

Wyndham Community and Education Centre Inc Policy

Policy name	Privacy Policy & Procedure
Responsible person	CEO and Managers
Staff involved	All
Review dates	2012
Related documents	Information Privacy Act 2000 (Vic), Privacy Amendment Act 2000 (Com), Health Records Act 2001 (Vic), Freedom of Information Act 1982 (Vic), Privacy Form, Privacy Trifold, Privacy Agreement for Staff & Volunteers, <i>Request to view my own file</i> Form, Charter of Human Rights & Responsibilities 2006 (Vic)

Purpose

Wyndham Community and Education Centre Inc. respects the privacy of its staff and clients and only collects information that is required from staff, clients and volunteers for reasons that include meeting compliance with legislation, funding agreements and contracts.

Policy

This policy describes how personal, sensitive and health related information will be handled to ensure privacy is maintained consistent with legislative requirements.

Government funded organisations collect personal information to meet requirements of funding bodies.

Parliament recognises that a lot of information necessarily collected may be private, and that not just anyone should have access to it. Privacy laws help ensure that an individual's privacy is protected.

Privacy legislation is legally binding and penalties may be imposed on the organisation or on an individual for breaches.

Guiding Principles

The following principles guide Wyndham Community and Education Centre Inc in relation to collecting and handling personal information. These principles are defined in the Victorian Information Privacy Act 2000 and align closely with the Commonwealth Privacy Act 1988. The ten ***Information Privacy Principles*** will be followed at all times for the collection and management of personal information.

This document was accepted by the Board of Management of the Wyndham Community and Education Centre Inc on 8/6/11 and supersedes all previous versions.

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What information is collected?

Only necessary information will be collected. The definition of “necessary” in this context will be reviewed annually. Information collected will fall into 2 categories:

- Personal contact details; and,
- Statistical information required for reporting to funding bodies.

Staff will provide reasons at the time and point of collection, regarding what information is being collected and held, and how the information will be used or disclosed.

What is the purpose of collecting the information?

Information will only be used for the purpose for which it is gathered. If it is needed for another purpose written permission will be gained before that use. The purposes of our information gathering are:

- To provide, administer and manage client services; and,
- To provide statistical information to funding bodies.

How is the information collected?

Information will be gathered in a form that will allow the Centre to maintain confidentiality of all Centre clients. It will be gathered using:

- Enrolment forms;
- Interviews;
- Checklists; and/or,
- Resumes.

Right of access to personal information

Any individual has the right to request access to information held about them consistent with principle 6. Individuals will be provided with the opportunity to correct the information held if it is established that it is incorrect and as long as it doesn't impinge on the privacy of others. All information must be kept securely and protected from unauthorised access, modification or disclosure.

Refusal to give or release personal and health information

Clients can now refuse to give or release personal and health information. WCEC has decided to adopt an 'opt out' consent policy which means that the organisation tells the client that it will take a course of action unless the client indicates they do *not* want the activity to occur.

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What protections are in place?

Information is protected and is only able to be accessed by authorised personnel. This is achieved by:

- Password protection on computer programs which limits access to authorised people;
- All Staff (including volunteers) sign a privacy agreement ; and,
- All Staff (including volunteers) follow the correct procedures regarding the use of information gathered. Procedures cover such issues as recording, retrieval and passing on information to others.

Authorised personnel access levels:

Level 1 - Access to all information

Level 2 - Access to all information relevant to own service unit area

Level 3 - Access to all information relevant to own work area

Level 4 - Assist to collect information, but with limited access to stored information

Level 5 - Assist to collect information, but no access to stored information

Level 6 – Access to information related to governance and position on Board of Management

CEO	- Level 1
Service Unit Managers	- Level 2
Coordinators	- Level 3
Teachers / Trainers	- Level 4
Childcare workers	- Level 4
Office workers	- Level 4
Volunteers	- Level 5
Board	- Level 6

Ten Information Privacy Principles

Wyndham Community and Education Centre Inc is committed to working within current Privacy Legislation and will maintain each individual's privacy in accordance with the 10 information privacy principles outlined below.

1. Collection:

Personal information is only collected when necessary for the performance of functions such as providing a service or training and employment of staff. This information is collected in a fair and reasonable manner and steps will be taken to tell you who we are, how to contact us and the reason for collecting the information. We are required by law to hold this information for a period of time for auditing purposes by funding bodies. Wyndham Community and Education Centre Inc will allow individuals to gain access to personal information by completing a *Request to view own file* form and lodging it with the CEO.

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2. **Use and disclosure:**
This information may be passed on to specific Government Departments who provide funding and carry out regular audits. Information is not passed on to any other non relevant outside parties without consent. Some statistical data is noted, but individual identities are protected.
3. **Data quality:**
Reasonable steps are taken to ensure that the information held is relevant, complete and up to date.
4. **Data security:**
Reasonable steps are taken to protect personal information from misuse, loss, unauthorised access, modification or disclosure.
5. **Openness:**
This privacy information is available to all clients and participants who may request information about what data is held, why and how this is collected, used, stored and disclosed.
6. **Access and correction:**
Individuals have a right to seek access to their personal information and make corrections. Access may only be denied if it would have an unreasonable impact on the privacy of others or where access may result in a breach of the organisation's duty of care to others. If you disagree with information we hold about you or it is incorrect, we will take reasonable steps to take a statement to this effect or correct the information on reaching agreement. Information no longer required or out of date is destroyed or de-identified.
7. **Unique identifiers:**
A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of an organisation's operations. Tax File Numbers and Driver's Licence Numbers are examples. Unique identifiers can facilitate data matching. Data matching can diminish privacy. Information Privacy Principle 7 limits the adoption and sharing of unique identifiers.
8. **Anonymity:**
Whenever it is lawful and practicable individuals may be given the option of not identifying themselves when entering transactions with organisations, if that would be lawful and feasible.
9. **Transborder data flows:**
Information held about a client will not be transferred outside Victoria without consent, or unless required to meet contractual obligations and to a recipient bound by principles similar to the Information Privacy Principles.

