

## Policy Statement

ParaQuad is committed to protecting the privacy of personal information of consumers collected in the course of using ParaQuad Services. ParaQuad will comply with Australian Privacy Principles.

ParaQuad is bound by the Australian Privacy Principles (APP) – Appendix 1, outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012, which was introduced to Parliament on 23 May 2012 and was passed with amendments on 29 November 2012. These changes became effective 12 March 2014.

## Policy Objectives

To ensure that all employees of ParaQuad:

- are aware of their obligations; and
- have sufficient information to enable them to adhere to the legislative requirements regarding the gathering and management of consumer information.

**This Policy Applies to:** employees, volunteers and Board Members

## Definitions

- **Personal information** – is information that identifies the consumer or could reasonably be used by another person to identify the consumer. It includes information or an opinion (including information forming part of a database), whether true or not, and whether recorded in material form or not, about an individual whose identity is reasonably apparent, or can be reasonably ascertained, from the information or opinion.
- **Sensitive information** – is a subset of personal information that means:
  - (a) information or an opinion about a consumer's:
    - racial or ethnic origin;
    - political opinions;
    - membership of a political association;
    - religious beliefs or affiliations;
    - philosophical beliefs;
    - membership of a professional or trade association;
    - membership of a trade union;
    - sexual preferences or practices; or
    - criminal record; that is also personal information.
  - (b) health information about a consumer; or
  - (c) genetic information about a consumer that is not otherwise health information.

- **Consumer** – refers to a client, a customer, a participant, a resident or any other individual on which we may hold personal or sensitive information.
- **Health information** is a subset of personal information and means:
  - (a) information or an opinion about:
    - the health or disability (at any time) of a consumer;
    - a consumer’s expressed wishes about the future provision of health services to him or her; or
    - a health service provided, or to be provided, to a consumer, that is also personal information;
  - (b) other personal information collected to provide, or in providing, a health service;
  - (c) other personal information about a consumer collected in connection with a donation, or intended donation, by the consumer of his or her body parts, organs or body substances; or
  - (d) genetic information about a consumer in a form that is, or could be, predictive of the health of the consumer or a genetic relative of the consumer.
- **Health service** means:
  - (a) an activity performed in relation to a consumer that is intended or claimed (expressly or otherwise) by the consumer or the person performing it:
    - to assess, record, maintain or improve the consumer’s health;
    - to diagnose the consumer’s illness or disability; or
    - to treat the consumer’s illness or disability or suspected illness or disability; or
  - (b) the dispensing on prescription of a drug or medicinal preparation by a pharmacist.
- **Service** means any activity of ParaQuad NSW or related entities.
- **ParaQuad (Paraplegic and Quadriplegic Association of NSW)** – includes all affiliates such as: Bright Sky Australia and Ferguson Lodge.

## GUIDING PRINCIPALS

ParaQuad will manage personal information in an open and transparent way and take all reasonable steps to implement practices, procedures and systems necessary to ensure personal information remains confidential.

ParaQuad’s Privacy Policy will be available to consumers on ParaQuad’s website [www.paraquad.com.au](http://www.paraquad.com.au).

This document outlines how ParaQuad manages personal information provided to or collected by it in accordance with the 13 Australian Privacy Principles outlined in Appendix 1.

**A) What kinds of personal information does ParaQuad collect and how does ParaQuad collect it?**

The type of information ParaQuad collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- consumers, their carers, allied health personnel, parents and/or guardians;
- job applicants, employees, volunteers and contractors; and
- other people who come into contact with ParaQuad.

ParaQuad will collect sensitive information about a consumer only if the consumer consents to the collection of the information and the information is reasonably necessary for one or more of ParaQuad's services.

ParaQuad will collect personal information about a consumer only:

- by lawful and fair means; and
- from the consumer unless it is unreasonable or impracticable to do so and only if it is reasonably necessary for one of its services;

***Personal information provided by the consumer***

ParaQuad will generally collect personal information held about a consumer by way of forms filled out by consumers or their representatives, from face to face meetings and interviews, emails and telephone calls.

***Personal information provided by other people***

In some circumstances ParaQuad may be provided with personal information about a consumer from a third party in the course of preparing for or providing a requested service, for example a report provided by a medical professional or by an allied health professional.

