

**Introduction**

Prahran Mission is committed to protecting the privacy of personal information provided to it by its stakeholders

**Scope**

This Privacy Policy applies to all employees and volunteers of Prahran Mission ABN 77 812 307 472

**Australian Privacy Principle 1: Open and transparent management of personal information**

Prahran Mission is committed to the open and transparent management of personal information

**The Importance of Your Privacy**

Prahran Mission acknowledges the importance of privacy of personal information. Prahran Mission will take steps to ensure open and transparent management of personal information within its operations.

This Privacy Procedure covers how Prahran Mission collects, holds, uses, discloses and protects private information in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles.

Stakeholders, including clients, do not have to provide us with any personal information. However, if the organisation does not receive the information that we ask for, we might not be able to provide a service.

**Application of this Privacy Procedure**

When a client starts using Prahran Mission services the client is agreeing to Prahran Mission collecting and using such personal information as is needed to provide a service. Continued use of Prahran Mission services, or the request for assistance or provision of personal information to us (directly or via an authorised person) after this Privacy Policy has been revised constitutes acceptance of and consent to the revised Privacy Policy.

- Prahran Mission must not collect personal information unless information is reasonably necessary for, or directly related to, one or more of the organisation's functions or activities.
- Prahran Mission must not collect information about an individual unless consent is given by the individual. Where a client does not give consent this may impact on the type of service that can be provided and may in fact mean a service cannot be provided.

Prahran Mission's Privacy Procedure is available on the organisation's website:

<http://www.prahranmission.org.au/privacy/>

**Australian Privacy Principle 2: Anonymity and pseudonymity**

Prahran Mission must ensure that individuals are provided with the option of not identifying themselves or using a pseudonym when dealing with Prahran Mission on a particular matter.

This does not apply if:

1. Prahran Mission is required or authorised by or under an Australian law, or court tribunal to deal with individuals who have identified themselves or
2. It is impracticable for Prahran Mission to deal with individuals who have not identified themselves or who have used a pseudonym.

**Australian Privacy Principle 3: Collection of solicited personal information**

Prahran Mission only collects that information that is reasonably necessary for or directly related to service delivery.

**What personal information do we collect?**Donors (or prospective donors)

- Your name
- Your identified gender
- Your date of birth
- Your contact details
- Your credit card, banking and other payment details
- Other relevant information about your relationship with Prahran Mission as a donor

Clients

- Your name
- Your identified gender
- Your date of birth
- Your contact details
- The name and contact details of your carer (if relevant)
- Information about your dealings with us
- Other information relevant to the performance of our services for you

**How do we collect your personal information?**Donors

- List brokers
- Data co-operatives

If you provide to us the personal information of another person you warrant that the person or persons to whom the personal information relates have consented to such disclosure and to our collection, holding, use and disclosure of their personal information in accordance with this Privacy Procedure.

Clients

Most information we collect directly from clients, but in some situations we may collect information from:

- Central Intake
- Other important people to you. This may include your psychologist or other support people

#### **Australian Privacy Principle 4: Dealing with unsolicited personal information**

Where Prahran Mission accesses unsolicited personal information it will determine whether the information is consistent with Principle 3. If it is, the information is treated in the same way; if it is not, and it is appropriate to do so, the information will be destroyed.

#### **Worker/Client/Volunteer/Donors/Staff Professional Relationships**

- *Previous Knowledge About A Client Or New Client*
  - Acknowledge if a client is recognised as a previous acquaintance and there is prior knowledge about the client
  - Remove oneself from the case or immediate situation. It is a breach of confidentiality to give information gained from prior knowledge about a client.
  - Warn the client if the client is likely to meet a worker who is known to them. It is also relevant for the worker to explain to the client that details of cases are not shared between workers if the client is worried about prior information and knowledge being made available.
  - Follow the guideline below if a worker in the agency has private contact with a client:
    - No discussion will be entered into about the case with the key worker or worker involved in the case about personal information or in relation to their methods of practice.
    - There should be no discussion about mutual acquaintances under any circumstance.
- *Self-Disclosure*
  - Do not discuss personal details about family or personal circumstances, except in those positions where this is integral to the position. Sometimes, however, such disclosure can be used as a therapeutic tool or as an example for a client's particular case. It must not form the basis of key worker practice.
- *Client's Knowledge About Other Clients*
  - Protect the rights of clients at all times. There will be no discussion by one client about another with a worker. If a client wants to know about another client or wishes to discuss a problem, such information cannot be provided by a worker.
  - If a client obtains written permission from another client and there is a mutual support objective then this would be an exception to the above rule.

- Remind clients if they attend client meetings they will be automatically identified as a client by other attendees.
- *Confidential Case Discussion*
  - Keep case discussions confidential. Do not discuss clients "in passing" or when there is no opportunity to present a balanced view.
  - Work in a professional manner with Clients. It is not appropriate for staff to have personal relationships with clients when professional contact is occurring. Relationships nevertheless will be amiable and positive but not extend to private life.
  - Personal relationships may only occur after the client or staff person has terminated all contact with the program or service and a reasonable period of time has passed. Such a period of time prevents any blurring of roles which can occur when private relationships are developed.

