

# PRIVACY POLICY

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**Purpose** This Privacy Policy sets out how Wintringham may collect, use, disclose and store personal information. It also sets out how individuals may access and correct personal information held by Wintringham.

**Commitment** Wintringham is committed to:

- ensuring information is handled and stored confidentially and securely and personnel access is as appropriate to their role
- providing information to service users and personnel in plain language to increase accessibility to this policy
- protecting the privacy of its service users and personnel. As an organisation, Wintringham is required to handle personal information and health information in accordance with all relevant laws such as:
  - the Privacy Act 1988 (Cth) and the Australian Privacy Principles; and
  - the Personal and Data Protection Act 2014 (Vic) and the Victorian Information Privacy Principles, and the Health Records Act 2001 (Vic) and the Victorian Health Privacy Principles;
  - the Personal Information Protection Act 2004 (Tas) and the Tasmanian Information Protection Principles

**Scope** This Privacy Policy applies to all persons that Wintringham and Wintringham Housing provides any service to, as well as to all Wintringham and Wintringham Housing personnel, donors, partners and other stakeholders.

## Definitions

<b>Personal Information</b>	Includes any information or an opinion, which about a person whose identity is apparent, or can reasonably be ascertained.
<b>Sensitive Information</b>	Includes any information about a person's experiences or circumstances that is of a private nature and can be relevant to the service being provided to that person.
<b>Health Information</b>	Includes any personal information about a person's health or disability. It includes information or opinion about illness, injury or disability.
<b>Service user</b>	Includes residents, participants, clients, consumers, care recipients, renters.
<b>Wintringham Personnel</b>	Includes permanent and casual employees, persons seeking employment, independent contractors, temporary agency workers, students and volunteers.

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## Responsibilities

Wintringham Personnel	Responsible for respecting and adhering to the Privacy Policy, by protecting the right to privacy for all individuals.
Privacy Officer	Responsible for directing and actioning any privacy requests, concerns or breaches. The role will also be a conduit to any information sharing scheme requests, by directing the request to the relevant Manager.

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## Procedure

### 1. Collection of Personal Information

1. Wintringham will only collect and store personal information that is reasonably necessary for us to perform one or more of our functions or activities.

For example, we will collect information about service users in order to plan and provide information and services, which are relevant and appropriate to the service user and their needs.

Wintringham will collect personal information about Wintringham personnel in order to maintain records of our personnel and to recruit new personnel.

#### 1.1 What Information Do We Collect?

##### **Service users:**

- Personal information on or about people who access our services. Personal information is collected directly from individuals wherever possible.
- Sensitive and health information when necessary for providing services, or is a requirement of government funding, or during activities such as outreach service delivery.
- Additional information necessary for service provision, or to assess eligibility for entry to, or support from, specific programs or services.

##### **Wintringham Personnel:**

- Personal information of people who seek to be, are, or have been employed with Wintringham, which includes information about recruitment and selection, employment, terms and conditions of employment, performance, discipline and resignation.
- Personal information of people who seek to be, are, or have worked with Wintringham as volunteers, which may include information about recruitment and selection, work arrangements, performance, discipline and resignation.
- Personal information of people who are students on placement, in order to meet the requirements of the formal agreement with the student's educational institution, as well as Wintringham's standard employee information.

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## **Donors, Partners and other Stakeholders:**

Personal information for the purposes of processing donations, fundraising, keeping supporters and donors informed of our work, raising awareness, thanking and acknowledging our donors and supporters, conducting research into supporter attitudes and desires, and internal reporting purposes.

### 1.2 How Do We Collect Information?

Wintringham may collect information that you provide orally or in writing, either directly or indirectly if it is contained in a record or document, which you provide to us.

For example, Wintringham may collect your information:

- when you discuss your situation with a Wintringham staff member over the phone or in face-to-face meetings; and/or
- when you provide written information or documents to a Wintringham staff member by email, in hard copy, or by any other means.

You may choose not to provide some or all of the information Wintringham requests from you however, this may mean that we cannot provide you with the care and services you require, or that are most appropriate for you.

We will do our best to collect all of your personal information from you directly. Unless it is unreasonable or impracticable for us to do so, we will seek your consent before collecting any personal information from a third party.

