

Title: Privacy

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1. Purpose

This policy outlines Ability WA's commitment to protecting and upholding the right to privacy of customers and employees. Ability WA is committed to protecting and upholding the rights to privacy of its customers. This includes the way information about customers is collected, stored and used.

2. Scope

This policy applies to all Ability WA employees, Board Directors, agency staff, consultants/contractors and volunteers (collectively referred to as "representatives").

3. Definitions

Individual	Any person that Ability WA holds information about such as customers and their representatives, and donors.
Employees	A person who is employed directly by Ability WA on a permanent, temporary or casual basis.
Board Director	As established by the Ability WA Constitution and comprised of formally appointed members (and co-opted members) who provide governance and oversight.
Agency staff	A person who is allocated by a specialist temporary / relief labour organisation to provide service to a customer on an hourly rate
Consultants/ Contractors	A person employed by an organisation that is in a contractual arrangement with Ability WA to provide specified services.
Volunteer	A person who provides a role supporting employees or customers of Ability WA whose role is ad hoc and/or informal and is not paid. This includes students, interns and persons on work experience placements with Ability WA.

4. Policy Statement

This policy has been established to ensure all representatives understand the importance of privacy in relation to information as described under the Privacy Act. This policy outlines how representatives are to protect -individual's privacy. This includes information relating to a customer's needs or supports. Ability WA requires individuals to be consistent and careful in the way they manage what is written and said about customers. This includes how they decide who can see or hear this information.

Policy – Privacy

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5. Principles

This principles that apply to this policy are outlined below.

Privacy and Security

Ability WA (including our sub-brands Goodwill Engineering and Ability TECH) respects and values the privacy of all information we handle about our customers, Members and Donors by complying with the Privacy Amendment (Enhancing Privacy Protection) Act and its principles. Ability WA collects and securely stores personal and sensitive information for the primary purpose of providing services for people with disability and their families/carers, including our duty of care obligations.

Ability WA will seek and obtain prior consent if any personal or sensitive information is to be disclosed for any other reason than the primary purpose for which it was collected.

Ability WA treats all confidential information we hold (even where it is not specifically covered by the Privacy Amendment Act) with the same level of care and security that applies to our obligations for personal and sensitive information we hold under the Privacy Amendment Act. Examples include the commercial information we collect and hold from our business customers, and suppliers.

Australian Privacy Principles

Ability WA is committed to ensuring that all personal/sensitive information we hold is handled in accordance with the Australian Privacy Principles of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

The Australian Privacy Principles (APPs) are the base line privacy standards which Ability WA complies with in relation to personal and sensitive information we hold.

Open & Transparent Management of Personal Information

Ability WA will only collect Personal Information where the information is necessary for Ability WA to perform one or more of its functions or activities. In this context, 'collect' means gather, acquire or obtain by any means, information in circumstances where the individual is identifiable or identified.

Ability WA collects Personal Information primarily to provide information and services to our customers, donors and suppliers. Ability WA collects and uses Personal Information for secondary purposes including: -

1. Information on products and services
2. Accounting purposes
3. Business planning and product/service development
4. Raising funds for Ability WA.

Personal Information is defined as information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Common examples of Personal Information Ability WA collects and holds includes a Customer's full name, date of birth and home address.

Personal Information may be stored electronically, in hard-copy documents, spoken words and/or photographs.

How we collect customer, donor or member (individual) Personal Information

Ability WA collects Personal Information in a number of ways including but not limited to:

- through a call to the Customer Contact Centre or an extension number
- a referral from a GP or other health professional
- by participating in one of Ability WA's community fundraising and/or information events
- by responding to Ability WA fundraising campaigns.

Ability WA may also collect Personal Information in other ways, for example through the purchase of commercial lists, and from publicly available sources such as the telephone directory.

Personal Information

Ability WA will not provide Personal Information it holds to any other individuals or organisations without prior consent except where required by law to do so or where that information is provided on a confidential basis to contractors who provide services, for example database management, printing and mailing for Ability WA. In these cases, Ability WA ensures that contractors are bound by the Australian Privacy Principles to keep Personal Information confidential.

Ability WA is thankful to people who are willing to share their personal stories with others through media stories and in newsletters. Ability WA will only use Personal Information for publicity purposes or as stories in newsletters with express written permission.

Ability WA will sometimes use third party service providers to conduct surveys and facilitate information collection and event registration. Some of these service providers conduct all or part of their business overseas and Personal Information may be transferred overseas as a result. Ability WA conducts a due diligence process before entering into an agreement with these service providers and will take all reasonable steps to ensure that information is not used in a manner inconsistent with the Australian Privacy Principles.

Use and Disclosure

Where Ability WA holds Personal Information about an individual, it will provide the individual with access to the information on request, in a form or manner suitable to the individual's reasonable needs, except to the extent that :

- providing access would pose a serious and imminent threat to the life or health of any individual;
- providing access would have an unreasonable impact upon the privacy of other individuals;
- the request for access is frivolous or vexatious; or
- the information relates to existing legal dispute resolution proceedings between Ability WA and the individual, and the information would not be accessible by the process of discovery in those proceedings;

- providing access would reveal the intentions of Ability WA in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- providing access would be unlawful;
- denying access is specifically authorised by law;
- providing access would be likely to prejudice an investigation of possible unlawful activity;
- providing access would be likely to prejudice:
 - prevention, detection, investigation, prosecution or punishment of criminal offences;
 - breaches of a law imposing a penalty or sanction;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of Seriously Improper Conduct;
 - preparation for, or conduct of, proceedings before any court, or tribunal, or implementation of its orders by or on behalf of an enforcement agency; or
 - an enforcement agency performing a lawful national security function asks Ability WA not to provide access on the basis that providing access would be likely to cause damage to the national security of Australia.

