

CLC.PO.07 Privacy Policy

Purpose

The Privacy Policy provides Settlement Services International (SSI) with a clear understanding of its obligations regarding the collection, holding, use and disclosure by SSI of personal information, including sensitive information relating to an individual, as required to comply with the Privacy Act 1988 (Cth) (Law). This policy is intended to advise on SSI procedures. SSI is bound by the Law and its legal obligations as set out in full in the Australian Privacy Principles contained in the Law. These can be found on the Privacy Commissioner's website at www.oaic.gov.au.

Scope

This policy applies to all SSI employees, volunteers, contractors and members 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.

Overview

SSI is a community-based humanitarian organisation and as such, has a range of stakeholders who assist it in undertaking a broad scope of humanitarian activities. In assisting its clients, SSI is often required to obtain personal information about the individual that includes health records, sensitive information about the individual's racial or ethnic origins, religious beliefs and government identifiers for the purpose of providing the relevant services.

SSI takes care to ensure all of its stakeholders comply with the Law 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. 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. More detail is set out below.

Definitions

Anonymity is where an individual is not required to and does not identify themselves when engaging with SSI.

Commonwealth contract is any funding agreement between a Commonwealth agency and SSI that requires SSI to disclose personal and/or sensitive information about individuals to that agency.

Commonwealth record Personal or sensitive information collected by SSI in connection with a Commonwealth contract.

Health records and information are part of personal information and sensitive information, and includes information or an opinion about a person's health, both physical and mental, and/or disability. The health records are collected for the provision of health services such as under the Ability links program whereby an individual may express an opinion in relation to the future provision of health services or a health service provided.

Personal information means information or an opinion about an identified individual, or an individual who is who is reasonably identifiable, whether or not that information or opinion true and whether or not that information is recorded in a material form. Personal information collected by SSI includes contact details, personal history and personal financial information. This can also include health information and sensitive information.

Primary purpose – SSI undertakes a large number of activities relevant to its role as a community-based humanitarian organisation that form the primary purposes for which SSI collects information. Some examples are:

- Providing program services to individuals
- Assessing, placing and engaging volunteers
- Providing disability support services
- Connecting with our organisation and other members and supporters
- Conducting assessments and reference checks such as police checks

Pseudonym is a replacement name or nickname used by an individual engaging with SSI where SSI is not obliged to collect that individual's true name.

Secondary purpose is, in the case of personal information, a purpose that is related to the primary purpose and, in the case of sensitive information, a purpose that is directly related to the primary purpose.

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.

Solicited information is part of personal information that SSI takes active steps to collect.

Policy

1. Open and transparent management of information

SSI will make the privacy policy available on the website at www.ssi.org.au and will take reasonable steps to provide a printed copy of this policy, to anyone who asks for it. SSI personnel assisting clients will seek to translate and explain this policy as relevant as part of the provision of the services SSI provides. A person may request a copy of the policy by contacting our Privacy Officer on the below details:

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

2. Anonymity and pseudonymity

Where it is not unlawful or impracticable, individuals dealing with SSI will be given the option of not identifying themselves, or of using a nickname, when dealing with SSI.

3. Collection of information

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 from individuals for many different purposes under this broad umbrella.
- 3.2. SSI will only collect personal information (other than sensitive information) when the information is reasonably necessary for or directly related to one or more of the SSI functions or activities and will only collect personal information by lawful and fair means.
- 3.3. Where it is reasonable and practicable to do so, SSI will only collect personal information from the individual to which it relates.
- 3.4. At the time of collecting the personal information from an individual, SSI will advise the individual 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:
 - 3.4.1. that SSI is the collector, and how to contact SSI;
 - 3.4.2. the nature of the collection and whether the information is being collected over the phone, by software applications such as cookies, or from a third party;
 - 3.4.3. that the individual is able to access the information being collected and able to correct the information;
 - 3.4.4. the purposes for which the information is collected, both the primary purpose, and where there is a related purpose, that purpose and any secondary purpose if relevant;
 - 3.4.5. organisations to which SSI usually discloses information of the kind being collected;
 - 3.4.6. details of any Australian law or a court order that requires the information to be collected;
 - 3.4.7. whether or not that information will be transferred overseas (including if information stored in the cloud)
 - 3.4.8. the consequences for the individual if any of the information is not provided to SSI by that individual.
- 3.5. If SSI collects solicited 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 3.4 above.
- 3.6. If SSI receives unsolicited personal information, and the information 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, unless under a Commonwealth contract, the information must be dealt with under another law.

Sensitive information

- 3.7. SSI will not collect sensitive information about an individual unless;
 - 3.7.1. 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
 - 3.7.2. the collection of the information is required or authorised under an Australian law; or

3.7.3. there exists one of the special situations under the Law that allows the collection, use and disclosure of sensitive information without consent. If any of these apply to a situation, SSI will comply with the relevant Australian Privacy Principle. An example of these special situations may be:

- (a) where in the circumstances, SSI considers the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety;
- (b) SSI has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to SSI functions or activities, and SSI needs to disclose the information so that it can take appropriate action; or
- (c) SSI reasonably believes that the use or disclosure is reasonably necessary to assist another person to locate a person reported missing.

