Privacy Policy

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Policy Context

Privacy is significantly compromised in a range of situations where third parties have access to sensitive information in client or personnel files – for example, compliance officers in the event of a WorkCover audit; lawyers and the legal system through subpoenas; or school principals and members of multidisciplinary teams where services are provided within organisations.

All organisations and Government agencies are required to comply with the thirteen Australian Privacy Principles (APP) in the *Commonwealth Privacy Act, 1988* and the Health Privacy Principles in the *Victorian Health Records Act, 2001.*

In line with good practice, Guidestar complies with Victoria's *Privacy and Data Information Act, 2014* and the *Health Records Act, 2001* both of which provide the framework for collection and handling of personal information in Victoria. Specifically:

- The *Privacy and Data Information Act, 2014* covers non-health information.
- The *Health Records Act, 2001* covers health information.

As Guidestar provides services that straddle both Commonwealth and Victorian jurisdictions to ensure compliance with Quality Safeguards outlined by the National Disability Insurance Scheme, Guidestar is required to adhere to the Australian Privacy Principles and the Health Privacy Principles (Victoria) in relation to health information.

In situations where a client's health information is protected by both Commonwealth and Victorian privacy principles, Guidestar must adhere to the Commonwealth principle as this takes precedence.

The only exemption is, if Guidestar receives funding from the Victorian Government for specific programs as a disability service provider in accordance with Section 39 of the *Victorian Disability Act, 2006.* For these specific purposes only, the *Victorian Disability Act, 2006* takes precedence.

In addition, The Australian Psychological Society (APS) recommends that practitioners maintain client records in two distinct parts:

1. 'Confidential client record' (or 'practitioner notes')
2. 'Client service record' (or 'client/patient record').

The confidential client record contains confidential, and sometimes very sensitive, information about the client and may also include material which is private to the practitioner. This part of the file may also contain test records, assessments, treatment plans or formal medico-legal reports. Practitioners need to be aware that under some State Acts a client may have qualified access to this part of the record or file.

The second part of the file, the client service record, is the less sensitive section and contains largely administrative material, including basic client demographics and contact details, the

record of service provision (dates and nature of each service), accounts and standard administrative forms. This section of the record may also contain formal correspondence with third parties and reports for the treating team or referrer, as such reports are often already shared with other professionals and ideally with client consent.

Definitions

Health information - as defined by the *Health Records Act* includes personal information that is about:

- An individual's physical, mental or psychological health.
- A disability of an individual.
- An individual's expressed wishes about the future provision of health services.
- A health service provided to the individual.
- Collected to provide a 'health service'.
- Collected in connection with the donating of body parts.
- Genetic information in a form that is, or could be, predictive of the health of an individual or any descendants.

Health information also includes information about a person who has been dead for less than 30 years.

Health services- as defined by the *Health Records Act, 2001*, includes activities that are intended or claimed by the individual receiving the service, or the organisation performing it, to assess, maintain or improve the individual's health, or to diagnose or treat an individual's illness, injury or disability. Disability services, palliative care services, aged care services and the dispensing of prescriptions for drugs or medicinal preparations by a pharmacist are also health services for the purposes of the *Disability Act, 2006.* Information collected to provide, or in providing, a health service falls within the definition of 'health information' and therefore must be handled under the Health Privacy Principles accordingly.

Health service provider –as defined by the *Health Records Act, 2001* includes an organisation to the extent that it provides a 'health service' in Victoria.

Information privacy – refers to the control of the collection, use, disclosure and disposal of information and the individual's right to control how their personal information is handled.

Personal information - according to the *Privacy and Data Information Act, 2014* means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the *Health Records Act, 2001* applies. The *Health Records Act, 2001* defines 'personal information' in a similar way to the *Privacy and Data Information Act, 2014*, but includes information about a person who has been dead for less than 30 years.

Sensitive Information means information or an opinion about an individual's –

- Racial or ethnic origin, or
- Political opinions, or
- Membership of a political association; or
- Religious beliefs or affiliations; or
- Philosophical beliefs; or
- Membership of a professional or trade association; or
- Membership of a trade union; or
- Sexual preferences or practices; or
- Criminal record –

that is also personal information.

Unique Identifier means an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the *Health Records Act, 2001*.

Key Legislative Elements

In Australia, privacy law generally relates to the protection of an individual's personal information. It enables services to collect information they need to perform their activities and/or functions – people are usually more willing to provide full and frank information if satisfied that it will be treated in confidence.

