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### Why Do We Need This Policy and Procedure?

The purpose of this policy and procedure is to establish standards of privacy, dignity and confidentiality in Identitywa's dealings with prospective, current and past individuals who have used its services, as well as Identitywa workers.

### Who Is This Policy & Procedure For?

This policy and procedure is applicable to all Identitywa workers, and applies to all personal information collected, stored and managed by Identitywa, including information relating to people Identitywa supports and its workers.

### Policy Statement

This policy is to ensure that Identitywa has a clear framework for collecting, handling and managing personal information, as per the Australian Privacy Principles and the Privacy Act 1988(Cth).

Identitywa collects and uses an individual's personal information for the purpose of ensuring the delivery of appropriate, timely and quality services. Respecting and protecting the privacy and confidentiality of individual's and worker's personal information is central to operations. All personal information is collected in an open and transparent manner.

When in possession or control of a record containing personal information, Identitywa will ensure:

- The record is protected against loss, unauthorised access, modification or disclosure, by such steps as is reasonable in the circumstances to take.
- If it is necessary for a record to be given to a person in connection with the provision of a service to Identitywa, everything reasonable will be done to prevent unauthorised use or disclosure of that record.

Information will be used and disclosed for the purpose given at the time it's collected. It may include sensitive information and personal information, for example, as is needed for the health care of an individual, or for duty of care. Identitywa will ensure individuals know what personal information we collect and why.

### What is Personal Information and What is Sensitive Information?

Personal information is: 'information or an opinion about an identified individual, or an individual who is 'reasonably identifiable' (Privacy Act 1988 (Cth). Personal information includes, for example, a person's name, address, contact details (e.g. phone number or email) or date of birth. Sensitive information may include, for example, sexuality, race, religion and health information. Information may come from a variety of sources and

includes allied health documents and records.

Identitywa collects personal and sensitive information, which is required to deliver the services it provides. It is important for information received to be as accurate and complete as possible. This information includes, but is not limited to medical reports, specialist behavior plans, plans relating to individual service, and other documents and records, as they raised for service delivery.

### **Australian Privacy Principles**

Identitywa complies with the Australian Privacy Principles (APP). These Principles establish the obligations in relation to handling, holding, accessing and correcting personal information. Following are the statements addressing the APP's.

### **Open and Transparent Management of Personal Information**

Information will be retained and handled as per Identitywa's Records Management Policy. Information is collected from a variety of sources, and may include: individuals, carers, advocates, and other third parties such as Government agencies and medical practitioners. All of Identitywa's processes are transparent, and policies and procedures can be requested at any time.

### **Anonymity and Pseudonymity**

It is noted that an individual may prefer to deal anonymously with Identitywa. For example, a member of the public is able to make an inquiry into Identitywa's service, without providing any of their details. A pseudonym can also be used in place of a person's actual name.

### **Collection of Solicited Personal Information**

Personal and sensitive information must only be collected for the purpose of providing a service for the individual. Information collected includes: information about personal circumstances, information about identity, and records relating to health.

### **Dealing with Unsolicited Personal Information**

Unsolicited information will not be used by Identitywa, and if appropriate, will be destroyed or de-identified.

### **Notification of the Collection of Personal Information**

All individuals sign Consent forms when they commence with the organisation. This includes consent to obtain information and consent to share information with third parties. Individuals will be able to correct information held about them.

### **Use or Disclosure of Personal Information**

Identitywa will not disclose information about individuals without obtaining consent, unless an exception applies. This includes, for example, where the individual has consented to a secondary use or disclosure, or where an individual would reasonably expect Identitywa would use their information for a secondary purpose. It also includes if directed by an Australian law or court/tribunal order.

### **Direct Marketing**

Identitywa will not share information about individuals for direct marketing, unless the individuals have given consent to do so or have a reasonable expectation that this would occur. Individuals will have the option to "opt out" of any marketing.

### **Cross-border Disclosure of Personal Information**

Identitywa has computer servers which are based in Australia. No data is sent overseas. If information were to be sent overseas, then Identitywa would determine whether the organization meets the APP's.

### **Adoption, Use or Disclosure of Government Related Identifiers**

Identitywa will not use Government identifiers for individuals of the service, unless there is an exemption as per the APP's.

### **Quality of Personal Information**

Identitywa takes all reasonable steps to ensure the personal information collected, used or disclosed is accurate, complete and up to date.

### **Security of Personal Information**

When in possession or control of a record containing personal information, Identitywa takes all reasonable steps to ensure that the record is protected against loss, unauthorised access, modification or disclosure.

### **Access to Personal Information**

If individuals request to view their own personal information held by Identitywa, Identitywa has a duty to provide them access to this. Individuals will be provided access to their personal information in the form they request. Individuals can have access to correct their information.

### **Exceptions to Granting Access to Personal Information**

There are exceptions which allows Identitywa to deny access consistent with the Privacy Act. Identitywa is not required to give the individual access to personal information if any of the following applies:

- It is believed that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or safety;
- Giving access would have an unreasonable impact on the privacy of other individuals;
- The request for access is frivolous or vexatious;
- The information relates to existing or anticipated legal proceedings between Identitywa and the individual and would not be accessible by the process of discovery in those proceedings;
- Giving access would reveal the intentions of Identitywa in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- Giving access would be unlawful;
- Denying access is required or authorised by or under an Australian law or a court/tribunal order;
- Identitywa has reason to suspect unlawful activity or misconduct of a serious nature that relates to Identitywa'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 suspected unlawful activity or serious misconduct;
- Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- Giving access would reveal evaluative information generated within Identitywa in connection with a commercially sensitive decision-making process.

