

Privacy Policy

STATEMENT

Able Australia is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.

PURPOSE

The purpose of this document is to provide a framework for Able Australia in dealing with privacy considerations.

SCOPE

This policy applies to all 'workers' and all sites where Able Australia delivers services and any sites where individuals supported by Able Australia reside or visit.

DEFINITIONS AND ABBREVIATIONS

"Workers" includes employees, board members, contractors, volunteers, consultants, agency staff, visitors and students.

POLICY DETAILS

Able Australia collects and administers a range of personal information for the purposes of:

- Assisting us in providing advice, services and support
- Recruiting and engaging staff and contractors
- Program management
- Responding to complaints, comments and questions
- Performing its legislative and administrative functions / contract management
- Management of correspondence with stakeholders and public
- Assessing satisfaction with service provision and activities
- Engaging in various compliance activities e.g. audits, investigations
- Managing and responding to correspondence and enquiries from individuals and organisations
- Policy development, research and evaluation
- Process donations, memberships and sponsorship and issue receipts.

The organisation is committed to protecting the privacy of personal information it collects, holds and administers. Able Australia recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and align with the Privacy Act 1988 (Cth) Schedule 1 Privacy Amendment (Enhancing Privacy Protection) Act 2012. Able Australia also acknowledges the 13 Australian Privacy Principles (APPs) which became effective 12 March 2014.

Able Australia is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.

Able Australia will:

- Collect only information which the organisation requires for its primary function;
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- Store personal information securely, protecting it from unauthorised access; and
- Provide stakeholders with access to their own information, and the right to seek its correction.

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PROCEDURE / PROCESSES

Collection

Able Australia will:

- Only collect information that is necessary for the performance and primary function of Able Australia.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect Sensitive information only with the person's consent. *Signed Consent form placed in Individual's file.* (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- Determine, where unsolicited information is received, whether the personal information could have collected it in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).

Use and Disclosure

Able Australia will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, Able Australia will obtain *written* consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- In relation to personal information which has been collected from a person (*written signed consent*), use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and Able Australia has provided an opt out and the opt out has not been taken up.
- In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).
- State in Able Australia's privacy policy whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as Able Australia is required to be.
- Provide all individuals' access to personal information except where it is a threat to life or health or it is authorised by law to refuse and, if a person is able to establish that the personal information is not accurate, then Able Australia must take steps to correct it. Able Australia may allow a person to attach a statement to their information if Able Australia disagrees it is inaccurate.
- Where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.

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Storage

Able Australia will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.
- Before Able Australia discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. Able Australia will have systems which provide sufficient security.
- Ensure that Able Australia's data is up to date, accurate and complete.

Destruction and de-identification

Able Australia will:

- Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
- Change information to a pseudonym or treat it anonymously if required by the person whose information Able Australia holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

Data Quality

Able Australia will:

- Take reasonable steps to ensure the information Able Australia collects is accurate, complete, up to date, and relevant to the functions we perform.

Data Security and Retention

Able Australia will:

- Only destroy records in accordance with the Able Australia's Policy.

Openness

Able Australia will:

- Ensure stakeholders are aware of Able Australia's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on Able Australia's website.

Access and Correction

Able Australia will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

Anonymity

Able Australia will:

- Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

Making information available to other organisations

Able Australia can:

- Release information to third parties where it is requested by the person concerned.

REFERENCE DOCUMENTS / FORMS

Legislation includes: (but is not limited to):

Privacy Act 1988 (Cth)

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Privacy Amendment (Enhancing Privacy Protection) Act 2012

Australian Privacy Principles

Disability Act 2006 Victoria

Disability Act 2011 Tasmania

Disability Act 1999 ACT

Aged Care Act 1997

Quality Frameworks: (but is not limited to):

National Standards for Disability Services

Human Service Standards Victoria

Home Care Standards

GLF 3 Consent Form – Governance & Leadership Forms

CONTINUOUS IMPROVEMENT

Improvements to this policy can be made by completing an Improvement Opportunity Form, attaching any suggested amendments and forwarding to the Quality and Compliance Manager for review.

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Appendix A

PRIVACY POLICY – FOR EXTERNAL USE/PRIVACY ACT COMPLIANCE

PRIVACY POLICY

Your privacy is important

This statement outlines Able Australia's policy on how Able Australia uses and manages personal information provided to or collected by it.

Able Australia is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and is compliant with the Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, Able Australia is also bound by applicable state and territory health and information privacy legislation.

Able Australia may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to Able Australia's operations and practices and to make sure it remains appropriate to the changing legal environment.

What kind of personal information does Able Australia collect and how does Able Australia collect it?

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

- Racial or ethnic origin
- Religious beliefs or affiliations
- Membership of a professional or trade association
- Membership of a trade union
- Sexual preferences or practices
- Criminal record
- Health information as required.

Personal Information you provide:

Able Australia will generally collect personal information held about an individual by way of *phone calls, forms, meetings etc.* You do have the right to seek to deal with us anonymously or using a pseudonym, but in almost every circumstance it will not be practicable for us to deal with you or provide any services to you except for the most general responses to general enquiries, unless you identify yourself.

Personal Information provided by other people:

In some circumstances Able Australia may be provided with personal information about an individual from a third party, for example legal guardian.