Prior Knowledge of Staff and Volunteers:

- When staff has personal/prior knowledge of staff or volunteer this information must be kept private and confidential except where there is a duty of care to disclose.

#### **Australian Privacy Principle 5: Notification of the collection of personal information**

Where Prahran Mission collects personal information from a third party it must inform the individual at or before the time or, if that is not practicable, as soon as practicable after.

#### **Australian Privacy Principles 6: Use or disclosure of personal information**

##### **What do we use your personal information for?**

We only collect, hold use and disclose personal information for the purposes for which it was provided to us or as permitted or required by law, including:

##### Donors

Donor or prospective donor information will be used so that Prahran Mission can provide donors/prospective donors with information about donations and other activities they might be interested in. Note that a donor/prospective donor can unsubscribe from receiving information at any time

##### Clients

Prahran Mission will obtain information:

- if it is reasonably necessary for or directly related to providing the client with the support service
- to respond to clients' inquiries or request for assistance
- to process application forms
- comply with legal and professional obligations

Extra information may be sought at particular times for statistical purposes as such information which enables a program to assess its needs, to meet funding requirements and to plan for the future of its services.

For the purpose of *Case file recording* Refer to 1.3.2 Case Notes Procedure

### **Who do we disclose your personal information to?**

It is important to realise that Commonwealth Acts and Federal Courts can override confidentiality provisions in State Acts. Prahran Mission may disclose personal information in the following situations:

- Where we are legally permitted or required to such as in the case of a worker knowing that child abuse is occurring or believes there is a strong likelihood of abuse to a child.
- Where there is risk to other persons or self
- Where it is required to provide a service
- Where the client has provided consent for sharing information with a representative or others

### **Australian Privacy Principle 7: Direct Marketing**

Prahran Mission workers must not use personal information about individuals for the purpose of direct marketing (for example email newsletters, promotions via text messages, promotional letters etc).

Exceptions to this may be if:

1. Prahran Mission collected the information from the individual and the individual would reasonably expect the organisation to use or disclose the information for the purpose of direct marketing.
2. When Prahran Mission does utilize an individual's personal information it must provide a simple means by which individuals may easily request not to receive direct marketing communications from the organisation (for example unsubscribe options for email newsletters). Prahran Mission will provide a prominent statement that the individual may make such a request not to receive direct marketing or will draw the individual's attention to the fact that such a request may be made.

### **Our publications, journals and newsletters**

Prahran Mission might send you newsletters or event invitations etc which we think might interest you. You may unsubscribe from receiving these at any time

### **Australian Privacy Principle 8: Cross-border disclosure of personal information** **Cross-border disclosure of personal information**

Prahran Mission does not provide information to person's outside of Australia or an Australian Territory. Exceptions apply when:

- Consent for the disclosure is given by the individual
- The disclosure of the information is required by Australian law

### **Australian Privacy Principle 9: Adoption, use or disclosure of government related identifiers**

#### **Use of or disclosure of government related identifiers**

Prahran Mission must not adopt a government related identifier (for example Customer Reference Numbers, Medicare Numbers or Tax File Numbers) of an individual as its own identifier of the individual unless:

- the adoption of the government related identifier is required or authorized by or under an Australian law or a court/tribunal order or
- the identifier is prescribed by relevant regulations

Prahran Mission must not use or disclose government identifiers of an individual unless:

- it is reasonably necessary for Prahran Mission to verify the identity of the individual for the purposes of the organisation's activities or functions
- the use or disclosure of the identifier is reasonably necessary for the organization to fulfill its obligations to an agency or a State authority
- the use or disclosure of the identifier is required or authorized by or under an Australian law or a court/tribunal order
- the organization reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by or on behalf of an enforcement body

### **Australian Privacy Principle 10: Quality of personal information**

Prahran Mission will take reasonable steps to ensure that personal information that is collected is accurate, up-to-date and complete. (Refer to Case Notes Procedure and Client File Audit Tool).

### **Australian Privacy Principles 11: Security of personal information**

#### **How do we protect your personal information?**

Prahran Mission takes reasonable steps to protect information from misuse, interference and loss and from unauthorised access, modification or disclosure in the following ways:

- Information is password protected
- Information is stored on secure on-site servers
- Information is stored inside buildings with physical security
- IT has firewalls, intrusions detection and site monitoring
- All staff are trained in privacy procedures
- Ensuring that all information can only be accessed by authorised people
- Information is de-identified
- Personal information that we no longer need is destroyed

- Files are locked in filing cabinets. Filing cabinets will not be left open and unattended
- Keys will be kept in a safe
- Files are not to be removed from the office
- Any copies of files and information will not be left in unattended cars
- Only current records are kept in filing cabinets
- Archival material is locked in a storage place
- Access to archival material is available only on a "need to know" basis
- Files are maintained for seven years
- Telephone calls should take place where as far as practical confidentiality is assured. It is usually not appropriate for private and confidential matters to be discussed on public or pay phones.
- interviews and private meetings between workers and clients should take place in a private setting without undue interruptions.

