

CLC.PO.07 Privacy Policy

Purpose and Principles

Settlement Services International Limited (SSI) is a community-based humanitarian organisation that works with a range of stakeholders in undertaking a broad scope of humanitarian activities. In assisting its clients, SSI is often required to obtain personal information about the individual, which may include health records, and/or sensitive information about the individual's racial or ethnic origins, religious beliefs and government identifiers for the purpose of providing the relevant services.

SSI recognises the importance of protecting the privacy of individuals and their rights in relation to their personal information. This includes only collecting such information as is reasonably necessary for the relevant services being provided, only using the information for that purpose, and only disclosing it for that purpose unless a specific exemption exists, such as in emergency situations.

This privacy policy explains how SSI collects, holds, uses and discloses individuals' personal information, including sensitive information. This privacy policy demonstrates how SSI complies with privacy laws applicable to it, namely the *Privacy Act 1988* (Cth) (Privacy Act), including the Australian Privacy Principles (APPs), which can be found on the Office of the Australian Information Commissioner (OAIC) website at www.oaic.gov.au.

SSI strives to ensure that its stakeholders also comply with the privacy laws in relation to the collection, use and disclosure of personal information collected by them in the course of conducting their activities for and on behalf of SSI.

Scope

This policy applies to all SSI Board directors, staff, volunteers, contractors and subcontractors who are engaged by SSI to assist in its activities.

It is the responsibility of every person within this scope to ensure that they comply with this policy.

SSI's subsidiary entities in Queensland have a separate Privacy Policy, which can be accessed here: https://www.accesscommunity.org.au/privacy_policy.

SSI's Privacy Management Plan sits alongside this Privacy Policy, and specifically addresses the requirements under NSW privacy legislation, namely, the *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIPA**) (which SSI is required to comply with as if it were a public sector agency under various NSW funding contracts), and the *Health Records and Information Privacy Act 2002* (NSW) (**HRIPA**) (which applies to all health information held by SSI, in addition to the *Privacy Act 1988* (Cth)).

Specific programs within SSI may impose additional privacy obligations that exceed or are alternate to the SSI Privacy Policy. In general, all staff members are required to be aware of any privacy requirements and obligations that pertain to their particular program. Each program is responsible for documenting their specific procedures relating to privacy (in concert with SSI's Privacy Officer), and ensuring that applicable staff are made aware and follow them.

Definitions

Commonwealth contract, for the purposes of this policy, means any funding agreement between a Commonwealth department or agency and SSI that requires SSI to disclose personal and/or sensitive information about individuals to that department or agency.

Commonwealth record means a record that is the property of the Commonwealth, which may include personal or sensitive information collected by SSI in connection with a Commonwealth contract.

General exceptions means those general situations where the collection, use, or disclosure of personal information by SSI is acceptable and appropriate due to the specific circumstances, being those classified in the Privacy Act as "*permitted general situations*", in which:

- (a) SSI reasonably believes that the collection, use or disclosure of personal information is necessary to:
 1. lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety, and it is unreasonable or impracticable to obtain the individual's consent;
 2. to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature, relating to SSI's functions or activities; or
 3. assist in locating a missing person (within legal parameters); or
- (b) the collection, use or disclosure is reasonably necessary to establish or defend a legal or equitable claim, or for a confidential alternative dispute resolution process.

Government related identifier means an identifier of an individual that has been assigned by a government agency or authority, or by a contracted service provider under a government contract. For example, Medicare number, passport number, drivers licence number, etc. Client identifiers assigned by SSI for clients of its government-funded programs may also be government related identifiers.

Health information is a special category of personal information and sensitive information, which includes information or opinion about a person's physical and mental health, disabilities, and use of health services and preferences (among other things). Health information may be collected by SSI in its client intake procedures and during the provision of its services, such as information regarding their physical and mental health and impairments, medical and psychological reports, or where an individual may express an opinion in relation to the future provision of health services or a health service provided. SSI's collection and handling of health information may also be regulated by the applicable state laws.

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or untrue. Personal information can be written, verbal, or in photographic form. Personal information collected by SSI includes contact details, personal history and personal financial information, and may also include health information or other sensitive information. More detail is included in paragraph 3.4.