4. Use of information for SSI's primary Purpose

- 4.1. SSI may use the personal information collected from an individual for the primary purpose which will be notified to the individual at the time of collection.
- 4.2. Where the information is sensitive information, SSI will only use that information for a primary purpose or a directly related purpose the individual has consented to, unless an exemption such as set out in 3.7.3 applies.
- 4.3. Whether or not an individual has consented to the use or disclosure, in the case of any obligation, SSI has under a Commonwealth contract, SSI is entitled to comply with the requirement under that Commonwealth contract to disclose personal or sensitive information to the Commonwealth agency funding the activity.

5. Use of information for secondary purposes and direct marketing purpose

SSI may use or disclose personal information about an individual 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 information for a secondary purpose include:

- 5.1. the individual has consented to the use or disclosure;
- 5.2. the individual would reasonably expect SSI to use or disclose the information for the secondary purpose and the secondary purpose is;
 - 5.2.1. the use or disclosure of the information is required or authorised by or under an Australian law; or
 - 5.2.2. in circumstances where SSI reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety; or
 - 5.2.3. where SSI has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to SSI functions or activities, and SSI needs to disclose the information so that it can take appropriate action.
- 5.3. SSI may use personal information about you for the primary purpose of providing you with SSI services, and for other purposes, including sending you information about new developments,

products, services and special offers by post, telephone or any form of electronic communication. SSI may use any email address or other personal and contact information you provide to SSI at any time for this purpose.

- 5.4. You can, at any time, opt out of receiving marketing material by contacting SSI. You agree and acknowledge that even if you opt out of receiving marketing material, we will still send you essential information that we are legally required to send you relating to the services SSI provides.

6. Government related identifiers

- 6.1. SSI will not adopt a government related identifier of an individual as its own identifier of the individual unless the adoption of the government identifier is required or authorised by law. SSI will not use or disclose a government related identifier of an individual unless:
- 6.1.1. the use or disclosure of the identifier is reasonably necessary for SSI to verify the identity of the individual for the purposes of the SSI activities or functions;
 - 6.1.2. the use of disclosure of the identifier is reasonably necessary for SSI to fulfil its obligations to an agency or a State authority;
 - 6.1.3. the use or disclosure of the identifier is required or authorised by or under an Australian law or a court order; or
 - 6.1.4. where SSI reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety.

7. Cross-border disclosure of personal information

- 7.1. Occasionally, SSI may store some personal information on databases that are in the cloud.
- 7.2. SSI does not transfer any personal information intentionally outside of Australia and will take reasonable steps to ensure any information stored in cloud servers not located in Australia is held, stored and dealt with consistently with the Australian Privacy Principles. By providing us with your personal information you consent to your personal information being stored this way.

8. Access to and correction of information

- 8.1. If SSI holds personal information about an individual, the individual can have access to that information. SSI will provide the individual with access to that information unless any of the following exceptions apply:
- 8.1.1. 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; or
 - 8.1.2. the information relates to existing or anticipated legal proceedings between SSI and the individual, and the information would be provided by the process of discovery in those proceedings; or
 - 8.1.3. providing access would be unlawful; or
 - 8.1.4. denying access is required or authorised by or under an Australian law or a court/tribunal order; or

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- 8.1.5. giving access would reveal evaluative information generated within SSI in connection with a commercially sensitive decision-making process.
 - 8.2. SSI will provide access to information within a reasonable period of time after the request is made, if it is reasonable and practicable to do so.
 - 8.3. An individual can request SSI to correct personal information held by SSI. SSI will respond to the request within a reasonable period of time after the request is made and will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading.
 - 8.4. If SSI decides not to correct the personal information when requested to do so by an individual, SSI will give the individual a written notice about the refusal that complies with the Law and includes information about how a person can complain about the refusal.

9. Data security and handling of information

- 9.1. SSI will take all reasonable steps to protect the personal information it holds from misuse, interference, unauthorised access, modification or unauthorised disclosure.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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.
- 9.5. 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 cannot accept responsibility for the security of information sent to us by clients or received from us over the internet.

10. Complaints and how to contact us

- 10.1. If you have any questions or concerns about this Privacy Policy, or a complaint regarding the treatment of your privacy by SSI or a possible breach of your privacy, you can raise this by contacting our Privacy Officer on the below details:

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

- 10.2 SSI will treat your requests or complaints confidentially. We will contact you within a reasonable time after receipt of your complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in a timely and appropriate manner.

11. Review

- 11.1. 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.

Related Legislation & Documents

Internal

- CRC.PO.08 Consent Form Policy

External

- Privacy Act 1988 (Cth)
- Australian Privacy Principles