

## POLICY CATEGORY

Client Engagement.

## PURPOSE

This Policy sets out how Centacare Catholic Country SA collects and treats personal information relating to individuals who use its services. The policy details how it will comply with the Privacy Act 1988 (Commonwealth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Commonwealth) (together the "Privacy Act") and the thirteen Australian Privacy Principles. The Policy will also detail how Centacare Catholic Country SA manages privacy in its organisation.

## SCOPE

The policy applies to all Centacare Catholic Country SA staff.

## DEFINITIONS

**APP** – Australian Privacy Principle.

**Centacare** – Centacare Catholic Country SA.

**Client** – for the purposes of this Policy, refers to people using Centacare Services or where applicable, parent or guardians/Power of Attorney.

**Manager** – the Manager of the Centacare office that holds a Client's Personal Information.

**Personal Information** – information Centacare holds which is identifiable as being about an individual or could reasonably identify an individual.

**Privacy Officers** – the employees who assist issues relating to privacy within the organisation.

**Solicited Information** – for the purposes of this Policy means:

- a completed form or application submitted by a Client;
- Personal Information provided by an individual in response to a request, direction or order;
- Personal Information about an individual provided by another entity in response to a request, direction, order or arrangement for sharing or transferring information between both entities;
- a completed form or application submitted by an individual; and/or
- an entry in a visitor's book.

**Staff** – employees, volunteers and students on placement.

**Unsolicited Information** – for the purposes of this Policy means information that Centacare receives but has taken no active steps to collect.

## ROLES AND RESPONSIBILITIES

**Staff are responsible for:**

- ensuring that they comply with the Policy Specifics and Procedure detailed in this Policy.

**The Privacy Officers are responsible for:**

- managing the organisation's responsibilities under the Privacy Act; and
- ensuring that access, correction requests, complaints and enquiries about a client's Personal Information is handled in accordance with this Policy.

## POLICY SPECIFICS

The Freedom of Information Act does not apply to Centacare. Freedom of Information only relates to the accessing of documents held by government departments and government agencies. An individual's right to request access to or correction of Personal Information from non-government organisations is governed by the Privacy Act and Australian Privacy Principles.

The Australian Privacy Principles (APP) guidelines outline the mandatory requirements of the APPs, how we'll interpret the APPs, and matters we may take into account when exercising our functions and powers under the Privacy Act 1988.

The following 13 Australian Privacy Principles underpin the approach used by Centacare when dealing with Client Information and Privacy.

Please note: in accordance with the Privacy Act, Centacare may presume that an individual aged 15 years or over has capacity to consent, unless there is something to suggest otherwise.

An individual aged under 15 years is presumed not to have capacity to consent and in this case consent will be sought from the primary caregiver to whom the conditions outlined in this Policy will apply.

### APP 1. Open and Transparent Management of Personal Information

Centacare collects and holds information in order to provide tailored services to Clients and to meet obligations contained in funding and service agreements.

Generally, the type of Personal Information collected relates to:

- contact information (i.e. name, address, phone numbers);
- demographics (i.e. gender, ethnicity, marital status, occupation); and/or
- type of service required.

Personal Information is only ever released if required by law or requested by an individual that is using or has used Centacare services in relation to their own file.

Personal Information collected by Centacare is initially obtained from Centacare's Client Intake and Registration Forms and forms generated by Government Agencies for the purposes of data collection (solicited) or from information Clients offer (unsolicited).

Client Information collected from:

- the Client Intake and Registrations forms are used for the purpose of service provision;

- forms provided by Government Agencies (i.e. Department of Social Services forms) are used for the purpose of collecting and submitting data for statistical purposes. This information is collected in accordance with funding requirements.

Centacare will take reasonable steps to ensure that the Personal Information it collects is accurate, complete and current.

#### Disclosure of Information to Overseas Recipients

Centacare will not disclose Personal Information to overseas recipients. This would only occur if required by law or if a request by an individual that is using, or has used, Centacare services in relation to their own file.

#### APP 2. Anonymity and Pseudonymity

Clients will have the option of not identifying themselves, or of using a pseudonym, when dealing with Centacare in relation to a particular matter, unless:

- Centacare is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- it is impracticable for Centacare to deal with individuals who have not identified themselves or who have used a pseudonym.

#### APP 3. Collection of Solicited Personal Information

Centacare will not collect Personal Information (other than sensitive information) unless the information is necessary for provision of the service. Sensitive information, such as the Clients racial or ethnic origin, sexual preferences and health information will not be collected unless the Client consents and the information is reasonably necessary for service provision and/or to meet obligations under our funding and service agreement/s.

#### APP 4. Dealing with Unsolicited Personal Information

If Centacare receives information that was not solicited and is not necessary for provision of the service, it will be destroyed as soon as practicable or de-identify.

#### APP 5. Notification of the Collection of Personal Information

Centacare will provide all Clients with information regarding the collection and privacy of their information at, or by, their first visit.

Centacare Staff will confirm that the Client has received and has understood this information during their first appointment or session with the service, and that this is recorded in the Client's file.