In relation to employee records:

Under the Privacy Act the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the Able Australia's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between Able Australia and employee. However, Able Australia must provide access and ensure compliance with the Health Privacy Principles under the various state / territory Health Records Acts.

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How will Able Australia use the personal information you provide?

Able Australia will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

In relation to direct marketing, Able Australia will use your personal information for direct marketing where you have provided that information, and you are likely to expect direct marketing: only then you will be sent direct marketing containing an opt out. If we use your personal information obtained from elsewhere we will still send you direct marketing information where you have consented and which will also contain an opt out. We will always obtain your (*written*) consent to use sensitive information as the basis for any of our direct marketing.

We may use video surveillance for security purposes and the footage will be used only by Able Australia and by the providers of our security services for security purposes. Surveillance videos are not used by Able Australia for other purposes and the footage is not publicly available. Surveillance cameras are not located in any bathrooms or change room facilities.

Job applicants, staff members and contractors:

In relation to personal information of job applicants, staff members and contractors, Able Australia's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which Able Australia uses personal information of job applicants, staff members and contractors include (but is not limited to):

- for insurance purposes
- satisfy Able Australia's legal and legislative obligations

Examples of Personal Information relating to the employment of the employee / contactor are Health Information and Personal Information about all or any of the following:

- engagement, training, disciplining or resignation of employee
- termination of employment of employee
- terms and conditions of employment
- employee's personal and emergency contact details
- performance and conduct record
- hours of employment
- salary or wages
- any membership of a professional or trade association
- trade union membership
- recreation, long service, sick, personal, maternity, paternity or other leave; and
- employees taxation, banking or superannuation affairs.

Where Able Australia receives unsolicited job applications these will usually be dealt with in accordance with the unsolicited personal information requirements of the Privacy Act.

Volunteers:

Able Australia also obtains personal information about volunteers who assist the organisation in its functions or conduct associated activities, such as to enable Able Australia and the volunteers to work together. All volunteer personal information will be safeguarded within the same processes as staff personal information practices.

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Marketing and fundraising:

Able Australia treats marketing and seeking donations for the future growth and development of the *organisation* as important and a key operational function. Personal information held by Able Australia may be disclosed to an organisation that assists in the organisations fundraising, for example, Able Australia's marketing publisher / news media.

Who might Able Australia disclose personal information to?

Able Australia may disclose personal information, including sensitive information, held about an individual to:

- government departments
- people providing services to Able Australia; and
- anyone you authorise Able Australia to disclose information to.

Sending information overseas:

Able Australia will not send personal information about an individual outside Australia without:

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

We do/do not use overseas providers of IT services including servers and cloud services.

How does Able Australia treat sensitive information?

In referring to 'sensitive information', Able Australia means:

"information relating to a person's racial ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual".

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

Management and security of personal information

Able Australia's staff are required to respect the confidentiality of personal information and the privacy of individuals.

Able Australia has in place steps to protect the personal information the organisation holds from misuse, loss, unauthorised access, modification, interference or disclosure by use of various methods including locked storage of paper records and password protected access rights to computerised records.

When you use our website, having your cookies enabled will allow us to maintain the continuity of your browsing session and remember your details when you return. We may also use web beacons, Flash local stored objects and JavaScript. If you adjust your browser settings to block, reject or delete these functions, the webpage may not function in an optimal manner. We may also collect information about your IP address, although this may not identify you.

Updating personal information

Able Australia endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the organisation by contacting the Privacy Officer of Able Australia at any time.

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The Australian Privacy Principles and the Health Privacy Principles require Able Australia not to store personal information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored.

You have the right to check what personal information Able Australia holds about you.

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information which the organisation holds about them and to advise the organisation of any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. To make a request to access any information Able Australia holds about you, please contact the Privacy Officer in writing.

Privacy Officer
Human Resources Operations Manager
413 Canterbury Road
Surrey Hills VIC 3127
Telephone: 03 9046 0533
Mobile: 0439267444

Able Australia may require you to verify your identity and specify what information you require. Although no fee will be charged for accessing your personal information or making a correction, the organisation may charge a fee to retrieve and copy any material. If the information sought is extensive, Able Australia will advise the likely cost in advance.

How long will Able Australia keep my information?

Under our destruction and de-identification policies, your personal information that is no longer required will be de-identified or destroyed. In many circumstances, however it will be kept for marketing purposes, as you will have consented to that in writing with us.

Enquiries and privacy complaints

If you would like further information about the way Able Australia manages the personal information it holds, please contact the Privacy Officer. If you have any concerns, complaints or you think there has been a breach of privacy, then also please contact the Privacy Officer who will first deal with you usually over the phone. If we then have not dealt satisfactorily with your concerns we will meet with you to discuss further. If you are not satisfied with our response to your complaint within 30 days from this meeting then you can refer your complaint to the

Office of the Australian Information Commissioner via:

Email: enquiries@oaic.gov.au

Tel: 1300 363 992

Fax: +61 2 9284 9666

To lodge a complaint either complete the [Complaints and Suggestions form](#) on the Able Australia website www.ableaustralia.org.au or contact the National Office: 1 300 225 369.

Requests or enquiries regarding this Privacy Policy or personal information held by Able Australia can be made by email:

info@ableaustralia.org.au or by phoning our National Office on 1 300 225 369.