

## Privacy Statement Policy

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## Policy Intention

A person has the right to have their personal information and privacy kept secure.

WEmpower Services must have practices and systems in place to ensure this occurs within every area of WEmpower Services business.

WEmpower Services is committed to providing quality services and your right to privacy and confidentiality will be recognised, respected, and protected in all aspects of your contact with us. This statement outlines our ongoing obligations to you in respect to how we manage your Personal Information.

## Relationship to other WEmpower Services Policies

<b>Book 1 - Service Delivery Policies:</b>		
Advocacy Policy		
Boating Policy		
Bullying & Harassment Policy		
Child Safety Policy		
Client Rights & Responsibilities Policy		
Driving of Client Vehicle Policy		
Diversity & Equal Employment Opportunities		
Dress Code Policy		
Feedback & Complaints Policy		
Freedom from Abuse, Neglect & Exploitation		
Informed Consent Policy		
Intake Policy		
Managing Allegations of Sexual Abuse		
Mobile Phone Policy		
Privacy Statement Policy		
Responding to Quality-of-Care Concerns		
Restrictive Practices Policy		
Risk Assessment Policy		
Safeguarding Policy		
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Service Access Policy
Service Agreements with Participants Policy
Staff Code of Conduct Policy
Staff Recruitment and Induction Policy
Support Planning Procedures
Transitions to and from the Provider Procedures

## Scope

This policy applies in all aspects of our business and is always applicable to:

- WEmpower Services Staff
- WEmpower Services Customers
- Contractors
- Volunteers and Students

## Definitions

- **Personal Information:** Information or an opinion about an identified individual, or an individual who is reasonably identifiable. Examples of personal information that we collect may include names, addresses, email addresses and phone numbers. This personal information is obtained in many ways including interviews, correspondence, by telephone and facsimile, by email, via our website and from third parties.
- **Sensitive Information:** Information or an opinion 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 orientation or practices; criminal record; or health information.
- **Responsible person:** For an individual is:
  - a parent of the individual; or
  - a child or sibling of the individual if the child or sibling is at least 18 years old; or
  - a spouse or de facto partner of the individual; or
  - a relative of the individual if the relative is at least 18 years old; and a member of the individual's household; or
  - a guardian of the individual; or

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- a person exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health; or
  - a person who has an intimate personal relationship with the individual; or
  - a person nominated by the individual to be contacted in case of emergency.
- **Pseudonym:** A false name or alias
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## What is WEmpower Services Policy

- We value your privacy and take reasonable steps to protect personal information received from customers, families, volunteers, prospective employees, service providers and community partners.
  - We are bound by the Privacy Act 1988 and Australian Privacy Principles as well as other related laws protecting privacy, including State and Territory health information legislation.
  - When you give your personal information to us, you consent to our collection, use and disclosure of your personal information in line with this Privacy Policy and any contract agreement or other arrangement between us (if any).
  - We take reasonable steps to make sure that the personal information we collect, use, or disclose is accurate, complete, up-to-date and relevant to what we do.
  - We only collect personal information from you that is necessary for us to do our jobs.
  - Photographs/ audio/ video may be taken of you, and we will seek your consent if these are to be used.
  - We complete billing and administration activities including measuring and assessing the level of support you receive.
  - We collect your personal information for our general business operations if you are contracted to or are employed by our:
    - suppliers (including service and content providers)
    - contractors
    - agents
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## What Information do we Collect?

### Your Personal Information

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The personal information that we collect will depend on your relationship with us and the service you have requested. It may include:

- your name, addresses, email address, phone number, date of birth, gender, identification details
- payment information in connection with a service
- needs and circumstances (such as living or financial circumstances)
- Internet Provider (IP) address or domain when using our website.
- if you use social media to interact with us, any information that you allow the social media site to share with us.
- your working history

## Your Sensitive Information

Sensitive information will only be collected if it is specifically required for operational reasons.

The sensitive information that we collect may include:

- racial or ethnic origin
- religious or philosophical beliefs or affiliations
- sexual orientation
- details of health, disability, or criminal record

There are some exceptions which include:

- we need to collect it by law.
- when the information is necessary for a legal claim

## Anonymity and Pseudonym

If you are receiving a service from us, you cannot be anonymous or use a pseudonym because we need your personal information to provide you the service.