#### APP 6. Use or Disclosure of Personal Information

Information is only used or disclosed in order to provide a service or to comply with service agreements.

Centacare holds Personal Information about a Client that has been collected for a particular purpose (the primary purpose), and will not use or disclose the information for another purpose (the secondary purpose) unless:

- a) the Client has consented to the use or disclosure of the information; or
- b) the Client would reasonably expect Centacare to use or disclose the information for the secondary purpose and the secondary purpose is:
  - i) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
  - ii) Centacare reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

If and when Centacare uses or discloses Personal Information in accordance with the above, the organisation will ensure this is documented, and a copy of the disclosure particulars are detailed on the client file.

#### APP 7. Direct Marketing

Centacare will not use or disclose a Client's Personal Information for the purpose of direct marketing.

#### APP 8. Cross-Border Disclosure of Personal Information

Centacare will not disclose a Client's Personal Information to any overseas recipient unless:

- a) Centacare believes that:
  - i. the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
  - ii. there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- b) Centacare expressly informs the individual that if he or she consents to the disclosure of the information, will not apply to the disclosure and that after being so informed, the individual consents to the disclosure; or
- c) the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order.

#### APP 9. Adoption, Use or Disclosure of Government Related Identifiers

Centacare will not adopt a government related identifier of a Client as its own identifier of the Client unless the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order.

#### Use or Disclosure of Government Related Identifiers

Centacare will not use or disclose a government related identifier of a Client unless:

- a) the use or disclosure of the identifier is reasonably necessary for the organisation to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- b) the use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
- c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or

- d) the organisation reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

#### APP 10. Quality of Personal Information

All reasonable steps are taken to ensure that information is accurate, complete and current. Client Information that is sent or received is included in the Client's file.

#### APP 11. Security of Personal Information

Centacare will take such steps as are reasonable in the circumstances to protect Personal Information from:

- misuse, interference and loss; and
- unauthorised access, modification or disclosure.

Centacare will take such steps as are reasonable to destroy information or to ensure that the information they hold relating to a Client is de-identified when:

- the organisation no longer needs the information for any purpose for which the information may be used or disclosed by the organisation;
- the information is not contained in a Commonwealth record; and/or
- the organisation is not required by or under an Australian law, or a court/tribunal order, to retain the information.

#### App 12. Access to Personal Information

The process relating to a Client applying for access to information is detailed under the Procedure section of this policy.

#### Exceptions to Access

Centacare will, upon request by a Client, give the Client access to their Personal Information except in the case where an exception as follows applies:

- a) Centacare reasonably believes that giving access would pose a serious threat to the life, health or safety of the Client, or to public health or public safety; or
- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or
- d) the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or
- e) giving access would reveal the intentions of Centacare in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- h) Centacare has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Centacare's functions or activities has been, is being or may be engaged in giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or

- i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j) giving access would reveal evaluative information generated within Centacare in connection with a commercially sensitive decision-making process.

#### Access Charges

There is no cost associated in submitting a request to access a file or for printing or photocopying of documents.

#### APP 13. Correction of Personal Information

When Centacare holds Personal Information about an individual and is satisfied that having regard to a purpose for which the information is held, the information is:

- a) inaccurate, out of date, incomplete, irrelevant or misleading; or
- b) the individual requests the entity to correct the information.

Centacare will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

Clients may request that their file be corrected. The process relating to a request to have information corrected is outlined in the Procedure section of this Policy.

#### Refusal to Correct Information

If Centacare has refused to correct the Personal Information as requested by an individual, the organisation will give the individual Client a written notice in accordance with item 17 in the Procedure section of this Policy.

#### Request to Associate a Statement

If Centacare has refused to correct the Personal Information as requested by an individual and the individual requests the organisation to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, Centacare will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

#### AVAILABILITY OF CENTACARE'S CLIENT PRIVACY AND ACCESS TO INFORMATION POLICY

Centacare will take such steps as are reasonable in the circumstances to make its Client Privacy and Access to Information Policy available:

- free of charge; and
- in such form as is appropriate.

If an individual or body requests a copy of Centacare's Client Privacy and Access to Information Policy in a particular form, the Organisation will take such steps as are reasonable in the circumstances to give the Client or body a copy in that form.

Centacare will make the Client Privacy and Access to Information Policy available on their website.

## COMPLAINTS

Centacare will manage all complaints promptly and confidentially. We will take all reasonable steps to ensure that a person is not adversely affected because a complaint has been made by them, or on their behalf. If an individual wishes to make a complaint regarding the way in which Centacare have handled their information, they may do so at any of our offices or via the Centacare website. To lodge a complaint online, please select 'Feedback and Complaints' under the 'Contact' menu on [www.cccsa.org.au](http://www.cccsa.org.au)

Clients will be advised that complaints will be handled in the strictest confidence.

## CENTACARE'S PRIVACY OFFICERS

Centacare have Privacy Officers who are responsible for:

- managing the organisation's responsibilities under the Privacy Act; and
- handling access and correction requests and enquiries about a Client's Personal Information handling practices.

