

12.0 PRIVACY AND CONFIDENTIALITY

Advocare is strongly committed to respecting and upholding the privacy of our clients, staff and other stakeholders.

Our privacy policy explains:

- **What information we collect and why we collect it**
- **How we use and protect that information**
- **The choices we offer, including how to access and update information**

Advocare Incorporated complies with the requirements of the *Privacy Act 1988* and the Australian Privacy Principles, outlined below:

Consideration of Personal Information Privacy

- APP 1 – Open and Transparent Management of Personal Information
- AAP 2 – Anonymity and Pseudonymity

Collection of Personal Information

- AAP 3 – Collection of Solicited Personal Information
- AAP 4 – Dealing with Unsolicited Personal Information
- AAP 5 – Notification of the Collection of Personal Information

Dealing with Personal Information

- AAP 6 – Use or Disclosure of Personal Information
- AAP 7 – Direct Marketing
- AAP 8 – Cross Boarder Disclosure of Personal Information
- AAP 9 – Adoption, use or disclosure of Government Related Identifiers

Integrity of Personal Information

- AAP 10 – Quality of Personal Information
- AAP 11 – Security of Personal Information

Access to and Correction of Personal Information

- AAP 12 – Access to Personal Information
- AAP 13 – Correction of Personal Information

FORMS AND RECORDS

Brochures and Pamphlets	Resource Office
Service User Consent Request	Noted on the service user's electronic record


12.4 COMPLAINTS PROCESS – PRIVACY AND CONFIDENTIALITY

- Individuals have the right to complain. Any complaint should be addressed to:

Greg Mahney
CEO
Advocare Incorporated
Unit 1 / 190 Abernethy Road
Belmont WA 6104

Phone: 08 9479 7566
Email: gregm@advocare.org.au

- We will use all reasonable endeavours to resolve any complaint within a reasonable timeframe, which will usually not be longer than 30 days.
- We will keep a record of the complaint and the outcome.

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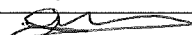
- access discloses a 'commercially sensitive' decision making process or information; or
 - any other reason that is provided for in the Privacy Principles or the Privacy Legislation.
- If we deny access to any information requested, we will provide our written reasons for doing so. If there is a dispute about the individual's right of access to information, this will be addressed via the Advocare complaints process.

12.2.2 SECURITY OF PERSONAL INFORMATION

- We will take reasonable steps to ensure the security and protection of personal information held by us. Advocare IT systems are password protected and comply with relevant security standards.

12.3 MONITORING PRIVACY AND CONFIDENTIALITY PROCESSES

- Advocare policies are reviewed annually or as required by changes in legislation. Senior Management are responsible for the review and communication of policy updates.
- Management, staff and volunteers are provided annually and as needed, with training and information on the rights of service users to privacy and confidentiality and the processes to support this. (See also Section 3: Information Management Systems; Section 7: Human Resource Management; Section 9: Service Access & Assessment).
- Privacy and confidentiality processes and systems are regularly reviewed as part of the Advocare audit program. Staff, service users and other stakeholders are encouraged to provide ongoing feedback on issues and areas where improvements can be made (see Section 5: Continuous Improvement)

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12.2 SERVICE USERS RIGHT TO ACCESS INFORMATION


12.2.1 ACCESS TO AND CORRECTION OF YOUR PERSONAL INFORMATION

- Under the Privacy Principles (subject to some exceptions), individuals have a right to access and copy personal information which we hold about them. It is the right of the individual to ask Advocare to correct personal information which is inaccurate, incomplete or out of date.
- Advocare undertakes:
 - to deal with requests to correct personal information promptly and confidentially;
 - to correct any inaccurate or out of date information which is brought to our attention; and
 - any request to access personal information will not affect any commercial or professional relationship which the individual may have with Advocare.
- Requests for information, access to information, or corrections to personal information should be made to :

Greg Mahney
 CEO
 Advocare Incorporated
 Unit 1 / 190 Abernethy Road
 Belmont WA 6104

Phone: 08 9479 7566
 Email: gregm@advocare.org.au

- Advocare will take all reasonable steps to fulfill the request within 14 days. If a large volume of information is requested it may take up to 30 days to fulfill the request.
- Advocare may refuse access to information requested in certain circumstances. These include if:
 - the request relates to personal information about someone other than the individual that made the request;
 - providing access would pose a serious and imminent threat to the life or health of a person;
 - providing access would create an unreasonable impact on the privacy of others;
 - the request is frivolous or vexatious;
 - access would be unlawful;
 - denial of access is authorised or required by law;
 - access would prejudice law enforcement activities;

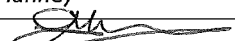
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12.1.5 USE AND DISCLOSURE OF PERSONAL INFORMATION

- Other than as set out in this Policy, Advocare will only use and disclose personal information for the purpose for which it was collected.
- We may also disclose collected personal information to external organisations including:
 - government departments and agencies who provide funding for Advocare services;
 - external assessment entities and agencies;
 - doctors and health care professionals, who assist us to deliver our services;
 - other regulatory bodies (for example WorkSafe, the Workplace Gender Equality Agency, Centrelink);
 - referees provided by individuals;
 - former employers of people who apply for employment or volunteer services at Advocare;
 - Advocare's professional advisers, including lawyers, accountants and auditors.
- Except as set out above, Advocare will not disclose an individual's personal information to a third party unless:
 - the individual has consented to the release;
 - the release is authorised or required by law; or
 - Advocare reasonably believes that an individual or the public will be harmed if the release is not made.

