

Subject:	<i>Privacy</i>
Scope:	<i>COCNSW/Fresh Hope</i>
Effective Date:	<i>May 2012</i>
Date of Last Review:	<i>March 2014</i>
Approved By:	<i>Conference Executive</i>
Primary Responsibility:	<i>Privacy Officer</i>
Distribution:	<i>Fresh Hope: ACOM, Care Works, Conference, Living Care, The Tops</i>

Policy:

This policy describes Churches of Christ in New South Wales's (COCNSW's) commitment to privacy and management of personal information. COCNSW is committed to ensuring clients, customers, employees, volunteers, and contractors:

- i. Understand their rights to information privacy
- ii. Understand our policy and practice on the management of personal information
- iii. Know how to access or amend any of their personal information that COCNSW holds.
- iv. Understand the primary purpose and intended use of information which is collected by the organisation at the time it is collected.

COCNSW commits to maintain an up to date Privacy Policy in line with the Australian Privacy Principles (APPs), and will make this information publicly accessible. Employees, volunteers and contractors will be informed of and comply with COCNSW's current legal and policy obligations with respect to privacy and confidentiality.

Purpose and Scope:

The COCNSW Privacy Policy provides a framework to protect the right to privacy of those involved with the Ministries of COCNSW in accordance with the Commonwealth Privacy Act of 1988 and its subsequent amendments, including the Privacy Amendment (Enhancing Privacy Protection) Bill 2012, which introduced the Australian Privacy Principles (APPs) to replace the former National Privacy Principles.

The Privacy Policy applies to all personal and sensitive information about all COCNSW Ministries, clients, customers, services, operations and all other community members and organisations engaged with COCNSW. COCNSW will follow the APPs so as to safeguard and maintain an individual's privacy.

Employees¹, volunteers, contractors, and other entities that are or have been engaged with COCNSW currently or in the past are also protected and bound by this Policy which is consistent with privacy laws. Living Care, a Ministry of COCNSW, provides residential, home care and retirement living services for the ageing and in ensuring compliance with the new APPs and the Privacy Act 1988 (Cth), has defined its [Privacy Policy](#) and published a [Privacy Collection Statement](#) as it applies to its operations. These documents also ensure that the Living Care Ministry also complies with The Aged Care Act and the Aged Care Principles as it relates to privacy obligations.

COCNSW will:

- i. Ensure personal information is managed in an open and transparent way.
- ii. Protect the privacy of personal information
- iii. Provide for the fair collection and handling of personal information;
- iv. Ensure that personal information collected is used and disclosed for relevant purposes only;
- v. Regulate the access to and correction of personal information; and
- vi. Ensure the confidentiality of personal information through appropriate storage and security

¹ Despite the fact that the *Privacy Act 1988* (Cth) specifically excludes 'employee records' from its general requirements COCNSW will endeavour at all times to handle employee records in a manner consistent with the requirements of the Australian Privacy Principles (APPs)

Definitions

Collection of Information	Gathering, acquiring or obtaining personal information from any source including third parties.
Personal Information	<p>Personal Information is information or an opinion, 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.</p> <p>Personal information is any information which, or from which the individual's identity can reasonably be ascertained. It includes an individual's name, address, telephone number, date of birth, work experience, skills and qualifications, memberships, any test results, referee contact details and other information relating to career, education and personal interests.</p>
Sensitive Information	Sensitive information is information or an 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 orientations or practices, criminal record, biometric information and templates, finance, banking, tax file numbers, health information about an individual and genetic information.
Disclosure	Making personal information available to others.
Employee Records	Employee record means information contained in or recorded in a record about health, training, discipline or resignation of the employee, termination of the employment of the employee, terms and conditions of employment, personal and emergency contact details, employment history, employee performance or conduct, hours of employment, salary or wages, tax, banking, superannuation, recreation, long service leave, sick, personal, maternity, paternity or other leave.
Record	Record means a document, database, photograph or picture of a person, but does not include a generally available publication.
Confidential and Personal Information	Confidential and personal information may include, but is not limited to personal information about a person, any information about the organisation's suppliers, clients, customers, agents and/or contractors, any information about a prospective, current or former employee of COCNSW, information regarding COCNSW's systems, processes and affairs.

Responsibilities

Ministry Leaders of COCNSW will ensure provision of all necessary time and resources to guarantee organisation wide adherence to this Policy. COCNSW shall ensure that this Policy is endorsed and prominently displayed at all major locations where COCNSW is conducting its operations.

COCNSW Ministry Leaders as far as is reasonably practicable:

- Will ensure that all of the provisions and requirements of the Privacy Act 1988 as amended and the APPs, as applicable to COCNSW, are strictly adhered to.

COCNSW Ministry Leaders will exercise due diligence and take reasonable steps to:

- Acquire and keep up to date knowledge of privacy matters;
- Gain a comprehensive understanding of the Act and amendments;
- Ensure that COCNSW has appropriate resources and processes to enable risks to the privacy and security of personal information to be eliminated and/or controlled within the requirements of the Act;
- Ensure that COCNSW implements processes for complying with its duties and obligations;
- Ensure all COCNSW employees, volunteers, contractors and visitors engaged as a result of the organisation's services and operations are trained on their obligations with respect to personal information.

All COCNSW employees, volunteers, contractors and visitors will:

- Comply with the Privacy Act 1988 as amended and with the APPs;
- Comply, so far as they are reasonably able, with any reasonable instruction given by managers, supervisors, or others in authority in order for COCNSW to comply with the Act and the APPs;
- Comply with any reasonable policy, procedure of COCNSW that relates to the APPs that has been communicated to them;
- Comply with the requirement to refer any media request for information to the relevant Ministry leader.

