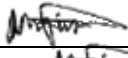




Procedure – Privacy

Ver	Version Created	Approved By			Next Review Date
		Name & Position	Signature	Date	
1	19/3/12	Adrian Pitt (CEO)		19/3/12	19/3/14
2	11/6/13	Adrian Pitt (CEO)		11/6/13	11/6/15
3	20/11/14	Wojtek Swietek (CEO)		20/11/14	20/11/16

Purpose and scope

FWS values the privacy of individual personal information and is committed to the protection of the personal, sensitive and health information it holds. This procedure directs staff on the responsible collection and handling of personal information to comply with the Privacy Amendment Act 2012 (replacing the Privacy Act 1988) which includes the introduction of 13 new Australian Privacy Principles (APP's) effective from 12th March 2014.

Responsibilities

The CEO in collaboration with the senior management team is responsible for creating this procedure and maintaining the content in line with legislative updates to ensure regulatory compliance.

Corporate Services in consultation with the CEO is responsible for the coordination of reviewing, updating, communicating and publishing this procedure.

Human Resources is responsible for ensuring that policy and procedure training is delivered as part of the Induction process to new employees/volunteers.

All Managers and Team Leaders are responsible for ensuring employees reporting to them are aware of and adhere to this procedure.

All FWS employees are responsible for behaving in accordance with this procedure.

Implementation

Consideration of Personal Information Privacy

APP 1 - Open & Transparent Management of Personal Information

FWS is committed to ensuring open and transparent management processes for dealing with all personal and health information.

FWS will make its Privacy Policy and Procedure openly available and free of charge via the FWS website www.fws.org.au. Upon request, FWS may make the Privacy Policy and Procedure available in another appropriate form.

Personal and/or sensitive information about an individual will only be collected if that information is necessary for primary business functions and activities.

The purpose for which personal information is collected is relative to the relationship the individual has with FWS. For staff, supported employees and/or contractors, the personal and health information relates to the employment of the individual. For persons using the services of FWS, the personal and health information collected is necessary to ensure compliance with contractual requirements and to provide the best possible service to the client. Personal information of members of the public may be collected in the course of addressing enquiries and requests.

FWS will not collect, hold, use or disclose personal and health information except as permitted by the Privacy Laws. FWS will use and disclose personal and health information for the primary purposes for which it was collected and may also use or disclose personal information for a secondary purpose where:

- The secondary purpose is related to the primary purpose and a person would reasonably expect FWS to use or disclose the information for that secondary purpose; or
- A person has consented to the use or disclosure of their personal information for the secondary purpose; or
- The use or disclosure is required or authorised by or under law; or
- The use or disclosure is otherwise permitted by the Privacy Laws.

Any person who has a privacy concern or issue should follow the FWS Grievances & Complaints procedure, if you require a copy please contact hr@fws.org.au.

APP 2 – Anonymity & Pseudonymity

FWS will provide an individual with the option of not identifying who they are or using a pseudonym when it is lawful and practicable to do so. The nature of the activities conducted by FWS means that generally, it is not possible for FWS to deal with a person anonymously or using a pseudonym.

Collection of Personal Information

APP 3 – Collection of Solicited Personal Information

The collection of personal information will only be done so, by lawful and fair means and not in an unreasonably intrusive manner.

FWS will collect personal information directly from an individual where it is reasonable and practicable to do so and take reasonable steps at or before the time of collection (or as soon as practicable thereafter) to ensure that the individual is aware of:

- Certain key matters, such as the purposes for which FWS is collecting the information;
- The organisations (or types of organisations) to which FWS would normally disclose information of that kind;
- The fact that the individual is able to access the information;
- How to contact FWS;
- Any law requiring the collection;
- Whether the information is to be transferred outside of South Australia or Australia; and
- The main consequences for the individual if the information is not provided.

Where FWS collects information from a third party (for example if a client authorises a parent, spouse or partner to deal with FWS on their behalf), FWS will still take reasonable steps to ensure the individual is made aware of the details set out above.

While FWS generally collects personal or health information directly from the individual, in some cases we may collect it from a third party such as other service providers' and government agencies.

If an individual chooses not to provide the information requested, FWS may not be able to provide services to that individual.

APP 4 – Dealing with Unsolicited Personal Information

Where a staff member receives unsolicited personal information the information should be de-identified or destroyed if it is not to be retained.

APP 5 – Notification of the Collection of Personal Information

If the information is to be retained, the person who the information relates to should be provided with an explanation of the purpose for collection, if it has not already been provided.

Dealing with Personal Information

APP 6 – Use or Disclosure of Personal Information

Where an FWS staff member collects, uses, discloses, stores or disposes of personal information on behalf of FWS, the staff member must do so in accordance with this procedure and Privacy Laws.

FWS staff must ensure sensitive conversations are held privately at an appropriate time and location and all private information is kept secure.