12.1.6 RELEASE OF IMAGES OR PERSONAL INFORMATION FOR PUBLICITY PURPOSES

- Advocare produces publications (including information brochures and a regular newsletter) and from time to time runs promotional campaigns to raise awareness of its services, raise funds and provide information to the public and other stakeholders. Some of these publications include photographs, video footage and sound recordings.
- Wherever practicable, we will obtain an individual's consent before using or publishing any image or recording of that individual for marketing purposes.

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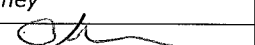
- In some situations, we may also obtain personal information about an individual from a third party. In these circumstances, we will take reasonable steps to contact the individual and ensure that he or she is aware of the purpose for which the information was obtained and how the information will or may be disclosed. For example, we may collect information from a client's doctor, or from a referee whose details have been provided by a prospective employee or volunteer.

Health Information

- In providing advocacy services to clients, Advocare may collect health information. This may include a client's medical history, treatment notes and photographic images. We will obtain prior consent before we disclose this information to anyone and we will explain to the person how the information will be used.
- If we collect health information from a third party (for example a doctor or specialist health provider) Advocare will let the individual know that this information has been collected and we will explain how the information will be used and disclosed.
- Advocare will not use health information beyond the consent provided by the individual unless further consent is obtained; or is in accordance with one of the exceptions under the Privacy Legislation.
- If Advocare wishes to use health information provided for research or statistical purposes, this information will be de-identified unless consent is obtained for us to identify the individual.

12.1.4 CONSENT

- We will obtain consent before collecting health information from our clients, unless it is unreasonable or impracticable for us to do so.
- We may not be able to obtain consent directly from the client if they are not able to communicate consent to us for reasons which may include, mental incapacity or illness.
- If the person is not able to provide consent, the Privacy Legislation allows us to obtain consent from the person's legal guardian who is entitled to act on behalf of the individual.

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12.1.2 COLLECTION OF PERSONAL AND SENSITIVE INFORMATION

Advocare respects the privacy of individuals, and is transparent about the way it handles all personal information (including sensitive information and health information) given to the organisation by staff, volunteers, clients and members of the public.

To enable us to deliver our services and carry on our business, we collect the following types of personal information:

Advocare Clients


- Contact details (including name, address, telephone number, email for client and family contacts);
- Personal details (which may include date of birth, gender, nationality, religious affiliations);
- Health information as stated in the definitions and

Advocare Employees, Volunteers, Candidates for Volunteer Work and Prospective Employees

- Contact details (including name, address, telephone number, email);
- personal details (including date of birth, country of birth, citizenship, residency and visa details);
- Details of emergency contact persons;
- Information provided by the individual relating to qualifications, skills and experience; languages spoken, drivers license details and traffic infringements;
- Information and opinions from referees for prospective employees and candidates for volunteer work;
- Bank account details;
- Results of a Police Check; and
- Health information (if requested by Advocare in which case the reason for collection of this information will be provided).

12.1.3 HOW ADVOCARE INCORPORATED COLLECTS INFORMATION

- Where possible, Advocare collects personal information directly from the individual concerned. Personal information is collected by us through various means, including telephone, face to face meetings, forms and questionnaires.

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12.1.1 DEFINITIONS

Health information has the meaning provided in the Privacy Act 1988 (Cth) and includes:

- information or an opinion about the health or a disability of an individual;
- an individual's expressed wishes about the future provision of health services to him or her;
- a health service provided, or to be provided, to an individual; and
- other personal information collected to provide, or in providing a health service.

Personal information has the meaning provided in the *Privacy Act 1988 (Cth)* which is "*information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.*" Personal information includes sensitive information and health information.


Privacy Legislation means all privacy legislation which applies to Advocare and includes the Privacy Act 1988 (Cth)

Privacy Principles means the Australian Privacy Principles set out in the *Privacy Act 1988 (Cth)*.

Sensitive information has the meaning provided in the *Privacy Act 1988 (Cth)* which is information or opinion about an individual's:

- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices;
- criminal record;
- health information; or
- genetic information.

Website means Advocare's website - www.advocare.org.au.

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12.1 PRIVACY AND CONFIDENTIALITY POLICY STATEMENT


This policy applies to Advocare Incorporated (Advocare), and is the foundation on which the organisation strives to inform our stakeholders regarding:

- What information we collect
- Why we collect it
- How we use and protect that information
- The choices we offer, including how to access and update information

Advocare is a not-for-profit charitable organisation that provides information, advocacy and education services to clients receiving aged care services and staff working within the sector throughout the state of Western Australia. We commonly collect personal and sensitive information from individuals to enable us to carry out these services.

This policy:

- States Advocare's commitment to the protection of privacy and the compliant management of personal information;
- Sets out our rights and responsibilities in relation to the collection, use, storage and disclosure of personal information; and
- Provides for the establishment and maintenance of a Privacy Policy by the Advocare Senior Management Team.

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