As Guidestar provides services that fall within the jurisdictions of human services delivery across both the Australian and the Victorian governments, Guidestar is obligated to ensure that the managing of clients' personal information conforms to both jurisdictions.

In general, the privacy law falls within the remit of the thirteen Australian Privacy Principles and/or the 10 Victorian Information Privacy Principles that are legislated through either the *Privacy and Data Information Act 2014,* or the *Health Records Act, 2001*.

On 13 February, 2017 the Australian Parliament passed the Privacy Amendment (Notifiable Data Breaches) Act 2017 (NDB scheme). As a result, from 22 February 2018 all entities covered by the Australian Privacy Principles (APPs) have clear obligations to report eligible data breaches. The NDB scheme only applies to data breaches involving personal information that are likely to result in serious harm to any individual affected. Guidestar is required to take all reasonable steps to ensure an assessment is completed within 30 days. If an eligible data breach is confirmed, as soon as practicable Guidestar must provide a statement to each of the individuals whose data was breached or who are at risk, including details of the breach and recommendations of the steps individuals should take. A copy of the statement must also be provided to the Office of the Australian Information Commissioner (OAIC) (See Appendix A).

Guidestar operates within the context of the National Disability Insurance Scheme (NDIS) which operates under the *National Disability Insurance Scheme Act, 2012* and the Bilateral Agreement between the Commonwealth Government and the Victorian Government.

Guidestar is registered as a disability service provider (in accordance with the Quality Safeguards stipulated by the National Disability Insurance Scheme) and is obligated to comply with certain legislative and regulatory provisions of the Victorian Government through the Department of Health and Human Services. It is required to comply with the privacy clause (clause 15) in the Service Agreement vis-à-vis complying with the *Victorian Privacy and Data Information Act, 2014* and the *Victorian Health Records Act, 2001.*

However, in relation to the delivery of disability services provided by Guidestar, as a Victorian service, there are additional requirements under the *Disability Act, 2006* relating to how and when information is provided and managed. The *Privacy and Data Information Act, 2014* and the *Health Records Act, 2001* both have provisions that state these Acts apply unless there is an inconsistency in another Act. If there is any inconsistency between the two Victorian privacy acts and the *Disability Act, 2006*, then Guidestar, as a disability service provider, must meet the requirements of the *Disability Act, 2006*. Guidestar should refer to Section 39 of the *Disability Act, 2006* under which it is an offence to disclose information about a person with a disability, where that information has been obtained through provision of a disability service or appointment to a position under the Act.

More recently, the Victorian Commissioner of Privacy and Data Collection is an independent statutory officer that has been established under the *Victorian Privacy and Data Protection Act, 2014* (which commenced on 17 September 2014). This legislation covers the handling of all personal information, other than health information, as well as covering protective data security, in the public sector of Victoria.

In summary, Guidestar must have an up-to-date policy that contains the following:

- The kinds of personal information that Guidestar collects and holds.
- How Guidestar collects and holds personal information.
- The purpose that Guidestar collects, holds, uses, and discloses personal information.
- How an individual may access personal information about the individual that is held by Guidestar and seek the correction of such information.
- How an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds Guidestar, and how Guidestar will deal with such a complaint.
- How Guidestar will deal with eligible data breaches.
- Whether Guidestar is likely to disclose personal information to overseas recipients.
- If Guidestar is likely to disclose personal information to overseas recipients – the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

Guidestar must ensure that the privacy policy is available, to those who request a copy, free of charge and in such a form as appropriate.

In developing this privacy policy, Guidestar has used the following summary of the principles to ensure compliance.

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
Health privacy principles summary	**Information privacy principles summary**	**Australian privacy principles summary**
1. Collection Only collect health information if necessary for the performance of a function or activity and with consent (or if it falls within HPP 1). Notify individuals about what you do with the information and that they can gain access to.	1. Collection Collect only personal information that is necessary to fulfill its functions. It must collect information only by lawful and fair means and not in an unreasonably intrusive way. It must provide the person with notice of the collection, including such things as the purpose of collection and how the person can access the information.	1. Open and transparent management of personal information Agencies are required to manage personal information in an open and transparent way. This includes: • Having procedures and systems in place that are reasonable in the circumstances to enable compliance with the new principles. • Have an up-to-date privacy policy that is easily understood and which contains information about the kinds of information collected; how the information is collected and whether it is likely that the agency will disclose personal information to overseas recipients.
2. Use and disclosure Only use or disclose health information for the primary purpose of which it was collected or a directly related secondary purpose the person would reasonably expect. Otherwise, you generally need consent.	2. Use and disclosure Use and disclose personal information only for the primary purpose for which it is collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.	2. Anonymity and pseudonymity Where it is lawful and practicable, individuals must be given the option of not identifying themselves when dealing with an agency. Options for anonymity include using cloaking devices, such as pseudonyms.
3. Data quality Take reasonable steps to ensure health information you	3. Data quality	3. Collection of solicited personal information

