

ORGANISATIONAL PRIVACY



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Purpose:	To ensure that Jesuit Social Services meets its legal and ethical requirements in regards to the collection, storage and disclosure of personal information held.		
Relevant legislation and/or standards:	Privacy Act 1988, including the Australian Privacy Principles (Cth) Crimes Act 1914 (Cth) Criminal Code Act 1995 (Cth) Freedom of Information Act 1982 (Cth) Privacy and Data Act 2014 (Vic) Health Records Act 2001 (Vic) Health Records Regulations 2002 (Vic) Privacy and Personal Information Protection Act 1998 (NSW) Health Records and Information Privacy Act 2002 (NSW) Information Act 2002 (NT) Code of Health and Community Rights and Responsibilities (NT)		
Risk Awareness:	Governance, Commercial and Legal, Programs and Services, Financial, Human Resources, Strategic		
Related Documents:	Participant's Privacy Policy ILC Privacy Policy Request for Information Form Internal Privacy Audit Procedure, Checklist and Report Volunteer Agreement Workplace Privacy Employee Records Code of Conduct		
Scope:	All staff, students on placement, and volunteers		
Definitions:	Volunteer Record	In these Procedures, a Volunteer record is any record of personal information relating to the engagement of a volunteer. Examples of personal information relating to the engagement of the volunteer include all or any of the following: <ul style="list-style-type: none"> • The results of the volunteer's Police check or Working with Children Check, including disclosable offences • Referee names and contact details • The training, disciplining or exit of the volunteer • The volunteer's personal or emergency contact details • Health information about the volunteer • The volunteer's performance or conduct • The volunteer's hours of participation • The volunteer's interactions with Jesuit Social Services in other ways (i.e. being a sponsor). 	

Health information	As relevant to a workplace context, health information may include personal information about: <ul style="list-style-type: none"> • The health or a disability (at any time) of an individual • An individual's expressed wishes about future provision of health services to him or her • A health service provided, or to be provided, to an individual.
Personal information	The Act defines 'Personal information' as 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. Common examples are an individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.
Sensitive information	Sensitive information is a type of personal information and is defined by the Act as information about an individual's: <ul style="list-style-type: none"> • Racial or ethnic origin • Health information • Political opinions • Membership of a political association, professional or trade association or trade union • Religious beliefs or affiliations • Philosophical beliefs • Sexual orientation or practices • Criminal record • Genetic information • Biometric information that it is to be used for certain purposes • Biometric templates
Policy:	Jesuit Social Services is committed to respecting the privacy of volunteers, students on placement, participants, donors and supporters. The organisation is bound by the Australian Privacy Principles in the Privacy Act 1988 (Commonwealth) and relevant State Legislation.
Responsibilities:	Executive Director Finance and Organisational Processes, Executive Director People and Culture, Privacy Officer.

1. Principles

In collecting personal information Jesuit Social Services will comply with the Australian Privacy Principles (APP) set out in the *Privacy Act 1988*.

Jesuit Social Services is committed to ensuring the confidentiality, integrity and security of all information.

Jesuit Social Services is committed to:

- Being open and transparent in the way personal information is managed (APP 1) – see section 2
- Giving individuals the option of not identifying themselves or of using a pseudonym (APP 2) to the extent this is possible within the reasonable requirements of the relationship between parties - see section 2
- Collecting personal information consistent with APP 3 e.g. only collecting information that is necessary, collecting information directly where possible and being fair in the way the organisation collects information – see section 2
- Only dealing with unsolicited personal information as outlined in APP 4 - see section 2
- Taking reasonable steps to notify an individual, or otherwise ensure, that the individual is aware of this policy, 2.1.8 Organisation Privacy (APP 5) – see section 8

- Only using or disclosing personal information held under the circumstances as detailed in APP 6 e.g. only using and disclosing information in ways that the individual would reasonably expect – see section 3 & 4
- Only disclosing personal information for direct marketing purposes if certain conditions as outlined in APP 7 are met – see section 4
- Following the steps outlined in APP 8 to protect personal information in the event it is ever required to be disclosed overseas – see section 4
- Not adopting, using or disclosing government related identifiers of an individual (APP 9) – see section 4
- Ensuring the personal information collected, used or disclosed, is accurate, up to date, complete and relevant (APP 10) – see section 5
- Keeping the information collected secure (APP 11) – see section 5
- Providing access to the records held about a person, to that person upon request, pending verification of the entitlement of that person to request the information (APP 12) – see section 6
- Ensuring information held about individuals is correct and, if found to be incorrect, is amended to reflect accuracy, pending verification of the entitlement of that person to request the information (APP 13) – see section 7

2. Collection of information

In the course of its business, Jesuit Social Services will collect information from volunteers, associated organisations and third parties either electronically or in hard copy format including information that personally identifies individual people.