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10. Sensitive information*:

Sensitive information will not be collected without consent unless required by law or for contractual obligations. On occasions we may request sensitive or health information in the interests of student health or well being whilst a client attends the organisation.

*Sensitive information includes health information, political belief, religious affiliation, sexual preference, and membership of political parties. A higher level of privacy protection applies to sensitive information and it can only be collected by an organisation in the following circumstances:

- With the consent of the individual;
- Where required by law;
- Where preventing the collection of health information poses a serious threat to the life or health of the individual;
- Where it is necessary for research or the compilation and analysis of statistics; and,
- Where collection of information is necessary for the establishment, exercise or defence of a legal or equitable claim.

Procedure

Staff, Board of Management and Volunteers

Wyndham Community and Education Centre (WCEC) is subject to new privacy legislation which is intended to protect personal and health information collected by Victorian government bodies. The *Information Privacy Act 2000* sets out a number of principles for the collection, use, disclosure and handling of personal and health information as outlined above. These requirements also apply to the information WCEC collects and holds about its employees.

The following information will be collected and held in your staff (or equivalent) file:

- Verified copies of qualifications and evidence of a Working with Children Check / VIT registration/ NCRC. WCEC needs to maintain copies of these documents in your staff file in order to meet compliance requirements. In signing this agreement, you agree to us keeping a copy of these documents.
- Personal and health information collected in relation to your employment is retained as part of your employment record. It may be used for any purpose related to your employment with WCEC, including training, occupational health and safety, discipline, performance assessment, promotion, remuneration, employment related travel, resignation and retirement. It may also be used in any dispute that arises in relation to your employment.
- WCEC may disclose personal and health information in your employment record to any persons authorised by you. It may also disclose personal information to superannuation, taxation and insurance related organisations, and to organisations that

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provide services to you or to WCEC in relation to WCEC's employment of you. In the event of a dispute that arises in relation to your employment, it may disclose the information to its advocates or legal representatives.

- There may be delays or interruptions to employment related processes, such as promotion or payment of salary if WCEC does not have the information it requires.

All staff, Board of Management members and volunteers will be issued with privacy information, including a privacy agreement, at the commencement of their employment or involvement with Wyndham Community and Education Centre Inc.

A Privacy Agreement must be signed and a copy of this signed agreement kept the file of all staff, board members and volunteers.

The ten Information Privacy Principles outlined above and in the 'Privacy and your Rights' tri-fold, will be followed at all times for the collection and management of personal information.

All staff members are bound by privacy legislation. Staff are required to keep client and colleague information confidential. The legislation formalises many work practices that we already take for granted. You must be careful about NOT revealing personal or sensitive information when having conversations outside of a formal environment (eg staff chatting over coffee).

Staff inducting new staff will provide reasons at the time and point of collection, regarding what information is being collected and held, and how the information will be used or disclosed.

Students / Clients

All students enrolling in a course or clients accessing a service for which information must be collected, will be given a copy of the 'Privacy and your Rights' tri-fold at enrolment interview.

All enrolling students and/or clients agree to the Privacy Statement when they sign the enrolment form.

Some programs require a separate Privacy Agreement to be signed. This will be done at interview as required.

Staff will provide reasons at the time and point of collection, regarding what information is being collected and held, and how the information will be used or disclosed.

All students are informed of their right to view their own file and the process for doing so at the enrolment interview.

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All clients accessing services are informed of their right to view their own file and the process for doing so at initial interview.

If a client does not wish to give information they have the right to refuse, although this may restrict the activities they can participate in. A refusal must be recorded in a way appropriate to the situation eg a refusal to answer a question on an enrolment form would be recorded using the @ symbol.

A client or staff member who feels that a breach of privacy has occurred may register a formal complaint with the CEO or Board of Management. If they are unhappy about how the complaint is handled, they may complain to the Privacy Commissioner.

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Privacy Agreement for Staff/Volunteers

Please read the above information and this agreement carefully. If you agree with the terms of this policy and procedure, sign and return the agreement to the CEO or Service Unit Manager before commencing employment.

I, _____ (Name) understand that:

I have a duty not to disclose information relating to the affairs of employees, clients or Board members of the Wyndham Community and Education Centre Inc that has been acquired in the provision of customer services, except as necessary to relevant staff or the CEO. This duty applies both before and after my employment at Wyndham Community and Education Centre Inc.

I have a duty not to allow any unauthorised and/or unintentional access to systems, security information or participant information stored in any computer or on file in the course of providing customer services for Wyndham Community and Education Centre Inc.

In signing this document I agree to Wyndham Community and Education Centre Inc keeping a copy of my qualifications and evidence of a valid Working with Children Check, VIT registration and/or National Criminal Records Check in my staff file for compliance and legal purposes.

Staff member's signature: _____

Date: _____

CEO or delegate signature: _____

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