



Privacy and Confidentiality Policy

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1. Introduction and Background

Marriott Support Services ABN 094 426 061 (“the Organisation”), is an Australian company limited by guarantee established in 1999. Prior to this, the Organisation operated as an unincorporated association since its inception in the late 1960s.

The Organisation’s mission is to offer people with disabilities choices and opportunities and its objective is that people with disability should have the same opportunities in life that those without a disability have. The Organisation’s values supporting its mission are Commitment, Integrity, Humility, Responsibility, Respect, Innovation and Engagement.

As a not-for-profit organisation with a turnover in excess of \$3 million, it is bound by the Australian Privacy Principles (APPs), which are contained in schedule 1 of the *Privacy Act 1998 Cth* (“the Act”). Additionally, the National Disability Insurance Scheme (“NDIS”) *Code of Conduct* requires workers and providers delivering NDIS supports to respect the privacy of people with disability.

Privacy Act 1988 (Cwth) as amended from time to time
Privacy Regulation 2013
Health Records Act 2001 (Vic)
Information Privacy Act 2000 (Vic)
Privacy Amendment (Notifiable Data Breaches) Act 2017
Privacy and Data Protection Act 2014 (Vic)
Freedom of Information Act 1982 (Vic)

2. What this Policy Covers

This policy covers how the Organisation must collect, use, disclose, store, secure and dispose of your personal information in accordance with the applicable APPs contained within the Act.

The APPs and their accompanying explanations are extensive and as recommended by the *Office of the Australian Information Commissioner*, for ease of understanding and navigating this policy they are not reproduced in this document. However, they may be accessed from *The Office of the Australian Information Commissioner* at website www.oaic.gov.au

3. Who this Policy is for?

This policy is for all clients, employees, applicants for employment, volunteers and subcontractors of the Organisation and the Organisation’s subsidiary entities, including individual directors, executive management and members of the Organisation.

4. What is Personal Information?

Personal Information is information or an opinion that identifies an individual. Examples of Personal Information we collect include: names, addresses, email addresses, phone and facsimile numbers as well as relevant employment, health and medical information.

This Personal Information is obtained in many ways including interviews, by electronic communications, referral documents and information from third parties.

5. What is Sensitive Information?

The APPs place more stringent obligations on APP entities when they handle '*sensitive information*'. Sensitive information is a type of Personal Information and includes information about an individual's:

- health
- racial or ethnic origin
- 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
- biometric information that is to be used for certain purposes
- biometric templates.

Clients

The Organisation will not collect sensitive information from you as a client unless you consent (and/or your carer consents, dependent on your capacity to provide informed consent) and it is reasonably necessary for, or directly related to the Organisation's activities or functions in providing supports and services to you.

Employees, Applicants for Employment and Volunteers

The Organisation will not collect sensitive information from you as an employee, applicant for employment or volunteer unless you consent and it is reasonably necessary for, or directly related to your employment, application for employment or volunteer duties for the Organisation.

6. Why Do We Collect Personal Information?

Clients

We collect your Personal Information for the primary purpose of providing our services and supports to you, including sensitive information relating to health to ensure your wellbeing while participating in our services and the suitability of the particular support or service for you. We may also use your Personal Information for secondary purposes closely related to the primary purpose, in circumstances where you would reasonably expect such use or disclosure, such as notification of new or amended services that may be of interest to you.

When we collect Personal Information we will, where appropriate and where possible, explain to you (and where applicable your carer) why we are collecting the information and how we plan to use it.

In some cases, where consent to the collection of Personal Information is denied or subsequently rescinded, the Organisation may be unable to provide you with certain supports or services.

Employees, Applicants for Employment and Volunteers

Personal Information for all employees, applicants for employment and volunteers is collected for the primary purpose of statutory requirements relating to employment law and record keeping, taxation law, occupational health and safety requirements and other statutory compliance obligations.

In some cases, where consent to the collection of Personal Information is denied, the Organisation may be unable to proceed with further consideration in regard to an offer of employment.

7. Third Parties

Where reasonable and practicable to do so, we will collect your Personal Information only from you. However, in some circumstances we may be provided with information by third parties. We will take reasonable steps to ensure that you are made aware of the information provided to us by a third party and that you may verify the correctness of the information.

