

# Information Privacy and Data Protection Policy

<b>Code:</b>	QP-IPDP
<b>Version:</b>	3
<b>Created by:</b>	Quality Manager
<b>Approved by:</b>	The Board
<b>Date of version:</b>	July 2019
<b>Review Date*:</b>	July 2020

\*unless otherwise indicated, this policy/procedure/work instruction will still apply beyond the review date

## Purpose

RIAC will ensure that it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients, staff and volunteers.

RIAC is committed to protecting and upholding the rights of our clients to privacy and confidentiality in the way we collect, store, use and disclose information about them, their needs and the services we provide to them.

The organisation will follow the guidelines of the Australian Privacy Principles in its information management practices.

## Scope

Board Committee members, staff, volunteers and contractors may from time to time have access to information that is confidential to RIAC and must adhere to this policy and associated legislation.

This Policy applies to all RIAC employees, Board Members, volunteers, sub-contractors and clients.

## Responsibilities

Rights Information and Advocacy Centre (RIAC) requires Board members, staff, volunteers and contractors to respect and maintain the privacy and confidentiality of individuals and the organisation's business at all times.

## Procedure

RIAC will provide information and training to ensure all staff, board members and volunteers understand what is required in meeting these obligations.

## Definition

Confidential information includes, but is not limited to, the following:

- Personal staff or Board Committee member information such as home address, telephone numbers, and other non-work related information;
- Personal information provided by staff or about staff in the course of their work, including performance reviews, leave applications, supervision sessions or disputes or grievances;
- Business conducted in Board meetings, other than that identified as being for public discussion;
- Any confidential and proprietary information concerning financial transactions, competitive tenders or expressions of interest or any other organisational plans, activities or work undertaken; and
- Any client information.

### 1. COLLECTION OF INFORMATION

- Personal information will only be collected with the consent of the client/staff member/volunteer.
- Steps will be taken to ensure personal information collected is relevant, up-to-date, complete and not collected in an unreasonably intrusive way.
- Clients may request staff to correct information about themselves that has been collected or disclosed to ensure it is accurate.

### 2. USAGE AND DISCLOSURE OF INFORMATION

- RIAC will only collect, use and store personal information that is necessary for the functioning of the organisation and to assist its clients.
- RIAC will only use or disclose personal information in accordance with the consent provided by the client and only for the primary purpose for which it was obtained.
- Consent may be revoked at any time by the client.
- Information regarding a client's health and/or medical treatment is only collected, recorded on file or communicated if it directly relates to their case with RIAC and the client has provided their consent.

- RIAC is required, from time to time, to provide funding bodies with information and participate in program audits. In these situations, personal details will only be shared after gaining consent.
- RIAC is required to report a range of information to funding bodies. Please speak to your RIAC contact if you do not wish this to occur.
- Workers must not publish or disclose to any person information provided to them in the course of their work likely to lead to the identification of a client or clients and/or identification of a client's issue, except with the consent of the client or as required by law.
- RIAC staff and volunteers must not make copies of any confidential information for any other reason other than those essential to and directly related to their position and responsibilities with RIAC.
- RIAC staff and volunteers must not use any confidential information which they have acquired in relation to the activities of RIAC for their own interests or the interests or purposes of others not associated with RIAC.

### 3. STORAGE AND ACCESS TO INFORMATION

- All RIAC staff are required to have a "clean desk" ensuring there are no documents that can be viewed when a staff member is not at the desk. All items are to be locked and all devices are to have locked screens and be password protected. Screens are to be facing away from public view and no confidential documents are to be read in public places.
- The taking of confidential information outside of the office is to be avoided if possible. If confidential information is taken off site it is to be locked in a satchel. If travelling in a vehicle the locked satchel is to be stored in the boot, out of public site.
- Clients wishing to access their information stored by RIAC are to follow the RIAC Access to records procedure. This procedure is available on the RIAC website and is included in the RIAC privacy brochure which is provided to all clients.
- All client records will be kept securely and updated, archived and destroyed according to the specific client records requirements.

#### 4. DATA BREACHES

- Any breach of confidentiality will be dealt with via the RIAC Policies and Procedures and disciplinary action may be initiated.
- Notifiable data breaches will be reported in accordance with legislation and the RIAC Data Breach Notification Procedure.
- Clients have the right to complain if they have any concerns about privacy and confidentiality. The RIAC complaints procedure will be followed in these instances.

### Documentation

RIAC consent forms.

RIAC staff, volunteer and contractors confidentiality agreements.

### Related documents

RIAC Access to Records Procedure.

RIAC Privacy Brochure.

RIAC Complaints Procedure.

### Resources

- Office of the Victorian Information Commissioner-Notifiable Data Breaches-Information for Agencies
- The Privacy Amendment (Notifiable Data Breaches) Act 2017 inserts Part IIIC into the Commonwealth Privacy Act 1988
- Office of the Australian Information Commissioner
- [www.oaic.gov.au](http://www.oaic.gov.au)
- Preparing for the Notifiable Data Breaches Scheme Webinar Slides-Australian Government Office of the Australian Information Commissioner.
- Data breach preparation and response
- A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth)-oaic, 2018.
- Notifiable Data Breaches scheme-Legal information for not-for-profit community organisations-Justice Connect/Not-for-profit Law-2018.
- Privacy Act 1988 (Commonwealth)
- Health Records Act 2001 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Australian Privacy Principles