

C21. PRIVACY

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	1.0
Section:	Governance (Childcare copy)
Applies To:	Board, Management and Staff of all IAC Programs
Date:	May 2014 (Review May 2017)

Background and Purpose

The purpose of this policy is to protect the privacy of individuals and organisations about whom the Illawarra Aboriginal Corporation collects and/or holds information. This policy outlines the guidelines which must be observed when collecting, storing and using personal and confidential information.

Introduction

The Illawarra Aboriginal Corporation does from time to time collect personal information relating to clients or members, or in the performance of its consultation or research functions.

These include contact information for the purposes of the Member register, personal and family information for the purposes of the Housing Waiting List, statistical information for the purposes of Emergency Relief provision, personal and medical information for the purposes of operating the Aged Care program, personal and family information for our Childcare services and personal information for our Family Support services.

Legislation

The NSW PPIP Act governs the collection, use and storage of personal information across all NSW Government agencies. The terms of the Illawarra Aboriginal Corporation funding agreements with NSW State Government Departments state that the Illawarra Aboriginal Corporation must observe the Act as if it were a government agency.

These agreements entail the Illawarra Aboriginal Corporation adhering to and enacting the following principles and preparing a Privacy Management Plan detailing:

- Policies and practices to ensure compliance to the requirements of the Act
- Dissemination of those policies and practices to persons within the agency
- Proposed procedures in relation to internal reviews
- Other matters considered relevant by the agency in relation to privacy and the protection of personal information held by statutory, professional or other legal obligations of privacy.

Definition

Personal Information is defined by the NSW Privacy and Personal Information Protection (PPIP) Act (1998) as “any information or opinion about an individual or which is reasonably capable of identifying an individual”.

Principles

The PPIP Act sets out 12 specific Information Protection Principles to guide the collection and use of personal information. The Illawarra Aboriginal Corporation adopts these principles:

Collection

- **1. Lawful** - when an agency collects your personal information, the information must be collected for a lawful purpose. It must also be directly related to the agency’s activities and necessary for that purpose.
- **2. Direct** - your information must be collected directly from you, unless you have given your consent otherwise. Parents and guardians can give consent for minors.
- **3. Open** - you must be informed that the information is being collected, why it is being collected and who will be storing and using it. The agency should also tell you how you can see and correct this information.
- **4. Relevant** - the agency must ensure that the information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

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Principles (cont)

Storage

- **5. Secure** - your information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access

- **6. Transparent** - the agency must provide you with enough details about what personal information they are storing, why they are storing it and what rights you have to access it.
- **7. Accessible** - the agency must allow you to access your personal information without unreasonable delay and expense.
- **8. Correct** - the agency must allow you to update, correct or amend your personal information where necessary.

Use

- **9. Accurate** - agencies must make sure that your information is accurate before using it.
- **10. Limited** - agencies can only use your information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which you have given your consent. It can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.

Principles (cont)

Disclosure

- **11. Restricted** - the agency can only disclose your information with your consent or if you were told at the time they collected it from you that they would do so. The agency can also disclose your information if it is for a related purpose and they don't think that you would object. Your information can also be used without your consent in order to deal with a serious and imminent threat to any person's health or safety.
- **12. Safeguarded** - the agency cannot disclose your sensitive personal information without your consent, for example information about your ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. It can only disclose sensitive information without your consent in order to deal with a serious and imminent threat to any person's health or safety.

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Responsibilities for the management of personal information

... are the domain of any individual within an agency with access to, or responsibilities for, such information. The IAC promotes specific responsibilities to certain individuals / positions. Those individuals will then be in a position to ensure that all staff are suitably instructed either through training or the introduction of policies and procedures, as to their obligations in relation to the protection of personal information in their handling.

Internet

Website managers need to recognise that consideration of privacy issues will affect web content in a number of ways:

- Personal information of staff presented to the public or other staff
- Personal information of members of the public included in web documents
- Obtaining personal information from the public through their visit to the website.

The Privacy Management Plan should canvass the concerns associated with these issues and establish transparent procedures and standards in dealing with personal information in these situations. A Privacy Statement should also be published on the web site.

Responsibilities for the management of personal information (cont)

Managerial Responsibilities

It is the responsibility of the Coordinator, in their capacity as manager of the IAC, to prepare the organisation's Privacy Management Plan, put in place procedures to ensure that these principles are observed in the collection, use, storage, or disclosure of personal information.

Personal information also applies to information relating to staff and employees of agencies. Human resource (HR) and workplace managers are responsible for:

- Ensuring training practices are in place for employee training in privacy requirements
- Protecting staff privacy in the workplace.

Employee Responsibilities

Staff members should also observe these principles when dealing with personal information in the conduct of membership information, conducting research, or undertaking consultation or advocacy work.

Staff members are encouraged to raise any concerns they may have regarding privacy issues that arise in the conduct of their work, and to report any breaches of privacy that they may observe to their Supervisor

COMPLIANCE

This policy complies with:

- Corporations (Aboriginal & Torres Strait Islander) Act 2006 (CATSI)
- NSW Privacy and Personal Information Protection (PPIP) Act (1998)
- Children and Young Persons (Care and Protection) Act 1998
- Children (Education and Care Services) Supplementary Provisions Regulation 2012

REFERENCES

This policy should be read with:

- Conflict of Interest
- All other Governance Policies
- All other Childcare Policies