8. Disclosure of Personal Information

Clients

Any disclosure of your disability will only be made with your knowledge (and/or your carer, dependent on your capacity to provide informed consent) and both in a positive manner and on a need to know basis. The Organisation shall not communicate, publish, release or disclose any of your Personal Information except:

- (i) as reasonably required to maintain or deliver supports or services, including those related to the NDIS, or government funding for supports or services; or
- (ii) as required to enable your employment; or
- (iii) in the course of assisting you to access training or search for employment; or
- (iv) as directed by you; or
- (v) as otherwise required by law; and

only with your informed consent (and/or that of your carer, dependent on your capacity to provide informed consent), or as required and authorised by law.

Employees, Applicants for Employment and Volunteers

The Organisation shall not communicate, publish, release or disclose any Personal Information regarding any employee, applicant for employment or volunteer, except:

- (i) as required to reasonably enable your employment; or
- (ii) in the course of assisting you to access employment related training; or
- (iii) as directed by you; or
- (iv) as otherwise required by law; and

only with your informed consent, or as required and authorised by law.

9. Security of Personal Information

Your Personal Information is stored in a manner that reasonably protects it from misuse and loss and from unauthorised access, modification or disclosure. We will store most of the information we hold about you electronically while some information we hold about you will be stored in paper files.

We use a range of physical, electronic and other security measures to protect the security, confidentiality and integrity of the Personal Information we hold including:

- information security such as passwords to control access to computer systems;
- privacy training for our employees so that they know how to keep your information safe and secure;

- physical security such as locks and security systems, over our paper and electronic data stores and premises;
- access management controls to prevent unauthorised people accessing our systems;
- firewalls and intrusion detection software for our computer systems.

When your Personal Information is no longer needed for the purpose for which it was obtained, we will take reasonable steps to destroy or permanently de-identify that information. However, most Personal Information is, or will be, stored in files which will be kept by us for a minimum period of 7 years.

10. How We Will Handle a Data Breach?

In the event of any loss, or unauthorised access or disclosure of your personal information that is likely to result in serious harm to you, we will investigate and notify you and the *Office of the Australian Information Commissioner* as soon as practicable, as required under Australian Privacy law.

11. Access to your Personal Information

Clients

You may access the Personal Information we hold about you. The Organisation will not charge any fee for your access request but may charge an administrative fee for providing a copy of your Personal Information. Your request should include a detailed description of the information required. We will try to provide you with the information as soon as is practicable or in any case within 30 days of your request and we will keep you updated on the progress of your request.

In situations where you may not have been associated with the Organisation for a period of time, to protect your Personal Information we may require identification from you before releasing the requested Personal Information.

Your request should be directed to the Chief Executive Officer whose contact details are included below.

Employees, Applicants for Employment and Volunteers

Your request to access your Personal Information held by the Organisation should be directed through your supervisor (or for employment applicants the staff member conducting the recruitment process) who will promptly direct the request to the appropriate staff member authorised to access the Organisation's employment records.

12. What if we cannot provide you access to information?

In some cases, we can refuse access or only give you access to certain information (such as if this access may interfere with the privacy of other individuals or if this access may reveal commercially sensitive information). If we are unable to provide you with access to your information, we will inform you of the reasons why. If this is the case, you may forward a complaint about this refusal to the external bodies listed in the *Complaints* section of this policy.

13. Maintaining the Quality of your Personal Information

You have a right to request a correction to Personal Information we hold about you and it is important to us that your Personal Information is correct. There is no point in our maintaining any information that is not up to date and accurate.

If you do find that the information we have is inaccurate or believe it may now be out of date, please advise us as soon as practicable so we can correct our records.

14. Complaints

Clients

You, your carer, friend, advocate or a family member can provide feedback or make a complaint about inaccurate or out of date records, breaches of privacy or confidentiality either verbally or in writing. While such a complaint may be made to the external agencies listed, in almost all cases it will be both more practical and allow for quicker resolution, if the complaint is made direct to the Organisation at first instance.

A complainant dissatisfied with the Organisation's response, maintains a right to forward their complaint to the external agencies listed. Where a complaint is made to the Organisation the complaint will be:

- acknowledged promptly;
- processed in a timely manner, with achievable deadlines specified;
- all parties involved will be given reasonable opportunity to respond;
- you or your nominated representative will be:
 - kept informed of the progress of the matter; and
 - will be informed promptly of the decisions made and the reasons for the decisions.