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
hold is accurate, complete, up-to-date and relevant to the functions you perform.	Make sure personal information is accurate, complete and up-to-date.	Collection only personal information that is necessary for or directly related to one or more of its functions and activities. An agency can only collect sensitive information if the individual consents to the collection, and the information is reasonably necessary or directly related to one or more of its functions or activities.
4. Data security and retention Safeguard the health information you hold against misuse, loss, unauthorised access and modification. Only destroy or delete health information in accordance with HPP 4.	4. Data security Take reasonable steps to protect personal information from misuse, loss, unauthorized access, modification or disclosure. An organization must take reasonable steps to destroy or permanently de-identify the personal information collected when it is no longer needed.	5. Dealing with unsolicited personal information When an agency receives unsolicited personal information it must determine whether or not it could have collected the information in line with APP 3. If: • it could, the other APPs apply to that personal information, or • it couldn't, then steps must be taken to either destroy the information or de-identify is so that is no longer contains personal information. This requirement does not apply if the information is contained in a Commonwealth record.
5. Openness Document clearly expressed policies on your management of health information and makes this statement	5. Openness Document clearly expressed policies on management of personal information and provides	6. Notification of the collection of personal information When an agency collects an individual's personal information it must take

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
available to anyone who asks for it.	the policies to anyone who asks for it.	reasonable steps to provide notification of collection.
6. Access and correction Individuals have a right to seek access to health information held about them in the private sector, and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.	6. Access and correction Individuals have a right to seek access to their personal information and make corrections. An organization may only refuse in limited circumstances that are detailed in the PDPA, for example where disclosure might threaten someone's safety.	7. Use or disclosure of personal information If an agency holds personal information about an individual collected for a particular purpose, the entity must not use or disclose it for another purpose unless: • the individual has consented to the use or disclosure, or • the use or disclosure of the information falls within the listed exceptions.
7. Identifiers Only assign a number to identify a person if the assignment is reasonably necessary to carry out your functions efficiently.	7. Unique identifiers A unique identifier is usually a number assigned to facilitate data matching. Use if unique identifiers is only allowed where an organization can demonstrate that the assignment is necessary to carry out its functions efficiently. There are also restrictions that are detailed in the PDPA on how organisations use unique identifiers assigned by other organisations.	8. Direct marketing This principle does not apply to agencies unless they are engaging in commercial activities.
8. Anonymity Give individuals the option of not identifying themselves when entering transactions with organizations where this is lawful and practicable.	8. Anonymity Give individuals the option of not identifying themselves when entering transaction with organizations if that would be lawful and feasible.	9. Cross-border disclosure of personal information Before an agency discloses personal information to an overseas recipient, it must take reasonable steps to ensure the recipient does not breach the APPs. This will generally require the agency to enter into a

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
		contractual relationship with the recipient.
9. Transborder data flows Only transfer health information outside Victoria if the organization receiving it is subject to laws substantially similar to the HPPs.	9. Transborder data flows Basically, if your personal information travels, your privacy protection should travel with it. Transfer of personal information outside Victoria is restricted. Personal information may be transferred only if the recipient protects privacy under standards similar to Victoria's IPPs.	10. Adoption, use or disclosure of government-related identifiers In general this principle does not apply to agencies.
10. Transfer or closure of practice of health service provider If you're a health service provider, and your business or practice is being sold, transferred or closed down, without your continuing to provide services, you must give notice to the transfer of closure to past service users.	10. Sensitive information The law restricts collection of sensitive information like an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.	11. Quality of personal information An agency is required to protect the quality of the personal information it collects, uses and discloses, and take reasonable steps to ensure that: • personal information collected is "accurate, up-to-date and complete", and • personal information is uses or discloses is "accurate, up-to-date, complete and relevant".
11. Making information available to another health service provider If you're a health service provider, you must make health information relating to an individual available to another health service provider if requested by the individual.		12. Security of personal information An agency must protect and in some cases destroy personal information. This obligation includes taking reasonable steps to: • protect personal information from misuse, interference and loss, and from unauthorized access, modification or disclosure, and