Information Sharing Guidelines

FWS staff may be required to share information if another service provider has asked for information about a client and/or if you believe sharing information about a client will help to:

- Intervene early and prevent harm;
- Conduct a risk assessment;
- Alert another agency to a potential risk or harm; or
- When information is required to help coordinate services.

When assessing a situation to decide if sharing information is appropriate or not, you must refer to and follow the Information Sharing Guidelines (ISG) in conjunction with the FWS ISG Appendix.

APP 7 – Direct Marketing

If a person does not wish to receive FWS communications or marketing communications, they may opt out by sending an email to FWS enquiry@fws.org.au . However, some communications are not optional and must continue to enable FWS to effectively provide its services and meet contractual obligations.

FWS will not disclose personal information for the express purpose of direct marketing by a third party. FWS will on occasions, direct market itself to other organisations, individuals or agencies. FWS reserves the right to contact people from whom it has personal information for marketing purposes.

APP 8 – Cross-Border Disclosure of Personal Information

If FWS is required to transfer personal information interstate or overseas it will only do so where it is necessary for the operation of its services and will comply with the requirements of the Privacy Laws for personal information flows outside South Australia. This involves FWS:

- De-identifying personal information; or
- Ensuring the recipient is subject to a legal or binding scheme that provides protection which is substantially similar to the applicable Information Privacy Principles; or
- Taking reasonable steps (including contractual agreements) to ensure that the recipients of the information do not breach the Information Privacy Principles; or
- Seeking the consent of the individual prior to transferring the information outside the jurisdiction covered by the Privacy Laws; or
- As is otherwise permitted by the Privacy Laws.

APP 9 – Adoption, Use or Disclosure of Government Related Identifiers

FWS will only use or disclose a government related identifier of an individual where this is reasonably necessary to enable it to carry out its functions and fulfil its obligations.

Integrity of Personal Information

APP 10 – Quality of Personal Information

FWS will take reasonable steps to:

- Ensure that any personal information that is collected, used and/or disclosed is accurate, complete and up to date;
- Protect the personal information that FWS holds from misuse, loss, unauthorised access, modification or disclosure; and
- Destroy or permanently de-identify personal information when required by the Privacy Laws.

APP 11 – Security of Personal Information

Personal information may be stored in hard copy, in an electronic form or as data in FWS systems or in secure systems hosted externally. Personal information will be stored, retained and destroyed according to timeframes set out in the FWS Records Management Procedure or when no longer required by FWS.

Some of the ways FWS seeks to protect personal information include the following:

- Induction training in this procedure for new employees;
- Confidentiality Agreements signed by all FWS staff;
- Procedures on document storage and security;
- Security measures for access to FWS computer systems;
- Controlling access to FWS premises; and
- Website protection measures.

Access to, & Correction of Personal Information

APP 12 – Access to Personal Information

In accordance with the Freedom of Information Act 1991, an individual may request and make application to access to their personal information. An application for access must:

- Be in writing; and
- Specify that it is made under the Freedom of Information Act; and
- Contain such information as is reasonably necessary to enable the document to be identified; and
- Specify an address in Australia to which notices under the Freedom of Information Act should be sent; and
- Be lodged at an FWS office, and may request that access to the document be given in a particular way.

APP 13 – Correction of Personal Information

Employees should assist FWS to keep the personal information that it holds accurate, complete and up to date by either updating the information in FWS systems, or if not authorised to access those systems, forward the request to the most relevant person for updating.

Breach of Privacy

If an employee breaches this procedure, depending on the circumstances it may be regarded as misconduct or unsatisfactory performance of their duties and may result in disciplinary action being taken.

Definitions

Health Information: personal information or an opinion including information that is not recorded in material form about:

- the physical, mental or psychological health (at any time) of an individual;
- a disability (at any time) of an individual;
- a health service provided or to be provided to an individual.

Identifier: an identifying name or code assigned by an organisation to an individual in connection with their personal or health information to uniquely identify that individual for the purposes of the operations of the organisation. This does not include an identifier that consists only of the individuals name.

Personal Information: is information or an opinion that identifies an individual, or allows their identity to be readily worked out from the information. It includes information such as a person's name, address, financial information, marital status or billing details. Some personal information is sensitive information.

Primary Purpose: the purpose for which the information is collected. This covers the primary use and primary disclosure of the information. This should be only what is necessary to undertake the business function or activity.

Secondary Purpose: the secondary purpose for which the information is used or disclosed has to be associated with the primary purpose for which it was collected. If sensitive information is involved, the secondary purpose has to be directly related to the primary purpose.

Privacy



Sensitive Information: personal information or an opinion about an individual's racial or ethnic origin, political opinions, religion, membership of a trade union, sexual preferences or practices or criminal record.

Documentation

- Privacy Act 1998
- Workplace Conduct Policy
- Privacy Policy
- Information Sharing Guidelines
- FWS Information Sharing Appendix
- Information Sharing Record Part A, B & C
- Confidentiality Agreement

Records

- FWS Intranet
- Client Files
- Personnel Files