

## Privacy Policy

### Purpose

This policy applies to staff, volunteers, contractors and suppliers handling personal information on behalf of The Benevolent Society (**we, us, our**). The purpose of this policy is to outline how we collect, hold, use, disclose and store personal information, including sensitive information and how individuals may access and correct records containing their personal information or make a complaint on a breach of privacy.

Whilst this policy does not apply to the handling of employee records by us, we treat information collected about our employees with the same respect and diligence as all other confidential information.

### Policy Statements

1. We are committed to protecting the privacy and the rights of individuals in relation to their personal information.
2. We comply with *Privacy Act 1988* (Cth), the Australian Privacy Principles and other laws that impose specific obligations relating to handling personal information.
3. We take reasonable steps to implement practices, procedures and systems that will ensure we comply with Australian privacy laws and to deal with related inquiries and complaints.
4. We reserve the right to change this policy at any time and notify individuals by posting an updated version of the policy on the website.
5. We acknowledge and support your right to complain. The procedure for making a complaint and how we deal with a complaint is outlined below.
6. If an individual has any queries, concerns or feedback about this policy, they may contact us as follows:

### Privacy Officer

The Benevolent Society  
PO Box 171  
Paddington NSW 2021  
t 02 8262 3400

[privacy@benevolent.org.au](mailto:privacy@benevolent.org.au)

### Definitions

Term	Definition
Direct Marketing	means the promotion of goods and services directly to a person including through emails, SMS, phone calls and the post.

Health Information	<p>means a type of sensitive information and is:</p> <ul style="list-style-type: none"> <li>• information or an opinion about: <ul style="list-style-type: none"> <li>➤ the health or a disability (at any time) of an individual; or</li> <li>➤ an individual's expressed wishes about the future provision of health services to him or her; or</li> <li>➤ a health service provided, to be provided, to an individual, or</li> </ul> </li> <li>• other personal information collected to provide, or in providing, a health service;</li> <li>• other personal information about an individual collected in connection with the donation, or intended donation, by the individual of their body parts, organs or body substances; or genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.</li> </ul>
Personal Information	<p>means information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> <li>• whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.</li> </ul>
Sensitive Information	<p>Means a type of personal information and is:</p> <ul style="list-style-type: none"> <li>• information or an opinion about an individual's: <ul style="list-style-type: none"> <li>➤ racial or ethnic origin</li> <li>➤ political opinions</li> <li>➤ membership of a political association</li> <li>➤ religious beliefs or affiliations</li> <li>➤ philosophical beliefs</li> <li>➤ membership of a professional or trade association</li> <li>➤ membership of a trade union</li> <li>➤ sexual orientation or practices; or</li> <li>➤ criminal record,</li> </ul> </li> <li>• health information about an individual;</li> <li>• genetic information that is not otherwise health information;</li> <li>• biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</li> <li>• biometric templates.</li> </ul>

Key search terms: *privacy, information request, personal information*

## Regulatory Environment

We recognise that the management of personal information is governed by various laws, the primary laws being listed below. However, we also recognise other laws which exist to protect specific types of personal information arising from our service delivery, for instance, personal information of children, older people and those who receive our mental health and health services, for instance, child protection and older people laws in NSW and QLD.

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Privacy Act 1988 (Cth)  
 Privacy and Personal Information Protection Act 1988 (NSW)  
 Health Records and Information Privacy Act 2002 (NSW)  
 Information and Privacy Act 2009 (QLD)

### Document Details

<b>Division owner</b>	Legal
<b>Endorsed by</b>	General Counsel
<b>Approved by</b>	Chief Executive Officer
<b>Approval date</b>	30 May 2016
<b>Effective date</b>	1 July 2016
<b>Review date</b>	23 May 2019
<b>Related policies</b>	Legal Services Policy
<b>Related documents</b>	None
<b>References</b>	None
<b>Appendices</b>	None

### Version History

Revision details are listed in reverse order. That is the details of the most recent version appear first while the details of the oldest version appear last.

