



YILABARA
Solutions

Creating Opportunities

Privacy Policy and Procedures

Yilabara Solutions

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1. About this document

1.1 What is the purpose and objective of this policy?

This document explains the circumstances under which Yilabara Solutions collects, uses, stores and discloses personal and health information and under which circumstances it will share this information with other parties.

The policy applies to individuals from whom Yilabara Solutions collects personal and health information. Individuals include, but are not limited to, clients, applicants, employees, employers, training organisations, employment candidates, volunteers and contractors.

1.2 Who has to comply with this policy?

All board members, staff, volunteers and contractors must comply with this policy and procedure.

1.3 Terms and definitions

These definitions apply to terms used in this document.

Term	Meaning
Applicant	The person who makes a formal application for employment assistance.
Client	The person participating in/receiving the services provided by Yilabara Solutions.
Employer	The organisation participating in/receiving the services provided by Yilabara Solutions
Health information	Information or opinion about a person's physical or mental health or disability, a person's wishes for future health services, health service provided to an individual that is also personal information, certain genetic information or personal information collected to provide a health service including medical records, individual health care plans and counselling reports.
Manager	The Executive, supervisors and line managers of staff.
Personal information	Information or opinion about an individual whose identity is apparent or can reasonably be ascertained from this information or opinion including but not limited to names, addresses, other contact details, dates of birth, next of kin details, employment history, financial information, tax file information, photographic images, proof of identity, and attendance records.
Sensitive information	Information that is also personal information about a person's religious beliefs, political opinions, membership of a trade union or professional or trade association, government identifiers, nationality, country of birth, languages spoken at home, genetic information (that is not otherwise health information), biometric information, gender, sexuality, family court orders and criminal records.

Term	Meaning
Staff	Any person working for Yilabara Solutions. This includes: <ul style="list-style-type: none"> • permanent, temporary and casual employees, including managers and the Executive • members of committees, working groups and advisory bodies • agency staff, consultants and contractors • volunteers • work experience students • intern placements.
The Executive	The Chief Executive Officer and senior managers making up the leadership team.

1.4 Related documents

- Code of Conduct
- Client Records Policy and Procedures
- Confidentiality Policy and Procedures

1.5 Authorities and accountabilities

The Executive are responsible for the administration, revision, interpretation and application of this policy

Staff will receive a copy of this Policy at induction and are responsible for ensuring they comply with this policy and attend relevant training as provided by Yilabara Solutions from time to time.

This policy and procedure shall be reviewed regularly and will be available on Yilabara Solutions's website.

1.6 Quality assurance

How Yilabara Solutions determines that personal information is used appropriately

- All breaches of the Privacy Policy have been investigated appropriately and in a timely manner.
- Relevant external authorities are notified if there is a breach of the Privacy Policy and Procedures, where:
 - required under the *Privacy Act 1988*, or
 - the breach will seriously damage or may damage the reputation of the community employment sector.

2. Policy Statement

Yilabara Solutions is committed to protecting and upholding the right to privacy of clients, applicants, employers, staff, volunteers, board members and representatives of agencies we deal with. In particular, we are committed to protecting and upholding the rights of our clients and applicants to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

We require staff, volunteers and board members 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.

We are subject to, or choose to comply with, the *Privacy Act 1988 (Cth)*, *Privacy and Personal Information Protection Act 1998 (NSW)*, and *Health Records and Information Privacy Act 2002 (NSW)*, and will follow the guidelines of the *Australian Privacy Principles*, *Information Protection Principles* and *Health Privacy Principles*.

Yilabara Solutions will manage personal information and health information in an open and transparent way. We will take reasonable steps to ensure that:

- we meet our legal obligations as an employer and service provider in relation to protecting the privacy of clients and staff
- clients are provided with information about their rights regarding privacy
- clients and staff are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all staff, board members and volunteers understand what is required in meeting these obligations,
- we adhere to all requirements under Commonwealth and State privacy and health information legislation including the requirements regarding data breaches, to strengthen the protection of personal information.

This policy describes:

- who we collect information from
- the kinds of personal information and health information we collect and hold
- how this information is collected and held
- the purposes for which personal information and health information is used and disclosed
- how clients and staff can gain access to their information and notify us of corrections
- how clients and staff may complain or inquire about our collection, handling, use or disclosure of personal information and health information and how that complaint or inquiry will be handled

Where it is practicable and legal, we will allow an individual to remain anonymous or use a pseudonym in their interactions with us. We will tell a person if we cannot let them remain anonymous or use a pseudonym.

We may collect information that is not personal information such as answers or feedback provided anonymously through surveys or aggregated information about Yilabara Solutions's services.

2.1 Collecting Personal and Health Information

We collect personal information and health information from the individual unless the individual has authorised collection from someone else or in the case of information relating to a person under the age of 16 years, the information will be provided by a parent or guardian of the person.