Personal information obtained from unsolicited sources or services will be treated as unsolicited information. Any use or disclosure of that information will be managed in accordance with principals APP5 – APP13. Information obtained from a medical professional or from an allied health professional in the course of providing or considering to provide services is not considered to be from an unsolicited source.

If ParaQuad receives unsolicited personal information, it will within a reasonable period of time destroy or de-identify the information, unless it is contained in a 'Commonwealth record' or it is unlawful or unreasonable to do so.

**B) How will ParaQuad use the personal information you provide?**

ParaQuad will use personal information it collects from consumers for the primary purpose of providing services as requested by the consumer, and for such other secondary purposes that

are related to the primary purpose of collection and reasonably expected by the consumer, or to which the consumer has consented.

The purposes for which ParaQuad uses personal information of **consumers** include:

- to keep consumers informed about matters related to the services ParaQuad provide to them;
- through correspondence, newsletters and magazines;
- day-to-day administration of ParaQuad;
- looking after the consumers wellbeing;
- seeking donations and marketing for ParaQuad; and
- to satisfy ParaQuad's legal obligations and allow ParaQuad to discharge its' duty of care.

In some cases where ParaQuad requests personal information about a consumer, if the information requested is not provided, ParaQuad may not be able to provide the services requested by the consumer.

In relation to personal information of **job applicants, employees and contractors**, ParaQuad's primary purpose of collection is to assess and (if successful) to engage the applicant, employee or contractor, as the case may be.

The purposes for which ParaQuad uses personal information of job applicants, employees and contractors include:

- in administering the consumer's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations and marketing for ParaQuad; and
- to satisfy ParaQuad's legal obligations.

ParaQuad also obtains personal information about **volunteers** who assist ParaQuad in its services, such as fundraising or public relation events.

Direct marketing involves communicating directly with a consumer to promote goods and services. ParaQuad will not use or disclose personal information for the purpose of **direct marketing** unless any of the following exceptions apply:

- the consumer has consented to the use or disclosure for this purpose, or it is impracticable to seek this consent;
- ParaQuad has provided a simple means by which the consumer can opt out of direct marketing and the consumer has not opted out; or
- in each direct marketing communication ParaQuad will include a prominent statement telling the consumer that he or she may request to no longer receive direct marketing, and no request is made.

Consumers may from time to time receive fundraising or marketing information and/or publications, like newsletters and magazines from ParaQuad. Our primary purpose of direct marketing is to raise funds through donations, and sale of goods and services. Service areas must provide mechanisms for consumers to opt out easily.

Personal information held by ParaQuad may be disclosed to organisations that ParaQuad have engaged to assist ParaQuad in fundraising and direct marketing, for example, mailing house.

Consumers have the option of not identifying themselves, or using a pseudonym, when dealing with ParaQuad in relation to a particular matter. When a consumer requests such an approach, ParaQuad will take all reasonable steps to satisfy this request. If it is unable to satisfy such a request ParaQuad will advise the consumer of this situation.

Anonymity does not apply if, in relation to that matter:

- ParaQuad is required or authorised by or under an Australian law, or a court/ tribunal order, to deal with consumers who have identified themselves; or
- It is impracticable for ParaQuad to deal with consumers who have not identified themselves or who have used a pseudonym.

### **C) Who might ParaQuad disclose personal information to and store your information with?**

ParaQuad may disclose personal information, including sensitive information, held about a consumer to:

- another service provider;
- government departments;
- allied health professionals and medical practitioners;
- people providing services to ParaQuad;
- family of consumers;
- anyone the consumer authorises ParaQuad to disclose information to; and
- anyone to whom ParaQuad are required to disclose the information to by law.

ParaQuad may disclose personal information about a consumer to overseas recipients, for instance, to provide the services requested. However, ParaQuad will not send personal information about a consumer outside Australia without:

- obtaining the consent of the consumer (in some cases this consent will be implied); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

ParaQuad may also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.

**D) How does ParaQuad treat sensitive information?**

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the consumer agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

**E) Management and security of personal information**

ParaQuad's employees are required to ensure that any information related to a consumer remains private and within the service unless otherwise used according to this Policy.

