



POLICY AND PROCEDURE

MultiLink Community Services Inc.
38 Blackwood Road,
Logan Central 4114.
PO Box 146, Woodridge 4114.
Telephone: (07) 3808 4463
Fax: (07) 3808 6337
Email: reception@multilink.org.au
ABN 21728003819

PRIVACY POLICY

1 Policy

We will use all reasonable efforts to protect the privacy of individuals' personal information and to comply with the obligations imposed by the Privacy Act 1988 (Cth) (Privacy Act), the Australian Privacy Principles (APPs), the Aged Care Act and the Aged Care Principles.

We will only collect personal information by lawful and fair means and will only collect personal information that is necessary for one or more of our organisation's functions or activities. If it is reasonable and practicable to do so, we will collect personal information about an individual only from that individual.

In meeting our obligations with respect to the privacy of our clients we acknowledge that people with vision or hearing impairments and those of culturally and linguistically diverse people may require special consideration.

2 Purpose of policy

The purpose of this policy and procedure is to:

- (a) Ensure personal information is managed in an open and transparent way;
- (b) Protect the privacy of personal information including Health Information of clients, residents and Workers;
- (c) Provide for the fair collection and handling of personal information;
- (d) Ensure that personal information we collect is used and disclosed for relevant purposes only;
- (e) Regulate the access to and correction of personal information; and
- (f) Ensure the confidentiality of personal information through appropriate storage and security.

3 Scope

This policy applies to employees, contractors or subcontractors, employees of a labour hire company assigned to work in our business, outworkers, apprentices or trainees, work experience students and volunteers (Workers).

4 Procedure

4.1 What is "Personal Information"?

Information or an opinion about an identified individual, or an individual who is reasonably identifiable. This includes details such as name, address, date of birth, and contact information. It also includes **digital identifiers** such as IP addresses, device IDs, location data, and metadata that may be used to identify someone.

4.2 What is "Sensitive Information"?

A subset of personal information that requires greater protection and includes:

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- Racial or ethnic origin
- Political opinions or memberships
- Religious or philosophical beliefs
- Membership in trade or professional associations or unions
- Sexual orientation or practices
- Criminal record
- Biometric and genetic information
- Health information

4.3 What is "Health Information"?

Health Information is:

- (a) Information or an opinion about:
 - (i) An individual's physical or mental health or a disability (at any time);
 - (ii) An individual expressed wishes about the future provision of health services to him or her;
or
 - (iii) A health service provided, or to be provided, to an individual that is also personal information;
- (b) Other personal information collected to provide, or in providing, a health service;
- (c) Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
- (d) Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

4.4 What is "Unsolicited Information"?

Unsolicited Information is all personal information received from an individual that we did not actively seek to collect.

4.5 What is an "Employee Record"?

An Employee Record is a record of personal information relating to the employment of the employee.

Examples of personal information relating to the employment of the employee are Health Information about the employee and personal information about all or any of the following:

- (a) The engagement, training, disciplining or resignation of the employee;
- (b) The termination of the employment of the employee;
- (c) The terms and conditions of employment of the employee;
- (d) The employee's personal and emergency contact details;
- (e) The employee's performance or conduct;
- (f) The employee's hours of employment;
- (g) The employee's salary or wages;
- (h) The employee's membership of a professional or trade association;
- (i) The employee's trade union membership;
- (j) The employee's recreation, long service, sick, personal, maternity, paternity or other leave; and
- (k) The employee's taxation, banking or superannuation affairs.

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5 Collection, use and disclosure

We will collect and use information about you during the course of your relationship with us. We explain below when and how we may collect, use and disclose this information. It is important that the information we hold about you is up to date. You must let us know when the information you have provided has changed.

6 Collection of personal information

6.1 Purpose of collection of Personal Information

We will only collect Personal Information about an individual by fair and lawful means and only if the information is necessary for one or more of our functions and the collection of that Personal Information is necessary to:

- (a) Comply with the provisions of State or Commonwealth law and/or directives;
- (b) Provide data to government agencies in compliance with State or Commonwealth law and/or directives;
- (c) Determine eligibility to entitlements provided under any State or Commonwealth law;
- (d) Provide appropriate services and care;
- (e) Enable contact with a nominated person regarding a client's health status; and
- (f) Lawfully liaise with a nominated representative and to contact family if requested or needed.

