



Emmerton Park Inc

Standard 1.8 (03)

Subject: PRIVACY POLICY
Application: Whole Organisation
Effective Date: March 2014
Review Date: Annually as per Audit Schedule
Approved By: CEO
Responsibility: All Staff, volunteers
Distribution: All Staff, volunteers

1. PURPOSE AND SCOPE

- 1.2. In this Online Security Statement "we", "our", and "us" refers to Emmerton Park Incorporated.
- 1.3. Your privacy is important to us and we are committed to handling your personal information in a responsible way in accordance with the Privacy Act. This is our Privacy Policy and it sets out how Emmerton Park Incorporated (We/us/our) collect, store, use and disclose your personal information.
- 1.4. We are required by the *Privacy Act 1988* (Commonwealth) to comply with the *Australian Privacy Principles* (APP) (subject to other provisions of the Privacy Act). The APP regulate the manner in which personal information is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility and disposal.

2. BACKGROUND

- 2.1. The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* was passed by both Houses of Parliament in November 2012. These amendments will impact the way government entities and private sector entities handle personal information and mean that a single set of APP will apply to the government and private sector entities regulated by the Act.
- 2.2. The *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, which comes into force on March 14th 2014, will:
 - Create a single set of Australian privacy Principles applying to both Australian Government agencies and the private sector. These Principles will replace the existing Information Privacy Principles and National Privacy Principles.
 - Introduce more comprehensive credit reporting, improved privacy protections and more logical, consistent and simple language.
 - Strengthen the functions and powers of the Australian Information Commissioner to resolve complaints, use external dispute resolution services, conduct investigations and promote compliance.
 - Create new provisions on privacy codes and the credit reporting code, including codes that will be binding on specified agencies and organisations.
- 2.3 The APP aim to ensure that organisations that hold information about people handle the information responsibly as well as give the public greater control over the way information about them is managed.

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3. DEFINITIONS

- 3.1. Client: Reference to a 'client' means a residents, employee, volunteer, or participant in a program or service
- 3.2. Client Information: Information or an opinion (including written and verbal information or an opinion forming part of a data base), 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.
- 3.3. Personal Information: Information we may collect including names, addresses, email addresses, phone and facsimile numbers.
- 3.4. Sensitive Information: Information or opinions which may include an individual's racial or ethnic origin, religious or philosophical beliefs, employment record, banking and taxation records, criminal record or health/mental health information.
- 3.5. Employee: References to 'employee' includes paid employees, volunteers and Board members and students on placement.

4. POLICY

- 4.1. Our services will comply with the APP which regulate how this organisation may collect, use, disclose and store personal information and how individuals may access and correct personal information held about them.
- 4.2. We are committed to protecting client privacy. We will only use the information that we collect lawfully.

5. PRIVACY PRINCIPLES

5.1. Australian Privacy Principle 1 — Open And Transparent Management Of Personal Information

- 5.1.1. The object of this principle is to ensure that we manage personal information in an open and transparent way.
- 5.1.2. We collect and handle a range of personal information for the purposes of providing, planning, funding, monitoring and evaluating our care programs, services and accommodation or to carry out legislative functions. We also collect personal information to facilitate effective Human Resource management including roster and payroll functions, training and development programs and the recruitment and termination

5.2. Australian Privacy Principle 2 — Anonymity and Pseudonymity

- 5.2.1. Where practicable, we will give you the option of interacting with us anonymously.

5.3. Australian Privacy Principle 3 — Collection of Solicited Personal Information

- 5.3.1. We collect and hold information about clients and employees:
 - 5.3.1.1. To provide services, accommodation and care provision;
 - 5.3.1.2. To assist management, employees in providing direct care services;
 - 5.3.1.3. For administrative requirements;
 - 5.3.1.4. To provide information to medical and pharmaceutical practitioners and allied health professionals;
 - 5.3.1.5. For benchmarking in a de-identified format;
 - 5.3.1.6. To provide data in both an identified and de-identified form to Government departments and agencies in compliance with numerous legislative requirements;
- 5.3.2. We only collect personal and sensitive information where that information is required to:

5.3.2 We only collect personal and sensitive information where that information is required to:

- 5.3.2.1 provide appropriate clinical and personal care, accommodation and support services;
- 5.3.2.2 determine your contribution to your cost of care, accommodation payments and additional fees and charges and
- 5.3.2.3 comply with taxation, banking, superannuation, payroll, recruitment and termination, WHS and medical reports relating to employees;
- 5.3.2.4 comply with National Criminal Check requirements relating to employees and some contractors.

5.3.3 We collect and hold personal information:

5.3.3.1 On all occasions, your information is collected, held, used and disclosed by us in accordance with this Privacy Policy.

Information is collected:

- 5.3.3.2 in various ways, directly from you, or other means including telephone, our website, hard copy (paper) forms or email.
- 5.3.3.3 From your legal guardian or attorney (as detailed in your Power of Attorney document);
- 5.3.3.4 From your personal, legal and financial adviser(s), government agencies and medical practitioners;

We recognise that the nature of our business means that much of the information we handle is very sensitive

5.3.3.5 We will ensure access to information is restricted to only those parties who have valid reason or need to access that information. This applies to electronic and hard copy information.

5.4. Australian Privacy Principle 4 — Dealing with Unsolicited Personal Information

5.4.1 If we receive unsolicited information, we will, within a reasonable period after receiving that information, determine whether we could have collected the information in accordance with APP 3.