We may also collect information from job applicants, staff, volunteers, visitors and others, including contractors or their representatives.

We collect personal information and health information in the following ways:

- written or electronic forms
- face-to-face
- over the phone or other messaging technology
- internet, including email and our website
- hardcopy documents provided by individuals, and
- third party, e.g. government entities, employment services, personal referees, recruitment agencies etc.

When we collect personal information and health information we will take all reasonable steps to ensure the individual is made aware or notified of the following if required by law:

- the fact the information is being collected
- who we are and our contact details
- why we collect personal and/or health information
- whether this is required by law or voluntary
- whether we have collected information from a third party and the circumstances of its collection
- the main consequences for the individual if all or some of the personal information is not collected
- with whom we usually disclose the type of personal information collected
- how to access and seek correction of the personal information
- how to complain about a breach of privacy

2.2 Purpose of Collecting Personal and Health Information

We only collect personal and health information that is reasonably necessary for one or more of our functions or activities (the primary purpose) unless permitted by the law.

Our primary purposes for collecting personal information and health information include but are not limited to:

- providing employment and related services
- satisfying our legal obligations including our duty of care to clients, workers and child protection obligations
- keeping clients informed on employment matters through correspondence, newsletters, magazines
- marketing, promotional and fundraising activities
- helping us to improve our day-to-day operations including training our staff, systems development, developing new programs and services
- undertaking planning, research and statistical analysis using de-identified information wherever practicable
- administration including insurance purposes
- the employment of staff, and
- the engagement of volunteers.

We only collect sensitive information reasonably necessary for one or more of these functions or activities, if we have the consent of the individuals to whom the information relates, or it is required by law, or if the collection is necessary to lessen or prevent a serious threat to life, health or safety, or another permitted general situation

(such as locating a missing person) or permitted health situation (such as the collection of health information to provide a health service) exists.

Apart from the circumstances described in the previous paragraph, we may still collect sensitive information provided the information relates to our activities and it relates solely to individuals who have regular contact with our organisation in connection with activities. These individuals may include applicants, clients, carers, family members, volunteers, service providers including contractors, subcontractors, and other individuals with whom we have regular contact in relation to our activities.

More information on what constitutes personal, sensitive and health information is provided in the definition section of this policy.

2.3 Unsolicited Personal Information

Sometimes we may receive personal information without having sought it through our normal means of collection. We refer to this as unsolicited information. When this occurs we will only hold, use or disclose that information if we could otherwise do so had we collected it by normal means. Complaints about individuals are considered to be unsolicited information. If unsolicited information could not have been collected by normal means then it will be destroyed, permanently deleted or de-identified as soon as possible where it is lawful to do so

2.4 Use and Disclosure of Personal and Health Information

Personal information and health information is used and disclosed for the purpose for which it was given to Yilabara Solutions (primary purpose).

We may **use** personal information for a secondary purpose with the consent of the individual or without an individual's consent if:

- the individual would reasonably expect us to use or disclose the information for the secondary purpose and the secondary purpose is directly related to the primary purpose,
- the use is necessary to prevent or lessen a serious and imminent threat to the life, health or safety of an individual or to public health and safety
- we are authorised or required to do so by law or a court/tribunal order
- another permitted general situation exception under the Privacy Act 1988 applies
- another permitted health situation exception under the Privacy Act 1988 applies
- disclosure is reasonably necessary for a law enforcement related activity.

Personal information may be disclosed to government agencies, our service providers, agents, contractors, partner support agencies and other recipients from time to time provided legal requirements are met.

We may **disclose** personal information to another person or body, whether or not such a person is a public sector agency with the consent of the individual or without an individual's consent if:

- the disclosure is directly related to the purpose for which the information was collected, and we have no reason to believe that the individual concerned would object to the disclosure

- the individual is reasonably likely to have been aware, or has been made aware that the information is of a kind usually disclosed to that other person or body
- disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public health and safety
- we are authorised or required to do so by law or a court/tribunal order
- another permitted general situation exception under the Privacy Act 1988 applies
- another permitted health situation exception under the Privacy Act 1988 applies
- disclosure is reasonably necessary for a law enforcement related activity.

We will not disclose sensitive information unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

We will only use or disclose health information for a secondary purpose with the consent of the individual or without an individual's consent if it is lawful in accordance with the *Health Records and Information Privacy Act 2002 and Privacy Act 1998*.

Where information is disclosed to a third party we ensure that the:

- information is accurate and up-to-date, and
- the third party is aware of their obligation to keep personal information confidential and to take reasonable steps to keep this information secure.

Yilabara Solutions will not disclose personal information or health information about an individual to overseas recipients or to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency without consent except in accordance with NSW and/or Australian legislation or an international agreement.

2.5 Use of Personal Information for Direct Marketing

We may from time to time send information and notifications to clients regarding support services by third party providers or promotions or events offered by Yilabara Solutions where we consider such services or events may be reasonably suitable or beneficial to clients' individual needs. We will seek clients' consent to receive invitations or marketing information. Clients can opt out of receiving such notifications at any time by notifying Yilabara Solutions. Personal information is not provided for direct marketing purposes to an external body.