Jesuit Social Services will only collect personal information by fair and lawful means that is necessary for the functions of Jesuit Social Services (APP 3).

Individuals have the option of not identifying themselves or using a pseudonym unless either:

- Jesuit Social Services is required or authorised by an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- it is impractical for Jesuit Social Services to deal with individuals who have not identified themselves or who have used a pseudonym; or
- it is a requirement of funding agreements for the delivery of the funded service.

The following information is collected and stored by Jesuit Social Services:

- Personal and contact details
- Statistical information
- Communication such as e-mails, letters and documentation of phone conversations.
- Training, participation and assessment information
- Emergency contact details
- Record of valid Working with Children Check and Police Check
- Authority to Drive Form
- And in some circumstances information that may be considered sensitive.

In the event that personal information is collected from someone other than the individual, or the individual may not be aware that Jesuit Social Services has collected the personal information, Jesuit Social Services will take reasonable steps to notify the individual, or otherwise ensure that the individual is aware that Jesuit Social Services has collected the information and the circumstances of that collection.

Jesuit Social Services will only collect sensitive information about an individual if that individual consents to the collection of that information and that the information is reasonably necessary for one or more of Jesuit Social Services' functions or activities (APP 3).

In the event that Jesuit Social Services receives unsolicited personal information, a decision, within a reasonable period of receiving the information, will be made as to whether the information *could have been* collected under APP 3. If it is believed that this unsolicited information could not have been collected under APP 3 then the information will be destroyed or de-identified as soon as practicable but only if it is lawful and reasonable to do so.

3. Use of information

The information supplied by individuals will only be used for the purpose/s for which it was supplied, which in some circumstances may include to provide information about opportunities i.e. fundraising, promotion of events etc., or to enable efficient administration to provide services/supports and to maintain proper records. If an individual chooses not to provide certain information, then we may be unable to provide some services or provide appropriate information.

Jesuit Social Services will not adopt a government related identifier of an individual as our own identifier.

4. Disclosure of personal information

The Crimes Act 1914 (Cth) Section 70 states that it is a crime to publish or communicate a fact or document of a private nature, except if it is to an authorised person and for an authorised purpose.

Jesuit Social Services will not use or disclose an individual's personal information for a purpose other than what it was collected unless:

- the individual has consented to the use or disclosure of the information; or
- the individual would reasonably expect Jesuit Social Services to use or disclose the information for a different reason than for which it was collected; or
- Jesuit Social Services believes, on reasonable grounds, that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person; or
- the disclosure is required or authorised by, or under, law; or
- the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

Any person or organisation to whom personal information is disclosed as described in this policy is not permitted to use or disclose the information for a purpose other than the purpose for which the information was supplied to them.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, Jesuit Social Services shall include in the record containing that information, a note of the disclosure.

Jesuit Social Services will not disclose an individual's personal information to overseas recipients.

If Jesuit Social Services discloses personal information as per the above, a record of the use or disclosure must be made.

Jesuit Social Services will only disclose personal information for direct marketing purposes if each of the following are met:

- Jesuit Social Services collected the information from the individual
- The individual would reasonably expect Jesuit Social Services to use or disclose the information for that purpose

- Jesuit Social Services provides a simple way for the individual to request not to receive direct marketing communications
- The individual hasn't already requested to not receive direct marketing communications.

5. Security of personal information

Jesuit Social Services will store securely all records containing personal information and take all reasonable security measures to protect personal information collected from unauthorised access, interference, modification, misuse, loss or disclosure.

In the event of a suspected data breach, which may result in serious harm to any of the individuals to whom the information relates, Jesuit Social Services must carry out an assessment in a reasonable and expeditious manner. If, following the assessment, the organisation has reasonable grounds to believe there has been a data breach, a statement relating to the breach must be prepared and a copy provided to the Australian Information Commissioner and/or other relevant Privacy Authority in the State or Territory as soon as practical and then notify the affected individuals directly, or alternatively publish a copy of the statement on our website and take reasonable steps to have it publicised.

