

# Capricorn Citizen Advocacy

## PRIVACY POLICY

<b>Policy number:</b>	<b>4.2.0</b>	<b>Approved by Management Committee:</b>	4 <sup>th</sup> April 2017
<b>Version:</b>	<b>2.0</b>	<b>Signed off by Executive:</b>	4 <sup>th</sup> April 2017
<b>Responsible person:</b>	<b>Coordinator</b>	<b>Scheduled Review Date:</b>	4 <sup>th</sup> April 2020

### Purpose

Capricorn Citizen Advocacy respects the privacy of all people including members, employees, advocates, protégés, advocate associates, donors and on-line users and it is committed to safeguarding the personal information that is provided to us.

The purpose of this privacy policy is to:

- Clearly communicate our personal information handling practices
- Enhance the transparency of Capricorn Citizen Advocacy
- Give individuals a more complete understanding of the sort of personal information that Capricorn Citizen Advocacy holds and the ways that we handle this information

### Policy

This policy and procedure applies to all Capricorn Citizen Advocacy members, protégés, advocates, advocate associates, employees, donors, business partners and online users.

The [Privacy Act 1998](#) and this policy do not apply to acts or practices which directly relate to employee records of Capricorn Citizen Advocacy's current and former employees.

#### 1. Definitions

**Personal Information** as defined by the [Privacy Act 1988](#) is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not.

**Sensitive Information** as defined by the [Privacy Act 1988](#) is information or opinion (that is also personal information) about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices or criminal record or health, genetic, biometric information or biometric templates, that is also personal information.

**The Website** means the Capricorn Citizen Advocacy website.

**Online Users** refers to anyone that accesses the Capricorn Citizen Advocacy website;

<http://www.capca.org.au>

## **2. Overview of Capricorn Citizen Advocacy's Programs and Services**

The mission of Capricorn Citizen Advocacy is to promote, protect and defend the personal wellbeing and interests of vulnerable people with disabilities who have unmet needs. This is in order to enhance and maintain their identity and role as human beings, growing and developing persons, and citizens. In particular, Capricorn Citizen Advocacy provides services in the form of independent advocacy to individuals with a disability in the community.

We will do this by establishing and supporting a range of individualised, unpaid personal relationships between such persons (Protégés) and valued, competent citizens (Citizen Advocates) who are prepared to facilitate appropriate support for, and to undertake committed and sustained relationships with, the person based upon the representation of their best interests.

In carrying out our mission Capricorn Citizen Advocacy engages volunteers and employees, and receives donations, funding and support from members of the community and governments.

Capricorn Citizen Advocacy also holds a service contract to deliver a State government advocacy program. In providing this program, we comply with the relevant state or national privacy principles and any obligations under the contract.

## **3. Outline of this Policy**

**'Part A – Personal Information Handling Practices'** explains our general information handling practices across Capricorn Citizen Advocacy including information about how we collect, use, disclose and store your personal information.

**'Part B – Files'** offers further detail by explaining our personal information handling practices in relation to specific Capricorn Citizen Advocacy functions. Here you can find out what sort of records we keep and why. You may find this section helpful if, for example, you have made an enquiry to Capricorn Citizen Advocacy and wish to know how we manage our enquiries files.

## **4. Part A – Our Personal Information Handling Practices**

### **(a) Our Obligations under the Privacy Act**

This privacy policy sets out how we comply with our obligations under the [Privacy Act 1988](#) (Privacy Act). We are bound by the [Australian Privacy Principles \(APPs\)](#) in the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

## **(b) Collection of Personal and Sensitive Information**

If you would like to access any Capricorn Citizen Advocacy services on an anonymous basis or using a pseudonym, please tell us. If this is possible and lawful, we will take all reasonable steps to comply with your request. However, we may not be able to provide the services in question if we are not provided with the personal information requested.

The nature and extent of personal and sensitive information collected by Capricorn Citizen Advocacy varies depending on your interaction with Capricorn Citizen Advocacy.

Capricorn Citizen Advocacy collects personal and sensitive information from advocates, protégés, donors, business partners, employees, Management Committee and online users. Further information about the kind of information collected from these groups and usage of such information is detailed below.

## **(c) Kind of information collected:**

- Contact details (name, address, telephone numbers, email etc.)
- Personal details including: date of birth, gender
- Emergency contact person details
- Details of current and previous employment (if necessary)
- Qualifications, driver's licence details
- Blue and yellow card details
- Languages spoken and written
- Information on personal issues and experiences, relationships
- Information regarding the disability experienced by people associated with our program
- Family background and supports protégés may have in the community
- Areas of interest
- Health information and/or medical history

## **(d) Purpose for which Capricorn Citizen Advocacy uses the Information:**

- to provide protégés supported by Capricorn Citizen Advocacy with the most appropriate services for their needs
- to meet any requirements of government funding for programs
- to monitor and evaluate existing services and plan for future services
- to produce annual reports
- to comply with legal obligations (eg [1.3.4.2 Child and Youth Risk Management Strategy](#))

## **(e) Additional Information**

Our website may from time to time contain links to other websites. Capricorn Citizen Advocacy stresses that when an online user access a website that is not our organisation's website, it may have a different privacy policy. To verify how that website collects and uses information, the user should check that particular website's policy.