### **Australian Privacy Principle 12: Access to personal information**

#### **Accessing Personal Information**

Clients and donors are able to access their personal information (unless there is a legal restriction or exemption in which case the client or donor will be told why they are unable to access their personal information)

A client can access their personal information by referring to the Support Worker (who should adhere to the '1.3.3 Client Access to Personal Records')

A donor can access their personal information by contacting:

General Manager Fundraising  
(03) 9692 9500

There is no charge for a client or donor accessing their personal information although there may be photocopying costs

#### Third Parties

Consent must be obtained before any information is released to a third party. The purpose for wanting information must be clearly stated and relate directly to a client's goals and wellbeing.

#### Family Members

Client consent must be obtained before any information is provided to family members. Decide whether circumstances and/or "their duty of care" for a Client outweigh the lack of consent. In circumstances involving children there is an obligation of a "duty of care" under the Children and Young Persons Act 2005.

#### Child Protection Workers

Accept requests from protective interveners relating to a child who is considered "at risk". This right overrides confidentiality provisions as stated in the Mental Health Act or the Privacy Act.

### Information Requested By Victoria Police

Follow the guidelines below when information is requested by Victoria Police:

- Answer in general terms when general information is requested about a client
- Seek consent from client
- Give access to that client's file if a client gives permission
- Invoke the Mental Health Act Section 120.A or the Privacy Act if the client does not consent. This forbids police from gaining access to a client's file. It is up to the police to decide how to proceed if such an Act is invoked
- Seek advice from Program Manager, Executive or CEO if police produce a search warrant. Not all Warrants have sufficient authority.
- Ensure that the file is photocopied so that the information is not lost if the Warrant is valid and police request the removal of the file
- Ensure that the file is photocopied so that the information is not lost if police issue a worker with a written subpoena to produce a file in Court. A subpoena must be complied with and the Court always requires original documents
- Give the file to the appropriate Court official such as the Clerk of Courts or the Judge's Associate rather than to police or lawyers.
- Determine with the Court official how and when the file will be returned to the program or agency
- Accompany the file to Court if the file contains highly confidential information which is not to be disclosed to the public
- Inform client if the police need or wish to interview a worker about the client.
- Obtain consent from client for confidential information to be discussed
- Discuss only information relating to public interest or about which the police have details if the client does not agree
- Inform them that the client's health may be jeopardised if the police wish to interview the client and advise the police if this is the case
- Negotiate a more appropriate interview procedure if necessary
- Brief the police about a client's particular difficulties relating to such an interview.
- A person with psychiatric disability or a mental illness has a right to have an independent third person present at an interview with police.
- Information Requested by Federal Police/Family Court/ Federal or State Government Departments: Refer to 'Guidelines for use by Mission Staff with Information of Private and Confidential Nature is Requested'
  - They must cite the Section of the relevant Act which gives them the power to request such information. The request is to be in writing.
  - Ensure that when a file is removed that the file is photocopied so that the information is not lost.



### Information/Access To Files By Other Mission Workers

Obtain permission from client if workers from other programs of Prahran Mission wish to peruse a client's file on a "need to know" basis. There are times when requests are regarded as legitimate because of issues relating to a client's mental health and for case management.

In addition, approved auditors may review the completion of some files

### **Australian Privacy Principle 13: Correction of personal information**

Wherever Prahran Mission holds personal information about an individual and believes that information is inaccurate, out-of-date, incomplete, irrelevant or misleading or if the individual requests that Prahran Mission corrects information, Prahran Mission will take reasonable steps to correct the information.

Where Prahran Mission refuses to correct personal information as requested by the individual it must provide a written notice that sets out reasons for the refusal and relevant complaint processes.

Clients and donors should be requested to inform Prahran Mission if there are any changes to personal information.

### **How can you make a complaint?**

If you have a query or if you wish to make a complaint about our handling of your personal information or if you believe we have breached the Australian Privacy Principles please contact us at the details below:

General Manager HR, ICT & Compliance  
Jeremy Bonken  
Prahran Mission  
Level 3, 211 Chapel Street  
Prahran Vic 3181  
Phone: (03) 9692 9500  
[Jeremy.Bonken@prahranmission.org.au](mailto:Jeremy.Bonken@prahranmission.org.au)

If you are not satisfied with our determination, at any time you can complain to the Australian Privacy Commissioner (see [www.oaic.gov.au](http://www.oaic.gov.au) for contact details).

### **Definitions:**

File: Any information provided to the Mission and written down on a card or paper or entered into the computer constitutes a file

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**Related Procedure, Process and Procedure**

1.0	Strategic Procedure – Rights and Responsibilities
1.3.4	Client File Transfer Procedure
4.0	Strategic Procedure – Leadership and Planning
5.4.1	Code of Conduct Operational Procedure



**Relevant Legislation and References**

Refer to relevant Legislation under Strategic Procedure 1.0 Rights and Responsibilities.

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