Some individuals may not want to provide information to us. The information we request is relevant to providing them with the care and services they need. If the individual chooses not to provide us with some or all of the information we request, we may not be able to provide them with the care and services they require.

We will not collect your Sensitive Information (including Health Information) unless the collection of the information is reasonably necessary for, or directly related, to one or more of our functions and:

- (a) You have consented to the collection of this information; or
- (b) The collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (c) A permitted general situation exists to the collection of the information; or
- (d) A permitted health situation exists in relation to the collection of the information; or
- (e) We are a non-profit organisation and:
 - (i) The information relates to our activities; and
 - (ii) The information relates only to the members of the organisation, or to individuals who have regular contact with us and our activities.

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7 Methods of collection

7.1 Overview

Personal Information and Sensitive Information (including Health Information), may be collected:

- (a) From a client, consumer or participant;
- (b) From any person or organisation that assesses health status or care requirements, for example the Aged Care Assessment Team;
- (c) From the health practitioner of a client, consumer or participant;
- (d) From other health providers or facilities;
- (e) From family members or significant persons of a client, consumer or participant; and
- (f) From a legal advisor of a client, consumer or participant.

We will collect Personal Information from the client, consumer or participant unless:

- (a) We have the consent of the client, consumer or participant to collect the information from someone else; or
- (b) We are required or authorised by law to collect the information from someone else; or
- (c) It is unreasonable or impractical to do so.

At admission, a client, consumer or participant should identify any parties from whom they do not wish their Personal Information accessed or to whom they do not wish Personal Information provided. This should be recorded in the file of the client, consumer or participant and complied with to the extent permitted by law.

7.2 Unsolicited Information

If we receive Personal Information from an individual that we have not solicited and we could not have obtained the information by lawful means, we will destroy or de-identify the information as soon as practicable and in accordance with the law.

7.3 Worker records

We must keep a record in respect of Workers about:

- (a) Basic employment details such as the name of the employer and the employee and the nature of their employment (e.g., part-time, full-time, permanent, temporary or casual);
- (b) Remuneration conditions;
- (c) Overtime hours;
- (d) Leave entitlements;
- (e) Superannuation contributions;
- (f) Termination of employment (where applicable); and
- (g) Individual flexibility arrangements and guarantees of annual earnings.

We may also collect Personal Information about a Worker relating to their employment being Employee Records (as defined above).

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7.4 Notification

We will at or before the time or as soon as practicable after we collect Personal Information from an individual take all reasonable steps to ensure that the individual is notified or made aware of:

- (a) Our identity and contact details;
- (b) The purpose for which we are collecting Personal Information;
- (c) The identity of other entities or persons to whom we usually disclose Personal Information to;
- (d) That our privacy policy contains information about how the individual may complain about a breach of the APPs and how we will deal with a complaint; and
- (e) Whether we are likely to disclose Personal Information to overseas recipients and if so, the countries in which such recipients are likely to be located and if practicable, to specify those countries.

8 Use and disclosure of information

8.1 Permitted disclosure

We may not use or disclose Personal Information for a purpose other than the primary purpose of collection, unless:

- (a) The secondary purpose is related to the primary purpose (and if Sensitive Information, it is directly related) and the individual would reasonably expect disclosure of the information for the secondary purpose;
- (b) The individual has consented;
- (c) The information is Health Information and the collection, use or disclosure is necessary for research, the compilation or analysis of statistics, relevant to public health or public safety, it is impractical to obtain consent, the use or disclosure is conducted within the privacy principles and guidelines and we reasonably believe that the recipient will not disclose the Health Information;
- (d) We believe on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety;
- (e) We have reason to suspect unlawful activity and use or disclose the Personal Information as part of our investigation of the matter or in reporting our concerns to relevant persons or authorities;
- (f) We reasonably believe that the use or disclosure is reasonably necessary to allow an enforcement body to enforce laws, protect the public revenue, prevent seriously improper conduct or prepare or conduct legal proceedings; or
- (g) The use or disclosure is otherwise required or authorised by law.