Version number	Revision description/Reason	Revised by	Date
1.0	Update to new policy template	General Counsel	26 April 2016

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## Appendix A

### 1. What kinds of personal information do we collect and hold?

This depends on the type of relationship an individual has with us, for example, whether the individual is a client, carer/guardian for a client, volunteer, prospective employee, donor or contractor. We will only collect information which is relevant to our relationship with the individual. Generally, we collect the following information:

- Personal Information - for instance, name, date of birth, contact details, financial details for payment of services or receipt of a donation.
- Sensitive Information –for instance, racial or ethnic origin, philosophical beliefs, sexual orientation or practices or criminal record, health information.
- Health Information - for instance, physical or mental health, notes of an individual's symptoms or diagnosis and the treatment given, specialist reports and tests results, appointment and billing details, prescriptions and other pharmaceutical purchases.
- Government identifier –for instance, drivers licence numbers, Medicare numbers and health care card numbers as part of our work with children, young people, families and older Australians.

We may record telephone conversations for quality, compliance and training purposes. If we do, we will always seek your express consent.

### 2. How do we collect and hold personal information?

We collect personal information only by lawful and fair means. Where practicable, we will collect personal information directly from the individual. If we receive information about the individual from someone else (for instance, from government agencies, a carer/guardian or someone who supplies services to us), we will take reasonable steps to either notify or ensure the individual is aware that we have collected their personal information and the circumstances of the collection.

Sometimes we receive personal information which we did not ask for. Most of the time, we don't retain this personal information but when we do we comply with applicable laws.

It's our standard practice to securely store personal information either in electronic or physical form. Personal information is stored in secured premises or in electronic databases that require passwords and logins. This protects personal information from misuse, loss, unauthorised access, modification or disclosure. We require employees, volunteers, contractors and suppliers to comply with applicable laws and this policy.

### 3. What are the purposes for which we collect and hold personal information?

Generally, we collect personal information reasonably necessary for one or more of our functions and activities. The specific purpose for which we collect and hold personal information will depend on the type of relationship an individual has with us, for example, whether the individual is a client, carer/guardian for a client, volunteer,

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prospective employee, donor or contractor. We will generally explain the purpose at the time we collect personal information or as soon as practicable afterwards.

To the extent that any personal information is sensitive, we recognise it requires a higher level of protection and therefore we only collect sensitive information in one of the following situations:

- where it is reasonably necessary for one or more of our functions and with an individual's consent;
- a permitted general or health situation applies. For example:
  - lessening or preventing a serious threat to life, health or safety
  - with respect to health information, it is necessary to provide a health service; or for conducting research, compiling or analysing statistics relevant to public health or public safety, management, funding or monitoring of a health service; or
- it is required or authorised by law or a court/tribunal order.

#### **4. What are the circumstances in which we can use or disclose personal information? (not applicable to direct marketing and government-related identifiers)**

We will only use or disclose personal information held by us for the purpose for which it was collected. However, we are permitted to use or disclose personal information held by us for another purpose than for which it was collected when:

- the individual has consented to this other use or disclosure;
- the individual would reasonably expect us to use or disclose their personal information for another purpose and that purpose is 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;
- a permitted general or health situation applies. For example:
  - lessening or preventing a serious threat to life, health or safety
  - with respect to health information, it is necessary to prevent a serious threat to the life, health or safety of a genetic relative; or we are disclosing to a responsible person of an individual, for instance, a guardian or carer; for research where it is impracticable to obtain consent and in accordance with specified guidelines on use or in the case of disclosure, we reasonably believe the recipient will not disclose the information; or
- it is required or authorised by law or court/tribunal.

We engage contractors, suppliers and mailing houses to maximise the quality and efficiency of our services. To the extent that these service providers may get access to personal information held by us and are authorised to use such information on our behalf, it is our standard practice to contractually require such service providers to comply with Australian privacy laws and not to keep this information or use it for unauthorised purposes.

#### **5. How do we use and disclose personal information for direct marketing purposes?**

We may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if the personal information is collected:

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- from the individual, the individual would reasonably expect us to use or disclose the personal information for direct marketing, we've provided a prominent statement about the option to 'opt-out' and the individual has not opted-out;
- from the individual and the individual would not reasonably expect us to use or disclose the personal information for direct marketing, the individual has given consent or it is impractical to obtain consent and there is an option to 'opt-out' and the individual has not opted-out;
- from a third party, the individual consents or it is impracticable to obtain consent (an individual may request from us details as to who provided us with their personal information by contacting our Privacy Officer), we've provided a prominent statement about the option to 'opt-out' and the individual has not opted-out; and
- for the purpose of meeting an obligation under a Commonwealth contract and the use and disclosure is necessary to meet such an obligation.

