

## POLICY

MCCSA is committed to protecting the privacy of the personal information it collects, holds and administers.

MCCSA collects and administers a range of personal information for the purposes of:

- Communicating with its membership regarding upcoming events, functions, relevant information that maybe of interest to them
- Marketing purposes of MCCSA
- To comply with any contractual obligations

MCCSA 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 the MCCSA core values and philosophies.

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

## PURPOSE

The purpose of this document is to provide a framework for MCCSA in dealing with privacy considerations.

## DEFINITIONS

**Australian Privacy Principles:** Are thirteen fundamental principles relating to the consideration, collection and dealing with personal information, the integrity of personal information and access to and correction of personal information.

**Personal Information:** Is information or opinion that identifies an individual.

**Sensitive Personal Information:** Is personal information concerning an individual's race, ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, sexual preference, criminal record or health information.

**Informed consent:** Is gained by ensuring that all reasonable attempts have been made to confirm that a client has understood information provided, or requests made.

**Confidentiality:** is ensuring that information is accessible only to those authorized to have access and is protected throughout its lifecycle.

## RESPONSIBILITIES

The CEO is responsible for monitoring changes in privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

## PROCEDURES

### Collection

MCCSA will:

- Only collect information that is necessary for the performance and primary function of MCCSA.
- Notify stakeholders about why it collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect sensitive information only with the person's consent. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- Determine, where unsolicited information is received, whether the personal information could have been collected in the usual way. If it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).
- Store personal information securely, protecting it from unauthorised access.
- Provide stakeholders with access to their own information, and the right to seek its correction.

### Use and Disclosure

MCCSA will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose: for other uses, MCCSA will obtain consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
  - A secondary purpose is related to the primary purpose and the individual would reasonably have expected MCCSA to use it for purposes; or
  - The person has consented; or
  - Certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- In relation to personal information which has been collected from a person, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and MCCSA has provided an opt out and the opt out has not been taken up.
- In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).
- Provide all individuals access to personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the

personal information is not accurate, then MCCSA must take steps to correct it. MCCSA may allow a person to attach a statement to their information if MCCSA disagrees it is inaccurate.

- Where for a legal or other reason MCCSA is not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- Personal information sharing with third parties will only occur with consent unless required or authorised by law to use or disclose the information for another purpose.
- Personal or sensitive information may only be transferred internationally to countries with a comparable privacy policy and with consent.

## **Storage**

MCCSA will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure.
- Establish that any potential overseas recipients including providers of IT services such as servers or cloud services are privacy compliant before MCCSA discloses any personal information to them.
- MCCSA will have storage systems which provide sufficient security.
- Ensure that MCCSA data is up to date, accurate and complete.

## **Destruction**

MCCSA will:

- Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops, mobile phones and other devices.

## **Data Quality**

MCCSA will:

- Take reasonable steps to ensure the information MCCSA collects is accurate, complete, up to date and relevant to the functions MCCSA perform.

## **Data Security and Retention**

MCCSA will:

- Only destroy records in accordance with the organisation's Document Management System.

## **Openness**

MCCSA will:

- Ensure stakeholders are aware of MCCSA's Privacy Policy and its purposes by making this information freely available in relevant publications and on the organisation's website.

## **Access and Correction**

MCCSA will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

## **Anonymity and De-identification**

MCCSA will:

- Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.
- Change information to a pseudonym or treat it anonymously if required by the person whose information MCCSA holds.
- Will not use any government related identifiers unless they are reasonably necessary for MCCSA functions.

## **Making Information Available To Other Organisations**

MCCSA can:

- Release information to third parties where it is requested by the person concerned.

## **Complaints Process**

Any person who believes that MCCSA has breached their privacy has a right to complain. Refer to the MCCSA Complaints Policy.

## **RELATED POLICIES AND DOCUMENTS**

- Code of Conduct Policy
- Complaints Policy
- Conduct, Confidentiality and Privacy Agreement
- Confidentiality Policy (Board)
- Confidentiality Policy

## **LEGISLATIVE REFERENCES**

- Australian Privacy Principles 2013
- Freedom of Information Act 1982 Commonwealth
- Freedom of Information Act 1991 SA
- Privacy Act 1988 Commonwealth

**Date of Issue:** January 2018

**Reviewed by:** \_\_\_\_\_ **Date:**

**Approved by:** Board 29th January 2018

**Date of next review:** 2021

## **CONFIDENTIALITY POLICY**

### **POLICY**

For MCCSA to be a representative organisation for the diverse multicultural communities of South Australia it relies on developing and maintaining strong and productive relationships with these communities based on trust and ethical conduct.

