



Legacy Brisbane Policy

PRIVACY, CONFIDENTIALITY AND DATA MANAGEMENT POLICY

Policy Number: 013

Effective Date: AUGUST 2017

Approving Authority: CEO Brisbane Legacy

Sponsor: Human Resources & Training Officer

Web address: www.legateguide.org.au

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Purpose Legacy Brisbane is committed to protecting the privacy of all clients, employees, Legatees, volunteers and agents and ensuring that personal information held by Legacy Brisbane is handled responsibly and transparently. Legacy Brisbane will take all reasonable and appropriate steps to protect the privacy of individuals as required by the Privacy Act 1988 (Cth) the Australian Privacy Principles, Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth), Legacy Australia Incorporated By-Laws and other relevant legislation.

Policy Statement Legacy Brisbane will protect the confidentiality and privacy of the information collected, used and stored for the business of Legacy and identify and notify of any breaches as outlined in the policy and relevant legislations.

Who should read this policy CEO Legacy Brisbane, Board of Directors, employees, Legatees, volunteers, agents and clients of Legacy Brisbane.

Scope This policy applies to all employees, Legatees, volunteers and agents working for Legacy Brisbane.

Definitions *Corporate Information* – all information relating to any and all Legacy matters that is not personal information.

Personal Information – information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in material form or not. Handling of personal information held by Legacy Brisbane is regulated both the Privacy Act 1988 (Cth) and the Australian Privacy Principles.

Consent – means expressed permission or implied permission.

De-identified personal information – if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Not-Desirous – no longer having a desire or wish for instance, incapacitated, or in a nursing home, or no longer communicating their needs, or no longer communicating with Legacy Brisbane.

Policy **Types of Information Collected**

Where relevant to our current business operations Legacy Brisbane collects personal information including:

- Contact information (both home and work) such as full name (first and last), e-mail address, current postal address and phone numbers;
- Date of Birth;

- Your membership history;
- If you are an employee or a job applicant, your employment details including your job title, training and skills and the information provided in your resume and by your referees, former employers, educational institutions, performance reports and any formal complaints made by you or about you and their outcome¹;
- Financial details including where applicable your Tax File Number and insurance policies;
- Information regarding your financial situation if you are seeking financial assistance for your health and family;
- Information regarding your personal and family situation where you are seeking emotional support, information and/or referrals to other services or organisations;
- Details relating to goods and services supplied to you including the events and activities in which you have participated;
- Details relating to donations or bequests that you have made or would like to make;
- Any relevant payment or billing information (including banking details, credit card details, billing address and invoice details);
- User names and passwords;
- Health information and other relevant sensitive information;
 - Collection of health records (examples, but not limited to, physical disability or mental health) may assist in the processing of claims with the Department of Veteran’s Affairs (DVA), Veterans’ Review Board (VRB) or seeking financial assistance through Legacy Brisbane; and
 - Legacy Brisbane promotes thorough screening of all Legacy Brisbane Representatives. This may include collecting, storing and disclosing where consent has been provided for Criminal History Checks (also in support of working with vulnerable people) and Working with Children checks (Blue Card).
- Full Military Service records.

Collecting Personal Information

Legacy Brisbane collects personal information to enable the conduct of high quality services in support of the functions, goals and clients of Legacy Brisbane. Personal information will only be used for the purpose for which it was provided. Only that personal information that is reasonably necessary for Legacy Brisbane to carry out its obligations will be collected. The types of personal information collected by Legacy Brisbane include the following:

¹ Legacy Brisbane Policy 011 Grievance Resolution Policy and Procedure.

- General personal information that may identify an individual such as name, address, telephone number/s, email address, Military Service History;
- Health information, including information about an individual's health or disability;
- Sensitive information, including information about an individual's racial or ethnic origin or criminal record; and
- Military Service History.

Personal information is collected by means of clients, employees, Legatees, volunteers, agents and Members completing applications or enrolments forms, pension application, client assessments, Blue Card applications, consent to check police records and case records. This may be completed in person, online, by mail or telephone.

Personal information will only be collected directly from the relevant individual and with the individuals consent. When collecting personal information Legacy Brisbane will take all reasonable steps to inform the individual of the reason/s the information is needed and for what purpose².

If an individual decides not to provide requested information, it may not be possible for Legacy Brisbane to provide the individual with services. When this occurs the individual should be informed of the consequences of not providing the information.