## Government Identifier

- Sometimes we are required to collect government identifiers such as your tax file number, Medicare number or Pension card number.
- We do not use or disclose this information unless we need to by law, or you have consented to disclose this information to any third party who provide services to you.

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## How do we collect Personal Information?

We generally collect information directly from our clients when they choose us to be their service provider. However, sometimes we may need to collect information about a client from a third party, such as a parent, carer, guardian, other responsible person health service provider, government or similar agency or the customer's educational institution or workplace.

We do this if the client has consented for us to collect the information in this way or where it is not reasonable or practical for us to collect this information directly from the client.

- We meet with the client and their supports (if the client wishes) to discuss their needs for personal care, support, community participation & their personal goals.
- We advise them of the services that can be provided for them through WEmpower Services.
- Collaborate with the Client's Co-Ordinator (if they have one) or the client if not, to establish a plan that meets their needs, and fits their NDIS budget.
- Once a client makes the decision that they want us to be their service provider :
  - We explain what information we require and how it will be used, stored, and shared.
  - We provide the client with an **Authorisation and General Consent Form** which includes this information and by signing, the client gives WEmpower Services permission to use their information as outlined.
  - We then gather the information that we require to provide the services requested. To do this we utilise our **Service User Profile Form**. The information in the form is gathered from various sources including the Client, their Coordinator and supports, their NDIS Plan (if provided) etc.

*For further information about the Service Agreement process, please see our Service Agreements with Participants Policy.*

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## How do we Use and Disclose Your Personal Information?

- Provide our services.
- Record communication with you.
- Communicate with you by phone, email, and other electronic means to distribute our publications, promotional material, host events, raise awareness about our services and respond to queries and complaints.

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- Provide and improve services to our customers and their family members by:
  - Assessing, providing, and finding services, information, advice, and assistance. This includes supporting responsible persons' and others including third party service providers in your care and treatment.
  - Assessing what third party services including medical services, allied health, therapeutic or support services, may be needed or available to you.
  - Applying for and managing support from third parties including government and other sources. This support can be financial, administrative, social, medical, or most other supports you need.
  - Sharing information with service providers we deal with or people in your life who provide care or support of any kind.
  - Asking you if you are satisfied with our services.
- Work with contractors and service providers.
- We need to report to the government and other funding bodies on the services they fund us to provide. Reports cover demographic and service use information only – your personal information will not be passed on.

## People - Volunteers; Candidates for Volunteer Work and Prospective Employees

- Keep records of communication with you.
- Communicate with you by phone, email, and other electronic means to assess your eligibility for work placement or employment and respond to queries and complaints.
- When you apply for a position with us in order for us to assess your suitability for that or other positions.

### Online Users

- We collect anonymous data and use it to look at trends, run the websites, fix problems on sites' servers, track user's movement and gather broad demographic information for aggregate use and to help improve the quality of the web pages.
- None of this data can reasonably be used to identify you.
- Our website uses cookies for site administration purposes. If you do not wish to take advantage of cookies, you can change your browser settings to not accept them. This may inactivate some of the features of our website.
- Our website may also identify and use your IP address or domain name for Internet traffic monitoring and capacity purposes or to run the website. No personal information is collected. The pattern of what you do on our website may be tracked so we can improve the service and content based on aggregate or statistical review of these patterns.

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## Disclosure of information to overseas recipients

- It is rare that we disclose personal information to a recipient outside of Australia. In the event that this does occur, it will only be done when we have got your consent, and the recipient is subject to laws or binding schemes which are substantially similar to the Australian Privacy Principles.

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## How can your Personal Information be Used and Disclosed Without Your Consent?

We do not use or share your personal information with anyone without your written permission, unless we have concerns for your safety, or we are required to by law.

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## How we let you know about your rights?

WEmpower Services has an information pack that we provide to you that explains all about your Rights and Responsibilities, what you can expect from our services, our Feedback and Complaints Policy etc. They are:

- WEmpower Brochure
- Rights and Responsibilities Brochure
- Feedback and Complaints Brochure
- Advocacy Flyer
- NDIS Things to Consider Pamphlet

These pamphlets are provided to you while the Service Agreement is delivered at the time of your first or 2<sup>nd</sup> appointment.