Sensitive information is a particular subset of personal information and includes information SSI may collect such as racial or ethnic origin, religious beliefs, criminal record or health information. The Law provides greater protections for sensitive information as set out below.

Policy

1. Open and transparent management of information

- 1.1. This privacy policy is available on SSI's website at www.ssi.org.au and SSI will take reasonable steps to provide a printed copy of this policy to anyone who asks for it. A copy of the policy may be requested by contacting SSI's Privacy Officer on the contact details in 8.1 below (page 10).
- 1.2. SSI personnel assisting clients will seek to explain this policy as relevant as part of the provision of the services SSI provides.
- 1.3. SSI also has a detailed Privacy Management Plan, which outlines how SSI complies with NSW privacy laws, which also apply to certain personal information and health information collected, used and disclosed by SSI.

2. Option to remain anonymous

- 2.1. Where it is not unlawful or impracticable, individuals will be given the option of not identifying themselves (i.e. remaining anonymous), or of using a pseudonym (i.e. a replacement name or nickname), when dealing with SSI.

3. Collection of personal information

- 3.1. SSI has a broad range of operations implementing its role as a community-based humanitarian organisation. As such, SSI collects personal and sensitive information, sometimes including health information, from individuals for many different purposes under this broad umbrella, and in different ways, some examples of which are identified below.

The purposes for which SSI collects, holds, uses and discloses personal information

- 3.2. SSI will only collect personal information when the information is reasonably necessary for, or directly related to, one or more of SSI's functions or activities (which will be the 'primary purpose').

3.3. Some examples of the primary purposes for which SSI collects personal information include (but are not limited to):

- 3.3.1. Ascertaining suitability of SSI's programs for individuals, and their eligibility to receive services
- 3.3.2. Providing program services to individuals, including providing disability support services
- 3.3.3. Connecting with our organisation and other members and supporters, and sending communications requested by individuals
- 3.3.4. Assessing, placing and engaging staff and volunteers, and
- 3.3.5. Conducting assessments and reference checks such as police checks.

The kinds of personal information that SSI collects and holds

3.4. Examples of the types of personal information that may be collected by SSI include (but are not limited to):

- 3.4.1. Contact details such as name, address, telephone number, and email address; and other personal details such as age or date of birth, and profession, occupation or job title;
- 3.4.2. Any information provided to SSI directly through SSI's websites, or indirectly through use of our websites or online presence, through SSI's representatives or otherwise;
- 3.4.3. For clients: information relating to clients' personal circumstances and history, relevant to the services being provided to them, which may include visa status, and health information; and
- 3.4.4. For staff members and prospective staff members (including unpaid staff): qualifications, employment history, skills and hobbies, background checks (including police checks and Working with Children Checks), banking and financial details, identity documents, and photographs.

How SSI collects personal information

3.5. SSI collects personal information by various means, including (but not limited to) when:

- 3.5.1. Clients and prospective clients make direct contact with SSI in relation to program services, and during ongoing case management between SSI and the client;
- 3.5.2. Staff and prospective staff (including volunteers) apply for positions with SSI, and during any ongoing engagement;
- 3.5.3. Individuals attend events and training workshops held by SSI;
- 3.5.4. Clients provide information relating to other family members or other individuals as relevant to the services they receive from SSI; and
- 3.5.5. Individuals access and use SSI's website, or subscribe to SSI's newsletter.

3.6. SSI will only collect personal information by lawful and fair means.

- 3.7. Where it is reasonable and practicable to do so, SSI will only collect personal information from the individual to which it relates.
- 3.8. If SSI receives information about an individual from a third party, SSI will take reasonable steps to ensure that the individual is or has been made aware that the information has been collected, how it was collected, and from whom, and will comply with the requirements in 3.13 below.
- 3.9. SSI may, in some circumstances, collect personal information (excluding sensitive information) from its subsidiary entities but only in order to deliver services to SSI clients.

