**Information Privacy and Data Protection Policy**

**Date:** July 2023

**Version:** 7

**Created by:** Business Systems Manager

**Approved by:** CEO

**Review Date:** July 2025

**Purpose**

RIAC is committed to protecting the privacy and security of personal information for all RIAC clients, employees and volunteers in accordance with the Privacy and Data Collection Act 2014 (Vic) and the Privacy Act 1988 (Federal) and their respective Information and Privacy Principles (IPPs)

This policy outlines how we collect, use, disclose and safeguard the personal data of all clients, staff, and volunteers.

**Scope**

This policy applies to all RIAC clients, employees, and volunteers regarding the collection, use, storage, and disclosure of personal information.

**Responsibilities**

Rights Information and Advocacy Centre (RIAC) ensures that all RIAC Personnel respect and always maintain the privacy and confidentiality of individuals and the organisation’s business.

**Procedure**

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

**Definitions**

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 during their work, including performance reviews, salaries, 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, expressions of interest or any other organisational plans, activities or work undertaken
* Any client information.

**COLLECTION OF INFORMATION**

* Personal information will only be collected with the client's or RIAC Personnel's consent, and only to the extent that is reasonably necessary for a legitimate purpose.
* RIAC will ensure that any personal information collected is relevant, up-to-date, complete, and collected respectfully.
* RIAC will ensure that clients have access to the personal information collected and are able to update/correct it and ensure it is accurate.

**USAGE AND DISCLOSURE OF INFORMATION**

* RIAC will only collect, use, and store personal information necessary for the organisation's functioning and to assist its clients.
* RIAC will only use or disclose personal information with the consent of the person and only for the primary purpose for which it was obtained.
* Consent may be revoked at any time by the client or RIAC Personnel.
* Health and/or medical treatment information should only be collected or retained with consent and if there is a direct and legitimate purpose for doing so.
* Funding body or audit organisation requests for client information and/or direct contact will only be accepted and acted on with client agreement and consent.
* RIAC Personnel must not publish or disclose to any person information provided during their employment that is likely to lead to the identification of a client or clients and/or identification of a client’s issue, excepting when there is explicit consent from the client/authorised representative or as required by law.
* RIAC Personnel must not make copies of any confidential information not directly related to their position and responsibilities with RIAC.
* RIAC Personnel must not use any confidential information they have acquired concerning the activities of RIAC for their own interests or the interests or purposes of others not associated with RIAC.

**STORAGE AND ACCESS TO INFORMATION**

* All RIAC Personnel must have a “clean desk,” ensuring no documents can be viewed when a staff member is absent.
* All items are to be locked, and all devices are to have locked screens when away from the device and be password protected. Screens are to be faced away from public view, and no confidential documents are to be read in public places.
* RIAC Personnel should avoid taking hard copy Confidential information outside the office. If it is taken off-site, it must be in an appropriate container. If travelling in a vehicle, the container is to be stored in the boot outside the public site.
* Clients wishing to access the information stored by RIAC must follow the RIAC Access to Records Procedure This procedure is available on the RIAC website.

**Data Retention**

* All data and information for clients **over 18 years** of age must be kept for a minimum of seven years from the date of the last entry.
* Clients will have the option when granting consent to instruct RIAC to:

1. Keep their data and information for a time they specify, or
2. Delete their data and information after the seven-year period.

* All data and information related to disability or medical information for clients **under 18 years** of age must be kept until the person turns 25 years old as per the Health Records Act,
  + If any data on file relates to child sexual abuse whether perceived, actual or alleged must be retained as follows:
    - Reporting on and/or investigation records – 99 years
    - Training and Development records – 45 years

**DATA BREACHES**

* Any breach of confidentiality is a serious matter and will be dealt with via relevant RIAC Policies and Procedures, including incident reporting.
* Notifiable data breaches will be reported in accordance with legal obligations and the RIAC [Data Breach Notification Procedure](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Policies%20Procedures%20and%20Work%20Instructions/Data%20breaches/QP-Notifiable%20Data%20Breach%20Procedure%202022%20V4.docx?d=w5d6e85acff144058aa4c024bc7626a8d&csf=1&web=1&e=xh2Pox).
* 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.](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Shared%20Documents/Team%20Forms/Important%20Documents/All%20Client%20forms/Client%20Forms/CONSENT%20FORMS/F-RIAC%20CLIENT%20FILE%20CONSENT%202020%20ALL%20PROGRAMS%20.docx?d=wb8efea381d8c4b5b9c60e57494290d33&csf=1&web=1&e=S1rGNu)

[RIAC Confidentiality Agreement](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Policies%20Procedures%20and%20Work%20Instructions/HR-%20Human%20Resources/Employment/Pre-employment%20forms%202020/F-%20RIAC%20Confidentiality%20Agreement%20V3%20June%202021.docx?d=w9a872e0ffa0143f4b2f05ac9f4501e7c&csf=1&web=1&e=IJFc53)

**Related documents**

[RIAC Access to Records Procedure](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/_layouts/15/Doc.aspx?sourcedoc=%7Bece36cdb-b84a-4e2e-9b88-cf084dd12fa2%7D&action=edit&wdPid=5cd056f3).

[RIAC Privacy Brochure.](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Shared%20Documents/Policies%20,%20Procedures%20and%20Work%20Instructions%20ONLY/Privacy%20and%20Records%20management/F-EASY%20ENGLISH%20privacy%20editable%20doc.docx?d=w343716ec748b4b75bd961086752dc4f9&csf=1&web=1&e=gRcgVL)

[Data Breach Notification Procedure](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Policies%20Procedures%20and%20Work%20Instructions/Data%20breaches/QP-Notifiable%20Data%20Breach%20Procedure%202022%20V4.docx?d=w5d6e85acff144058aa4c024bc7626a8d&csf=1&web=1&e=xh2Pox)

Easy Read [RIAC Complaints Procedure](https://riac.sharepoint.com/:w:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Policies%20Procedures%20and%20Work%20Instructions/Complaints%20and%20Feedback/F-%20CP%20Complaints%20process%20Easy%20Read%20V2%20July%202020.docx?d=wd89f678608e54f9f8816d7d504645515&csf=1&web=1&e=9Wg36F)

Easy Read [Complaints Flow Chart](https://riac.sharepoint.com/:b:/r/sites/RightsInformationAdvocacyCentreInc.Forms/Policies%20Procedures%20and%20Work%20Instructions/Complaints%20and%20Feedback/Forms%20and%20Charts/Complaints%20Flowchart%20V2%20July%202020.pdf?csf=1&web=1&e=AFY4Fk)

**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 Beaches 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