### Policy Statement

The purpose of this document is to provide a framework for Fairhaven services in dealing with privacy considerations. Fairhaven is committed to protecting the privacy of personal information, which the organisation collects, holds and administers. Personal information is information, which directly or indirectly identifies a person.

Fairhaven collects and administers a range of personal information for the purposes of providing a quality service. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

Fairhaven recognises the essential right of individuals to have their information administered in ways, which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in, supported by, our core values and philosophies, and reflected throughout this document, which is compliant with the Privacy Act 1988 (Cth).

Fairhaven is bound by laws, which impose specific obligations when it comes to handling information. Fairhaven has adopted the following principles contained as minimum standards in relation to handling personal information.

Fairhaven will:

* Collect only information which the organisation requires for its primary function;
* Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
* Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent;
* Store personal information securely, protecting it from unauthorised access; and
* Provide stakeholders with access to their own information, and the right to seek its correction.

### Responsibilities

Fairhaven’s Board is responsible for developing, adopting and reviewing this policy. Fairhaven’s CEO is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

Managers are responsible for:

* Monitoring and ensuring all appropriate action is taken where necessary
* Ensuring all personnel including volunteers have signed off on the policy
* Ensuring that all information received is upheld with the utmost privacy
* Ensuring that all relative incidents are recorded and reported
* Ensuring all external contractors/ volunteers and work experience staff are aware and have signed off on the confidentiality agreement

Coordinators and Supervisors are responsible for

* Ensuring that all staff and employees receive training in acceptable practices when communicating and dealing with privacy and confidentiality
* Ensuring that all support staff and workers uphold and promote strict guidelines around P&C
* Ensuring that all collected or supplied information is filed securely and protected

### PROCESSES

### Collection

Fairhaven will:

* Only collect information that is necessary for the performance and primary function of Fairhaven
* Collect personal information only by lawful and fair means and not in an unreasonably intrusive way
* Notify stakeholders about why we collect the information and how it is administered
* Notify stakeholders that this information is accessible to them
* Collect personal information from the person themselves wherever possible
* If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
* Collect Sensitive information only with the person’s consent or if required by law. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
* Fairhaven will also collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
* is physically or legally incapable of giving consent to the collection; or
* physically cannot communicate consent to the collection; or
* If Fairhaven collects information during the course of the activities of a non-profit organisation—the following conditions must be satisfied:
* the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
* at or before the time of collecting the information, Fairhaven inform the individual whom the information concerns that it will not disclose the information without the individual’s consent; and
* the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim
* Fairhaven will collect health information about an individual if:
* the information is necessary to provide a health or support services to the individual; and
* the information is collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation
* Determine, where unsolicited information is received, whether the personal information could have collected it in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified on destruction of their personal information)

### Use and Disclosure

Fairhaven will:

* Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose
* For other uses, Fairhaven will obtain consent from the affected person
* In relation to a secondary purpose, use or disclose the personal information only where:
* a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
* the person has consented; or
* certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
* In relation to personal information which has been collected from a person, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and Fairhaven has provided an opt out and the opt out has not been taken up
* In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out)
* In each direct marketing communication with the individual, Fairhaven draws to the individual’s attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications
* State in Fairhaven’s privacy policy (this document) whether the information is sent overseas and further will ensure that any overseas providers of services are as compliant with privacy as Fairhaven is required to be. Such disclosures will only be made if:
* the oversea recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
* the individual consents to the transfer; or
* the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre contractual measures taken in response to the individual’s request; or
* the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
* the organisation has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles
* In relation to the overseas transfer of personal information, if it is impractical for Fairhaven to receive the person’s consent to that transfer, Fairhaven must have sufficient reasons to believe that the person would likely give consent could they be contacted
* Provide all individuals’ access to personal information except where it is a threat to life or health or it is authorised by law to refuse and, if a person is able to establish that the personal information is not accurate, then Fairhaven must take steps to correct it. Fairhaven may allow a person to attach a statement to their information if Fairhaven disagrees it is inaccurate
* Where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties
* Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information
* Each written direct marketing communication with the individual must set out Fairhaven’s business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which the organisation can be directly contacted electronically
* If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety, and it is impracticable for Fairhaven to seek the individual’s consent before the use or disclosure, and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A of the Privacy Act 1988 (Cth), the organisation may make such a disclosure
* If Fairhaven has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
* Fairhaven may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:
* the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
* the enforcement of laws relating to the confiscation of the proceeds of crime;
* the protection of the public revenue;
* the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
* the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal

For the purpose of this Clause, Fairhaven must make a written note of the use or disclosure.

### Storage

Fairhaven will:

* Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure.
* Before Fairhaven discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. Fairhaven will have systems, which provide sufficient security
* Ensure that Fairhaven data is up to date, accurate and complete.

