

## Privacy and Confidentiality Policy

### 1. Purpose and Scope

Relationships Australia Tasmania (RA Tas) is committed to protecting the privacy and confidentiality of clients, staff, Board members, students, volunteers and stakeholders in the way information is collected, stored and used.

RA Tas ensures personal information is managed in accordance with the Australian Privacy Principles (APPs) as contained within the Privacy Act 1988 (Cth) and the Personal Information Protection Act 2004 (Tas).

This policy provides guidance on RA Tas' legal obligations and ethical expectations in relation to privacy and confidentiality and complies with the APPs when collecting, using, disclosing, storing and destroying an individual's personal information.

### 2. Definitions

Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to RA Tas by clients, staff, Board members, volunteers, students and stakeholders.

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain. Consent means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.

Individual means any person such as a client, staff member, Board member, volunteer, student, contractor or a member of the public.

Organisational information includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (1988) but some organisational information may be deemed confidential.

The public domain in relation to confidentiality is "common knowledge," i.e. information that can be accessed by the general public other than through unauthorised disclosure by someone with an obligation or duty of confidence.

### 3. Limitations

This policy is limited by:

- The overriding duty of care to report serious matters as outlined in RA Tas Reporting of Notifiable Client Matters Policy
- Courts which have the authority to subpoena files in relation to criminal or other matters
- Discussion with other parties as part of the service, such as supervision
- Information contained within contracts set out by funding bodies
- Requirements of professional accreditation bodies to establish or maintain accreditation

## 4. In Support of this Policy

- Management will ensure that processes are in place to ensure that client, staff and organisational information remains confidential and secure
- Management will, as part of the induction process, ensure that staff are trained appropriately
- Clients and staff have the right to request access to their records
- Staff will follow the processes relating to the collection, holding, disclosure and distribution of personal information and accessing of personal records
- Staff who infringe this policy will proceed to disciplinary procedures
- Personal information is maintained accurately and is up to date
- Staff will ensure that confidentiality is observed in work practice at all times

Through out this document we are referred to as RA Tas, us and we. We refer to an individual as you.

## 5. Management of personal information in accordance with Australian Privacy Principles

### 5.1 What is personal information?

‘Personal information’ is information or an opinion about an identified individual or one who is reasonably identifiable.

Personal information may include ‘sensitive information’ about an individual such as a person’s race or ethnic origin, political opinions, religious beliefs or associations, philosophical beliefs, memberships, sexual orientation or health, genetic or biometric information.

Sensitive information may include ‘Health information’, which includes information about a person’s physical, mental or psychological health, disability or use of health services.

### 5.2 What personal information do RA Tas collect?

RA Tas will only collect ‘personal information’ that is reasonably necessary to provide relevant services to an individual. This will usually include as a minimum your name, contact details and date of birth.

Where the individual is not a client, RA Tas will only collect personal information that is reasonably necessary for the individual’s engagement with RA Tas.

‘Sensitive information’ will only be collected if an individual consents to the collection of the information or where permitted by the Privacy Act.

If you do provide personal information, including sensitive information, to us for any reason (for example, if you provide us with information about a disability you have), you consent to us collecting that information and to us using that information in accordance with this policy for the purpose for which you disclosed it to us and as permitted by the Privacy Act.

### 5.3 How does RA Tas collect personal information?

RA Tas may collect personal information when:

- A form has been completed either verbally or in writing
- Through contact via phone, email or website
- During the course of relevant services provided
- In other instances, where consent has been provided

RA Tas will only collect information direct from the client and not from third parties unless the client has provided their consent, e.g. in a carer situation or one where they are legally authorised to do so (e.g. via a court order). Should we receive unsolicited or unauthorised information from a third party, the organisation will destroy the information or ensure that it is de-identified, except where required by law to retain the information.

Where collection of personal information from a third party is authorised or required by Australian Law or a court order, RA Tas will:

- inform the individual of the information held,
- the reason for its collection,
- the main consequences (if any) for the individual if the information is not collected and
- the identity of anyone to whom the information is disclosed.

If the client is a child or young person under 18 years of age and it is not reasonable or practicable to collect the information directly from them, the information may be collected from a parent or guardian without the client's consent.

#### 5.4 How does RA Tas use or disclose personal information?

Personal information provided by a client is used:

- for the purpose for which it was collected
- to assist RA Tas in providing the service relevant to a client's circumstances.
- In practice discussions between a practitioner and their supervisor where it is seen to benefit the client
- Where the organisation is required to allow representatives from a professional accreditation body to access personal information. When this may occur, any representatives from the accrediting body will sign a confidentiality agreement, not to disclose or share any personal information they may come across

RA Tas will take reasonable steps to ensure that personal information collected from an individual is accurate, up-to-date and complete. The organisation will check the individual's personal information at each occasion of engagement with the service and will update the information on the computer database.

