

3.5	PRIVACY POLICY
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Applies to: Entire organisation
Specific responsibility: Manager and/or Principal Lawyer

Version: V2
Date approved: 20/10/20
Next review date: 20/10/22

Policy context	
This policy relates to:	
Standards or other external requirements	<ul style="list-style-type: none"> • NALC Accreditation Scheme: A2 Information Management: Management of Information and Data • Community Legal Services Program (CLSP) Service Standards H: Standard for the Management of Data
Legislation or other requirements	<ul style="list-style-type: none"> • National Privacy Principles 1988 • <i>Privacy Act 1988</i> (Cth) • NALC Guidelines
Contractual obligations	<ul style="list-style-type: none"> • BGCLS Service Agreement 2020-2023

POLICY STATEMENT

The Ballarat & Grampians Community Legal Service (BGCLS) is committed to protecting and upholding the right to privacy of clients, staff, volunteers, Committee of Management (COM) members and representatives of agencies we deal with. In particular BGCLS is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

BGCLS requires staff, volunteers and COM members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

The organisation will follow the guidelines of the National Privacy Principles in its information management practices and is subject to the *Privacy Act 1988* (Cth).

The BGCLS will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel
- clients are provided with information about their rights regarding privacy
- clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all staff, COM members and volunteers understand what is required in meeting these obligations.

This policy conforms to the *Privacy Act (1988)* and the National Privacy Principles which govern the collection, use and storage of personal information.

(Note: The Privacy Act does not apply to organisations with an annual turnover under \$3m, but many funding contracts require that funded organisations comply with the Privacy Principles).

This policy will apply to all records – whether hard copy or electronic – containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

PROCEDURES

Dealing with personal information

In dealing with personal information, BGCLS staff will:

- ensure privacy for clients, staff, volunteers COM members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- ensure that people know what sort of personal information is held, for what purposes it is held and how it was collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and will provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

Responsibilities for managing privacy

All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.

The Project & Education Officer is responsible for content in BGCLS publications, communications and website, and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual including BGCLS personnel.
- Information being provided by other agencies or external individuals conforms to privacy principles.
- That the website contains a privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

The Manager is responsible for safeguarding personal information relating to BGCLS staff, Committee of Management members, volunteers, contractors and BGCLS members.

The Privacy Contact Officer

The Privacy Contact Officer will be the Principal Lawyer. The Principal Lawyer will be responsible for:

- ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
- handling any queries or complaint about a privacy issue

Privacy information for clients

Prior to the initial interview, clients will be told by administration staff what information is being collected, how their privacy will be protected and their rights in relation to this information.

Privacy for interviews and personal discussions

To ensure privacy for clients or staff when discussing sensitive or personal matters, the organisation will:

- conduct all client interviews in the specified interview rooms
- make phone calls relating to clients in the privacy of their offices
- provide private rooms for all outreach client interviews

- respect clients' privacy when attending home visits or hospitals and/or nursing homes.

Participants in research projects

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used.
- given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in BGCLS research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

DOCUMENTATION

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Manager	Principal Lawyer

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	20/10/20	Principal Lawyer & Manager	20/10/22 or as required
2			
3			