2.6 Access to, and Correction of, Personal and Health Information

We take all reasonable steps to ensure that the personal information and health information we collect, hold, use and disclose is relevant to the purpose, accurate, not excessive, complete, not misleading and up to date to enable Yilabara Solutions to continue to provide employment services. We will take reasonable steps to ensure collection of the information does not intrude on the personal affairs of the individual

Individuals are responsible for contacting us if their personal information has changed.

Individuals have the right to request access to the personal information and health information Yilabara Solutions holds about them, and request correction of any inaccurate, out-of-date, incomplete, irrelevant or misleading

personal information. Upon receipt of such a request, we will verify your identity before granting access or correcting the information.

If we are not satisfied that the personal information should be changed, we will provide the individual with a written notice explaining the reasons for our decision and how they can make a complaint if they are not happy with our decision. If we refuse a request to change personal information, the individual can ask us to attach a statement to the record stating that they believe the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

We may decline a request to access personal information in certain circumstances. Information on how to make a complaint about decisions of this nature are outlined in section 2.9.

2.7 Storage and Security of Personal and Health Information

We store personal information and health information in a variety of formats on databases, in hard copy files and on personal devices including laptop computers, mobile phones, cameras and other recording devices.

We are committed to protecting personal and health information and take reasonable steps to ensure information is protected from misuse, interference, loss and unauthorised access, modification or disclosure. Some of the security measures include:

- physical, electronic, and procedural safeguards in line with industry standards (such as passwords and physical locks on cabinets)
- secure servers and closed network environments
- limited access to personal information (e.g. only relevant employees who require an individual's personal information to carry out their normal line of duties are allowed access)
- management of access privileges, and regular review of privileges
- undertaking due diligence in relation to third party service providers who may have access to personal information, including cloud service providers, to ensure as far as practicable that they are compliant with the *Australian Privacy Principles* or similar privacy regime
- requiring third party service providers to sign confidentiality and privacy undertakings where practicable
- destroying or de-identifying personal information pursuant to the law and record retention policies.

2.8 Responding to Data Breaches

We will take appropriate action if we have reasonable grounds to believe that a data breach may have occurred. Depending on the type of data breach, actions required may include some or all of the following:

- a review of our internal security procedures
- taking remedial internal action
- notifying affected individuals
- notifying the Office of the Australian Information Commissioner.

In certain circumstances we may also need to notify the NSW Privacy Commissioner.

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

2.9 Privacy Complaints

If an individual wishes to make a complaint about a breach by Yilabara Solutions of privacy (including the *Australian Privacy Principles*, *Information Protection Principles* or the *Health Privacy Principles*), they may do so by providing a written complaint by email, letter or by personal delivery to our contact details as noted below. A complaint may also be made by phoning or face-to-face. We will provide a written response to complaints within a reasonable time (usually no longer than 30 days) and may seek further information in order to provide a full and complete response.

If the complainant is not satisfied with the action taken, they can request an internal review within 6 months from the time the complainant became aware of the issue.

An application for internal review must be:

- in writing and
- addressed to the Privacy Officer, Yilabara Solutions
- specify an address in Australia to which notices are sent.

An internal review will be completed as soon as reasonably practicable in the circumstances. If we have not completed the review within 60 days of the receipt of the application, the applicant is entitled to seek external review.

Following the completion of the review, Yilabara Solutions may do one of the following:

- take no further action
- make a formal apology
- take such remedial action as it thinks appropriate
- provide undertakings that the conduct will not occur again
- implement administrative measures to ensure that the conduct will not occur again.

Upon the receipt of an application for an internal review, Yilabara Solutions will inform the Australian Information Commissioner or NSW Information Privacy Commissioner of its receipt, will keep the relevant Commissioner informed of the review's progress and notify them of the findings and proposed action.

We will advise the applicant of the findings of the review, proposed actions, reasons, and how to seek an external review within 14 days of the review's completion.

Complaints about a breach of privacy by Yilabara Solutions may also be taken to:

The NSW Information Privacy Commissioner by:

- Emailing: ipcinfo@ipc.nsw.gov.au
- Writing to the NSW Information Privacy Commissioner at: GPO Box 7011, Sydney, NSW, 2001

The Australian Information Commissioner by:

- Emailing: enquiries@oaic.gov.au
- Writing to the Australian Information Commissioner at: GPO Box 5218, Sydney, NSW, 2001

2.10 Contacting Yilabara Solutions about Privacy Matters

Yilabara Solutions can be contacted about this Privacy Policy or about personal information generally by:

- Emailing yspo@yilabara.org.au
- Calling (02) 9689 4444
- Writing to our Privacy Officer at: PO Box 1425, Parramatta, NSW, 2150

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