Collection of sensitive information

- 3.10. SSI will not collect sensitive information about an individual unless:
 - 3.10.1. The individual has consented to the collection of that information and the information is reasonably necessary for SSI to carry one or more of its functions or activities; or
 - 3.10.2. The information relates to individuals that have regular contact with SSI (for example, clients), and relates to SSI's core purpose activities; or
 - 3.10.3. The collection of the information is required or authorised by an Australian law or court/tribunal order; or
 - 3.10.4. A general exception applies.
- 3.11. SSI will also comply with any applicable state health privacy legislation with respect to the collection of health information.

Unsolicited information

- 3.12. If SSI receives unsolicited personal information that it could not lawfully have collected, and it is not contained in a Commonwealth record, SSI will as soon as practicable, but only if lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

Notification of the collection

- 3.13. At the time of collecting personal information from an individual, unless an exemption applies, SSI will advise them of matters specifically related to the personal information being collected, and will take reasonable steps to ensure that the individual is aware of the following (for example this may often be through a privacy statement, or contained in a consent form, or similar):
 - 3.13.1. That SSI is the collector, and how to contact SSI;
 - 3.13.2. The nature of the collection, including whether the information is being collected over the phone, by software applications such as cookies, or from a third party;
 - 3.13.3. The purposes for which the information is collected, including the primary purpose, as well as (where appropriate and known), secondary and/or related purposes;

- 3.13.4. Details of any Australian law or court/tribunal order that requires or authorises the information to be collected;
- 3.13.5. The main consequences for the individual if any of the information is not provided to SSI (for example, reduced ability or inability of SSI to provide services to the individual);
- 3.13.6. Organisations or other parties to which SSI usually discloses information of the kind being collected;
- 3.13.7. That the individual is able to access the information being collected and able to correct the information (with reference to this privacy policy);
- 3.13.8. That this privacy policy contains information about how the individual can make a complaint about a breach of the APPs, and how SSI will deal with such a complaint; and
- 3.13.9. Whether or not the individual's personal information is likely to be disclosed or transferred overseas (which may include information stored in the cloud overseas), and where possible, the respective countries.

4. Use and disclosure of personal information

Primary purpose

- 4.1. SSI may use or disclose the personal information collected about an individual for the primary purpose for which it was collected (see 3.2 to 3.3 above), which will be notified to the individual at the time of collection.
- 4.2. If SSI has collected personal information (excluding sensitive information) from one of its subsidiary entities (see 3.9 above), SSI may use or disclose it for the primary purpose for which it was originally collected by the subsidiary.

Secondary purposes

- 4.3. SSI may use or disclose personal information about an individual (except for government-related identifiers) for a secondary purpose. This will only be done in limited situations, and, where reasonably possible, SSI will seek consent from individuals before using any personal information for a secondary purpose. Instances where SSI may use or disclose personal information for other purposes include:
 - 4.3.1. If the individual has specifically consented to a secondary purpose; or
 - 4.3.2. If the individual would reasonably expect SSI to use or disclose it for a secondary purpose that is related to the primary purpose (it must be *directly* related for sensitive information); or
 - 4.3.3. If the use or disclosure is required or authorised by an Australian law or court/tribunal order; or
 - 4.3.4. If a general exception applies; or
 - 4.3.5. If SSI reasonably believes that the further use or disclosure is reasonably necessary for law enforcement activities (in this case, a file note must be made about the disclosure).

4.4. Where personal or sensitive information has been collected by SSI in relation to a Commonwealth contract, it may become part of a Commonwealth record, and SSI may therefore be required to disclose that information to the relevant Commonwealth department or agency funding the activity, even if the individual has not specifically consented to that disclosure.

Direct marketing purposes (including fundraising)

4.5. SSI may also use or disclose personal information it holds about an individual for direct marketing purposes (including for fundraising), for example, sending newsletters or invitations within the following parameters:

- 4.5.1. SSI will seek to obtain the individual's consent to this use or disclosure, unless the individual would reasonably expect SSI to use or disclose their personal information for direct marketing purposes;
- 4.5.2. SSI will not use or disclose any sensitive information about an individual for direct marketing purposes unless the individual has specifically consented to that purpose;
- 4.5.3. SSI will ensure that individuals can, at any time, clearly and easily opt out of receiving marketing materials; and, where done, SSI will:
 - (a) action the request within a reasonable time and without any charge; and
 - (b) continue to send the individual any essential information relating to the services provided to them by SSI.