MCCSA recognises that:

- Confidentiality is an essential ingredient in maintaining trust.
- It is important that MCCSA is consistent and careful in the way it manages what is written and said about a particular community, a client, employees and volunteers and how it decides who can see or hear this information.
- It is essential that MCCSA protects and upholds the legislated rights the MCCSA communities, clients, employees and volunteers have to confidentiality, privacy and to accessing their own records.
- MCCSA shall act correctly in those circumstances where the right to confidentiality or privacy may be overridden by other considerations.
- MCCSA personnel should have an appropriate level of understanding of principles and practices.

MCCSA is committed to protecting and upholding the rights of its clients, staff and volunteers to confidentiality. This means that it makes sure no personal information about a client, staff person or volunteer is shared with anyone, on purpose or by omission, unless it has their informed consent or in special circumstances where the law allows or dictates an exception. Specifically, MCCSA will:

- Meet legal and ethical obligations as communities, clients, employees and volunteers in relation to handling confidential information;
- Provide information about their rights regarding confidentiality and processes within MCCSA to protect these rights, as well as any limits or exceptions.
- Avoid inappropriate verbal and written disclosure of information about individual communities, and clients, within and outside the organisation.
- Share verbal and written information about a community or a client with agencies and individuals external to the service only when this is necessary and with the written consent of the community representative, or client, unless the circumstances are such that limits to confidentiality rights apply.
- Take reasonable steps to protect all information that MCCSA holds (including personal information) on its communities, clients, employees and volunteers from misuse, loss, unauthorised access, modification or disclosure.

- Take reasonable steps to hold information secure in an electronic or physical forms, such as storing in access controlled premises or electronic database requiring logins and passwords: that only those who are authorised to do so can gain access
- Collect and record information only if it is necessary for effective service provision, including assessments.
- Be professional and appropriate in the language used in client records.
- Be unbiased and non-judgmental in comments and assessments that are recorded.
- Make sure information is up to date and accurate before it is used.
- Dispose of records safely, or transfer them to a more appropriate agency, when they are no longer required by MCCSA.

## PROCEDURES

All MCCSA personnel must:

- Respect the confidentiality and privacy of colleagues, the communities MCCSA works with and clients of MCCSA services.
- Protect the MCCSA communities and its individual client information so that it is not made available to people outside MCCSA or anyone employed in MCCSA who does not have a legitimate work related need for the information.
- Not use MCCSA information to gain a financial or personal advantage.
- Handle health information fairly and responsibly by treating personal details of clients and workers (e.g. health records, worker phone numbers or information in client profiles) confidentially and not disclose them without authority.
- Not disclose the identity of people who report the risk of significant harm to children and young people.
- Not make or retain copies of confidential MCCSA materials off site e.g. client and personal details of workers.
- Protect the security of their computer e.g. by keeping passwords private.
- Comply with the State Records Act 1997 (SA) by keeping full and accurate records and ensuring they are kept in safe custody. In some cases, releasing information without proper authority could be a criminal offence. It is therefore important that workers not release any information without obtaining appropriate authority to do so. Undermining the decisions of the MCCSA by releasing information without authority is a serious breach of employment responsibilities and a breach of this Policy. Such actions could lead to disciplinary action.
- Personnel who leave the MCCSA are expected to continue to respect the confidentiality and privacy of information gained during their employment, volunteering or Board membership.

## EXEMPTIONS FOR DISCLOSURE

A legal requirement to disclose personal information may override this policy; this is known as a 'duty of care'. Situations where this may occur include the following:

- Where there is serious risk of abuse or physical harm to the individual or other person, including MCCSA participants, the general public and MCCSA employees.
- Where the disclosure is required under a law.
- Where the individual would reasonably expect MCCSA to use or give that information, e.g. referral processes.
- When the disclosure is necessary by or for a law enforcement agency (e.g. prevention, investigation, prosecution or punishment of criminal offences, protection of public revenue, preparation or implementation of a court or tribunal order).

In the event that a legal need for disclosure arises, the employee will inform their manager and the CEO prior to making the decision to breach confidentiality and privacy. This decision will also be communicated to the individual, unless such advice to the individual is not allowed by legislation.

#### PROTECTION

All MCCSA personnel shall be required to sign a Conduct, Confidentiality and Privacy Agreement.

#### TRAINING

All staff will be instructed in the requirements of this policy.

#### RELATED POLICIES AND DOCUMENTS

- Code of Conduct Policy
- Conduct, Confidentiality and Privacy Agreement
- Confidentiality Policy (Board)
- Media Relations Policy
- Privacy Policy
- Social Media Policy
- Use of Electronic Media Policy

#### LEGISLATIVE REFERENCES

- Associations Incorporated Act 1985 SA
- Australian Charities and Not-For-Profits Commission Act 2012 Commonwealth
- Australian Privacy Principles 2013
- Freedom of Information Act 1991.
- Privacy Act 1988 (Commonwealth)
- State Records Act 1997 SA

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Reviewed by: \_\_\_\_\_ Date:

Approved by: \_\_\_\_\_  
CEO/Chair

Date of next review: 2021