



## 3.17 PRIVACY

### PURPOSE

Kurrajong is committed to protecting your personal information and we agree to comply with the Australian Privacy Principles (APPs) set out in the Commonwealth Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Kurrajong observes the NDIS Quality and Safeguards Commission Practice Standards and Quality Indicators, and the NDIS Code of Conduct: element 2 - Respect the privacy and dignity of people with disability.

This policy sets out the guidelines we will follow when dealing with the information of people with disability and their families, as well as the information of staff employed by Kurrajong.

In addition, Kurrajong will comply with the NSW Privacy and Personal Information Protection Act 1998, and the Health Records and Information Privacy Act 2002 to protect information about client health and health records.

### Privacy laws and its impact on not-for-profit organisations

1. The Privacy Act applies to organisations that collect, handle, or use personal information. The impact therefore on Not-For-Profit Organisations is considerable:
  - Not-For-Profit Organisations (such as Kurrajong) in delivering their services collect personal and often sensitive information about people with disability and their families,
  - As an employer, Not-For-Profit Organisations also hold substantial personal information about its staff members, and
  - Not-For-Profit Organisations, who rely on fundraising to fund many of their services, maintains databases containing the personal information of supporters.

### What are the Australian Privacy Principles (APPs)?

2. The APPs regulate the way that organisations can collect, use, keep, secure and disclose personal information. It also gives individuals the right to know what information an organisation holds about them and a right to request the information provided be corrected if they believe it to be incorrect.

A summary of the 13 APPs can be accessed using the following link from the Office of the Australian Information Officer:

## Why does Kurrajong need your personal information?

3. When you access any of the services available from Kurrajong, information is collected about you. This information may include your:
  - Personal Details - your name, address and date of birth, parents/family members etc.
  - Sensitive Information - your health status, local doctor, medications, lifestyle choices, financial details etc.
  - Your preferences - your likes/dislikes, personal goals etc.
4. We will make every effort to ensure that your information is kept up-to-date. We appreciate your assistance in telling us when your situation changes.
5. The collection of your information is necessary so that we can ensure we have the capacity to provide the services and supports you request from Kurrajong.

## Collection and use of your information by Kurrajong

6. We collect your personal information mainly from you, your family, carer or advocate. We may also collect information from other people and organisations, such as government agencies and other service providers, that you tell us about.

You are also able to tell us who we must not share your information with.

We will ask you to give us your consent to do this by filling in **Form 60 My Consent**.

7. This information we collect is used primarily so that we can provide you with the various services and supports you tell us you want. We will get your permission before we obtain information from people and organisations outside Kurrajong. The information we collect helps to identify the services and supports that you would like from Kurrajong, and this enables us to effectively match your goals with the services we provide to you.
8. Any information that is given to us from another person or organisation that will not help us provide services to you will be disregarded and securely destroyed.
9. We would like to use your information to keep you and your family advised of current information and achievements of Kurrajong services, to request your assistance and support with our fundraising and lobbying for services, and email and mail you

information about your supports and services. You are able to tell us if you do not want your information used for these purposes by checking a box on [Form 60 My Consent](#).

10. Kurrajong will not sell your information to any other person, organisation or business.

11. Kurrajong may ask you to use your photo, your voice, or video of you for:

- staff training purposes eg. staff or volunteer handbooks;
- information sheets, brochures, posters or newsletters;
- marketing purposes, including our website and social media, and on television or in the newspaper.

We will ask you to give us your consent to do this by filling in [Form 60 My Consent](#). You can change or revoke this consent at any time.

Please note: if you have a medication, healthcare or behaviour support plan, you must agree for your photo to be used on it so that staff can safely support you.

12. The NDIS will ask Kurrajong to show how we involve you in planning and improving the supports and services we provide to you. You can agree to participate in Kurrajong's quality assurance activities by ticking a box on [Form 60 My Consent](#).

### **What information about you will Kurrajong disclose?**

13. The information we collect from you is strictly confidential. Only staff members involved in your programs and the management of the service you use has access to the information you have provided. Sharing of your information within our organisation is strictly on a 'Need to Know' basis.

