

Privacy & Confidentiality Policy

1.1 Privacy & Confidentiality Definitions

<i>Privacy</i>	refers to keeping certain personal information free from public knowledge and attention and to having control over its disclosure and use.
<i>Confidentiality</i>	applies to information given to a person or organisation under an obligation not to disclose that information to others unless there is a statutory requirement or duty of care obligation to do so. Confidentiality also applies to organisational information which is not to be used or disclosed without authorization
<i>Personal information</i>	refers to any information or opinion, in any form, that may identify a person. Personal information includes a person's name or address, and can include photos, credit history information, bank details, a person's place of employment and any other information that could reasonably identify them. Personal information does not include anonymous information, aggregated or de-identified information.
<i>De-identification</i>	ensure that a person's identity is no longer apparent or cannot be reasonably ascertained from the information or data. De-identified information is information from which the identifiers about the person have been permanently removed, or where the identifiers have never been included. This means that the information is not personal information for the purposes of privacy legislation/s.
<i>Health information</i>	refers to any information relating to a person's physical, mental or psychological health or disability.
<i>Sensitive information</i>	a subset of personal information that is given a higher level of protection. Sensitive information is defined in the Privacy and Data Protection Act 2014 and includes information or an opinion about an individual's <ul style="list-style-type: none">• 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 orientation or practices;• criminal record.

1.2 Privacy & Confidentiality Relevant Instruments

PCLC Privacy & Confidentiality Policy, procedures and practices are subject to, and compliant with, the following legislation, acts and instruments:

- Privacy Act 1988 (Commonwealth)
- The *Privacy and Data Protection Act 2014* (Vic.)
- Victorian Health Records Act 2001
- Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015
- Family Violence Protection Act (FVPA) 2008 and the associated:
 - Family Violence Information Sharing Scheme
 - Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework
- NACLRC Risk Management & CLC Practice Guide;

1.3 PCLC Policy statements

- 1.3.1** PCLC is committed to satisfying all legal and ethical obligations regarding the protection of privacy and confidential information.
- 1.3.2** All PCLC workers (paid and volunteer), students on placement, management committee members and any other third party/ies who collects or manages personal information on behalf of PCLC must comply with this Privacy & Confidentiality Policy.
- 1.3.3** PCLC will have robust procedures in place to ensure the privacy and confidentiality of all personal information held within the organisation.
- 1.3.4** All privacy related PCLC procedures, work instructions and other guiding documents and information must to comply with this Privacy & Confidentiality Policy.
- 1.3.5** PCLC will provide information to individuals engaging with PCLC about their rights regarding privacy and confidentiality.
- 1.3.6** Individuals engaging with PCLC will be provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- 1.3.7** All PCLC workers (paid and volunteer), students on placement, management committee members and any other third party/ies who collects or manages personal information on behalf of PCLC will understand what is required in

meeting these obligations and will sign a PCLC Privacy & Confidentiality Undertaking to agree to meet privacy and confidentiality obligations at PCLC

- 1.3.8** The PCLC Privacy & Confidentiality Policy applies to all personal, health or sensitive information about individuals collected, used, stored, disclosed, shared and destroyed by PCLC, regardless of the format of the information.

1.4 PCLC Privacy & Confidentiality Policy Principles

The PCLC Privacy & Confidentiality Policy and related procedures and processes reflect and uphold the key privacy principles outlined in the Privacy Act 1988 (Commonwealth) (Australian Privacy Principles), the Privacy and Data Protection Act 2014 (Vic.) (Information Privacy Principles) and the Health Records Act 2001 (Vic.) (Health Privacy Principles). Full versions of these Principles are provided respectively in these Acts.

1.4.1 Collection

PCLC will:

- Only collect information that is necessary for the performance and primary function of PCLC and its programs.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Determine, where unsolicited information is received, whether the personal information could have been 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 person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).

1.4.2 Use and Disclosure

PCLC will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, PCLC will obtain written consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:

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Rosebud Branch 1375 Point Nepean Road, Rosebud Vic 3939

- a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
- the person has consented; or
- certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- Provide all individuals with 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 PCLC must take steps to correct it. PCLC may allow a person to attach a statement to their information if PCLC disagrees 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.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.

1.4.3 Storage

PCLC will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.
- Before PCLC 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. PCLC will have systems which provide sufficient security.
- Ensure that PCLC data is up to date, accurate and complete.

1.4.4 Destruction and de-identification

PCLC will:

- Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops, storage devices and mobile phones.
- Change information to a pseudonym or treat it anonymously if required by the person whose information PCLC holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

1.4.5 Data Quality

PCLC will:

- Take reasonable steps to ensure the information PCLC collects is accurate, complete, up to date, and relevant to the functions performed.

1.4.6 Data Security and Retention

PCLC will:

- Take reasonable steps to protect the information it holds from misuse, loss, unauthorised access, modification or disclosure
- Only destroy records in following procedures that comply with the PCLC Privacy & Confidentiality Policy and privacy standards

1.4.7 Openness

PCLC will:

- Ensure stakeholders are aware of the PCLC Privacy & Confidentiality Policy and its purposes.
- Make the Privacy & Confidentiality Policy freely available in relevant publications and on the PCLC website.

1.4.8 Access and Correction

PCLC 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.
- Provide information on how to correct or access personal information via service user brochures.

1.4.9 Unique Identifiers

PCLC will not:

- Apply unique government related identifiers (such as a Medicare number) to individuals.

1.4.10 Anonymity

PCLC will:

- Give individuals the option of using a pseudonym or not identifying themselves when engaging with the organisation where this is lawful and practicable. Full members must supply their full name and address, in compliance with the Associations Incorporation Reform Act 2012 (Victoria).

1.4.11 Transborder Data Flows

PCLC will:

- Ensure that any personal or sensitive information transmitted outside Victorian state borders is subject to the same protection afforded to personal or sensitive information held within Victoria.

1.4.12 Sensitive Information

PCLC will:

- Only collect sensitive information necessary to carry out a primary function of the organisation, and only with the person's consent. Sensitive information includes information relating to 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 orientation or practices;
 - criminal record,unless special exemptions apply.

1.4.13 Making information available to other organisations

PCLC can:

- Release information to third parties only where it is authorised by the person concerned and recorded in a material form

1.4.14 How to contact PCLC

Individuals wishing to access or update their personal information, have concerns about how PCLC is handling their personal information, or believe there has been a breach of Privacy Principles may contact PCLC at pclc@pclc.org.au at (03)9783 3600.