

Privacy Policy



Our organisation

Access Australia Group's (AAG) management and staff is committed to delivering quality employment services, accredited training, community and social activities and disability services for service participants and employers in Victoria. AAG is a quality organisation that is subject to the Australian Privacy Principles contained in the Federal *Privacy Act 1988 (Cth)* (hereafter referred to as the *Privacy Act*). AAG will take all reasonable steps to collect, retain and dispose of all relevant personal and/or sensitive information in a lawful, fair and responsible manner.

Purpose

Privacy is a human right. Rights related to privacy are set out in the *Privacy Act* and State and Territory privacy laws.

The purpose of this policy is to uphold the right to people's privacy and will explain how AAG will comply under the *Privacy Act*.

As a quality organisation, AAG will ensure that stakeholders including participants, volunteers, students, staff and members of the public who deal with our organisation, are aware of, and understand, AAG's privacy obligations under the Act. Documented control systems, such as regular reviews by staff / management will ensure that policies such as this are maintained as part of AAG's internal and external audit reviews. The policy is freely available, and accessible on AAG's website: www.aag.org.au

References *(refer to Appendix 1 at the end of this document)*

Definitions

Australian Privacy Principles (AAP) - Australian Privacy Principles are contained in the Privacy Act 1988. *(see 'Australian Privacy Principles' below for further information.)*

The **Australian Privacy Principles guidelines** outline: the mandatory requirements in the APPs, which are set out in Schedule 1 of the *Privacy Act*; the Information Commissioner's interpretation of the APPs, including the matters that the Office of the Australian Information Commissioner may take into account when exercising functions and powers relating to the APPs; examples that explain how the APPs may apply to particular circumstances; good privacy practice to supplement minimum compliance with the mandatory requirements in the APPs.

Consent - means 'express consent or implied consent'. The four key elements of consent are:

- 1) the individual is adequately informed before giving consent
- 2) the individual gives consent voluntarily
- 3) the consent is current and specific, and
- 4) the individual has the capacity to understand and communicate their consent.

Privacy incident - A privacy incident may be a breach, a possible breach or a 'near miss'. Where a complaint has received advising that a privacy breach has occurred, an investigation must be initiated.

- **Breach or Possible Breach** – an action or omission that results in loss, theft, misuse or unauthorised disclosure of personal information, or has the potential to do so.

- **Near Miss** – are situations where a breach would have occurred without intervention. This includes situations where a privacy incident has occurred without any actual disclosure of personal information.

Sensitive information - is a special category of personal information and has more strict Privacy Law obligations for collection, storage and use. Under the Privacy Laws, information will generally be considered 'sensitive information' where it is personal information more specifically about a person's: racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal records. Health information about a person or genetic information or biometric information is also a form of 'sensitive information'. Sensitive information must not be collected unless: the individual specifically consents to the information being collected; and the information is reasonably necessary for one or more of AAG's functions or activities.

Mandatory sharing of personal information without consent.

Generally, your information will not be shared without your consent. But if there is a serious threat to an individual's life, health, safety or welfare, your information may be shared without your consent to lessen or prevent this serious threat. The information sharing under these circumstances will be in line with the legislation, policy and guidelines of the Protection Organisation, who may consist of:

- Victoria Police
- Child Protection
- The Disability Services Commissioner
- The NDIS Quality and Safeguards Commissioner
- Or as required under a lawful subpoena

Policy

Australian Privacy Principles

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* also known as the *Privacy Amendment Act* includes a set of new, harmonised, privacy principles that will regulate the handling of personal information. These new principles are called the *Australian Privacy Principles (APP)*. Under the changes, there are 13 new APPs. AAG details each APP below and how it complies.

Personal information held by AAG may include:

- educational qualifications
- employment records
- enrolment records
- health records
- personal details
- job search records
- records of complaints and appeals
- NDIS Worker Screening checks
- Working with Children checks.

1. Open and transparent management of personal information

AAG is committed to continually improving its provision of a quality service. AAG will only collect information that is directly related to its service provision. As part of our Quality Management System,

AAG encourages stakeholders to let AAG know if there are any concerns regarding AAG's handling of personal information.

As stated above, AAG's *Privacy Policy (QPOL1-008)* and the *AAG Website Privacy Policy (QPOL10-002)* are available on the AAG website and will be updated when necessary. If a stakeholder wishes to express concern or complain about a breach in the managing of personal information, the complaints process is clearly defined and can be followed.

The *Feedback Appeals and Complaints Procedure (QP1-001)* is accessible on AAG's website. AAG's *Privacy Policy (QPOL1-008)* is available from the main office of AAG (18-20 St Andrews Avenue, Bendigo) and reception areas of AAG sites, from AAG's websites and is also included in a service participant's introductory handbook. Students are advised about the AAG's Privacy Policy at pre-enrolment sessions and its location.

2. Anonymity and pseudonymity

Services participants and stakeholders can choose to make a general enquiry anonymously or by using a pseudonym. Government contracts and conformity for our employment services and the registered training organisation can make this request quite difficult. For instance, in the large majority of cases, AAG will require personal information from service participants on a daily occurrence.