Third parties from whom we may collect your personal information from can include:

- any person or organisation that assesses health status or care requirements, for example the Aged Care Assessment Service/Team;
- your health practitioner or other health providers or facilities;
- your family members or other significant persons; or
- your legal advisor or any other authorised representative; or
- agencies that conduct background checks and/or assess suitability for employment with vulnerable people, including the NDIS Workers Screening Unit (agency varies from state to state) and CrimCheck.

### 1.3 Accurate Information and Records

It is important that the information Wintringham holds about its service users and personnel is up to date. If there are changes to your residential address, next of kin, support needs or financial details, please advise the appropriate Wintringham staff member.

### 1.4 Unsolicited Information

If we receive personal information that we did not request and we could not have obtained by lawful means, Wintringham will destroy or de-identify the information as soon as practicable and in accordance with the law.

### 1.5 Use of Pseudonyms

Service users and Wintringham personnel may not use a pseudonym (false name) or remain anonymous in their dealings with Wintringham, as we need to maintain

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records of our dealings with you. However, you may choose to remain anonymous in circumstances, such as completing consumer or staff satisfaction surveys.

## 2. Consent

- 2.1 Wintringham personnel must obtain service user consent before collecting any personal information about that person. For service users who do not have capacity to consent, consent should be obtained from their legal decision maker. Consent to collect personal information must be obtained and recorded in writing in the Consent to Obtain and Exchange Information Form.

Service users should identify any parties they do not wish their personal information to be disclosed to, or requested from / provided by.

If it is not practical to obtain service user written consent, a record of the service user verbal consent must be documented, including a record of the nature of the consent given and to whom.

- 2.2 As a prescribed Information Sharing Entity (ISE), Wintringham is mandated to share and provide information under the Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS).

In the context of family violence information sharing, Wintringham is not required to obtain consent from a perpetrator or alleged perpetrator before collecting sensitive information about them (such as criminal record information). Wintringham is also not required to gain consent from any person before collecting sensitive information about them in relation to a child victim survivor.

## 3. Right to Privacy and Dignity

- 3.1 Wintringham acknowledges that all service users and Wintringham personnel have the right to keep any information about themselves confidential.

Service users and personnel should be discrete with their comments at all times, protecting and respecting the privacy, dignity and confidentiality of others.

Service users have the right to perform private activities in private. Care and support services will be delivered in a manner that is respectful, dignified and private.

## 4. Use and Disclosure of Information

- 4.1 Wintringham will only use personal information for the purposes for which it is given to us, or for the purposes, which are related to one or more of our functions or activities.

For example, we will use your personal information to provide you with information and services, which are relevant and appropriate to your needs. This may involve the sharing of information between Wintringham personnel, and between Wintringham programs, to support you in the best way that we can.

To perform our functions and activities, we may also disclose your personal information to external agencies such as:

- Doctors, hospitals and health care professionals (including allied health) assisting with your care and to coordinate the care provided to you.
- Your next of kin, legal guardian, power of attorney or other legal decision-maker, if you lose capacity to make your own decisions.
- Regulatory authorities to whom Wintringham is responsible. For example, the Aged Care Quality and Safety Commission, NDIS Quality and Safeguards Commission, WorkSafe Victoria, WorkSafe Tasmania, Human Services Regulator.
- Other professional advisors, including accountants, auditors and lawyers.

Except for the cases as noted above, Wintringham will not use or disclose your personal information unless one of the following applies:

- You (or you authorised representative) have consented to the use or disclosure.
- It is otherwise required or authorised by law, including under the Australian Privacy Principles, the Victorian Health Privacy Principles or the Tasmanian Information Privacy Principles (as applicable).

Wintringham may disclose data to third parties for the purposes of complying with its obligations under any Government funding contracts. Usually this involves reporting information, which is de-identified.

#### 4.2 Direct Marketing

Under no circumstance will personal information be used for direct marketing related purposes without the consent of the person to whom the information relates. Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.