Complaints made to the Organisation will be addressed discreetly and objectively with confidentiality and privacy being maintained at all times. The complaint process will be conducted in accordance with principles of natural justice and the Organisation's *Complaints Handling* policy. Complaints about breaches of confidentiality or privacy can be made to:

The Chief Executive Officer

Marriott Support Services

Tel: 9555 0777

Email: ceo@marriott.org.au

Post: 15a, 56 Keys Road
CHELTENHAM VIC. 3192

STOPline

(Marriott's Independent Whistleblower Service)

Tel: 1300 304 550

Commissioner for Privacy and Data Protection

Tel: 1300 664 444

Email: enquiries@cpdp.vic.gov.au

Post: PO Box 24014
MELBOURNE VIC. 3000

Office of Victorian Information Commissioner

Tel: 1300 666 444

Email: enquiries@ovic.vic.gov.au

Post: PO Box 24274 Melbourne VIC 3001

Australian Information Commissioner

Tel: 1300 363 992

Email: enquiries@oaic.gov.au

National Disability Insurance Agency

Tel: 1800 800 110

Information on lodging a complaint with the NDIS is at <https://www.ndis.gov.au/about-us/contact-us/feedback-complaints>. Generally, a complaint about inaccurate or out of date records, breaches of privacy or confidentiality referred to the NDIS would need to involve supports or services provided through the NDIS. A complaint form is available at <https://www.ndis.gov.au/about/contact-us/feedback-complaints/complaint-form.html>.

NDIS Quality and Safeguards Commission contactcentre@ndiscommission.gov.au 1800 035 444

Employees, applicants for employment and volunteers

Employees and volunteers are required to follow the Organisation's *Complaints Handling* policy in forwarding a complaint about inaccurate or out of date records, breaches of privacy or confidentiality.

A complaint from an applicant for employment may be made to the staff member conducting the employment process who must follow the Organisation's *Complaints Handling* policy. Where an applicant for employment feels it inappropriate to make the complaint to the staff member conducting the employment process, for example the complaint involves that person, the complaint may be forwarded at first instance to the CEO or STOPline as listed above.

In all cases, a complainant retains the right to forward complaints to the external organisations listed above.

15. Who is Responsible for this Policy?

The Organisation's board of directors though the Company Secretary is responsible for monitoring compliance with this policy and reviewing this policy to ensure that it is operating effectively.

16. Review of this Policy

As a category "A" policy document, approved on 23/08/ 2019, it is due for review annually and therefore before 23/08/2020.

17. Supporting Documents

This policy is supported by a range of other policies and information documents which assist in providing guidance and structure to the Organisation's activities. These include but are not limited to:

- *Risk Management policy;*
- *Code of Conduct;*
- *Complaints Handling policy;*
- *Corporate Governance policy.*
- *Advocacy*

18. Policy Accessibility

This policy is available in Easy English and locatable to all persons mentioned in section 3 including on the Organisation's website as well as the internal policy document library.

APPENDIX A

Version	Approval Date	Summary of Changes from Previous Version
4	23/08/2019	<p>Contents page added.</p> <p>Reference to NDIS <i>Code of Conduct</i> added to section 1.</p> <p>Reference to the Australian Privacy Principles and the statutory requirements of the <i>Privacy Act</i> 1988, included in sections 1 and 2.</p> <p>Section 2 <i>What this Policy Covers</i> added.</p> <p>Section 3 <i>Who is this Policy For?</i> added.</p> <p>Sections 5, 6, 8, 11 and 14 have layered responses added to reflect differences between processes for clients to those of staff, applicants for employment and volunteers.</p> <p>Section 9 <i>Security of Personal Information</i> added.</p> <p>Section 10 <i>How We Handle a Data Breach</i> added, referencing OAIC reporting requirements.</p> <p>Section 11 dealing with information access has response times added.</p> <p>Section 12 <i>What if We Cannot Provide You Access to Information?</i> added.</p> <p>Section 16 <i>Who is Responsible for This Policy</i> added.</p> <p>Section 17 <i>Review of this Policy</i> added.</p> <p>Section 18 <i>Policy Accessibility</i> added.</p> <p><i>Appendix A</i> added.</p>