy and Data Protection Act as information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the *Health Records Act* applies.

#### **SENSITIVE INFORMATION**

Sensitive information is a subset of personal information. It is defined in the *Privacy and Data Protection Act 2014* (Vic). It means information or an opinion about an individual's:

1. racial or ethnic origin
2. political opinions
3. membership of a political association
4. religious beliefs or affiliations
5. philosophical beliefs
6. membership of a professional or trade association
7. membership of a trade union
8. sexual preferences, orientation or practices
9. criminal record

that is also personal information.

## HEALTH INFORMATION

Health information is defined in the *Health Records Act*. Where information is health information and so is not caught by the *Privacy and Data Protection Act*, then the law is different in some aspects. The *Health Records Act* defines health information as:

1. information or an opinion about:
  - a. the physical, mental or psychological health (at any time) of an individual; or
  - b. a disability (at any time) of an individual; or
  - c. an individual's expressed wishes about the future provision of health services to him or her; or
  - d. a health service provided, or to be provided, to an individual

that is also personal information (see definition of personal information under the *Health Records Act 2001* below); or

2. other personal information collected to provide, or in providing, a health service; or
3. other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
4. other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

Personal information is defined in the *Health Records Act* as information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.

## IMPLEMENTATION PLAN

- Privacy Statement (see below) to be available on LJACC website with a link back to Privacy Policy.
- Staff to familiarise themselves with this policy and with the Privacy Statement.
- Staff to collect information for bookings and enter such information into booking system; once entered into booking system any paper copy to be shredded.
- Personal information of staff and volunteers to be stored in locked filing cabinet or in secure cloud storage.

## RELATED DOCUMENTS

- Records Management Policy
- Confidentiality Policy
- Employment References Policy
- Transparency and Accountability Policy

- <https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/025>
- <https://www.legislation.vic.gov.au/in-force/acts/health-records-act-2001/045>

Sample

## **PRIVACYSTatement**

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Your privacy is important.

This Privacy Statement outlines how the Hobsons Bay Community Advancement Co-operative's (**HBCAC**) will treat your personal information which it collects either in conducting its programs or as you access and interact with [www.ljac.com.au](http://www.ljac.com.au), [www.trybooking.com.au](http://www.trybooking.com.au) and [www.louisjoelshop.com](http://www.louisjoelshop.com). The practices outlined in this Privacy Statement are subject to any rights we may have to handle personal information in accordance with the privacy legislation.

### **Collection of your personal information**

The personal information we collect via these websites may include:

- the content in electronic forms that you submit via these websites. For example, a request to provide services, information or to take action;
- information submitted by you in an online survey; and
- messages or comments, including personal information such as name, email address and telephone number, you submit to us via this website. For example, through email addresses displayed on this website.

Email addresses on this site will only be used to respond to specific user queries and will not be added to any mailing lists, nor disclosed to any other party without your knowledge and consent, unless required by law. Where personal information is collected directly from you on our web pages, a specific privacy notification can be viewed by clicking on the privacy statement tag at the bottom of the online form.

### **WEB STATISTICAL DATA COLLECTION**

Pages on the site may be coded with Google Analytics software. This is transparent to the user, as the software makes use of JavaScript code in the source HTML of the web page. This JavaScript stores a first-party cookie in your browser, which contains a unique identifier, and sends information to Google Analytics. This enables Google Analytics to track the number of unique visitors to the site. In no way does this unique identifier identify a user personally. We do not and will not marry any data collected by Google Analytics with any personal information.

While you can browse this website anonymously, without disclosing your personal information, we may not be able to provide the full range of services through this website if we are not provided with the information outlined above.

### **USE AND DISCLOSURE OF YOUR PERSONAL INFORMATION**

Where we collect personal information from you via our website, a privacy disclaimer will indicate which third parties we might share your information with (if any). In addition to providing our services to you and carrying out your requests, we may use or disclose personal information that we collect about you for purposes including the following:

- for the purpose that we have collected the information;
- purposes related to our research, planning, product and service development, security and testing;
- purposes connected with the operation, administration, development or enhancement of this website;
- where we suspect that fraud or unlawful activity has been, is being or may be engaged in; and

- any other purposes required or authorised by law.

We may share personal information within the organisation and with third parties. The types of third parties to whom we may disclose your personal information includes our contracted service providers who assist us in providing this website and delivering our services such as our community service partners, organisations who provide archival, auditing, professional advisory, banking, mail house, delivery, recruitment, call centre, information technology, research, utility and security services. We may also disclose your personal information to your authorised representatives or third parties acting on your behalf, for example your solicitor or interpreter.

## **SECURITY**

We have implemented technology and security policies, rules and measures to protect the personal information that we have under our control. However, you should be aware that there are risks in transmitting information across the Internet. So while we strive to protect such information, we cannot ensure or warrant the security of any information transmitted to us online and individuals do so at their own risk. Once any personal information comes into our possession, we will take reasonable steps to protect that information from misuse and loss and from unauthorised access, modification and disclosure. If you are concerned about conveying sensitive material to us over the Internet, you might prefer to contact us by telephone or mail.

-+We take additional steps to protect the security of your personal information, such as strong 128-bit SSL encryption. Before using these facilities, you should ensure that you are using a web browser that supports 128-bit encryption. In many web browsers, you can confirm that your session is encrypted by the appearance of a locked padlock symbol located in the browser status bar at the foot of the browser.

## **FEEDBACK, INFORMATION REQUEST FORM AND EMAIL**

We may preserve the content of any feedback form, information request form, email or other electronic message that we receive. Any personal information contained in that message will only be used or disclosed in ways set out in this website Privacy Statement. We will not use that information to add you to a mailing list without your consent.

## **LINKS TO EXTERNAL WEBSITES**

This privacy statement does not extend beyond this website. When following links to other sites from this website, we recommend that you read the privacy statement of that site to familiarise yourself with its privacy practices.

## **CLICKSTREAM DATA**

This website's web server automatically records non-personal clickstream data. To the extent that any clickstream data could make you identifiable, we will not attempt to identify you from clickstream data unless required by law or to investigate suspected improper activity in relation to the website or to assist in law enforcement.

The following clickstream data are automatically recorded by this website's web server for statistical and system administration purposes only:

- Your IP address
- Your domain name (e.g. yahoo.com, gmail.com, etc)
- The date and the time of your visit to the site
- The pages you accessed and files downloaded
- The address of the last site you visited
- Your operating system
- The type of browser you are using.

## **COOKIES**

Like many sites, this website may use cookies from time to time.

Cookies are small data files that a website is able to place on a user's hard drive to record aspects of that user's experience of the website. For example, we may use cookies to record that a user visited a particular section of the website, that their browsing software was a particular version or to ensure that online applications and transactions do not require you to re-input information when moving between web pages. In this way, cookies can improve the operation of the website, and make the experience more efficient, more enjoyable or more personalised. Importantly, in depositing information on a user's computer and referring to it later in the same session (sessional) or on a subsequent visit (persistent), cookies do not need to identify the user or record any personal information.

The default settings of browsers like Chrome, Firefox, Internet Explorer and Safari may allow some or all cookies, but users can easily take steps to erase cookies from their hard-drive, block all cookies, or receive a warning before a cookie is stored. However, some parts of sites may not function fully for users that disallow cookies.

## **ACCESS AND CORRECTION**

You can request access to or correction of personal information held by the organisation.

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