### 5. **Security of Personal Information**

- 5.1 Wintringham is committed to storing securely, the personal information you provide to us. Wintringham will take all reasonable steps to ensure the personal information Wintringham holds is protected from misuse, interference, loss, from unauthorised access, modification or disclosure.

All electronic information that is private or identifiable is held by Wintringham and stored on servers, which are hosted in Australia. Some incidental non-identifiable data may end up on international servers.

Wintringham will, as soon as practicable and in accordance with the law, destroy or de-identify any personal information that is no longer required for our functions.

#### 5.2 Cross-Border Disclosure of Personal and Information

Wintringham does not usually disclose personal information (not including health information) to any third parties outside of Australia.

If Wintringham does disclose personal information (not including health information) to an overseas recipient, Wintringham will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the relevant privacy law(s) or privacy principles.

## 6. Access to and Correction of Personal Information

- 6.1 Any person may request access to their information at any time, to review it or to request a correction in information recorded about themselves.

Requests for access to information can be made by completing the Request for Access to Information Form and addressed to the Privacy Officer at [privacy@wintringham.org.au](mailto:privacy@wintringham.org.au)

We will usually respond to each request to access or correct information within 30 days.

Requests to access or correct information may be declined in limited circumstances.

If the request is denied, Wintringham will provide its reasons in writing.

Depending on the nature and extent of your request, there may be a fee associated with providing access to information held by Wintringham. We will let you know if this applies.

## 7. Breaches of Privacy

- 7.1 A privacy breach occurs when three criteria are satisfied:

- there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information;
- it is likely to result in serious harm to one or more individuals;
- Wintringham has not been able to prevent the likely risk of serious harm with remedial action

If personnel are aware of an actual or suspected privacy breach, that person must immediately notify the Privacy Officer.

## 8. Making a Complaint

- 8.1 If you wish to make a complaint about the way Wintringham have managed your personal information, you may make that complaint verbally or in writing by setting out the details of your complaint to the Privacy Officer:

Phone: 03 9376 1122

Email: [privacy@wintringham.org.au](mailto:privacy@wintringham.org.au)

All reasonable efforts to address a complaint and achieve an effective resolution will be made within 7 working days or as soon as practicable.

Depending on the nature of your complaint, unresolved complaints may be made to (as applicable):

- (a) the Office of the Australian Information Commissioner  
Ph: 1300 363 992  
<https://www.oaic.gov.au/privacy/privacy-complaints/>



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- (b) the Health Complaints Commission Victoria  
Ph: 1300 582 113  
<https://hcc.vic.gov.au/make-complaint>
  - (c) the Department of Families, Fairness and Housing (DFFH) Victoria  
Ph: 1300 884 706  
<https://www.dhhs.vic.gov.au/making-complaint>
  - (d) The Health Complaints Commission (Ombudsman) Tasmania  
Ph: 1800 001 170  
<https://www.ombudsman.tas.gov.au/>
  - (e) the Aged Care Quality and Safety Commission  
Ph: 1800 951 822  
<https://www.agedcarequality.gov.au/making-complaint>
  - (f) the NDIS Quality & Safeguards Commission  
Ph: 1800 035 544  
<https://www.ndiscommission.gov.au/about/complaints>
  - (g) the Victoria Disability Worker Commission  
Ph: 1800 497 132  
<https://portal.vdwc.vic.gov.au/public/home>
  - (h) Consumer, Building and Occupational Services Tasmania  
<https://www.cbos.tas.gov.au/topics/products-services/problems/resolve-problem-complaint/complaint-process>
  - (i) the Victorian Housing Registrar <https://www.vic.gov.au/complaints-management-for-community-housing>

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<b>Related Documents</b>	L_M 3.15A	Privacy Procedure
	L_M 3.18B	Family Violence Information Sharing Guidelines
	L_M Fm 3.18Ba	Request for Access to Information Form
	L_M Fm 3.18Ba	Information Sharing Request Form
	L_M Fm 3.16a	Consent to Obtain and Exchange Information Form
	L_M 3.20	Complaints Policy
	PAC 1.17	Code of Conduct
	TMM 2.1	Wintringham Housing – Operational Policies

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**Authorisation** This policy has been authorised by Chief of Staff - June / 2021.

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**Review Date** June / 2024

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