3. Collection of solicited personal information

Personal information is used for the purpose of providing employment, disability and training services. In order to carry out these services, personal information may also be provided to government departments and agencies for funding, eligibility and mandatory reporting.

Other examples of the people or organisations which may provide AAG with information, with the authorisation of service participants and other stakeholders, includes past and potential employers, family members, medical practitioners, and service providers.

What AAG collects depends on the type of service received; for AAG job seekers this may include a current resume or a list of qualifications. When AAG is provided with personal information from a third party it is stored in a secure manner, both physically and electronically.

4. Dealing with unsolicited personal information

When AAG receives unsolicited personal information, which AAG have not sought, AAG will check the information is relevant and necessary for the service it provide. Such information will be handled in the same way as other personal information collected. If the unsolicited information is not relevant to the service, such information will ultimately be securely disposed of as required by legislation.

5. Notification of the collection of personal information

Personal information is only obtained with the approval and knowledge of the individual. AAG will not collect sensitive information without the individual's written consent. Service participants, students and other clients of AAG are notified how and why personal information has been collected and its intended use.

6. Use and disclosure of personal information

- i. The use of personal information primarily for marketing purposes will only be available to be used after the individual has signed the *Consent form (QF1-001)*. Personal information, held by AAG, regarding its services may be observed by its Information Technical Support service providers, quality assurance certification bodies, and registered auditors. When this happens,

the personal information will be presented in such a way that the individual shall not be identifiable. Furthermore, AAG will only use a service participant's personal information for which it was collected, for instance, a resumé is used for direct marketing purposes only to potential employers.

- ii. It is expected that there are issues that could affect the individual's capacity to consent. These issues could include: age; physical or mental disability; temporary incapacity, for example during a psychotic episode, a temporary psychiatric illness, or because the individual is unconscious, in severe distress or suffering dementia; or has a limited understanding of English. Provisions will be made to ensure that each person is involved, as far as practicable, in any decision-making process.

(For more information on the decision-making process please refer to AAG's *Supported Decision Making and Advocacy Policy - QPOL1-020*). This could include interpreters, guardians, family, etc.

A person aged 15 years and older has capacity to consent when they have sufficient understanding and maturity to understand what is being proposed. AAG has the right to assess, on an individual basis, whether this is the case. Individuals under the age of 15 are presumed not to have capacity to consent.

- iii. An individual's personal information, held by AAG, can only be used or disclosed without the person's consent if:
- they've consented to AAG using or disclosing their personal information
 - because AAG think it's reasonably necessary for enforcement-related activities carried out by, or on behalf of, an enforcement body
 - a secondary purpose is required or authorised under an Australian law, or court or tribunal order.

AAG will not use or disclose personal information for the purpose of direct marketing or for government related identifiers

- iv. Access Skills Training (AST) will disclose names and details via the enrolment form only after the privacy section has been read, understood and signed. Victorian Student Numbers, Unique Student Identifiers, and enrolment information will be forwarded to governing and funding bodies through its Student Management System. AST's external auditors will also have access to individual's personal details where the individual has consented in writing. Privacy statements are located in AST's *Enrolment form (QF6-003.1x)* and the *AST's Unique Student Identifier Privacy Notice (QOD6-007)*. Students (parents or carers where students are under the age of 18 years of age) are required to read and understand the detail before agreeing and signing these forms.

7. Direct marketing

AAG may only disclose personal information for direct marketing purposes if certain conditions are met. For example, as part of the Department of Social Services contract obligations, AAG will directly market service participants for the purposes of employment. A disclosure of information form is signed by the service participant before any such marketing occurs. A service participant can decline direct marketing if he / she has other means of securing employment (i.e. finding own employment).

8. Cross-border disclosure of personal information

AAG will ensure that the disclosure of personal information of service participants is done so with written consent. In considering cross-border disclosures (i.e. overseas disclosure), AAG will ensure that

service participants fully understand and consent to the sharing of personal information, such as images or content before information is made available to another country.

9. Adoption, use or disclosure of government related identifiers

The use or disclosure of a government related identifier of an individual will only occur with written consent of the service participant. AAG may be obliged legally to provide personal information with a government organisation, such as a Job Seeker or Student ID numbers including Unique Student Identifier and Victorian Student Number.

10. Quality of personal information

AAG will take all reasonable steps to ensure any personal information collected or disclosed in relation to service participants is accurate, current, relevant and complete.

11. Security of personal information

AAG will take all reasonable steps to protect the personal information it holds. All personal information that it receives is kept in a lockable file that only authorised personnel have access to. All files are locked after hours and the premises are protected by an electronic security monitoring system. All information that is stored electronically is password protected, with access given to authorised personnel. Disposal of personal information is contained in AAG's *Archiving, Retrieval and Destruction Procedure (QP1-000)*. Access to this procedure is available at the main office of AAG, 18-20 St Andrews Avenue, Bendigo.

12. Access to personal information

Individuals are entitled, according to legislation, to access the personal information AAG holds about them, unless AAG is not required to do so under clause 12.3 of the Australian Privacy Principles. If individuals wish to view this information, AAG will make this available to that person within 10 (ten) working days. The contact details for AAG's Privacy Officer is: (03) 5445 9800 or info@aag.org.au.