If we receive Personal Information from an individual that we have not solicited, we will, if it is lawful and reasonable to do so, destroy or de-identify the information as soon as practicable.

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8.2 Cross border disclosure

We will not disclose an individual's Personal Information to an overseas recipient. If we do, we will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles, unless:

- (a) The overseas recipient is subject to laws similar to the Australian Privacy Principles and the individual has mechanisms to take action against the overseas recipient;
- (b) We reasonably believe the disclosure is necessary or authorised by Australian Law; or
- (c) The individual has provided express consent to the disclosure.

8.3 Disclosure of Health Information

We may disclose Health Information about an individual to a person who is responsible for the individual if:

- (a) The individual is incapable of giving consent or communicating consent;
- (b) The Service Manager is satisfied that either the disclosure is necessary to provide appropriate care or treatment or is made for compassionate reasons or is necessary for the purposes of undertaking a quality review of our services (and the disclosure is limited to the extent reasonable and necessary for this purpose); and
- (c) The disclosure is not contrary to any wish previously expressed by the individual of which the Service Manager is aware, or of which the Service Manager could reasonably be expected to be aware and the disclosure is limited to the extent reasonable and necessary for providing care or treatment.

A person responsible is a parent, a child or sibling, a spouse, a relative, a member of the individual's household, a guardian, an enduring power of attorney, a person who has an intimate personal relationship with the individual, or a person nominated by the individual to be contacted in case of emergency, provided they are at least 18 years of age.

9 Access

9.1 Requesting access

You have a right to request that we provide you access to the Personal Information we hold about you (and we shall make all reasonable attempts to grant that access) unless providing access:

- (a) Is frivolous or vexatious;
- (b) Poses a serious threat to the life or health of any individual;
- (c) Unreasonably impacts upon the privacy of other individuals;
- (d) Jeopardises existing or anticipated legal proceedings;
- (e) Prejudices negotiations between the individual and us;
- (f) Be unlawful or would be likely to prejudice an investigation of possible unlawful activity;
- (g) An enforcement body performing a lawful security function asks us not to provide access to the information; or
- (h) Giving access would reveal information we hold about a commercially sensitive decision-making process.

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9.2 *Process for requesting access*

Requests for access to information can be made orally or in writing and addressed to the Service Manager of the relevant service. We will respond to each request within a reasonable time.

9.3 *Declining access*

An individual's identity should be established prior to allowing access to the requested information. If unsatisfied with the individual's identity or access is requested from an unauthorised party, we can decline access to the information.

We can also decline access to information if:

- (a) There is a serious threat to life or health of any individual;
- (b) The privacy of others may be affected;
- (c) The request is frivolous or vexatious;
- (d) The information relates to existing or anticipated legal proceedings; or
- (e) The access would be unlawful.

We will provide in writing the reasons for declining access to the requested information.

9.4 *Granting access*

On request (and after determining an individual's right to access the information) we should provide access to Personal Information.

9.5 *Charges*

If we charge for providing access to Personal Information, those charges will not be excessive.

10 **Personal information quality**

We aim to ensure that the Personal Information we hold is accurate, complete and up to date. Please contact us if any of the Personal Information you have provided to us has changed. Please also contact us if you believe that the information, we have about you is not accurate, complete or up to date.

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11 Correction

If an individual establishes the Personal Information held about them is inaccurate, incomplete, out-of-date, irrelevant or misleading we must take reasonable steps to correct the information.

If we refuse to correct the Personal Information as requested by the individual, we will give the individual written notice that sets out:

- (a) The reasons for the refusal, except to the extent that it would be unreasonable to refuse;
- (b) The mechanisms available to complain about the refusal; and
- (c) Any other matter prescribed by the regulations.

If we disagree with an individual about whether information is accurate, complete and up-to-date, and the individual asks us to associate with the information a statement claiming that the information is inaccurate, incomplete, out-of-date, irrelevant or misleading we must take reasonable steps to do so.