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## How long do we keep your information and is it secure:

- The security of your personal information is a priority, and we have several physical and electronic measures which protect it. We make sure that:

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- Personal information is reasonably protected from misuse, loss, unauthorised access, modification, or inappropriate disclosure.
  - Electronic data is stored in a secure network and staff may only access that data which is needed to do their job.
  - When the personal information is no longer needed for the reason that we obtained it for, we take reasonable steps to destroy or permanently de-identify your information.
- We will retain and dispose of your Personal and Health Information in accordance with the State Records Authority of New South Wales *Functional Retention and Disposal Authority: FA306*.
  - We remind you that the Internet is not a secure environment. Although all care is taken, we cannot guarantee the security of information you provide to us through electronic means.

*For further information about how long we keep your information and how it is stored, please see our Client Records Management Policy and Procedure.*

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## How to Access your Personal Information?

- Generally, you have the right to access the personal information we have about you.
  - We handle requests for access to personal information in line with the Privacy Act.
  - The Privacy Act will tell you the exceptions where we are not required to provide you with access to your information.
  - If you would like a copy of personal information that we have about you, please send the request to us in writing so we can confirm your identity. You can do this by email, mail, or fax. The details are in the **contacting us** section.
  - We respond within 30 days after we receive your request.
  - We may charge you a fee for the administrative cost of providing the information to you. This will be dependent on where the information is stored or the time it takes us to respond to you request.
  - If for any reason we do not give you access to your personal information or do not give you access in the way that you requested, we will give you the reasons why we cannot give you access in writing unless it would be unreasonable for us to do so.
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## Maintaining the Quality of your Personal Information

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It is an important to us that your information is up to date. We will take all reasonable steps to make sure that your Personal Information is accurate and complete. If you find that the information we have is not up to date or is inaccurate, please advise us as soon as practicable so we can update our records and ensure we can continue to provide quality services to you.

## How do you Correct your Personal Information?

- If you believe your personal information held by us is inaccurate, incomplete, or out of date, you may contact us to request we correct your information.
- In most cases, we will amend any inaccurate, incomplete, or out of date information.
- Sometimes we are not able to correct your personal information in the way you have requested. For example, if we need to keep a record of what we knew or understood to be correct about your personal information at a particular time. If this is the case, we:
  - Let you know our reasons for refusing your request unless it would be unreasonable for us to do so.
  - Let you know how you may make a complaint about our decision if you wish to do so.
  - Take reasonable steps to note on our record of your personal information that you have said your information is inaccurate, incomplete, or out of date.

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## How do you contact us and lodge a Complaint?

If you have a complaint about how we have handled your personal information, you can make a complaint by **contacting us**.

- **Phone:** 02 65198732
- **In person:** at the WEmpower Office: Suite 3, Level 1, 146-150 Gordon Street, Port Macquarie NSW 2444
- **Online:** via WEmpower Website: [www.wempower.com.au](http://www.wempower.com.au)
- **Email:** [amy@wempower.com.au](mailto:amy@wempower.com.au)
- In writing via Printable WEmpower Feedback and Complaints Form posted to: Suite 3, Level 1, 146-150 Gordon Street, Port Macquarie NSW 2444
- In writing via Printable WEmpower Customer Satisfaction Survey posted to: Suite 3, Level 1, 146-150 Gordon Street, Port Macquarie NSW 2444

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- Once we have received your complaint, we will acknowledge receipt and advise you of a timeframe within which we will respond to you regarding the outcome of our investigation into the matter.
- We take any privacy complaint seriously and will deal with your complaint fairly and promptly.
- If you are not satisfied with our response or how we handled your complaint, you may complain to the Office of the Australian Information Commissioner through <http://www.privacy.gov.au> or <http://www.oaic.gov.au/>.
- A copy of all complaints associated investigations and decisions is recorded in the Feedback and Complaints Register.

*For further information about the Feedback and Complaint process, please see our Complaints and Feedback Policy.*

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## Consequences

WEmpower Services shall take appropriate disciplinary action against any employee who is responsible for, breaching the privacy of WEmpower Services clients by failing to follow the Privacy Policy and Guidelines.

Disciplinary action may include any of the following:

- a requirement to provide a written or verbal apology.
- a formal warning.
- a requirement to attend training or counselling.
- and dismissal.