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
		• destroy or "de-identify" personal information that is no longer needed for a purpose for which it may be used or disclosed under the APPs, unless the information is in a Commonwealth record.
		13. Access An agency must provide access to an individual to their personal information subject to specific exceptions. This principle does not apply where an agency is required or authorized to refuse to give access under the *Freedom of Information Act 1992* or other legislation. The principle set out the procedural details for requests for access, such as: • time frames • means of access • access charges • procedures for refusal to grant access.
		14. Correction of personal information An agency must take reasonable steps to correct personal information it holds on an individual if: • it believes the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, or • the individual requests that it be corrected.

Victorian Health Records Act	Victorian Privacy and Data Information Act 2014	Commonwealth Privacy Act
		An agency is not obliged to maintain the correctness of personal information it holds at all times. However, when personal information is used or disclosed, an agency may need to correct it before use or disclosure if it is satisfied the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

Key Policy Principles

Guidestar collects and holds a varied of personal information about clients and employees. The main purposes for which Guidestar collects and holds information is:

- To enable clients to use and participate in services provided by Guidestar.
- To assist the client to navigate the National Disability Insurance Scheme, including planning and funding streams.
- To meet wider function needs of the company, including financial management, legal accountability and reporting requirements.
- To meet the requirements of legislation and regulatory matters.

When collecting personal information, Guidestar seeks to ensure it manages it in a manner consistent with all relevant privacy principles. To this end, the Guidestar privacy policy statement follows.

Policy Statement

Guidestar is required to comply with the Australian Privacy Principles (APP) in the Commonwealth *Privacy Act, 1988* and the Health Privacy Principles in the *Victorian Health Records Act, 2001*. Guidestar, in adopting best practice, also seeks to comply with the *Victorian Privacy and Data Information Act, 2014.*

As Guidestar will be providing services to potential clients accessing the National Disability Insurance Scheme (NDIS), Guidestar will be operating across Commonwealth and Victorian privacy principles. Guidestar will therefore be required to adhere to the Australian Privacy Principles and the Health Privacy Principles (Victorian) in relation to health information.

In situations where a client's health information is protected by both Commonwealth and Victorian privacy principles, then Guidestar must adhere to the Commonwealth principle as this takes precedence.

As Guidestar is an accredited a disability services provider in accordance with the *Victorian Disability Act, 2006* (refer to Section 39)[1] (as the vehicle to achieve compliance with the NDIS Quality Safeguards), for these specific matters only, the *Victorian Disability Act, 2006* will take precedence.

Scope

This policy and procedure applies to all members of the Board of Governance and to all employees and contractors of Guidestar.

Policy

Australian Privacy Principle 1: Open and Transparent Management of Personal Information

- Guidestar will make this policy publicly available on its website www.guidestarlife.com.au
- All clients entering service at Guidestar, who request a privacy brochure, will receive it free and in a form as is appropriate.
- Enquiries or complaints about the Guidestar Privacy Policy can be directed to the designated privacy officer.

  Office of the CEO
  Guidestar
  84 Hotham Street, Preston 3072
  Via e-mail on contact.us@guidestarlife.com.au
  Or by telephone on 03 9863 6816

  National Relay Service (NRS) for people who are deaf, hard of hearing or have a speech impairment:

  TTY users can phone 133677, then ask for 03 9863 6816.

[1] *Disability Act 2006 (Vic)* Section 39 (4) states: 'Sub-section (3) does not prevent the disclosure of information –
(a) to the extent that is reasonably required in connection with the performance of a duty or the exercise of a power or function under this or any other Act including without limiting the generality of this paragraph –
  (i) for the purpose of developing or maintaining and improving the information systems required to be maintained by sub-section (1);
  (ii) for the purpose of planning, managing, monitoring, evaluating and improving the provision of disability services and which is of a statistical nature;
(b) by a disability service provider to the Secretary of information of a statistical nature which the disability service provider is required to provide under this Act for the purpose of enabling the Secretary to perform functions conferred, and meet obligations imposed, on the Secretary under this Act or any Commonwealth Act;
(c) with the consent of the person to whom the information relates or of that person's guardian or of that person's next-of-kin if that is person is dead;
(d) to another person to whom sub-section (3) applies, if the disclosure is reasonably required in connection with the provision by that other person of services under this Act to the person to whom the information relates;
(e) to any person to the extent that is necessary in connection with the provision of care or treatment to the person to whom the information relates if the person to whom the information relates is unable to consent the disclosure and without the disclosure he or she may, in the opinion of the discloser, suffer detriment;
(f) to a court or tribunal in the course of a proceeding before it
(g) to the Minister
(h) to the Secretary
(i) to the Disability Services Commissioner
(j) to the Senior Practitioner
(k) to the Public Advocate
(l) to a person to whom in the opinion of the Minister it is in the public interest that the disclosure be made.