The organisation's Privacy Officer can be consulted for advice on process where a breach is suspected or confirmed.

6. Right to access records

Any individual has the right to access or obtain a copy of the personal information that Jesuit Social Services holds about them, providing the organisation can satisfactorily verify that the person requesting the information is the same person to whom the information belongs. In order to verify the right to access records or information, Jesuit Social Services may require the requestor to prove their identity and/or their lawful reason to access personal information.

Refer to Request for information form.

There is no charge for a volunteer, student on placement or donor, to access personal information that Jesuit Social Services holds about them. Individuals will be advised as to how they may access or obtain a copy of their personal information within a reasonable time of receiving their written request.

7. Amendment to records

If an individual considers the personal information that Jesuit Social Services holds about them to be incorrect, incomplete, out of date or misleading, they can request that the information be amended.

Where a record is found to be inaccurate, a correction will be made. Where a person requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment will be noted on the record.

Amendment of records is subject to satisfactory verification of the requestors right to make these changes, as per section 6.

8. Publication

In order to ensure that volunteers and students on placement have given their informed consent for their personal information to be disclosed to certain third parties as outlined in this policy, this policy is made available at Induction. Donors will be provided information on the organisation's privacy policy at the time of sharing personal information and provided the opportunity to access this policy if they desire.

If a person requests a copy of this policy in a particular form to assist accessibility/comprehension, Jesuit Social Services will take such steps as are reasonable in the circumstances to give the person or body a copy in that form.

9. Inquiries or Complaints

If a student on placement, volunteer or donor is unhappy with the way their privacy has been handled they should discuss this with the person responsible or that person's line manager if they feel comfortable to do so. If the matter is not resolved they should lodge a complaint with the organisation's Complaints Manager. Complaints can be made in writing (using the complaints form available on the website, or via email) or by telephone or in person. (For Employees refer to Workplace Privacy Employee Records Policy and Procedure).

If a volunteer or student is dissatisfied with the outcome of the internal privacy investigation a complaint can be made to one of the following bodies:

For complaints about a breach of the Australian Privacy Principles (Privacy Act 1988) contact The Office of the Australian Information Commissioner (OAIC).

If help is required with lodging a complaint with OAIC, their enquiries line 1300 363 992 can be called.

OAIC can receive privacy complaints through:

- Their online [Privacy Complaint Form \(https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us/\)](https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us/)
 - By mail (if there are concerns about postal security, the complaint by registered mail)
 - Post: GPO Box 5218 Sydney NSW 2001
 - Fax: +61 2 9284 9666
 - Email: enquiries@oaic.gov.au

For complaints about a breach of the Victorian Privacy and Data Act contact The Office of the Victorian Information Commissioner (OVIC).

Complaints to OVIC must be made in writing using:

- A form accessible via <https://ovic.vic.gov.au/privacy/for-the-public/complaints/>
- Post:
Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Victoria 3001
- Email: enquiries@ovic.vic.gov.au
- Telephone: 1300 006 842

For complaints about a breach of the Privacy and Personal Information Protection Act 1998 (New South Wales) contact the Information and Privacy Commissioner NSW via:

- Post: Information and Privacy Commission NSW
Level 17, 201 Elizabeth Street Sydney
GPO Box 7011
Sydney NSW 2001
- Email: ipcinfo@ipc.nsw.gov.au
- Telephone: 1800 472 679

For complaints about a breach of the Information Act 2002 (Northern Territory) use the online form available at <https://infocomm.nt.gov.au/contact> or:

- Phone: 08 8999 1500
- Freecall: 1800 005 610
- Fax: 08 8942 6512
- Email: infocomm@nt.gov.au
- Web: <http://infocomm.nt.gov.au>
- Address: Level 7, 9-11 Cavenagh St, DARWIN NT 0800
- Post: GPO Box 3750, DARWIN NT 0801

10. Privacy Audits

The Jesuit Social Services' Risk, Compliance and Systems Innovation team will undertake a privacy audit at selected sites annually to ensure best practice and compliance with relevant privacy legislation.

END OF DOCUMENT

Document history table

Version	Reason for update	Date approved
5	Added guidance on Acts	February 2018
6	Review due, minor updates	January 2023
7	Updated to include requirement to verify identity when requesting access to records.	February 2025