#### Disclosure of Personal Information

Disclosure of personal information may occur when:

- A client has provided/signed a written consent to:
  - provide non-identifying information to the Commonwealth and/or State Government agencies that fund RA Tas programs for management and statistical purposes.
  - disclose information to another person or service to whom the client is being referred to for further support.
- required or authorized by Australian law or court order or international agreement to which Australia is a party
- The overriding duty of care to report serious matters as outlined in RA Tas Reporting of Notifiable Client Matters Policy
- Required by professional accreditation bodies to establish or maintain accreditation
- Courts which have the authority to subpoena files in relation to criminal or other matters

RA Tas will not generally disclose personal information about an individual to an overseas recipient. Exceptions may apply where disclosure is required or authorised by Australian law or court order or international agreement to which Australia is a party. If the organisation is required by law to provide information or if the individual consents to disclosure overseas, RA Tas will not be held responsible for ensuring the recipient complies with Australian Privacy laws, however, will take reasonable steps to ensure that the overseas recipients of an individual's personal information do not breach the privacy obligations relating to the individual's personal information.

Government identifiers such as a number, letter or symbol used to identify an individual will not be disclosed in relation to an individual's activity unless authorised by law.

RA Tas also participates in service development through analysis of anonymous service data and outcomes in collaboration with relevant partner organisations, for research purposes only. In these projects' RA Tas will protect privacy by using anonymous personal information (identifying details are removed). Where this is not possible RA Tas will seek informed consent before using identifiable information.

### 5.5 Can an individual be anonymous or use a pseudonym?

Individuals will have the option of not identifying themselves or of using a pseudonym when accessing RA Tas services. Exceptions apply where it would be impracticable for RA Tas to provide appropriate service to the individual or where identification is required by law.

### 5.6 What about Direct marketing?

RA Tas will not use or disclose personal information for the purpose of direct marketing.

RA Tas may access third party online services to assist in hosting of websites, communication with clients, completion of surveys and organising events. Some online services invite individual users to save their information for ease of future use or they may share information with direct marketing agencies. While RA Tas will seek to use reputable services, clients are encouraged to read all information before agreeing to any offers these third-party services may provide.

### 5.7 How does RA Tas store personal information?

RA Tas stores personal information:

- electronically in a secure and protected client data management computer system or
- in paper documents that are stored in secure and locked storage areas

Access to personal information will be by authorised staff only.

Client records are maintained and managed in accordance with RA Tas Client Files Policy and Procedures. All staff who access client information are responsible for ensuring that the files are saved in the secure database or properly stored, and that no confidential information is stored where it is accessible by people who are not approved by RA Tas.

As services expand and the use of internet or cloud-based technology increases there will be other third-party services RA Tas may choose to access to assist in managing data and improving our services to clients.

### 5.8 Overseas Disclosure

RA Tas currently uses a client management software database located in Australia however, the technical service provider is located in Canada. We may need to give the technical services provider access to client's personal information so that they can diagnose and resolve software issues.

Clients may agree to provide an email address for RA Tas to contact them. RA Tas may use third party online services to assist in communications with clients, surveys, organising events or to enhance the services we provide. For example, MailChimp may be used in order to contact clients via email, and Survey Monkey may be used to send Surveys. Both services are online software designed to distribute emails and surveys. The storage of a client's email address and first name only will be on the MailChimp or Survey monkey server which is located in the United States.

### 5.9 Protection of personal information

RA Tas will take all reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. However, no data transmission over the internet or information stored on servers accessible through the internet can be guaranteed to be fully secure.

In the event of a serious data breach, RA Tas is obligated to report this to the Office of the Australian Information Commissioner (OAIC).

### 5.10 Users of RA Tas website and services

Clients and other individuals can use the RA Tas website to send an enquiry, request a service, give feedback or make a complaint. In these circumstances, we will collect your name, email address, phone number and location.

For clients who wish to send an enquiry, various RA Tas staff may need to read your written communications with us, including emails, so the most appropriate person can respond. Most enquiries will be forwarded to the practitioner and manager for the service or location.

If RA Tas needs to respond via email, we will use the email address provided on the website. We may also use the information given to contact individuals so that we may offer services as appropriate, respond to a complaint or clarify a request.

### 5.11 Information provided by "cookies" from use of our website

RA Tas uses "cookies" as a reporting mechanism. Cookies identify traffic coming into and out of the RA Tas website and for websites for services linked to RA Tas. Cookies enable our web server to collect information back from an individual's browser each time you visit the RA Tas website. More information about the use of cookies is available at: [www.cookiecentral.com](http://www.cookiecentral.com).