Speak & Listen (speech-to-speech) users can phone 1300 555 727, then ask for: 03 9863 6816

Internet relay users can connect to NRS on www.relayservice.com.au then ask for: 03 9863 6816

Telephone Interpreter Service (TIS)
Please call 131 450 if you require a language interpreter to contact us.

Australian Privacy Principle 2: Anonymity and Pseudonymity

- When a client makes an initial inquiry about using Guidestar goods and services, the staff member from Guidestar will give the client the opportunity of not identifying themselves, or choosing a nickname, unless it is unlawful or impracticable to do so.
- When the client enters into service with Guidestar, it is expected that the client will provide accurate personal information, even if using a nickname.

Australian Privacy Principle 3: Collection of Solicited Personal and Sensitive Information

- Guidestar only collects personal and sensitive information that is directly related to the legitimate purposes to enable the client to use services at Guidestar and in accessing goods and services from other providers they choose. This includes, but is not limited to, a client's contact details, date of birth, next of kin information and medical records, and in some instances, limited financial information. This may also include video or audio recordings for the purposes of assessment and/or training.
- Sometimes, Guidestar staff may form the opinion that more information is required about the client to ensure service planning and matching will meet the client's expectations. When this happens, the Guidestar staff person will discuss this with the client in a respectful manner and will seek written consent from the client prior to obtaining such information in a lawful and fair way. This will be recorded on the Consent to Share Information Form.
- Only in exceptional circumstances can information be collected from a third party, unless the third party has been authorised for disclosure at service commencement such as when a client is not competent or unable to provide information required for care provision. In these circumstances, it must be considered unreasonable or impracticable to obtain the information or consent from the individual concerned. The Guidestar staff member will discuss this with their supervisor (line manager) prior to implementing third party information collection and must provide a written file note attached to the client's file.
- Guidestar also collects personal information about staff during their employment. The personal information which may be collected includes: name, date of birth, residency status, gender, tax file number, banking details, superannuation details, qualifications, recruitment documentation e.g. referee reports, training attended, and other information.

Australian Privacy Principle 4: Dealing with unsolicited personal information

- On occasions, Guidestar staff may receive information about a client from an unauthorised third party. When this occurs, Guidestar will decide, within 14 calendar days, whether the information could have been obtained under APP 3. If Guidestar

forms the view that it could not, then the unsolicited personal information will be destroyed or the information de-identified.

- Where unsolicited personal information would normally be destroyed, Guidestar will not destroy and/or de-identify such information if it is considered there is a serious threat to health and safety of the client or a member of the public or if the destruction or de-identification would contravene Australian law.

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

- Guidestar will take reasonable steps to ensure that the client from whom the information is being obtained is aware of:
  - Guidestar's address and other contact details;
  - how the client can gain access to the information being collected;
  - the purpose for which the information is collected;
  - any third parties that Guidestar usually discloses the information to;
  - any law that requires the particular information to be collected;
  - consequences (if any) for the client if all or part of the information is not provided; and
  - whether any personal information needs to be disclosed to overseas recipients.
- Guidestar staff will take all reasonable measures to ensure that the information received and held is up to date. Records shown to be inaccurate or require updating will be amended and/or updated immediately the need is recognised.