Where providing access would reveal evaluative information generated within Ability WA in connection with a commercially sensitive decision-making process, Ability WA may give the individual an explanation for the decision rather than direct access to the information.

If Ability WA has given an individual such an explanation and the individual believes that direct access to the evaluative information is necessary to provide a reasonable explanation of the reasons for the decision, Ability WA will, at the request of the individual, undertake a review of the decision. The review will be undertaken by personnel other than the original decision maker.

Wherever direct access by the individual is impractical or inappropriate, Ability WA and the individual should consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If Ability WA levies charges for providing access to Personal Information, those charges

1. will not be excessive; and
2. will not apply to lodging a request for access.

Ability WA will correct its records containing Personal Information as soon as is practicably possible, at the request of the individual concerned in accordance with the Privacy Act.

Ability WA will provide reasons for denial of access or correction.

Individuals wishing to lodge a request to access and/or correct their Personal Information should do so by contacting Ability WA on 1300 106 106.

Data Quality

Ability WA will take reasonable steps to make sure the Personal Information it collects, uses or discloses is accurate, complete and up-to-date as far as is practicable.

Opting out or modifying your information

If an individual wants to change any information that has previously been given to Ability WA or wants to opt out of future communications, they can contact Ability WA directly on 1300 106 106.

Data Security

Ability WA holds all Personal Information in secure databases, soft-copy lists, and in web hosted environments following industry standards and strategies in managing information and cyber security. Ability WA creates hard copies from time to time for the purposes of marketing.

The purpose of such security is to protect all Personal Information from misuse, loss, unauthorised access, modification and/or disclosure.

Openness

Ability WA has clearly expressed policies on its management of Personal Information and these will continue to be readily available.

Ability WA will take reasonable steps to let individuals know, generally, what sort of Personal Information it holds, for what purposes and how it collects, uses and discloses that information.

Identifiers

Ability WA will not use Government identifiers (e.g. Medicare numbers) as internal Client identifiers.

Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when dealing with Ability WA.

Transferring Personal Information overseas

The Privacy Amendment Act has strict guidelines for the transfer of Personal Information outside of Australia. Ability WA generally does not send information overseas. If there is a situation where this may happen, we will not transfer your Personal Information overseas unless we have taken reasonable steps to ensure that the information which is being transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Privacy Act. Transfer of information overseas would normally only occur for data processing purposes, for example third party payment facilitators may process their data off-shore.

Sensitive Information

Ability WA will not collect sensitive information about an individual unless:

- the individual has consented;
- the collection is required by law;
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection
- if the information is collected in the course of the activities of a non-profit organisation - the following conditions are satisfied :
 - the information relates solely to members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - at or before the time of collecting the information, the organisation undertakes to the individual whom the information concerns that the organisation will not disclose the information without the individual's consent; and
 - the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Ability WA will collect health information about an individual only if:

- the information is necessary to provide a health service to the individual
- the information is collected:
 - as required by law (other than this Act); or
 - in accordance with rules established by competent health or medical bodies that deal with obligation of professional confidentiality which bind the organisation.
 - the collection is necessary for :
 - research relevant to public health or public safety;
 - the compilation or analysis of statistics relevant to public health or public safety; or
 - the management, funding or monitoring of a health service;
 - In relation to the use or disclosure of information necessary for all three of the above purposes:
 - reasonable steps will be taken to de-identify the information or ensure the individual's identity cannot reasonably be ascertained;
 - consent will be obtained unless it is impracticable for the organisation to seek the individual's consent to the collection.

Website usage information and cookies

Cookies are used to provide Ability WA with information on the number of visitors and traffic patterns on our websites. This data is anonymous and does not allow Ability WA to identify users. Most web browsers are set to accept cookies. If a person does not wish to receive any cookies, the person may set their browser to refuse them. In some instances this may mean that the person will not be able to take full advantage of our web services.

Privacy Policy

For a copy of our Privacy Policy or any further information, contact Ability Centre on 1300 106 106.

Complaints about Breaches of Privacy

If an individual believes that their personal and sensitive information has not been treated with privacy, please contact Ability WA on 1300 106 106.

Ability WA welcomes complaints as it provides feedback on our services and enables us to make service improvements. We will strive to resolve complaints internally. If we are unable to resolve a complaint satisfactorily, a request can be made to the Federal Privacy Commissioner to have the complaint investigated. For more information about how to lodge a complaint with the Office of the Australian Information Commissioner (OAIC), please contact the Commissioner's hotline service on 1300 363 992.

6. Key Stakeholders Consulted

Information Management Coordinator

7. Related Documents

4.2 Code of Conduct

10.3 Confidentiality Policy

10.1 Information Management Policy

9.1 Information and Communications Technology Policy

9.2 Information Security Policy

Data Breach Procedure

Customer Management System Records

Access to Confidential Information

Document Control			
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