*For further information about the Staff Disciplinary Procedures, please see our Staff Code of Conduct Policy*

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## Steps for Staff

1. Read and understand the policy and have sufficient skills, knowledge, and ability to meet the requirements
2. Always follow the requirements of the policy.

## Steps for Managers

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Step	What to do
1	Managers are responsible for reviewing and approval of this policy.
2	Managers are responsible for maintaining this policy, its related procedures, and documents.
3	Managers are responsible for ensuring that this policy is effectively implemented.
4	Managers must ensure that staff follow the policy.
5	Managers must ensure that staff have read and understand the policy, and have sufficient skills, knowledge, and ability to meet the requirements.
6	If a complaint regarding Privacy is received, refer straight to the WEmpower Services Feedback and Complaints Policy, and follow those procedures to proceed.

## Forms

1. Authorisation and General Consent Form
2. Service User Profile Form
3. Feedback & Complaints Notification form
4. Feedback & Complaints Register
5. WEmpower Services Trifold Brochure
6. WEmpower Services Feedback Brochure
7. Advocacy Flyer
8. Rights & Responsibilities Brochure
9. NDIS Things to Consider Brochure

## Legislation List for all WEmpower Services Policies

ADHC Risk and Safety Procedures, January 2016	Aged Care Act 1997 (Commonwealth)
Age Discrimination Act 2004	Anti-discrimination Act 1977 (NSW)
Associations Incorporation Act 2009	Australian Human Rights Commission Act 1986 (Commonwealth)

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Carer's Recognition Act 1974	Children & Young Persons (Care & Protection) Act 1988 <ul style="list-style-type: none"> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1998 Chapter 16A</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1988 Section 27</li> <li>Protection of Persons who make a Report</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1998 Restrictive Practices S158</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1988 Section 23 ROSH</li> </ul>
Children & Young Persons (Care & Protection) regulation 2012	Children's Guardian Act 2019 <ul style="list-style-type: none"> <li>Children's Guardian Act 2019 Section 28</li> </ul>
Commonwealth Privacy Act 1988	Commonwealth State and Territory Disability Agreement
Community Services (Complaints, Review & Monitoring) Act 1993	Corporations Act 2001
Crimes Act 1900 (NSW) section 66F	Disability Discrimination Act 1992 (Commonwealth)
Disability Inclusion Act 2014	Equal Employment Opportunity Act (1987)
Guardianship Act 1987 (NSW)	Health Records & Information Privacy Act 2002
Home and Community Care Act 1985	Mental Health Act 2007 (NSW)
Model Work Health and Safety Regulations 2011 (Cth)	National Disability Insurance Scheme Act (NDIS) 2013
National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2020	National Disability Insurance Scheme Rules (NDIS) 2018
National Standards for Disability Services 2013	NDIS (Incident Management and Reportable Incidents) Rules 2018
NDIS Practice Standards & Quality Indicators Jan 2020	NDIS (Restrictive Practices and Behaviour Support) Rules 2018 – Updated July 2020
NDIS Terms of Business	NSW Carers (Recognition) Act 2010
NSW Home Care Service Act 1988	NSW Protected Disclosures Act 1994
NSW Restrictive Practices Authorisation Policy June 2019	Occupational Health and Safety Act 2000 NSW
Ombudsman Act 1974	Principles for Child Safe Organisations
Privacy Act 1988 (Cth)	Privacy & Personal Information Protection Act 1998
State Records Authority of New South Wales <i>Functional Retention and Disposal Authority: FA306</i>	Statutory Procedures - Voluntary Out-Of-Home Care in NSW 2020

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The Advocate for Children and Young People Act 2014	The Australian Privacy Principles 2014
The Fair Work Act 2009	The Fair Work Regulations 2009
The Human Rights & Equal Opportunity Commission Act 1986	The National Employment Standards
The Racial Discrimination Act 1975	The Racial Hatred Act 1995 – Bullying
The Sex Discrimination Act 1984	United Nations Convention on The Rights of Persons with Disabilities
Universal Declaration of Human Rights	Work Health and Safety Act 2011 (Commonwealth)
Workers Compensation Act 1987 (NSW)	Workers Compensation Regulation 2010 (NSW)
Workplace Gender Equality Act 2012 (Commonwealth)	Workplace Injury Management and Workers Compensation Act 1998 (NSW)

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