## CLIENT'S PRIVACY

All of Centacare's Clients and service users are provided with Centacare's Client Service Information Brochure and Client Information Sheet upon their first appointment or meeting with a Centacare Staff member. These documents collectively summarise the organisation's practice in relation to the collection, use, disclosure and access of their Clients' Personal Information.

## PROCEDURE

Staff are required to carry out the following in order to ensure correct application of Australian Privacy Principles within Centacare and to ensure client privacy is maintained.

1. Ensure a Client's Personal Information is collected, managed and disclosed in accordance with APP 1.
2. Ensure Clients are given the option of not identifying themselves, or of using a pseudonym in accordance with APP 2.
3. Ensure a Client's Personal Information (other than sensitive information) will not be collected unless the Information is necessary for provision of the service in accordance with APP 3.
4. Ensure that unsolicited Personal Information will be destroyed or de-identified in accordance with APP 4.
5. Provide Clients with information regarding the collection and privacy of their information at the first visit in accordance with APP 5.
6. Ensure information collected will only be used or disclosed in order to provide a service or to comply with service agreements in accordance with APP 6.
7. Ensure a Client's Personal Information will not be used or disclosed for the purpose of direct marketing in accordance with APP 7.
8. Ensure a Client's information will not be disclosed to any overseas recipient unless as indicated under APP 8.
9. Do not to give a Client a Government related identifier as its own identifier unless as indicated under APP 9.

10. Ensure all reasonable steps are taken to ensure a Client's information is complete, current and accurate in accordance with APP 10.
11. Ensure all reasonable steps are taken to ensure a Client's information is protected and secure in accordance with APP 11.
12. Ensure Clients are given access to their Personal Information upon request except in cases where exceptions apply in accordance with APP 12.
13. Ensure client requests to access their Personal Information are carried out as follows:
  - a) The individual is to be given a Centacare 'Client Request to Access or Correct Information' form to complete. (This form is available to Centacare Staff on SharePoint).
  - b) Once completed, the individual is to return the form to the Administration Officer or their Case Manager/Counsellor along with proof of identity. Note: the 'Client Request to Access or Correct Information' form must not be accepted without proof of identity from the individual.
  - c) The Administration Officer or Case Manager/Counsellor is to advise the individual that the request will be provided to their Manager to consider and that they will receive information regarding the outcome of their request as soon as practical.
  - d) The Administration Officer or Case Manager/Counsellor must provide the completed 'Client Request to Access or Correct Information' form to their Manager for consideration.
  - e) The Manager is to forward a copy of the completed 'Client Request to Access or Correct Information' form to Centacare's Privacy Officer for record keeping purposes.
  - f) The Manager is to respond to the 'Client Request to Access or Correct Information' application within a reasonable period after the request is made; and will either:
    - i) grant permission for access to a file in the manner requested by the individual, if it is reasonable and practicable to do so; or
    - ii) refuse permission for access to a file based on the 'Exceptions to Access'.
  - g) The Manager is to advise the Privacy Officer of the outcome of the request.
  - h) Where an individual has been granted permission to access their information the Manager is to contact the individual and:
    - i) make arrangements with the individual to sight the information at the Centacare office where the information is held. This is to be convened at a time convenient to the Manager and individual; or
    - ii) arrange to have the information printed off or photocopied and left in a sealed envelope (with the individual's name printed on it) for the individual to pick up. In this case, the individual **must** provide proof of identity before being handed the envelope. **Under no circumstances can the information be handed to anyone other than the individual the information relates to.**
    - iii) The Manager is to document in the individual's file the information provided to the individual.
  - i) In a situation where an individual has been refused permission to access their information because of an exception (as noted above) or to give access in the manner requested by the individual, the Manager will give the individual a written notice that sets out:
    - i) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
    - ii) the mechanisms available to complain about the refusal; and
    - iii) any other matter prescribed by the regulations.The Manager is to take a copy of the written notice provided to the individual and place this into the individual's file and to forward a copy of the written notice to Centacare's Privacy Officer.
14. Ensure Client Information is accurate, up to date, complete, relevant and not misleading in accordance with APP 13.



15. Ensure Clients are able to request that information in their file corrected in accordance with APP 13.
16. Ensure Client requests to have their information corrected is carried out as follows:
  - a) Clients may request that their file be corrected by completing a 'Client Request to Access or Correct Information' form and submitting it to the Administration Officer or Manager of the Centacare office where the file is held. The method of applying to have information corrected is the same as noted above under item 13 above.
  - b) When Centacare corrects Personal Information about an individual that the organisation previously disclosed to another APP entity; and the individual requests Centacare to notify the other APP entity of the correction, Centacare will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.
17. If a Manager has refused to correct the Personal Information as requested by an individual, she/he is to give the individual a written notice that sets out:
  - a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and;
  - b) the mechanisms available to complain about the refusal.

## RELATED DOCUMENTS

Client Files Policy  
 Client Intake and Appointment Policy  
 Centacare Information Sharing Guidelines Appendix  
 Client Rights and Responsibility Policy  
 Data Breach Policy  
 Data Breach Response Plan

## POLICY REVIEW

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<b>Signature</b>	