Process:

COLLECTION, USE AND DISCLOSURE

- COCNSW will only collect personal and sensitive information that is directly related to or reasonably necessary for, the provision of programs or services, human resource management functions or as required by law;
- COCNSW will not disclose information to a third party or other organisation without consent, unless it will protect the individual or others from harm, is in the public interest or safety, is required by law, or COCNSW is contractually allowed or required to do so;
- If COCNSW receives personal information that it has not solicited, it will either be destroyed or, if required for archiving, all identifying details will be removed – as determined by management;
- The purpose, storage and security of information collected will be communicated to individuals via COCNSW and its Ministries policies, procedures and statements as well as Human Resource Management Policies (as it applies to employees, volunteers and contractors);
- Advice on the ramifications of refusing to provide information will be given;
- If personal information is to be used for a secondary purpose, consent will be sought;
- Employee, services and program users will be informed that the information they provide may be used for statistical or quality improvement purposes, however no identifying details will be used;
- COCNSW will not disclose an individual's personal information overseas. If it does it will take all reasonable steps in the circumstances to ensure that the overseas recipient does not breach the APPs; unless:
 - i. The overseas recipient is subject to laws similar to the Australian Privacy Principles and the individual has mechanisms to take action against the overseas recipient;
 - ii. COCNSW reasonably believe the disclosure is necessary or authorised by Australian Law; or
 - iii. The individual has provided express consent to the disclosure.
- COCNSW will not sell, trade or rent personal information for any purpose or use it for direct marketing unless the information is collected directly from the individual and the individual would reasonably expect COCNSW to disclose their personal information for the purposes of direct marketing; and the individual has been given the means to opt out and has not done so. An individual may request COCNSW not to provide or disclose direct marketing information;
- If COCNSW stores personal information in an external facility, steps will be taken to ensure the storage facility does not breach the APPs;
- COCNSW is committed to keeping secure personal information that is either in hard copy or electronic/computer storage is protected from misuse, interference, loss, unauthorised access, modification or disclosure. Data storage systems are password protected and use of firewalls and virus scanning functionalities are used to protect against unauthorised interference.

- COCNSW will not put personal information it holds into the public arena (e.g. in a newspaper, newsletter, photograph in promotional material or on the website) without consent. In some circumstances such as a large event it may be difficult to gain consent. Where photographs or video footage is taken at a large event, a photographer will use discretion when taking panoramic photographs and gain verbal consent when taking individual photographs, which allows attendees the opportunity to refuse if they are sensitive to the use of their image. Specific care will be taken where this applies to persons under the age of 18.

ACCESS

- COCNSW recognises an individual's right to request access to information concerning or collected about that individual. COCNSW will provide access to that information to the individual or their legal representative, unless prevented by law, or poses a serious threat to others, or unreasonably impacts on others, or reveals information about a commercially sensitive decision making process;
- COCNSW aims to ensure that the personal information held is accurate, complete and up-to-date. Individuals can contact COCNSW if any of the personal information an individual has provided has changed. Individuals are encouraged to contact COCNSW should information COCNSW have about them is not accurate, complete or up-to-date;
- COCNSW will take steps to correct personal information that it holds where it is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading;
- COCNSW will not charge an individual for requesting to access or change their personal information, but may charge an authorised third party. Any charge to a third party requesting access or amend records will be to cover costs of time and resources used;
- Where COCNSW disagrees with an individual that the information is incorrect and refuses to correct personal information as requested by the individual COCNSW will give the individual written notice that sets out the reasons for refusal; the mechanisms available to complain about the refusal; and any other matter prescribed by the regulations;
- Where information is no longer required, it will be destroyed unless it is required for archiving.

GRIEVANCES AND COMPLAINTS

- An individual may complain about a suspected breach of the APPs by contacting the Privacy Officer using the details outlined below. The Privacy Officer (or other delegated authorised officer) will ensure that all complaints and grievances are confidentially managed professionally and respectfully;
- COCNSW will investigate any suspected breach of this Policy through the relevant Complaints Policy and Procedure or Grievance Procedure. External advice will be sought where required;
- A complaint may be made verbally or in writing to the Privacy Officer. Contact details are:
 - Privacy Officer
 - Phone: (02) 8719 2600
 - Fax: (02) 8719 2604
 - Email: privacy@freshhope.org.au
- Alternatively, complaints may also be referred to the Australian Information Commissioner, who receives complaints under the Act. Complaints can be made:
 - Online: <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>
 - By phone: on 1300 363 992
 - By fax: on +61 2 9284 9666
 - In writing:
 - Address any correspondence to the Australian Information Commissioner at the:
Office of the Australian Information Commissioner
GPO Box 5218

Sydney NSW 2001

OR:

Office of the Australian Information Commissioner

GPO Box 2999

Canberra, ACT 2601

- If the complaint refers to an aged care matter in Living Care the individual may complain through the Aged Care Complaints Scheme that operates within the Department of Social Services and receives complaints under the Act. Contact details can be found in the Living Care [Privacy Policy](#).

PRIVACY OFFICER

The Privacy Officer manages matters to protect the privacy of individual's personal information and can be contacted to obtain more information about this Policy or about the way COCNSW operates to protect the privacy of individual's personal information.

As stated above, complaints may also be made to the Privacy Officer if any person suspects a breach of this policy or the APPs, or are not satisfied with the management of an individual's personal information.

Authorised By	
Signature:	
Name:	Andrew Ball
Title:	Executive Ministry Director
Date:	21-03-2014