Cookies do not identify individual users. When an individual visits the RA Tas website, our servers may record information about their usage, the time of visit, duration, pages viewed and style settings. RA Tas does not collect information which can identify individuals who visit the website. However, when an individual visits the RA Tas site, Google Analytics compiles data that record and log each visit with the following information collected for statistical purposes only:

- a. the user's server address;
- b. the user's top-level domain name (for example, .com, .gov, .au, .uk etc);
- c. the date and time of the visit to the site;
- d. the pages accessed and documents downloaded;
- e. the search words and referral sites used;
- f. the type of browser used.

Access to, and use of, this information is restricted to RA Tas. No attempt will be made by RA Tas to track or identify individual users or their browsing activities, except in the unlikely event of an investigation, where a law enforcement agency may execute a warrant to inspect Google Analytics logs.

RA Tas will only use statistics obtained from cookies to ascertain and follow website usage to enable improvements, updates and maintenance of pages of the website.

#### 5.12 How can an individual access personal information from RA Tas?

Individuals may request access to their personal information at any time. Should a client require access to their personal information, the client should talk with their practitioner. The client will be required to complete a Request for Release of Information Form that is available from their practitioner or by phoning 1300 364 277.

Subject to any requirements in the APPs, RA Tas will facilitate access in the manner requested by the individual if it is reasonable and practicable to do so. Individuals will not be given access to information about other people, even if they were party to the sessions the individual attended. Where access to information is denied the individual will be given written reasons for this decision.

#### 5.13 What if an individual's personal information is not correct?

RA Tas will endeavour to ensure your information is accurate, RA Tas will endeavour to correct personal information once it is identified as inaccurate or not up-to-date by the organisation or by the individual. RA Tas will ensure that any other organisation to whom the individual's personal information was previously forwarded receives notification of any change, unless it is impracticable or unlawful to do so. Should RA Tas refuse to correct personal information as requested by the individual, written reasons for refusal will be provided to an individual.

#### 5.14 When do we destroy personal information?

The majority of client information is stored on our secure client data management system. Service Files may be closed on the system if there is no client activity for 12 weeks. These files can be re-opened if a client re-engages with the service within a 12-month period.

Electronic records of client information may be retained for 25 years. This timeframe is to account for Information relating to children, which is retained until a child turns 25 years of age (i.e 18 years of age plus 7 years). RA Tas may retain the client information for longer than this and may de-identify client information that is retained.

For the services who maintain paper files, RA Tas securely destroys or de-identifies personal information when it is no longer required. Paper files for most programs are archived in a secure external storage facility when there has been no activity on a service file for 12 weeks. Paper files for adults are destroyed after a minimum of seven (7) years in accordance with legal requirements for retention of records. Files with information relating to children will be securely archived and kept until a child turns 25 years of age.

Client files may be kept for longer periods if a State or Commonwealth Notice is issued which places a disposal freeze on records.

### **Commonwealth Disposal Freeze –**

There is a current Commonwealth Freeze on the disposal of records that commenced on the 31 January 2013 and is in effect until further notice. Please refer to the National Archives of Australia Notice of Disposal Freeze for further information.

### **Tasmanian State Disposal Freeze –**

The State Freeze on the disposal of records commenced in 2019 and is in effect until 2029. Organisations are required to keep all records that contain information about children, services provided to them and employees that provide the service until 2029. Please refer to the Office of the State Archivist – Notice of Disposal Freeze on records relating to children for further information.

## **5.15 Limitations of Confidentiality**

Confidentiality is strictly maintained. However, RA Tas has a duty of care to protect their clients and those close to them. RA Tas are therefore mandated by law to report risk of harm to self or others as well as instances of current child abuse or neglect or risk of child abuse or neglect.

## **5.16 How does an individual complain?**

If an individual has a complaint about how RA Tas handles personal information, they should contact the organisation's Privacy Officer (RA Tas's Chief Operating Officer) on 1300 364 277 or [admin@reltas.com.au](mailto:admin@reltas.com.au). All complaints will be dealt with fairly and as quickly as possible. If an individual is not satisfied with RA Tas' response, an individual can make a complaint about interferences with their privacy to the Office of the Australian Information Commissioner.

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Post: GPO Box 5218, Sydney NSW, 2001

Phone: 1300 363 992 Fax: 02 9284 9666 Web:

<http://www.oaic.gov.au> It may also be appropriate to direct your complaint to:

The Tasmanian Ombudsman under the Personal Information Protection Act.

Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

DSS National Client Complaints Team

Phone: 1800 634 035 Email: [complaints@dss.gov.au](mailto:complaints@dss.gov.au)

Post: DSS Feedback, GPO Box 9820, Canberra, ACT, 2601

Alternatively, you can submit a feedback form online <https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/feedback-form>