#### **(f) How we Collect Information**

Where possible, we collect your personal and sensitive information directly from you. We collect information via telephone and in-person interviews, appointments, forms and questionnaires.

If you feel that the information that we are requesting, either on our forms or in our discussions with you, is not information that you wish to provide, please feel free to raise this with us.

In some situations we may also obtain personal information about you from a third party source. If we collect information about you in this way, we will take reasonable steps to contact you and ensure that you are aware of the purpose for which we are collecting your personal information and the organisations to which we may disclose your information, subject to any exceptions under the Act. For example, we may collect information about you from a health care professional, such as your doctor.

#### **(g) Health Information**

As part of administering our program, Capricorn Citizen Advocacy may collect health information. For example, Capricorn Citizen Advocacy collects health information (such as medical history) from some protégés. When collecting such health information from you, Capricorn Citizen Advocacy will obtain your consent to such collection and explain how this information will be used and disclosed.

If health information is collected from a third party (such as your doctor), Capricorn Citizen Advocacy will inform you that this information has been collected and will explain how this information will be used and disclosed.

Capricorn Citizen Advocacy will not use health information beyond the consent provided by you, unless your further consent is obtained or in accordance with one of the exceptions under the *Privacy Act 1988* or in compliance with another law.

#### **(h) Use and Disclosure of Personal Information**

We only use personal information for the purposes for which it was given to us, or for purposes which are related to one of our functions or activities.

For the purposes referred to in this Privacy Policy (discussed above under '*Collection of Personal and Sensitive Information*'), we may also disclose your personal information to other external organisations including:

- Government departments who provide funding for Capricorn Citizen Advocacy services;
- Doctors and health care professionals,
- Regulatory bodies,
- Referees and former employers of Capricorn Citizen Advocacy employees and volunteers, and candidates for our employee and volunteer positions; and
- Our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, Capricorn Citizen Advocacy will not disclose an individual's personal information to a third party unless one of the following applies:

- The individual has consented;
- The individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected);
- It is otherwise required or authorised by law;
- It will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety;
- It is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our activities;
- It is reasonably necessary to assist in locating a missing person;
- It is reasonably necessary to establish, exercise or defend a claim at law;
- It is reasonably necessary for a confidential dispute resolution process;
- It is necessary to provide a health service;
- It is necessary for the management, funding or monitoring of a health service relevant to public health or public safety;
- It is reasonably necessary for the enforcement of a law conducted by an enforcement body.

## **5. Part B – File Handling Practices**

### **(a) Contact Lists**

We maintain contact lists which include contact information about individuals who may have an interest in disability services and our organisation. We use these contact lists to distribute information about our activities and publications.

### **(b) Use and Disclosure of Contact Lists**

We only use personal information in contact lists for the purpose of managing stakeholder relationships. We do not personal information about an individual to other organisations or anyone else without consent unless the individual would reasonably expect or has been told that information of that kind is usually passed on to these organisations or individuals or the disclosure is otherwise required or authorised by law.

### **(c) Security of Personal and Sensitive Information**

Capricorn Citizen Advocacy takes reasonable steps to protect the personal and sensitive information we hold against misuse, interference, loss, unauthorized access, modifications and disclosure.

These steps include password protection for accessing our electronic IT system, securing paper files in locked cabinets and physical access restrictions. Only authorized personnel are permitted to access these details.

When the personal information is no longer required, it is destroyed in a secure manner, or deleted according to our [\*Policy 1.4.1 - Records Retention and Disposal Policy\*](#) and [\*1.4.1.1 - Records Retention and Disposal Schedule\*](#).

#### **(d) Access to and Correction of Personal Information**

If an individual requests access to the personal information we hold about them, or requests that we change that personal information, we will allow access or make the changes unless we consider that there is sound reason under the *Privacy Act 1988* or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made to the Coordinator (Privacy Officer; details of which are set out below). For security reasons, you will be required to put your request in writing and provide proof of your identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

In the first instance, Capricorn Citizen Advocacy will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Capricorn Citizen Advocacy databases and paper files, and which may be used on a day to day basis.

We will provide access by allowing you to inspect, take notes or print outs of personal information that we hold about you. If personal information (for example, your name and address details) is duplicated across different databases, Capricorn Citizen Advocacy will generally provide one printout of this information, rather than multiple printouts.

We will take all reasonable steps to provide access or the information requested within 14 days of your request. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

Capricorn Citizen Advocacy may charge you reasonable fees to reimburse us for the cost we incur relating to your request for access to information, including in relation to photocopying and delivery costs of information stored off site. For current fees, please contact the Privacy Officer.