5.4.2 If we do not require the information, we will return the information to you.

5.5. Australian Privacy Principle 5 — Notification of the Collection of Personal Information

5.5.1 We take reasonable steps to notify individuals or to ensure the individual is aware that personal and sensitive information is being collected, used, retained and possibly disclosed.

5.5.2 We provide information regarding our privacy policy, offer access to our Privacy Policy and require individuals to give their consent for us to use their information.

5.6. Australian Privacy Principle 6 — Use or Disclosure of Personal Information

5.6.1 We will only hold personal information about an individual that was collected for a specific purpose.

5.6.2 We will not use or disclose the information for any other purpose unless:

- 5.6.2.1 The individual consents to the use or disclosure
- 5.6.2.2 Where required to by law
- 5.6.2.3 We reasonably believe the use or disclosure is necessary to lessen or prevent a threat to an individual's life, health or safety; or a serious threat to public health or safety exists.

5.7. Australian Privacy Principle 7 — Direct Marketing

5.7.1 We will not use personal information about an individual for direct marketing purposes

5.8. Australian Privacy Principle 8 — Cross Border Disclosure of Personal Information

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5.8.1. We will take reasonable steps to ensure the protection of information in the unlikely event that such information needs to be transferred outside of Australia.

5.9. Australian Privacy Principle 9 — Adoption, Use or Disclosure of Government Related Identifiers

5.9.1. We will not use an Australian Government identifier for any individual as our own (e.g. Centrelink reference number for our Client ID)

5.10. Australian Privacy Principle 10 — Quality of Personal Information

5.10. We will take reasonable steps to ensure personal information is accurate, current and complete.

5.11. Australian Privacy Principle 11 — Security of Personal Information

5.11. We will take all reasonable steps to store and protect information from unauthorised access and use suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

5.11. Computer data is password protected with appropriate access levels employed.

5.12. Australian Privacy Principle 12 — Access to Personal Information

5.12. Clients or their appointed representative and employees are able to access personal information that we collect by making a written request to do so.

5.13. Australian Privacy Principle 13 — Correction of Personal Information

5.13. Clients are able to request the correction, withdrawal or amendment to personal information by making a written request to do so..

6. CONSENT TO USE IMAGES (e.g. PHOTOGRAPH, VIDEO, DVD)

6.1. We take images of clients to record their involvement in activities and events conducted as part of our aged care programs as the use of images is an integral part of the lifestyle, social and living environment of our aged care programs and may assist in the therapeutic and general wellbeing of clients.

6.2. We will obtain your informed consent to use your image and participate in photographic displays conducted within our aged care programs.

6.3. We do not generally use images of clients or employees for advertising and promotional purposes. In the event we do wish to use images of clients or employees for promotional purposes, we will obtain your informed consent to do so.

6.4. Clients, employees and visitors who may attend large events organised by the Organisation are advised that their images may be taken and retained by the Organisation.

6.5. Images of children will not be used in our advertising and promotional material.

7. PRIVACY AND RESEARCH

7.1. Clients, employees and volunteers may be invited from time to time to voluntarily participate in research studies, student placements and other projects conducted by us, or in conjunction with other Organisations. Participants will be required to give their consent before participating.

7.2. Students on placement will be required to comply with our privacy and confidentiality policies.

7.3. Participants may withdraw from research studies and other projects at any time

- 7.2. Students on placement will be required to comply with our privacy and confidentiality policies.
- 7.3. Participants may withdraw from research studies and other projects at any time by advising us in writing.
- 7.4. Participants are advised that potential consequences of their participation may include risks such as limitation to confidentiality.

8. ON LINE SECURITY STATEMENT

- 8.1. We take the security of our websites seriously and are committed to upholding high standards of data integrity. This Online Security Statement applies to this website, located at www.emmertontpark.com.au which is operated and managed by Emmerton Park Incorporated.
- 8.2. The Emmerton Park website is generally used to publish information and not for transaction activity or gathering information other than on-line enquiry forms. No data transmission over the internet can be guaranteed as totally secure. Whilst we strive to protect such information, we do not warrant and cannot guarantee the security of information which you transmit to us. Accordingly, any information which you transmit to us is transmitted at your own risk.
- 8.3. SPAM means unsolicited advertising material sent via email. We will not send out this type of material.

9. PRIVACY RELATIONSHIP WITH THIRD PARTY WEBSITES

- 9.1. This website includes hyperlinks to enable you to access a number of other websites by clicking on these hyperlinks we have provided.
- 9.2. These third party websites are not subject to our Online Security Statement. We recommend that you read their privacy and security statements to understand how they deal with your personal information online.

10. COMPLAINT HANDLING

- 10.1 You can lodge a complaint with us regarding any breach of our privacy policy in writing to the Chief Executive Officer.
- 10.2 Complaints will be handled in accordance with our Comments and Complaint Policy.

11. RECORDS MANAGEMENT

- 11.1 All personal and sensitive information will be retained in accordance with our Records Management policy and retention schedule.

12. DOCUMENTATION

- 12.1 Employee and Volunteer Consent Form
- 12.2 Care Recipient Consent Statement

13. REFERENCES

- 13.1 Privacy Act 2000
- 13.2 Privacy Amendment (Enhancing Privacy Protection) Act 2012
- 13.3 Tasmanian Anti-discrimination Act 1998

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13.3 Tasmanian Anti-discrimination Act 1998

13.4 Australian Human Rights Commission Act 1986

13.5 Racial Discrimination Act 1975

13.6 Sex Discrimination Act 1984

13.7 Disability Discrimination Act 1992

13.8 Age Discrimination Act 2004

13.9 Comments and Complaints Policy

13.10 Records Management Policy

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