



## Policy Statement

SENC will conform to both state and commonwealth privacy legislation requirements regarding the collection, use and protection of personal information of our Service Users and Team Members.

## Privacy & Confidentiality

Confidentiality refers to the obligation of non-disclosure by SENC of personal information unless it has the consent of the person concerned. SENC will ensure that all Privacy of personal information is handled in an open and transparent way so as to provide security and reassurance for all stakeholders.

SENC collects personal information in the form of:

- Assessment for service delivery
- Surveys
- Complaints/Compliments and Suggestions
- Incidents/Accidents
- Staff HR

The types of general personal information collected include:

- Contact details
- Date of birth
- Next of Kin
- Doctors details
- Employment history (staff)
- Education qualification (staff)

The types of sensitive personal information collected include:

- Functional ability
- Personal wellbeing
- Racial or ethnic origin
- Religious affiliations
- Living arrangements
- Basic medical history (including medications)
- Working with Children and Criminal record status (staff)

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SENC will ensure privacy and confidentiality by:

- Collecting only the information required for service delivery;
- Informing SENC Team Members and Service User of the purpose for collecting the information;
- Providing SENC Team Members and Service User with access to their information held by SENC;
- Acknowledging the Service Users right to complain if SENC breaches any Australian Privacy Principles;
- Disclosing personal information to 3<sup>rd</sup> parties only with the consent of the individual;
- Securely storing SENC Team Member and Service Users personal information; and
- Destroying such personal information in accordance with the Archives Act 1983.

In the following circumstances there is an obligation to report:

- a crime or intended crime;
- where the person is suicidal, safety is at risk, personal harm or being harmed (abused) by another; and
- warn a third party who is in danger.

For SMOOSH information will only be divulged if:

- necessary for the education and care of the child.
- necessary for medical treatment of the child
- to Family of the child to whom the information relates
- the Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations.
- with the written consent of the person who provided the information.

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Commonwealth legislation) outlines 13 Australian Privacy Principles (APPs).

*Principle 1: Open and transparent management of personal information*

‘To ensure that APP entities manage personal information in an open and transparent way’, this enhances the accountability and builds trust in the community over the organisations handling of personal information. The organisation must have an up-to-date Privacy policy which is accessible to all stakeholders.

*Principle 2: Anonymity and pseudonymity*

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‘Provides that individuals must have the option of not identifying themselves or of using a pseudonym, when dealing with an APP entity in relation to a particular matter’. This will not apply if under court order or impractical for service provision.

*Principle 3: Collection of solicited personal information*

‘The entity must not collect personal information unless the information is reasonably necessary for one or more of the entity’s functions or activities’.

*Principle 4: Dealing with unsolicited personal information*

SENC will, if it comes into possession of personal information that may not be required for service delivery, determine if the information was a result of standard data collection and if not required it will destroy the information or ensure it is de-identified.

*Principle 5: Notification of the collection of personal information*

SENC must take steps as soon as practicably possible to notify the individual of the reasons for collecting personal information and who is collecting it.

*Principle 6: Use or disclosure of personal information*

‘If an entity holds personal information about an individual that was collected for a particular purpose (the primary purpose), the entity must not disclose the information for another purpose (the secondary purpose) unless the individual has consented. If an organisation passes on personal information to third parties with the consent of the service user it must be de-identified.’

*Principle 7: Direct marketing*

‘If an organisation holds personal information about an individual, the organisation must not use or disclose the information for the purpose of direct marketing.’

*Principle 8: Cross-border disclosure of personal information*

This principle refers to the transfer of personal information to an overseas location which is not applicable to the service at this time.

*Principle 9: Adoption, use or disclosure of government related identifiers*

An organisation must not adopt a government related identifier of an individual as its own identifier of the individual unless it is required or authorized by law or a court/tribunal order.

*Principle 10: Quality of personal information*

SENC must take such steps as are reasonable in the circumstances to ensure that the personal information that is collected, used or disclosed is accurate, up-to-date, complete and relevant.

*Principle 11: Security of personal information*

If SENC holds personal information they must take steps as are reasonable to protect the information from misuse, interference, unauthorized access, modification, loss and

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disclosure. SENC must ensure that if information is no longer required that it is destroyed and/or de-identified.

### *Principle 12: Access to, and correction of, personal information*

‘If an entity holds personal information about an individual, the entity must, on request by the individual, give the individual access to the information’

### *Principle 13: Correction of personal information*

If SENC is satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading SENC must take steps to correct the information.

*Adapted from Guidelines to the Australian Privacy Principles, Office of the Australian Information Commissioner*

<http://www.oaic.gov.au/images/documents/privacy/applying-privacy-law/app-guidelines/APP-guidelines-combined-set-v1.pdf>

## Related Procedures

- PRO 2.03-1 Team Member Orientation
- PRO 3.02-1 Service User Information Provision
- PRO 3.02-2 Service User Rights and Responsibilities
- PRO 3.06-1 Privacy and Confidentiality

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