If an individual is able to establish that personal information Capricorn Citizen Advocacy holds about her/him is not accurate, complete or up to date, Capricorn Citizen Advocacy will take reasonable steps to correct our records.

#### **(e) Denial of Access**

Access will be denied if:

- The request does not relate to the personal information of the person making the request;
- Providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety;
- Providing access would create an unreasonable impact on the privacy of others;
- The request is frivolous and vexatious;
- The request relates to existing or anticipated legal proceedings;
- Providing access would prejudice negotiations with the individual making the request;
- Access would be unlawful;
- Denial of access is authorised or required by law;
- Access would prejudice law enforcement activities;

- Access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the function or activities of Capricorn Citizen Advocacy;
- Access discloses a 'commercially sensitive' decision making process or information; or
- Any other reason that is provided for in the APP's or in the *Privacy Act 1988*.

If we deny access to information we will set out our reasons for denying access. Where there is a dispute about your right of access to information or forms of access, this will be dealt with in accordance with the complaints procedure set out below.

## **6. Privacy Complaints Procedure**

If you have provided us with personal and sensitive information, or we have collected and hold your personal and sensitive information, you have a right to make a complaint and have it investigated and dealt with under this complaints procedure.

If you have a complaint about Capricorn Citizen Advocacy's privacy practices or our handling of your personal and sensitive information, please contact our Coordinator (Privacy Officer; details of which are set out below)

A privacy complaint relates to any concern that you may have regarding Capricorn Citizen Advocacy's privacy practices or our handling of your personal and sensitive information. This could include matters such as how your information is collected or stored, how your information is used or disclosed, or how access is provided to your personal and sensitive information.

The goal of this policy is to achieve an effective resolution of your complaint within a reasonable timeframe, usually 30 days or as soon as practicable. However, in some cases, particularly if the matter is complex, the resolution may take longer.

Once the complaint has been made, we will try to resolve the matter in a number of ways such as:

- Request for further information: We may request further information from you. You should be prepared to provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.
- Discuss options: We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with our Privacy Officer.
- Investigation: Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- Conduct of our employees: If your complaint involves the conduct of our employees we will raise the matter with the employee concerned and seek their comment and input in the resolution of the complaint.
- The complaint is substantiated: If your complaint is found to be substantiated, you will be informed of this finding. We will then take appropriate agreed steps to resolve the complaint, address your concerns and prevent the problem from recurring.

- If the complaint is not substantiated, or cannot be resolved to your satisfaction, but this Privacy Policy has been followed, Capricorn Citizen Advocacy may decide to refer the issue to an appropriate intermediary. For example, this may mean an appropriately qualified lawyer or and agreed third party, to act as a mediator.
- At the conclusion of the complaint, if you are still not satisfied with the outcome you are free to take your complaint to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).
- We will keep a record of your complaint and the outcome.

We do not usually deal with anonymous complaints because we may be unable to investigate and follow-up such complaints. However, in the event that an anonymous complaint is received we will note the issues raised and, where appropriate, try and investigate and resolve them appropriately.

## **7. Changes to this Privacy Policy**

Capricorn Citizen Advocacy reserves the right to review, amend and/or update this policy from time to time.

We aim to comply with the APPs and other privacy requirements which are required to be observed under State Government contracts.

If further privacy legislation and/or self-regulatory codes are introduced or our Privacy Policy is updated, we will summarise any substantial modifications or enhancements in this section of our Privacy Policy.

## **8. How to Contact Us**

Individuals can obtain further information in relation to this privacy policy, or provide any comments, by contacting the Coordinator (Privacy Officer):

**Post:** PO Box 1175, Rockhampton, QLD, 4700

**Telephone:** (07) 4922 0299 or 0409 220 072

**Email:** [office@capricornca.org.au](mailto:office@capricornca.org.au)

### **Assisted Contact:**

If you are deaf, or have a hearing or speech impairment, do not speak English, or English is your second language, and you need assistance to communicate with us, please call SWITC (Support With Interpreting, Translating and Communication) on **(07) 3892 8559 or 1300 123 752**. (Deaf Services Queensland).

## Related Documents

1. 1.3.4.2 *Child and Youth Risk Management Strategy.*
2. 1.3.4.3 *Handling Disclosures or Suspicions of Harm, including Reporting Procedure*
3. 1.4.1 *Records Retention and Disposal Policy*
4. 1.4.1.1 *Records Retention and Disposal Schedule*

## References

1. *Privacy Act 1988*
2. *Privacy Amendment (Enhancing Privacy Protection) Act 2012*
3. *Child Protection Act 1999*
4. *Working with Children (Risk Management and Screening) Act 2000*
5. *Working with Children (Risk Management and Screening) Regulation 2011*

### Ratification

This statement was adopted by Capricorn Citizen Advocacy's Management Committee at its meeting held on: 04 / 04 / 2017.

SIGNED:

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President

SIGNED:

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Secretary

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(Date)

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