14. Security exists to ensure the confidentiality of your information. Any staff member who has access to this information is bound by a duty of confidentiality, has signed the [Form 138 Confidentiality Agreement](#), and has received training in protecting your privacy.

15. Information may be provided to other services as required as part of our care and services for you. We will check you have given permission for this when you signed [Form 60 My Consent](#) or before information is released.

16. Your information may need to be provided to government agencies, such as the NDIS, to comply with funding agreements.

17. We are only able to use or disclose your information without your consent if required or authorised by or under an Australian law or a court/tribunal order.

## **Storage of your information**

18. Kurrajong has protocols in place to maintain data safety and a response plan if there is a data breach, as legislated by the Privacy Amendment (Notifiable Data Breaches) Act 2017. See [Policy 1.11 Data Safety and Data Breach Response Plan](#) for details.
19. Your information will be securely stored in locked files and/or on password protected electronic files on Kurrajong's secure servers and on the cloud.

Kurrajong does not use off-shore cloud technology to store authorised electronic information that you have provided us.

## **Retention and destruction of your information**

20. The length of time that we keep your information depends on the type of information involved and whether you are still using our services eg. children's information is required by law to be held by us until the child has reached the age of 25; personnel records are kept for a minimum of 7 years. All records not currently in use are securely held in our archiving facility.
21. All information about you that we are not required to keep or is no longer useful for the provision of services to you will be destroyed by security destruction shredding. See [Policy 6.28 Managing the Information of Clients](#) and [Policy 3.5 Personnel Records](#) for more information.

## **How can you access your personal information?**

22. You are entitled to access the personal information you have provided to Kurrajong. You are also entitled to request that your information be corrected if it is incorrect.

## **Contacting us about your personal information**

23. If you have any questions regarding our Privacy Statement, or you would like to gain access to correct or update your personal information, please contact the Privacy Officer at:

Administration Office  
131 Lord Baden Powell Drive  
WAGGA WAGGA NSW 2650  
(PO BOX 8576 WAGGA WAGGA NSW 2650)  
TELEPHONE: (02) 6932 6000

## **Kurrajong will observe the Health Records and Health Information Privacy Principles as legislated by the NSW Health Records and Information Privacy Act 2002**

The Health Information Privacy Principles are:

The Act has 15 health privacy principles (HPP).[4] In summary, they are:

1. **HPP 1 – 4: Collection:** Health information must be collected for a lawful and necessary purpose directly related to the organisation's activities. The collection must be relevant and not unreasonably intrude in a person's affairs. Health information must be directly collected from the person unless it is unreasonable or impractical to do so. The reason for collection, its use, kinds of people who will view it, how to update the information and the consequences of not providing information must be made known to the individual.
2. **HPP 5: Storage:** Health information must be stored securely, not kept unnecessarily and disposed of appropriately. It should be protected from unauthorised access, use and disclosure.
3. **HPP 6 – 9: Access and accuracy:** Holders of health information must take steps to advise individuals about what is stored and why. The individual must be made aware of their rights to access it. The health information must be correct and accurate.
4. **HPP 10 – 11: Use and disclosure:** The organisation can only use or disclose information collected for the purpose or directly related to the purpose that the person expects. Otherwise consent is required.
5. **HPP 12 – 13: Identifiers and anonymity:** An identification number can be assigned if efficiency is required. The person is entitled to receive health services anonymously if lawful and practical.
6. **HPP 14 – 15: Transferrals and linkage:** Health information can be transferred outside NSW and consent is required to link health records across more than one organisation.

**NDIS Provider Registration Practice Standards Rules 2018 reference/s:**

<b>Code of Conduct Rules 2018</b>	<i>element 2</i>	<i>Respect the privacy of people with disability</i>
<b>Quality Indicators</b>	<i>Part 2: Core Module: Division 1 Rights and Responsibilities</i>	<i>8 Privacy and Dignity</i>
	<i>Part 2: Core Module: Division 2 Governance and Operational Management</i>	<i>14 Information Management 17 Human Resource Management</i>