Storage and Security of Information

Legacy Brisbane collects and stores information on encrypted database (Raisers Edge), in hardcopy and at times through notes taken in office diaries and electronic notebooks. All information that Legacy Brisbane collects is in complete form in the database, hardcopies are used for working files only. Legacy Brisbane takes all reasonable steps to protect all documents and information against loss, unauthorised access, use, modification or disclosure or any other misuse³.

Digital storage and processing of information is conducted in our Brisbane Office through encrypted software. Our database is a stand-alone database that is backed up on site/off-site daily, the off site server is also in Brisbane. This database is accessible in the Brisbane office and is password protected. All staff and volunteers that have access to utilise or input data have Police Criminal History checks and have signed the Legacy Brisbane Privacy and Confidentiality Agreement. As this database is encrypted it can only be accessed through the systems at Legacy Brisbane. Our computing systems at Legacy Brisbane have state of the art security protections and fire walls.

² Privacy Amendment (Notifiable Data Breaches) Act 2017, Part IIIC, Division 1 para 26WA

³ Information Privacy Principle, Schedule 3 para 4(1)(2)

Client files contained at Legacy Brisbane are utilised by employees, Legatees, volunteers and agents for the purposes of carrying out Legacy Brisbane Operational Business Requirements⁴. These hardcopy files are stored in locked filing cabinets in the offices.

Legatees support Legacy Brisbane Clients in the clients' environment. Legatees control constituent print outs which includes name and contact information. All Legatees have undergone Police Criminal History Checks, Signed Privacy and Confidentiality Agreements and are holders of QLD Blue Cards. Legatees provide Legacy Brisbane with relevant information regarding their client meetings. Legatees secure their client information in a lockable document container (ie a drawer, filing cabinet or brief case).

In the event of a data breach Legacy Brisbane will give notification to the affected person/s if we believe that an eligible data breach⁵ has occurred, and that the breach or loss is likely to interfere with the privacy of the individual/s.

Right to access and change information

Legacy Brisbane strives to keep all personal information accurate, up to date, complete, relevant and not misleading. In the circumstance where a person believes their information is inaccurate, not up to date, incomplete, not relevant or is misleading they have the right to have their information corrected. All persons have the right to access their personal information⁶ and notify of any changes needed to correct the personal information held by Legacy Brisbane. The request to access and to change information⁷ may be made in writing. Legacy Brisbane will comply with all requests that are not exempt within a reasonable timeframe.⁸ An example of exempted information under the Freedom of Information Act and the Australian Privacy Principles would be where the grant of access would have an unreasonable impact on the privacy of other individuals⁹.

Information Provided to a Third Party

Legacy Brisbane will share your personal information with your consent with other Government bodies or companies for the purpose of carrying out Legacy Business. These may include Department of Veterans Affairs (DVA), Veterans Review Board (VRB), Administrative Appeals Tribunal (AAT)¹⁰, other care providers, domestic service companies, grant

⁴ Legacy Australia By Laws and Legacy Australia Code of Conduct and Legacy Brisbane Code of Conduct

⁵ Privacy Amendment (Notifiable Data Breaches) Act 2017 Part IIIC, Division 1, para 26WA

⁶ Australian Privacy Principle 12.4 – Access

⁷ Australian Privacy Principle 13 – Correction of Information

⁸ Australian Privacy Principle 12.3 Exceptions to access and 12.4 Access.

⁹ Freedom of Information Act 1982 Part IV, Division 2 - Exemptions

¹⁰ Privacy Regulation 2013 Part 2, 17 Exemptions to Australian Privacy Principles para (2) Item 7

providers such as the ANZAC Day Trust, ESO's etc. All documents and files relating you personally may be shared either as Certified True copy documents as shared with DVA or electronically.

It is the practice of Legacy Brisbane that all your information remains on Australian soil, except in the very rare instance where Legacy Brisbane would be communicating on behalf of a client seeking entitlements from another country or requiring information from another countries government departments equivalent to DVA to claim here. Under these circumstances specific expressed consent would be sought prior to the sharing of information.

In unusual circumstances where the safety or wellbeing of an individual (client, member or staff member) is threatened, the organisation may need to access the contact person for that individual. In emergency circumstances, the organisation may be required to disclose personal information of an individual to allow access to emergency services, psychiatric or child protection services.

Destruction or de-identification of personally identifiable information

In the event of a Client moving to an area not covered by Legacy Brisbane Branch the hardcopy of client files will be transferred through secure means to the receiving Legacy Branch. The clients' information stored on Raisers Edge (the database) will be marked as transferred.