12 Direct marketing

12.1 Personal Information

We will not use or disclose Personal Information about an individual for the purposes of direct marketing, unless the information is collected directly from you and:

- (a) You would reasonably expect us to use or disclose your Personal Information for the purpose of direct marketing; and
- (b) We have provided you a means to 'opt-out' and you have not opted out.

12.2 Sensitive Information

We will not use or disclose Sensitive Information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

12.3 An individual's rights in relation to direct marketing activities

If we use information for the purposes of direct marketing the individual may:

- (a) Ask us not to provide direct marketing communications to them;
- (b) Ask us not to disclose or use the information; or
- (c) Ask us to provide the source of the information.

13 Personal information security

We are committed to keeping secure the Personal Information you provide to us. We will take all reasonable steps to ensure the Personal Information we hold is protected from misuse, interference, loss, from unauthorised access, modification or disclosure.

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13.1 Information of a Client, consumer or participant

- (a) We must keep the records of a client, consumer or participant in a secure storage area.
- (b) If the records are being carried while providing care only the Worker carrying the records will have access to them.
- (c) Records of previous clients and residents and earlier unused volumes of current clients or residents shall be archived and stored in a locked service away from general use.
- (d) Only health professionals attending to the care of a client, consumer or participant are to have access to information of the client, consumer or participant. All records shall only be used for the purpose it was intended.
- (e) A client, consumer or participant, or their representatives shall be provided access to records as requested and after consultation with the Service Manager. At these times, a qualified staff member is to remain with a client, consumer or participant or representative to facilitate the answering of any questions raised.
- (f) Details of a client, consumer or participant are not to be provided over the phone, unless the Worker is sure of the person making the inquiry. If in doubt, consult the Service Manager.
- (g) No Worker shall make any statement about the condition or treatment of a client, consumer or participant to any person not involved in the care except to the immediate family or representative of the client, consumer or participant and then only after consultation with the Service Manager.
- (h) All Workers must always be discreet with their comments, protecting and respecting the privacy, dignity and confidentiality of all clients and residents.
- (i) Handovers shall be conducted in a private and confidential manner.

13.2 Security measures

Our security measures include, but are not limited to:

- (a) Training our Workers on their obligations with respect to your Personal Information;
- (b) Use of passwords when accessing our data storage system; and
- (c) The use of firewalls and virus scanning tools to protect against unauthorised interference and access.

This applies to Workers who are required to have up-to-date virus protection software and firewalls installed on any device used to access documents containing Personal Information.

Contractors working on our behalf are required to:

- (a) Comply with the Australian Privacy Principles;
- (b) Have up-to-date virus protection software and firewalls installed on any device used to access documents containing Personal Information;
- (c) Notify us of any actual or potential breaches of security;
- (d) Indemnify us in relation to any loss suffered by a breach.

We will, as soon as practicable and in accordance with the law, destroy or de-identify any Personal Information that is no longer required for our functions.

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13.3 Response to a data breach

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure, or other misuse or interference. All Workers are responsible for reporting any actual or suspected data breach to the Corporate Services Manager, Community Services Manager or Aged Care & Disability Services Manager.

Details about how we manage any actual or suspected data breach is set out in our Data Breach Response policy which includes our Data Breach Response Plan.

14 Media

No Workers shall make any statement to the press, radio or television station or to any reporter for the media. If a Worker is approached to make a statement or comment they must refer the person to our Chief Executive Officer (or delegated COO).

15 Privacy Officer

We have appointed a Privacy Officer to manage and administer all matters relating to protecting the privacy of individual's Personal Information.

The Privacy Officer can be contacted if any relevant person wishes to obtain more information about any aspect of this policy or about the way in which we operate to protect the privacy of individual's Personal Information.

As stated above, complaints may also be made to the Privacy Officer if any person suspects we have breached this Privacy Policy, the Australian Privacy Principles or they are otherwise unhappy with the management of their or if they are responsible for another person, that person's Personal Information.