### Destruction and de-identification

* Destroy personal information once it is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
* Change information to a pseudonym or treat it anonymously if required by the person whose information Fairhaven holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

### Data Quality

Fairhaven will:

* Take reasonable steps to ensure the information Fairhaven collects is accurate, complete, up to date, and relevant to the functions we perform

### Data Security and Retention

Fairhaven will:

* Only destroy records in accordance with the Fairhaven’s Records Management Policy

### Openness

Fairhaven will:

* Ensure stakeholders are aware of Fairhaven’s Privacy Policy and its purposes
* Make this information freely available in relevant publications and on the organisation’s website.
* On request by a person, Fairhaven must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information

### Access and Correction

Fairhaven will:

* Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date
* If the individual and Fairhaven disagree about whether the information is accurate, complete and up to date, and the individual asks Fairhaven to associate with the information a statement claiming that the information is not accurate, complete or up to date, the Fairhaven will take reasonable steps to do so
* Fairhaven will provide to the individual its reasons for denial of access or a refusal to correct personal information
* Fairhaven can withhold the access of an individual to his/her information if:
* providing access would pose a serious and imminent threat to the life or health of any individual; or
* providing access would have an unreasonable impact upon the privacy of other individuals; or
* the request for access is frivolous or vexatious; or
* the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
* providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
* providing access would be unlawful; or
* providing access would be likely to prejudice an investigation of possible unlawful activity; or
* an enforcement body performing a lawful security function asks Fairhaven not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
* Where providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision making process, Fairhaven may explain the commercially sensitive decision rather than direct access to the information
* If Fairhaven decides not to provide the individual with access to the information based on the above-mentioned reasons, Fairhaven will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

### Identifiers

* Fairhaven will not adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may however adopt a prescribed identifier by a prescribed organisation in prescribed circumstances
* Fairhaven will not use or disclose the identifier assigned to an individual by a third party unless:
* the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
* the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances

**Anonymity**

* Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis

**Making information available to other organisations**

Fairhaven can:

* Release information to third parties where the person concerned requests it

Fairhaven may use video surveillance for security purposes and the footage will be used only by Fairhavenand by the providers of our security services for security purposes. Surveillance videos are not used by the Fairhavenfor other purposes and the footage is not publicly available. Surveillance cameras are not located in any bathrooms or change room facilities

### Job applicants, staff members and contractors

In relation to personal information of job applicants, staff members and contractors, Fairhaven’s primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be

The purposes for which the Fairhavenuses personal information of job applicants, staff members and contractors include:

* for insurance purposes;
* to verify and identify the person of interest
* to comply with Fairhaven’s employment policy and procedure including Fairhaven’s Code of
* Conduct
* to satisfy Fairhaven’s legal and compliance obligations

Where the Fairhavenreceives unsolicited job applications these will usually be dealt with in accordance with the unsolicited personal information requirements of the *Privacy Act 1988 (Cth).*

Volunteers

Fairhaven also obtains personal information about volunteers who assist Fairhavenin its functions or conduct associated activities, such as to enable Fairhavenand the volunteers to work together

Marketing and fundraising

Fairhaven treats marketing and seeking donations for the future growth and development of Fairhaven as important. Personal information held by Fairhaven may be disclosed to an organisation that assists in Fairhaven’s fundraising, for example, photographic images provided to Fairhaven’s under consent

### Disclosure

Fairhavenmay disclose personal information, including sensitive information, held about an individual to:

* Government departments;
* people providing services to Fairhaven (medical specialists) and;
* anyone you authorise Fairhaven to disclose information to

### Sending information overseas

The ***Fairhaven*** will not send personal information about an individual outside Australia without:

* obtaining the consent of the individual (in some cases this consent will be implied); or
* otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

**We do not use overseas providers of IT services including servers and cloud services.**

### Sensitive Information

In referring to ‘sensitive information’, Fairhaven means:

*“information relating to a person’s racial ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual*”.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

### Management and security of personal information

Fairhaven’s staff are required to respect the confidentiality of personal information and the privacy of individuals.

Fairhavenhas in place steps to protect the personal informationFairhaven holds from misuse, loss, unauthorised access, modification, interference or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.

Fairhaven has a data breach response plan, which Fairhaven would follow in the unlikely event of a privacy or data breach.

### Updating personal information

Fairhavenendeavors to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by Fairhavenby contacting their relevant Manager or the Human Resources Team at any time.

The Australian Privacy Principles and the Health Privacy Principles require Fairhavennot to store personal information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored.

You have the right to check what personal information Fairhavenholds about you. Under the Commonwealth Privacy Act, *Privacy Act 1988 (Cth)* and the Health *Records and Information Privacy Act 2002 (NSW), an* individual has the right to obtain access to any personal information, which Fairhaven holds, about them and to advise the Fairhavenof any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. To make a request to access any information the Fairhaven holds about you, please contact HR in writing, or email at AskHR@fairhaven.org.au

Fairhavenmay require you to verify your identity and specify what information you require. Although no fee will be charged for accessing your personal information or making a correction, Fairhavenmay charge a fee to retrieve and copy any material.If the information sought is extensive, Fairhaven will advise the likely cost in advance.

### Retention of Information

Under our Record Retention policy, your personal information that is no longer required will be de-identified or destroyed. In many circumstances, however, it will be kept for compliance purposes, as you will have consented to that in writing with us.

### Enquiries and privacy complaints

If you would like further information about the way Fairhavenmanages the personal information it holds, please contact Human Resources askhr@fairhaven.org.au If you have any concerns, complaints or you think there has been a breach of privacy, then also please contact Human Resources or the CEO. We will take any privacy complaint seriously and will aim to resolve the complaint in an efficient manner, we aim for a response time of 30 days.

If you remain dissatisfied with our response, you can make a formal complaint with the office of Australian Information Commissioner (The regulator responsible for privacy in Australian)

**Office of the Australian Information Commissioner (OAIC)**

*Complaints must be made in writing.*

Phone 1300 363 992

Mail GPO Box 5218 Sydney NSW 2001

Fax +61 2 9284 9666

## **References**

* Records Management Policy
* Privacy and [Confidentiality Policy](http://www.ourcommunity.com.au/files/policybank/ConfidentialityPolicy2015.doc)
* Information, Technology and Security Policy and Procedure