4.6. SSI may also use or disclose personal information it holds about an individual for direct marketing purposes if it is obliged to do so under a Commonwealth contract.

General disclosures

4.7. In addition to any expected disclosures of personal information to other organisations or third parties that are notified to individuals at the time of collection, SSI may also disclose some relevant personal information with its staff, subsidiaries, and contractors as appropriate and required for the primary purpose of collection set out in this policy. This includes disclosure to third party service providers, such as web hosting providers, insurers, archiving service providers, and professional advisors such as auditors, lawyers, and business consultants.

Disclosures to overseas recipients (including cloud storage)

- 4.8. Subject to 4.9 below, SSI generally does not transfer any personal information intentionally outside of Australia, without seeking specific consent from the relevant individual.
- 4.9. SSI may store personal information on databases that are in the cloud, in line with the following considerations:
- 4.9.1. Wherever possible, SSI seeks to ensure that personal information stored in the cloud is held on cloud servers that are located within Australia.
 - 4.9.2. Where that is not possible or practicable, and where information is stored in cloud servers located outside Australia, SSI will take reasonable steps to

ensure that personal information is held, stored and dealt with consistently with the APPs.

- 4.9.3. Some of SSI's funding contracts with the government may require information collected for the purposes of the relevant program only be stored within Australia. Where this is the case, SSI will comply with its contractual requirements.
- 4.10. SSI may also disclose personal information to overseas recipients in the following situations:
 - 4.10.1. Where SSI reasonably believes the overseas recipient is subject to a law providing substantially similar and enforceable protections for personal information as the APPs; or
 - 4.10.2. Where the disclosure is authorised or required by law (including in relation to certain general exceptions).

5. How SSI holds and stores personal information (data security)

- 5.1. SSI may hold personal information in hard copy and electronic form, including on secure networks and cloud-based servers.
- 5.2. SSI will take all reasonable steps to protect the personal information it holds from misuse, interference, loss, and from unauthorised access, modification or disclosure.
- 5.3. SSI's personal information handling practices are regularly reviewed. All sensitive information is securely stored and shared only among employees on a need to know basis.
- 5.4. Client management records that include any personal, sensitive and health information are stored on separate databases and are accessible only to those who require the information to undertake the relevant services, for example a case manager.
- 5.5. SSI will take reasonable steps to destroy or permanently de-identify personal information about an individual that it holds if it is no longer required to be held by SSI (unless it is part of a Commonwealth record or otherwise required to be retained by an Australian law or court/tribunal order).
- 5.6. The security of the SSI website and electronic systems is maintained at all times, however, no data transmission over the internet is 100% risk-free. SSI does not accept responsibility for the security of information sent to us by clients, or received from us over the internet.

6. Access to and correction of personal information

Access

- 6.1. If SSI holds personal information about an individual, the individual can request access to that information by contacting SSI's Privacy Officer, on the contact details in 8.1 below.

- 6.2. Upon such a request, SSI will provide the individual with access to that information, within a reasonable period of time after the request is made, unless:
- 6.2.1. SSI reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
 - 6.2.2. giving access would have an unreasonable impact on the privacy of other individuals;
 - 6.2.3. the request for access is frivolous or vexatious;
 - 6.2.4. the information relates to existing or anticipated legal proceedings between SSI and the individual, and the information would not be provided in the process of discovery in those proceedings;
 - 6.2.5. giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations;
 - 6.2.6. providing access would be unlawful;
 - 6.2.7. denying access is required or authorised by an Australian law or a court/tribunal order;
 - 6.2.8. giving access would be likely to prejudice the taking of appropriate action in relation to reasonably suspected unlawful activity, or misconduct of a serious nature, relating to SSI's functions or activities;
 - 6.2.9. giving access would be likely to prejudice law enforcement activities; or
 - 6.2.10. giving access would reveal evaluative information generated within SSI in connection with a commercially sensitive decision-making process.
- 6.3. Unless it is prohibited from doing so as a contracted service provider to Commonwealth, State and Territory government departments, SSI may charge a fee to cover its administrative and other reasonable costs in providing an individual with access to their personal information.
- 6.4. If SSI refuses to provide an individual with access to some or all of their personal information held by SSI, or does not provide it in the manner requested by them, SSI will:
- 6.4.1. take any reasonable steps available to give access in a way that meets the needs of SSI and the individual; and
 - 6.4.2. give the individual a written notice setting out the reasons for the refusal (unless it is unreasonable to do so), and how they can make a complaint about it.

