




## Privacy – Private Information Management Statement

### STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd trading as *estara* is committed to upholding the right to privacy of our clients (includes *estara* members), our workers and representatives of external key stakeholders. In particular, we strive to protect and uphold the rights of our clients to privacy in the way we collect, store and use information about them, their needs and their services as part of a broader client safeguarding framework.

*This Policy is delegated for approval by the Chief Executive Officer*

Approved by:  Chief Executive Officer	Date of Approval: May 2021  Date of Next Review: May 2024
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**In this policy, 'us' 'we' or 'our' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd ACN 644 670 977, which is a Company Limited by Guarantee and trading as *estara*.**

*Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.*

## **SCOPE**

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of *estara*.

This statement and its associated procedures apply to all *estara* members, workers, clients, donors, business partners and online users.

*The Privacy Act and this Privacy Policy do not apply to acts or practices which directly relate to worker records.*

## **DEFINITIONS**

Refer to the *estara* Policy and Procedure Definition Glossary

## **RESPONSIBILITIES**

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. Senior Leadership, Managers and Supervisors are responsible for monitoring their workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

## **POLICY**

*estara* is committed to serving and supporting the best interests of individuals with disabilities living in the community in a manner which recognises their inherent worth and dignity, their right to experience life's events and develop their full potential.

We are subject to the *Privacy Act 1998* and the *Australian Privacy Principles (APPs)* contained within the act and are bound by the requirements of South Australia's *Information Sharing Guidelines*. We also have a duty to report particular breaches of privacy as imposed by the *Privacy Amendment (Notifiable Data Breaches) Act 2017*.

We require all workers 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.

### ***estara's* designated Privacy Officer:**

For the purpose of this policy and associated legislative/state requirements, *estara's* Director of People and Culture will act as our designated Privacy Officer

The Privacy Officer will

- ensure all staff are familiar with this Policy and the administrative processes for handling personal information
- ensure clients are provided appropriate information about their rights regarding privacy
- handle any queries or complaints about a privacy issue.

### **Privacy Statement**

No Personal or Health information will be collected from an individual without their consent. All individuals will have access to a Privacy Statement that will outline what information will be collected and what its primary and secondary purpose will be. This will occur at the time of onboarding to *estara* services and on an annual basis. All individuals will be given the opportunity to opt out of any or all parts of the use of their personal information.

## **Information Sharing Statement**

*estara* follows the Ombudsman SA Information Sharing Guidelines (ISG) to promote the safety and wellbeing of children and vulnerable adults. We will work closely with other organisations to coordinate the best support for our clients. Under the ISG, the informed consent of *estara* clients will be sought and respected in all situations, unless:

- it is unsafe or impossible to gain consent or consent has been refused and
- without information being shared, it is anticipated a child or vulnerable adult will be at risk of serious harm, abuse or neglect or pose a risk to their own or public safety.

## **Personal Information**

*estara* has an obligation, as far as reasonably practicable, to ensure that the personal information it collects, uses or discloses is accurate, up-to-date and complete.

To meet this obligation, *estara* will ensure that:

- we meet our legal and ethical obligations in relation to protecting the privacy of our clients
- clients are provided information about their rights regarding privacy
- a private environment will be employed when discussing sensitive/personal matters with or regarding a client

## **Health Information**

As part of administering certain *estara* services, it may be necessary to collect health information to develop a Health Plan. When collecting health information from an individual, *estara* will obtain the individual's specific consent and explain how the health information will be used; this will be stipulated on our Privacy Statement Form.

If health information is collected from a third party (such as a health professional), *estara* will inform the individual that this information has been collected and will explain how such information will be used and disclosed.

## **Anonymity**

*estara* understands that anonymity is an important element of privacy and, where possible, will allow individuals to interact anonymously or using a pseudonym such as when making general enquiries, asking general questions or participating in surveys.

A person enquiring about *estara* services does not have to provide personal details. Online forms used by individuals enquiring about services or products will not require the completion of personal information boxes, e.g. name and address.

However, for most of the services and functions provided by *estara*, we are likely to require a name and contact information to enable us to effectively and efficiently handle inquiries or deliver services.

## **Information Communication Technology (ICT) Systems**

- risk assessments of our ICT systems are undertaken on a regular basis to ensure the appropriate levels of security that prevent unauthorised network access
- we will ensure our websites and other network environments are secure and up to date
- ***estara***'s Director of ICT will regularly test our security systems and processes and will engage external consultants for independent testing, such as system penetration

## **RELATED LEGISLATION**

- Australian Privacy Principles
- Freedom of Information Act 1982 (Cth)
- Freedom of Information Act 1991 (SA)
- Information Sharing Guidelines
- National Standards for Disability Services – Standard 1: Rights
- Privacy Act 1988
- Privacy Regulations 2013

## **SUPPORTING ESTARA DOCUMENTATION**

- Child and Young Person Protection Policy and Procedure
- Client - Advocacy Policy and Procedures
- Client Handbook
- Code of Conduct and Ethical Behaviour
- Complaint/Concern Management Policy and Procedures (Client Complaints)
- Complaint/Concern (Worker) Management Policy and Procedures
- Document Retention, Archiving and Destruction Policy and Procedures
- Information Sharing Guidelines
- Recruitment Policy and Procedures
- Vulnerable Adult – Client Safeguarding Policy and Procedures
- Worker Confidentiality Policy

## **BREACHES OF THIS POLICY**

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will *estara* accept such an argument.

## **DISTRIBUTION AND REVIEW**

*estara* will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.