ParaQuad protects the personal information ParaQuad holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

ParaQuad will not adopt a government related identifier of a consumer as its own identifier of the consumer, unless an exception applies.

**F) Access and correction of personal information**

Under the Commonwealth Privacy Act and the Health Records Act, a consumer has the right to obtain access to any personal information which ParaQuad holds about them and to advise ParaQuad of any perceived inaccuracy.

ParaQuad will respond to the request for access to the personal information within a reasonable period of time after the request is made and give access to the information in the manner requested by the consumer, if it is reasonable and practicable to do so. ParaQuad reserves the right to charge a consumer a reasonable fee to recover the cost incurred by the request for information. All requests for information should be in writing addressed to The Privacy Officer, ParaQuad NSW.

ParaQuad will take reasonable steps to correct information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading provided that:

- ParaQuad is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- the consumer requests ParaQuad to correct the information.

Where ParaQuad has disclosed information to a third party and it changed personal information it holds, ParaQuad will take reasonable steps to notify the third party of the changes to personal information ParaQuad has made unless it is impracticable or unlawful to do so.

If ParaQuad refuses to give access or correct the personal information as requested by the consumer, it will give the consumer a written notice that sets out:

- the reasons for the refusal except to the extent that it would be unreasonable to do so;
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

If ParaQuad refuses to correct the personal information as requested by the consumer and the consumer requests ParaQuad to associate with the information a statement advising that the information is inaccurate, out of date, incomplete, irrelevant or misleading then ParaQuad will take reasonable steps to associate the statement in such a way that will make the statement apparent to users of the information.

ParaQuad will respond to a request to change personal information within a reasonable period of time after the request is made and will not charge the consumer for the making of the request, or for associating the statement with the personal information (as the case may be).

### **G) Enquiries and complaints**

All inquiries or complaints from a consumer about compliance with the current Australian Privacy Principles or such a code or apparent breaches of privacy will be dealt with promptly.

All requests for further information or to make a complaint about the way ParaQuad manages the personal information it holds or to complain that ParaQuad may have breached the Australian Privacy Principles must be made in writing addressed to The Privacy Officer, ParaQuad NSW. ParaQuad will investigate any complaint and will notify the consumer of the results of the investigation into the complaint as soon as is practicable after it has been made.

### **Legislation and/or Reference Documents**

- ⇒ Privacy Amendment (Enhancing Privacy Protection) Act 2012;
- ⇒ July 2000 NSW Privacy and Personal Information Protection (PPIP) Act;
- ⇒ Health Records and Information Privacy Act 2002;
- ⇒ Standards in Action (2nd edition 2012) NSW Aging and Disability Department;
- ⇒ NSW Disability Services Act 1993;

### **Associated Documents**

- ⇒ ParaQuad Code of Conduct Policy;
- ⇒ Employee Contracts;
- ⇒ Employee Induction Kits;
- ⇒ Consent for Management of Information;

**APPENDIX 1****AUSTRALIAN PRIVACY PRINCIPLES****APP 1 — Open and transparent management of personal information**

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

**APP 2 — Anonymity and pseudonymity**

Requires APP entities to give consumers the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

**APP 3 — Collection of solicited personal information**

Request that an organisation will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of ParaQuad's services.

**APP 4 — Dealing with unsolicited personal information**

Requires that an organisation determine whether it would have been permitted to collect the unsolicited information under APP3 and if not to apply APP5 – APP13.

**APP 5 — Notification of the collection of personal information**

Outlines when and in what circumstances an APP entity that collects personal information must notify a consumer of certain matters.

**APP 6 — Use or disclosure of personal information**

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

**APP 7 — Direct marketing**

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

**APP 8 — Cross-border disclosure of personal information**

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

**APP 9 — Adoption, use or disclosure of government related identifiers**

Outlines the limited circumstances when an organisation may adopt a government related identifier of a consumer as its own identifier, or use or disclose a government related identifier of a consumer.

**APP 10 — Quality of personal information**

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

**APP 11 — Security of personal information**

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

**APP 12 — Access to personal information**

Outlines an APP entity's obligations when a consumer requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

**APP 13 — Correction of personal information**

Outlines an APP entity's obligations in relation to correcting the personal information it holds about consumers.