Correction

- 6.5. An individual can request that SSI correct personal information held by SSI (and update any third parties to whom SSI has provided the information), and SSI will respond to the request within a reasonable period of time, free of charge.
- 6.6. SSI will take reasonable steps to correct personal information about an individual to ensure that it is accurate, up-to-date, complete, relevant for the purpose for which it is held, and not misleading.

6.7. If SSI decides not to correct the personal information when requested to do so by an individual, SSI will:

- 6.7.1. give the individual a written notice with reasons for the refusal and information about how they can complain about the refusal; and
- 6.7.2. if the individual requests, include a statement about the requested correction that is visible to anyone using the information.

7. Government related identifiers

7.1. SSI will not adopt a government related identifier of an individual as its own identifier of the individual unless doing so is required or authorised by Australian law.

7.2. SSI will not use or disclose a government related identifier of an individual unless:

- 7.2.1. Doing so is reasonably necessary for SSI to verify the identity of the individual for the purposes of SSI activities or functions;
- 7.2.2. Doing so is reasonably necessary for SSI to fulfil its obligations to an Australian government agency or authority;
- 7.2.3. Doing so is required or authorised by an Australian law or court/tribunal order; or
- 7.2.4. One of the first three general exceptions applies; or
- 7.2.5. SSI reasonably believes the use or disclosure is reasonably necessary for a law enforcement activity.

8. Contact and complaints

8.1. Questions or concerns about this Privacy Policy, and complaints regarding the treatment of privacy by SSI or a possible breach of privacy, can be raised by contacting SSI's Privacy Officer on the below details:

Privacy Officer
Settlement Services International Limited
Level 2, 158 Liverpool Road
Ashfield NSW 2131
Tel: (02) 8799-6700
Email: privacy@ssi.org.au

8.2. SSI will treat all requests or complaints confidentially, and will respond within a reasonable time after receipt of a request or complaint.

8.3. Where a complaint is received, SSI will:

- 8.3.1. Attempt to confirm as appropriate and necessary the complainant's understanding of the conduct relevant to the complaint, and the expected outcome,
- 8.3.2. Assess whether there may have been a notifiable data breach, and if so, follow SSI's relevant policy and procedures

- 8.3.3. Inform the complainant whether an investigation will be conducted, and if so, the name, title, and contact details of the investigating officer and the estimated completion date for the investigation process,
 - 8.3.4. After enquiries have been completed, contact the complainant, usually in writing, to advise the outcome and invite a response,
 - 8.3.5. Assess any response received, and advise the complainant if SSI's views have changed, and
 - 8.3.6. Aim to ensure that complaints are resolved in a timely and appropriate manner.
- 8.4. Further information and guidance about privacy complaints can be found on the OAIC website, here: <https://www.oaic.gov.au/privacy/privacy-complaints/>.

9. Review and changes to this privacy policy

- 9.1. This privacy policy will be reviewed every two years in accordance with SSI's Document Management Procedure (CQA.PR.01), when there are any changes to the Law, or updated as required. Pending any updates or review, the previous version remains effective.

Related documents

Internal

CLC.PO.07 Privacy Management Plan
CPAC.PR.16 Clean Desk Procedure
CPAC.PO.01 Code of Conduct Policy
CIT.PO.01 Information Technology & Communications Procedure
CIT.PR.05 Data Breach Procedure

External

Privacy Act 1988 (Cth), including the Australian Privacy Principles
Health Records and Information Privacy Act 2002 (NSW)
Health Records Act 2001 (Vic)
National Disability Insurance Scheme Act 2013 (Cth)