16 Grievance procedure

16.1 How to make a complaint

If you wish to make a complaint about the way we have managed your Personal Information you may make that complaint verbally or in writing by setting out the details of your complaint to any of the following:

- (a) Kim Jones – CEO (and Privacy Officer)
Phone: 07 3808 4463
Email: kim@multilink.org.au
- (b) Nadine Coleman - Corporate Services Manager
Phone: 07 3412 7120
Email: nadine@multilink.org.au

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Alternatively, complaints may also be referred to a number of services as set out below:

(a) Australian Information Commissioner

The Australian Information Commissioner receives complaints under the Act. Complaints can be made:

Online: <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>

By phone: 1300 363 992

By fax: +61 2 9284 9666

In writing, by addressing your letter to the Australian Information Commissioner at the:
Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

OR

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

(b) Aged Care Complaints Commissioner

The Aged Care Complaints Commissioner receives complaints about aged care services under the Act. Complaints can be made:

Online:

<https://www.agedcarecomplaints.gov.au/raising-a-complaint/lodge-a-complaint/online-complaints-forms/>

By phone: 1800 550 552.

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OR

If you need an interpreter you can phone:

Translating and Interpretation Service on 131 450 and ask them to put you through to the Aged Care Complaints Commissioner:
Phone: 1800 500 552.

For hearing or speech impaired TTY users:
Phone: 1800 555 677 then ask for 1800 550 552.

For Speak and Listen users:
Phone: 1800 555 727 then ask for 1800 550 552.

For Internet relay users connect to: <https://internet-relay.nrscall.gov.au/>

In writing to:

Aged Care Complaints Commissioner GPO
Box 9848
Brisbane Qld 4001

How we will deal with your complaint

The complaint will be investigated by us in accordance with our internal procedures and processes.

The complainant may be invited to participate in a conference by the Worker conducting the investigation. At the discretion of the Chief Executive Officer (or delegated COO) other interested parties may also be invited to participate in the conference to discuss the nature of the complaint and attempt to resolve it. This may include the presence or participation of a support person or advocate for the complainant.

The complainant will be provided with a response to their complaint within a reasonable timeframe after completion of any investigation. This response will be in writing and will include the outcome of the investigation, any proposed action and details of the right to lodge a complaint with any relevant external organisations.

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RELATED DOCUMENTS

- Data Breach Response Policy
- Data Breach response plan
- Data Breach matrix
- Data Breach incident report form
- Template notification letter
- Template notification to the Office of Information Commissioner

DEFINITIONS

Australian Privacy Principles (APPs)

A set of legally binding principles under the *Privacy Act 1988 (Cth)* that regulate how personal information is collected, used, disclosed, and managed by organisations.

Data Breach

An incident where personal information is lost or accessed, disclosed, modified, or used without authorisation. This includes accidental or intentional actions that compromise information security.

Direct Marketing

The use or disclosure of personal information to contact an individual directly with the aim of promoting products, services, fundraising efforts, or similar activities.

Person Responsible (for a client or participant)

An adult who may act on behalf of a person unable to consent. This may include a parent, spouse, adult child, sibling, household member, guardian, enduring power of attorney, or nominated emergency contact.

Privacy Officer

The designated individual within the organisation responsible for overseeing compliance with privacy legislation and this Privacy Policy, including responding to complaints and privacy inquiries.

Unsolicited Information

Personal information received by the organisation that was not actively collected or requested. If this information is not reasonably necessary for the organisation's functions, it must be destroyed or de-identified.

Worker

Any person performing work or duties on behalf of the organisation, including:

- Employees
- Contractors and subcontractors
- Labour hire employees
- Students and trainees
- Work experience students
- Volunteers

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MULTILINK CONTACT

Any questions in relation to this Policy should be directed to the Corporate Services Manager.

VARIATIONS

Multilink reserves the right to vary, replace or terminate this Policy from time to time.

VERSION AND REVISION INFORMATION

Policy authorised by:	Chief Executive Officer
Policy maintained by:	Corporate Services Manager
Approved by:	Management Committee
Approval date:	20 th November 2018
Version:	V6