AAG cannot provide personal information to an external body without the individual's permission (excepting issues noted in 6 (iii) above). AAG will require the individual to voluntarily complete the *Authority to Exchange Information form (QF1-015.1)* to release personal information. Some external organisations will provide AAG their own forms, but these will need to be completed by before AAG will releasing the information.

For service recipients of the Disability Employment Services division of AAG, a voluntarily completion of the *Employment Services - Authority to Exchange Information (QF7-005)* will be required for AAG to release personal information.

For students of AST, the *Request for Access to Student records form (QF6-025)* will be required to be voluntarily completed before AST will release personal information. This form is accessible from the main office of AST - 22 McLaren Street, Bendigo. Should individuals require copies of any of their personal information, administrative charges may apply

13. Correction of personal information

Individuals have the right to request access to their personal information and to request its correction. All reasonable steps will be taken to ensure that correction of personal information is done in a timely manner. It is important that personal information is accurate, up to date, relevant and not misleading. If AAG refuses a service participants' request for the correction of their personal

information, AAG's *Feedback, Appeals and Complaints Procedure (QP1-001)* should be followed and the *Feedback, Appeals and Complaints form (QF1-003.2)* should be filled in.

For more information about the Australian Privacy Principles, please refer to the Privacy fact sheet 17: Australian Privacy Principles:

www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles

Respect the privacy of people with disability (*NDIS requirements for NDIS providers*)

People with disability have a right to privacy including in relation to the collection, use and disclosure of information concerning them, and in the dignified way services are delivered to them.

Comply with Commonwealth and State and Territory privacy laws

AAG respects and protects the privacy of everyone that receives our supports and services or provides those supports and services.

These are clearly explained to people with disability and workers, including:

- the kinds of personal information that will be collected and held, including recorded /audio and visual material
- why this information is held
- who will have access to this information
- how they will ensure the information is secure
- how this information will be used
- how to access and amend information held about them
- how to make a complaint if they feel that the NDIS provider has breached their privacy obligations.

There are certain circumstances where AAG is required disclose information about a person without consent from the person involved. This might include mandatory reporting requirements on child protection matters, and obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct to the NDIS Commission and police.

Deliver services in a dignified way that maintains personal privacy.

Privacy extends beyond a careful approach to handling personal information to the way in which services are delivered to people with disability. AAG should be aware of the privacy needs and preferences of people with disability and deliver services in a way that maintains personal dignity. This includes having in place policies, procedures, resources, worker training and service delivery models to support workers in:

- maintaining the confidentiality of the person's personal information
- requesting permission to perform, and explaining procedures that involve physical touch or the invasion of personal space
- the timely provision of services to prevent embarrassment and discomfort such as toilet breaks
- considering everyday personal privacy needs.

Appendix 1: References

- AAG's Consent form (QF1-001.2)
- Australian Privacy Principles - Office of the Australian Information Commissioner (OAIC) (Cth): [The Australian Privacy Principles \(oaic.gov.au\)](https://www.oaic.gov.au/privacy/australian-privacy-principles/)
- Australian Privacy Principles website - Office of the Australian Information Commissioner: <https://www.oaic.gov.au/privacy/australian-privacy-principles/>
- Data breach preparation and response — A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth): [Data breach preparation and response \(oaic.gov.au\)](https://www.oaic.gov.au/privacy/australian-privacy-principles/guide-to-managing-data-breaches/)
- Disability Services Act (1986) (Cth)
- Freedom of Information Act 1982 (Cth)
- Guidelines About Eligibility, Skills First Program (Department of Education and Training)
- Guidance for Organisations – Investigating a Reportable Conduct Allegation (CCYP): <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>
- Guide to securing personal information: www.oaic.gov.au/agencies-and-organisations/guides/guide-to-securing-personal-information
- Health Records Act 2001 (Vic)
- Intellectual Property Policy (QPOL1-032)
- Mandatory data breach notification: <https://www.oaic.gov.au/updates/news-and-media/mandatory-data-breach-notification/>
- National Standards for Disability Services
- The new ISO 31000 keeps risk management simple: [ISO - The new ISO 31000 keeps risk management simple](https://www.iso.org/standard/68811.html)
- Operational Guidelines Disability Employment Assistance (Department of Social Services): [operational guidelines - disability employment assistance.pdf \(dss.gov.au\)](https://www.dss.gov.au/operational-guidelines-disability-employment-assistance.pdf)
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulation 2013 (Cth)
- Public Records Act 1973 (Vic)
- Read the Australian Privacy Principles - Office of the Australian Information Commissioner (OAIC): <https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles/>
- Standards for Registered Training Organisation's (RTOs) 2015 (Cth)
- Standard VET Funding Contract (Department of Education and Training)
- Summary of version changes to APP guidelines (Office of the Australian Information Commissioner): <https://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/summary-of-version-changes-to-app-guidelines/>
- User Guide for Standards for Registered Training Organisations (RTOs) 2015 (Cth)