## Correction of Personal Information

Individuals are entitled to have their information corrected – and can contact the Privacy Officer: (08) 9474 3303 or via email: admin@identitywa.com.au  
Identitywa will maintain information that is accurate, up-to-date, complete, relevant and not misleading.

## Procedure

### Consent

There are four key elements of consent for individuals, which Identitywa adheres to:

- The individual is adequately informed before giving consent
- The individual gives consent voluntarily
- The consent is current and specific
- The individual has the capacity to understand and communicate their consent

Consent is obtained before information is collected or shared. When an individual commences with Identitywa, a *Consent - Individuals* form will be signed off. If information is to be shared to a third party, a *Consent – Individuals - Third Party Consent* form will be used. If a different reason for the purpose of using the information arises, the individual will be notified. Consent forms are reviewed, at least annually, for currency.

Consent forms clearly identify who is giving consent – for example, the individual, a family member, guardian or alternative decision maker.

This Privacy Policy and Procedure will be explained and a copy given to individuals at commencement. Information will be made available in alternative formats such as Easy English and in languages other than English. Privacy information is displayed on the Identitywa website.

Identitywa will ensure individuals know what personal information is collected, and why the information is required, as well as how it will be used and who Identitywa will be sharing it with.

If information is to be used on a social network site, consent will be obtained. Similarly, any images or videos of individuals need to have written permission to share, using the *Photo and Video Consent*.

Should an individual attend an activity in the community, such as swimming at a pool, an *Activity Consent* will be signed off.

If consent is not granted, it is noted that Identitywa may not be able to proceed with a service.

## Security of Records

All Identitywa staff are responsible for ensuring the security of devices provided to them by Identitywa for their role, which contain personal information. This includes laptops and mobile phones. All electronic records have specific levels of security access to ensure only authorised workers have access to information held. The information technology system has a firewall installed. Our servers are based in Australia.

Information is held in both paper based and electronic mediums. Hard copy records are

kept in locked cabinets and/or in a secure room. All computers are password protected. Archived documents which exceed retention timeframes, are securely destroyed.

All Identitywa work premises are locked and Head Office has a security system in place for protection outside office hours.

All personal information is destroyed by secure methods according to legal retention schedules, if it is no longer needed for the purpose for which it was intended, unless required by law.

### **Compliance**

All Identitywa staff have a responsibility to report any breach or suspected breach of privacy to their supervisor. Failure to comply with this policy may lead to disciplinary action or termination of employment.

All workers are required to read and understand this policy upon employment. In addition, privacy forms part of the induction for all workers. All Identitywa staff must sign a Code of Conduct upon commencement with Identitywa.

### **Worker Confidentiality**

Information relating to workers will only be shared with consent. Information collected from potential and current workers of Identitywa includes information from third parties, such as referees. HR keeps these records confidential. All workers of Identitywa sign confidentiality forms when they commence with the organisation.

### **Notifiable Data Breach**

Identitywa is required to notify affected individuals and the Commissioner of eligible data breaches as per the Privacy Act 1988 (Cth), as amended by the Privacy Amendment (Notifiable Data Breaches) Act 2017. Please refer to the Data Breach Policy and Procedure for more information.

### **Complaints**

People have the right to complain to Identitywa with any issues they may have regarding privacy. Complaints can be made to the Office of the CEO: (08) 9474 3303 or via Email: [admin@identitywa.com.au](mailto:admin@identitywa.com.au)

If not satisfied with this response, complaints can be made to OAIC (Office of Australian Information Commissioner). 1300 363 992 or online: [OAIC Website](#)

### **How Do We Know We Are Getting It Right?**

The following outcomes are met:

- All individuals and families have been provided a copy of Identitywa's Privacy Policy
- Individuals and families have been informed why the information sought is required by the agency
- Consent forms have been completed by individuals or families prior to information being collected from other sources
- Consent forms have been completed prior to sharing any information with other services
- Identitywa maintains a secure client management system that houses personal information pertaining to an individual
- Photographic, video or other identifying images are not displayed or aired publicly

without the written prior permission of the individual or family. Photo and Video consents are obtained, as well as consent for sharing information on social media.

### **Legal and Regulatory Requirements**

This policy has been developed in accordance with the following:

[The Privacy Act 1988 \(Cth\)](#) as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and [Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#).

[Freedom of Information Act \(WA\) 1992](#)

[Freedom of Information Regulations 1993](#)

[Disability Services Act 1993](#)

[State Records Act 2000](#)

[National Disability Insurance Scheme Act 2013](#)

[National Disability Insurance Scheme Practice Standards and Quality Indicators \(Jan 2020\)](#)

### **Other related documents**

Code of Conduct

Duty of Care Policy

Managing Complaints Policy & Procedure

Performance Management Policy

Records Management Policy

Responding to Misconduct Procedure

Rights Policy

Social Media Policy

Data Breach Policy and Procedure

Photo and Video Consent Policy

Photo and Video Consent Form

Application for Access to Personal Information

[Identitywa Privacy website Statement](#)

[Australian Privacy Principles quick reference](#)

[Identitywa Constitution](#)

### **Do you need to know more?**

Please contact the Policy Officer if you have any questions regarding policies, procedures and/or review details. If you would like to be involved in our policy development programme please telephone: (08) 9474 3303.