An individual may contact our Privacy Officer and 'opt out' of receiving direct marketing communications. Unless otherwise required by law, we will process this request within 28 days of receiving the request.

Where an individual has provided personal information (not sensitive information) to us in the course of providing a donation, we may occasionally share their personal information with other not-for-profit organisations, in order to help us find similar supporters. We require such organisations to comply with applicable privacy laws in relation to the management of personal information. By becoming our donor, an individual consents to us potentially sharing certain aspects of their personal information, such as name, address and contact details (including email), with such organisations. However, an individual may opt out of this arrangement at any time by contacting our Privacy Officer. We will process this request within 28 days of receiving the request.

We will only use and disclose sensitive information (including health information) for the purposes of direct marketing if an individual has consented.

## **6. How do we use and disclose government related identifiers?**

Individuals are not identified by any government related identifier unless permitted by law. We also do not use or disclose a government related identifier of an individual, unless:

- to verify the identity of the individual;
- to fulfil our obligations to the Government; or
- it is required or authorised by law or a court/tribunal order.

## **7. What happens if an individual does not provide us with or refuses to provide the information requested?**

If an individual does not provide us with the personal information requested or provides us with incomplete or incorrect information, we may not be able to provide our services to you.

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## **8. How may an individual access personal information about themselves that is held by us?**

An individual may access their information at any time. The request must be in writing and addressed to our Privacy Officer. The individual must send their request directly to us, and the request must clearly identify the individual and the information which they wish to access. An individual may also authorise another person to access their information on their behalf if the individual, for whatever reason, is unable to access it him/herself. This authority must be in writing and the individual must provide us with a copy of it. It must name the person whom the individual authorises to access their information.

On receiving the individual's request, and appropriate personal identification has been established, we will make available their information for them to inspect within a reasonable period of time (usually 30 days). We endeavour to provide access to personal information in the manner requested by the individual so long as it is reasonable and practicable to do so (considerations include volume, nature and/or any special needs of the individual requesting the information).

## **9. How can an individual correct their personal information?**

An individual may request an amendment to their personal information by contacting our Privacy Officer.

We will respond to your request within a reasonable period of time (usually 30 days). If your request to correct your personal information is refused we will provide written reasons for the refusal, details of the complaint handling process and keep a statement of the request for correction with the record.

## **10. Can we decline access to, or correction of, personal information?**

We can decline access to, or correction of, personal information in circumstances authorised or required by law. Where we refuse to give you access, we will give you written notice of the reasons for refusal if it is appropriate to do so.

## **11. How may an individual complain about a breach of privacy and how do we deal with such a complaint?**

If an individual believes that their privacy has been breached, the individual may contact our Privacy Officer and provide details of the incident so that we can investigate it. We will investigate the complaint and use reasonable endeavours to respond to the individual making the complaint within 28 days of receiving the written complaint. If we fail to respond to a complaint within 28 days of receiving it in writing or if the individual making the complaint is dissatisfied with the response that they receive from us, they may make a complaint to the applicable regulator.

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**12. Do we make cross border disclosures and if so, to which countries do we disclose personal information?**

In the conduct of our services, information may be disclosed to persons in other countries, including the USA, Canada and the UK. The privacy laws of those countries may not provide the same level of protection as the Australian privacy laws. However, this does not change our commitment to safeguard an individual's privacy and we will comply with all applicable laws relating to the cross-border data disclosure.

**13. Do we retain a record of personal information about all individuals with whom we deal with?**

Yes, if an individual contacts us, it is most likely we will keep a record of that contact.

**14. What situations can an individual deal with us anonymously or by using a pseudonym?**

There are limited circumstances where an individual can deal with us anonymously or by pseudonym. We will let an individual know if this is the case. If an individual refuses to provide us with necessary information we may not be able to provide our services to the individual.

**15. What are our retention or destruction practices and obligations?**

We will only keep personal information for the purpose for which it was collected, if it is part of a Commonwealth record or for legal reasons. All personal information which is no longer needed will be properly de-identified or destroyed.

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