Australian Privacy Principle 6: Use or Disclosure of Personal Information

- Guidestar will only use a client's personal information for the purpose that it is collected. The only exceptions where personal information will be disclosed are:
  - the client has provided written consent to a secondary use or disclosure;
  - lessening or preventing a serious threat to life, health, or safety;
  - taking appropriate action in relation to suspected unlawful activity or serious misconduct;
  - locating a person reported as missing;
  - reasonably necessary for establishing, exercising or defending a legal or equitable claim;
  - reasonably necessary for matters of a Commonwealth nature such as the defence force (refer to the APP for specific information);
  - necessary for certain Defence Force activities outside Australia;
  - conducting research; compiling or analysing statistics; management, funding or monitoring as part of the service agreement that Guidestar has entered into;
  - disclosure to a legal representative of the client; or
  - disclosing unique characteristics such as fingerprints information to an enforcement body.
- When such personal information is disclosed, a written file note must be attached to the client's file outlining the information disclosed and the reasons for disclosure.

Australian Privacy Principle 7: Direct Marketing

- Guidestar will not use or disclose personal information for the purposes of direct marketing, including providing and/or selling client information to third parties unless the

client has provided written consent for 'opting in' for this specific purpose or it is an obligation within the terms and conditions of a service contract that Guidestar has entered into.

- Where a client has consented to 'opt in', the client can request to 'opt out' of participating in any direct marketing at any time a client is using or participating in goods and services provided by Guidestar.

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

- Guidestar will not disclose personal information about a client to an overseas recipient unless:
  - The client has consented to the disclosure.
  - The recipient has made a written commitment to adhere to the Australian Privacy principles and there is no reason to doubt the commitment.
  - A permitted general situation exists such as:
    - lessening or prevention a serious threat to life, health or safety;
    - taking appropriate action in relation to suspected unlawful activity or serious misconduct;
    - locating a person reported as missing; or
    - necessary for matters of a Commonwealth nature such as the defence force. Refer to the APP for specific information.

Australian Privacy Principle 9: Adoption, Use or Disclosure of Government Related Identifiers

- Guidestar will not adopt a government related identifier of a client as its own identifier of the client unless the adoption of the government related identifier is required or authorised by law or a court/tribunal order, or a condition of a government service agreement entered into by Guidestar.

Australian Privacy Principle 10: Quality of Personal Information

- Guidestar staff will take all reasonable measures to ensure that the information received about the client is up to date. Records shown to be inaccurate or require updating will be amended and/or updated immediately the need is recognised. Please refer to Australian Privacy Principle 5.

Australian Privacy Principle 11: Security of Personal Information

- Guidestar will take reasonable steps to protect personal information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.
- Client management records (that may include personal, sensitive and health information) are stored securely and are accessible only to those who require the information.
- Where hard copy personal information is collected, it will be stored securely and remain accessible only to Guidestar staff.
- Where Guidestar no longer needs the personal information for any purpose for which the information may be used or disclosed, it will take all reasonable steps to destroy or ensure that it is de-identified unless the personal information is part of a State or

Commonwealth record, or Guidestar is required by or under State or Commonwealth legislation, or a court/tribunal order, to retain the information.

Australian Privacy Principle 12: Access to Personal Information

- If Guidestar holds personal information about a client, Guidestar will, on request (whether that be verbal or written) by the client, give the client access to the information within 30 calendar days unless Guidestar is authorised to refuse access by Section 1.12.2 as it relates to a specific State or Commonwealth legislation.
- Guidestar may refuse access to a client based on any of the following:
  - giving access would pose a serious threat to life, health or safety of any individual or to public health or public safety;
  - giving access would have an unreasonable impact on the privacy of other individuals;
  - the request for access is frivolous or vexatious;
  - the information requested relates to an existing or anticipated legal proceeding;
  - giving access would prejudice negotiations between the organisation and the individual;
  - giving access would be unlawful;
  - denying access is required or authorised by law or a court/tribunal order;
  - giving access would likely prejudice the taking of appropriate action in relation to suspected unlawful activity or serious misconduct;
  - giving access would be likely to prejudice an enforcement related activity conducted by, or on behalf of, an enforcement body; or
  - giving access would reveal evaluative information in connection with a commercially sensitive decision-making process.
  - The client will provide the request to the senior staff member at the site normally accessed. In the event that, for whatever reason, contact regarding a request for information cannot be made to the senior staff member at the site normally accessed, then the client should contact the designated Privacy Officer in the Office of the Chief Executive Officer as follows:

    Office of the CEO
    Guidestar
    84 Hotham Street, Preston 3072
    Via e-mail on contact.us@guidestarlife.com.au
    Or by telephone on 03 9863 6816.