All files of clients, employees, Legatees, volunteers, agents and members are kept for seven (7) years after death, cessation of employment¹¹ including volunteering or a client becoming not-desirous.

In the circumstances where a client dies or is classed as not-desirous their hardcopy file is scanned and attached to their Raisers Edge Data base to ensure that all information that has been gathered by Legacy Brisbane is kept. Once this has been completed or seven (7) years has passed the hardcopy is placed in a secure bin which is then securely destroyed by a contracted professional company. If the hardcopy file contains original certificates, claims, rejected claims, and previous decisions by DVA, Freedom of Information form then the files are returned either to the client or archived at Legacy Brisbane.

Legacy Brisbane keeps all written financial records which explain its transactions and financial position and performance and retains the records for 7 years after the transactions, operations or acts covered by the records are completed¹².

¹¹ <https://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping>

¹² Australian Charities and Not-for-profit Commission Act 2012, Chapter 3, Part 3-2 para 55-5

Data Breaches

In the event of a data breach Legacy Brisbane will give notification to the affected person/s if we believe that an eligible data breach¹³ has occurred and that the breach or loss is likely to interfere with the privacy of the individual¹⁴.

Legacy Brisbane will also undertake an investigation within a reasonable timeframe to determine the cause of the breach and extent of the breach and then inform the affected person/s of the results of their investigation¹⁵.

Compliance

Employees, Legatees, volunteers and agents are responsible for the protection of corporate and personal information held by Legacy Brisbane and to ensure that the information is used only for the purpose for which it was collected and stored.

All employees, Legatees, volunteers and agents are to acknowledge this responsibility by signing and complying with the Legacy Brisbane Confidentiality and Privacy Agreement found at Attachment 1.

Evaluation and review

The Human Resources and Training Officer will conduct evaluation review of this policy in two (2) years. Following review, recommendation for change will be forwarded to the approving authority.

Relevant Legislation

Privacy Act 1988 (Cth)

<https://www.legislation.gov.au/Details/C2017C00227>

Australian Privacy Principles

http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/sch1.html

Privacy Regulation 2013

<https://www.legislation.gov.au/Details/F2017C00191>

Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)

<https://www.legislation.gov.au/Details/C2017A00012>

Australian Charities and Not-For-Profit Commission Act 2012 (Cth)

<https://www.legislation.gov.au/Details/C2012A00168>

Legacy Australia By Laws

<http://www.legacy.com.au/Assets/9961/LegacyBylaws-Version4-4Nov2016.pdf>

Legacy Australia Code of Conduct

<http://www.legacy.com.au/Assets/9365/POL-11LAIncCodeofConduct.pdf>

Legacy Brisbane Code of Conduct

¹³ Privacy Amendment (Notifiable Data Breaches) Act 2017 Part IIIC, Division 1, para 26WA

¹⁴ Privacy Amendment (Notifiable Data Breaches) Act 2017 Part IIIC, Division 2, para 26WG

¹⁵ Privacy Amendment (Notifiable Data Breaches) Act 2017 Part IIIC, Division 3, Subdivision A para 26WH



LEGACY BRISBANE PRIVACY AND CONFIDENTIALITY AGREEMENT

1. I agree to hold confidential all personal information, corporate and other information that Legacy Brisbane has placed restrictions on, and to release it to persons outside the organisation only when authorised by the organisation and subject to any conditions set by the organisation.
2. I agree to comply with the principles and procedures contained in the Legacy Brisbane Privacy, Confidentiality and Data Management Policy.
3. I agree to:
 - (a) access information held by the organisation only when necessary for the performance of my assigned duties;
 - (b) make copies of information only when necessary for the performance of my assigned duties;
 - (c) participate in the storage and handling of information to minimise the risk of its diversion into unauthorised channels;
 - (d) take reasonable care to properly secure information and I will take steps to ensure that others can not view or access such information;
 - (e) not disclose passwords to anyone or record passwords in a location accessible to others without the express permission of my Contact Group Chair or Head of Department;
 - (f) perform on-line tasks with my passwords only;
 - (g) notify my Contact Group Chair or Head of Department if I have reason to believe that my passwords have been compromised; and
 - (h) notify my Contact Group Chair or Head of Department if I have reason to believe there has been a breach of Legacy Brisbane Privacy, Confidentiality and Data Management Policy.

Name _____

Signed _____

Date ____/____/20____