

# OPERATIONAL

## HEPATITIS NSW PRIVACY POLICY

Policy number		Version	007
Approved on	x/5/2003	Approved by	Andrew Smith
Responsible person	DCE	Scheduled review date	1/7/15

### INTRODUCTION

This policy is based on the 13 Australian Privacy Principles from the Privacy Act 1988.

The association accepts these privacy principles and this privacy policy conforms to them. While each principle contained in the guidelines is covered, many of the sub clauses do not apply to HNSW’s role and operations. If a situation arises that is not covered within this policy, the Privacy Amendment (enhancing Privacy Protection) Act 2012, the NSW Health Records and Information Privacy Act 2002 and other relevant legislation will take precedence over this policy.

This policy does not apply to employee records when the information collected is for employment purposes, as this is covered by separate legislation and policies.

### PURPOSE

The purpose of this document is to provide a framework for Hepatitis NSW (HNSW) in dealing with privacy considerations with regards to personal information collected, used, disclosed, secured, the accuracy of the information, and accessing the information.

### POLICY

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

HNSW 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 and supported by our core organisational values and philosophies.

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

HNSW will:

- Only collect information which the organisation requires to meet client needs and legislative requirements;
- 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.

This policy applies should HNSW provide advocacy services on behalf of any individual, including an employee.

## **DEFINITIONS**

**Personal information** is information that identifies or could identify an individual, e.g. name, address and telephone number.

**Health information** is that personal information which is specific to an individual's health or disability. This may include information about health services, referrals and advocacy.

**Sensitive information** is that personal information which may also be collected where relevant. This may include information such as ethnic origin, political opinions, sexual preferences or criminal record.

A **Client** is a person who approaches HNSW seeking information, support referral, membership, advocacy or other services.

# PRIVACY PROCEDURES

## RESPONSIBILITIES

HNSW's Board is responsible for developing, adopting and reviewing this policy.

The 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.

### Collection

1. HNSW will obtain consent from individuals before personal information is collected. This may not apply to professionals' information collected for referral purposes.
2. HNSW has internal policies and procedures to ensure that this policy is adhered to.

### Use and Disclosure

HNSW collects personal information:

- To facilitate the distribution of hepatitis and other relevant information.
  - To keep accurate financial records of HNSW membership.
  - To keep accurate records of individuals when HNSW provides advocacy services on their behalf.
  - Prior to employment or volunteer selection.
3. HNSW undertakes to keep any personal information collected confidential.
  4. Information about services and agencies is collected by HNSW and is given to clients, where appropriate, for referral purposes.
  5. HNSW does not release clients' personal information to other organisations or people without verbal or written consent from that client except where the provisions of the National Privacy Principles would allow such disclosure. Section 2.1 of the National Privacy Principles states that:

*2.1 An organisation must not use or disclose personal information about an individual for a purpose (the **secondary purpose**) other than the primary purpose of collection unless both of the following apply:*

- (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
  - (ii) the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose;
6. HNSW has in place a complaints procedure which can be used for breaches of this privacy policy.

### Data quality

7. HNSW undertakes to ensure that the information collected is maintained in an accurate and complete manner.

### Data security

8. HNSW undertakes to keep the personal information it collects in a secure place.

9. HNSW will grant access only to those staff who require that personal information as part of their job requirement.
10. HNSW undertakes to destroy all personal information when it is no longer required by statute or Hepatitis NSW's constitution. All personal records are kept as per legislation requires.

### **Access and Correction**

11. Apart from relevant staff who access information in the performance of their duties, personal information can be accessed and/or changed only by the person to whom it relates.

A copy of personal information collected by HNSW can be obtained by contacting HNSW administration section via:

- a) telephone, quoting membership number and address, or other means of verifying membership status.
  - b) a request in writing, quoting membership number and address.
12. When requested a copy of your personal information will be posted within 5 working days of the request being received.

Personal information can be amended via:

- a) telephone, quoting membership number and address, or other means of verifying membership status.
- b) a request in writing quoting membership number and address, or by completing a membership renewal form.

### **Identifiers**

13. HNSW does not use the identification or reference numbers of other organisations. We collect MIN information from prisoners in NSW only to facilitate the delivery of their mail.
14. HNSW will not disclose personal identifiers to other organisations or people without verbal or written consent from that client, except where provisions within the National Privacy Principles allow such disclosure (see point 6 above).

### **Information obtained by service users**

15. Service users involved in group work/peer support activities are likely to be aware of personal information about other service users and must be made aware of the need to respect their right to privacy.
16. Service users involved in group work/peers support activities will be asked to sign a participation agreement prior to their involvement outlining their responsibilities and disclosure risks from other members.
17. Hepatitis NSW will make service users aware of their responsibilities under these circumstances but cannot accept any liability for disclosure from this route.

### **Anonymity**

18. Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when communicating with Hepatitis NSW.

### **Correspondence**

19. When entering into correspondence with an individual that will contain sensitive personal information HNSW will:

- Check will the person concerned that they can be written to at their home address or make arrangements for letters to be collected or sent elsewhere
- Check whether correspondence should be marked private and confidential

#### **Trans-border data flows**

20. HNSW will not transfer or send any personal information outside Australia without prior written consent from the client.

### **RELATED DOCUMENTS**

- NSW Health Records and Information Privacy Act 2002  
<http://www.legislation.nsw.gov.au/fullhtml/inforce/act+71+2002+FIRST+0+N>
- Privacy Amendment (enhancing Privacy Protection) Act 2012  
<http://www.comlaw.gov.au/Details/C2012A00197>

### **AUTHORISATION**

[Signature of CEO]

[Name of CEO]

[Date]

Version	Date effective	Approved by	Amendment
001	May 2003		
002	October 2003		
003	February 2009		
004	April 2011		
005	14/07/2014	Andrew Smith	Style, version control, content update new privacy legislation
006			Removal of 2 points relating to withholding health and other sensitive information from clients