Australian Privacy Principle 13: Correction of Personal Information

- Guidestar will take reasonable steps, or at the request of the client or staff member, to correct personal information to ensure that it is accurate, up to date, complete, relevant and not misleading.
- When Guidestar corrects personal information, it will:
  - respond within 30 calendar days, with the time period commencing on the next business day after the day Guidestar receives the request;
  - notify other relevant agencies of the correction/change if the correction/change is required to deliver services;

- advise the client of its reasons, in writing, and the complaint process of Guidestar if correction is refused and the option to make an associate statement;
- take reasonable steps to associate a statement with personal information it refuses to correct; and
- not charge an individual for making a request, correcting personal information or associating a statement.

- If there is a concern that Guidestar may have handled personal information inappropriately, a complaint may be lodged by contacting the designated Privacy Officer in the Office of the Chief Executive Officer.

Complaints

If an individual wishes to make a complaint in relation to matters relating to this policy they can do so by making their complaint in writing and sending it to:

Office of the CEO
Guidestar
84 Hotham Street, Preston 3072
Via e-mail on contact.us@guidestarlife.com.au

- All complaints will be dealt with under the Client Feedback and Complaints Policy.

Key Responsibilities

Role	Responsibility
Chief Executive Officer	Responding to all formal requests for information and managing all complaints submitted in accordance with the Policy.
All employees	Ensure that the record storage systems and the documentation being used comply with the provisions of the above legislation and this Policy.
Clients	Guidestar will ensure clients are aware of: • the Privacy Policy and where it can be obtained; • the need to provide accurate information including updating/correcting information; and • the consequences of not providing accurate information.

Related Documents

- Client Feedback & Complaints Policy
- Clinical & Practice Governance Framework
- Entry, Waiting List & Exit Policy
- Guardianship & Administration Policy
- Human Rights Policy
- Information about Services & Fees Policy

- Informed Consent Policy
- Quality Management Policy
- Risk Management Framework & Register
- Risk Management Policy & Procedure
- Whistleblower (Protected Disclosures) Policy

Related Legislation

Australian Charter of Healthcare Rights in Victoria
Australian Consumer Law
Australian Open Disclosure Framework, 2013
Carers Recognition Act, 2010 (Cth)
Carers Recognition Act, 2012 (Vic)
Charter of Human Rights and Responsibilities Act, 2006 (Vic)
Charter Supporting People in Care Relationships
Child Wellbeing and Safety Act, 2005 (Vic)
Children, Youth and Families Act, 2005 (Vic)
Civil and Administrative Tribunal Act, 1998 (Vic)
Disability Act, 2006 (Vic)
Disability Services Act, 1986 (Cth)
Health Records Act, 2001 (Vic)
Mental Health Act, 2014 (Vic)
Mental Health Statement of Rights and Responsibilities (Vic)
National Disability Insurance Act, 2013 (Cth)
NDIS Rules
Privacy Act, 1988 (Cth)
Privacy Amendment (Enhancing Privacy Protection) Act, 2012 (Cth)
Privacy Amendment (Private Sector) Act, 2000 (Cth)
Privacy Amendment (Notifiable Data Breaches) Act, 2017 (Cth)
Privacy and Data Protection Act, 2014 (Vic)
Public Records Act, 1973 (Vic)
Social Security Act, 1991 (Cth)
Working with Children Act, 2005 (Vic)
Working with Children Regulations, 2006 and 2016 (Vic)

Related Standards

Service	Quality Framework/Standard
Disability Services	National Standards for Disability Services (Commonwealth) Victorian Department of Health and Human Services Standards, as well as the following: • DHHS Client Critical Incident Instruction. • DHHS Systemic Improvement Procedure: Managing and reviewing adverse events.

Service	Quality Framework/Standard
	• DHHS Emergency Management (where relevant) (and associated documentation). • DHHS Safety Screening Policy (and associated documentation).
Mental Health Services	National Standards for Mental Health Services Principles of recovery orientated mental health practice Victorian Quality Improvement Framework for Health Care 2013 – 2022 Cultural responsiveness framework: guidelines for Victorian Health Services 2010 – 2013 (or the updated version). Vulnerable people in emergencies
Early Childhood	Victorian Early Childhood Intervention Standards Victorian Early Years Learning and Development Framework Child Safe Standards Incident Reporting for ECIS Providers Procedures and Forms for Early Childhood Intervention Standards for Service Providers Operating under the NDIS (under development)

Appendix A: Notifiable Data Breaches Scheme Flowchart