

Privacy Policy and Procedure

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| | |
|---|----------|
| 1. Aim | 2 |
| 2. Risk | 2 |
| 3. Definitions | 3 |
| 4. Policy Principles | 3 |
| 4.1. Australian Privacy Principles (APPs) | 3 |
| 4.2. The type of information collected and stored by HelpingMinds | 3 |
| 4.3. Why HelpingMinds collects and stores personal information | 5 |
| 4.4. How HelpingMinds stores and safeguards personal information | 5 |
| 4.5. How HelpingMinds uses and discloses personal information | 6 |
| 5. Contacting HelpingMinds | 7 |
| 5.1. How clients can access and seek correction of their personal information | 7 |
| 5.2. How to lodge a complaint if you think your information has been mishandled | 7 |
| 5.3. Children and Young People | 7 |
| 6. Compliance and Evaluation | 8 |
| 7. References and Related Documents | 8 |
| 8. Document History | 9 |

1. **Aim**

Privacy is a human right. HelpingMinds' recognises its responsibility to ensure privacy in the collection, use, disclosure, storage and security of personal and sensitive information. This Privacy Policy explains how we manage personal and sensitive information and how we protect privacy.

2. **Risk**

The risk of not adhering to this policy is the potential for the mishandling of personal and sensitive information. It is also a breach of the confidentiality agreement held between HelpingMinds as an organisation and its clients and team members.

Breaches could damage HelpingMinds' reputation, potentially result in loss of funding from contractual bodies, and could also lead to legal repercussions depending on severity.

Significant safeguarding and risk management strategies have been put in place to ensure all information is properly collected, stored, used and disposed of when individuals interact with HelpingMinds.

3. Definitions

APPs: Australian Privacy Principles

Client: In the context of this policy, includes consumers, participants and carers.

Informed Signed Consent: Informed consent is permission granted in full knowledge of the possible consequences, risks and benefits. Informed Signed Consent means the individual has signed their autograph indicating they are giving their informed consent.

Personal Information: is any information or opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable. In general terms, this includes information or an opinion that personally identifies a person either directly (e.g. their name) or indirectly.

Sensitive Information: is defined in the Privacy Act 1988 (Cth) to include information or opinion about such things as a person's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information.

Team Member: In the context of this policy, is inclusive of all HelpingMinds full-time, part-time, contracted, casual employees and volunteers, including HelpingMinds Board Members.

4. Policy Principles

4.1. Australian Privacy Principles (APPs)

- 4.1.1. HelpingMinds has adopted the APPs contained in the Privacy Act 1988 (Cth). The APPs govern the way in which HelpingMinds collects, uses, discloses, stores, secures and disposes of your personal information.
- 4.1.2. A copy of the APPs may be obtained from the website of The Office of the Australian Information Commissioner at <https://www.oaic.gov.au/>

4.2. The type of information collected and stored by HelpingMinds

- 4.2.1. HelpingMinds provides a range of community-based services and programs. We collect personal and sensitive information that is necessary to provide these services and programs.

4.2.2. The type of information HelpingMinds collects and stores can include, but may not be limited to:

Clients:

- Personal and sensitive information;
- Emergency contact details;
- External service providers, including health professionals;
- Guardian and Public Trustees;
- NDIS funding and plans; and
- Any associated documents generated during participation in a program or during interaction with HelpingMinds.

Team Members:

- Names and contact details, bank account and taxation details, drivers licenses, qualifications, previous experience, health information and emergency contact details;
- Copies of written correspondence with HelpingMinds, including copies of volunteer or employment contracts as well as any associated documents and information provided in connection with Board membership, other volunteering or employment with HelpingMinds; and
- Worker screening details and Working with Children Checks, registration of accreditation.

Supporters of HelpingMinds (such as financial and other donors):

- Names and contact details and the nature of donations made.

4.3. Why HelpingMinds collects and stores personal information

4.3.1. We may collect, store, use and disclose personal and sensitive information for purposes necessary to enable service delivery. Generally, information is held for the purposes of:

- Assessing client needs to plan and provide quality support, assistance and services as agreed with our funding bodies;
- Compliance with necessary business accounting and organisational insurance standards and occupational safety and health requirements;
- Reviewing and assessing service delivery effectiveness;
- Compliance with our reporting obligations to the Australian Taxation Office and other government agencies and funding bodies;
- Facilitating and managing employment relationships, student placements and Board and other volunteer arrangements with HelpingMinds;
- Facilitating, managing and acknowledging donations to HelpingMinds; and
- Organisational planning and development.

4.3.2. HelpingMinds is committed to maintaining privacy and will only use personal information for the permitted purpose for which we have collected the information.

4.4. How HelpingMinds stores and safeguards personal information

- 4.4.1. HelpingMinds may store documents in physical and/or electronic form as is necessary to carry out our functions and provide our services and programs. All hardcopy personal information is securely stored at office locations at all times. Electronic information is password protected and only authorised HelpingMinds' team members have access.
- 4.4.2. Archived files are held securely for the time period required by the relevant government legislation. After this time, hardcopy files are shredded in line with the privacy and confidentiality procedures of the off-site archiving facility. Digital records are permanently destroyed and sanitised, including in any back-up system or offsite storage.

4.5. How HelpingMinds uses and discloses personal information

- 4.5.1. Client personal and sensitive information may be shared with the client's designated significant others or legal guardians and external service providers involved in the client's case management or support coordination. HelpingMinds will not share information until informed signed consent has been obtained from the client/guardian or if there are concerns regarding the person's wellbeing.
- 4.5.2. HelpingMinds will only share personal information with informed signed consent unless there are significant issues of safety or wellbeing that ethically or legally require us to report to another authority. For example, in situations where the wellbeing of a child is at risk, or an adult threatening to harm themselves or others.
- 4.5.3. HelpingMinds may be requested to share information as required or authorised by or under an Australian law or a court/tribunal order. For example, a request from the Police, Department for Child Protection and Family Support, or Courts. HelpingMinds will comply with requests in accordance with appropriate legislation.
- 4.5.4. Information may be shared with external third parties for audit and accreditation purposes. All external parties are required to sign a confidentiality agreement prior to viewing any information.
- 4.5.5. Where required, HelpingMinds may provide de-identified statistical information to:
 - funding and reporting bodies for reporting purposes.
 - research projects to contribute towards the improvement of the wider healthcare industry.
- 4.5.6. It is **not** likely that HelpingMinds will disclose personal information outside of Australia.

4.5.7. Where we disclose your personal information to third parties overseas, we will take reasonable steps to ensure that data security and appropriate privacy practices are maintained. We will only disclose to overseas third parties if:

- you have given us your informed signed consent to disclose personal information to that third party; and
- we reasonably believe that the overseas recipient is subject to a law or binding scheme that is, overall, substantially similar to the Australian Privacy Principles under the Privacy Act; and the law or binding scheme can be enforced; or
- the disclosure is required or authorised by an Australian law or court / tribunal order.

5. **Contacting HelpingMinds**

5.1. **How clients can access and seek correction of their personal information**

5.1.1. A person may request access to any personal information that HelpingMinds may have collected about them. They may also request correction of their personal information if they believe that it is not accurate, complete or up to date. For access and correction, contact:

HelpingMinds Privacy Officer

Email: privacy@helpingminds.org.au

5.1.2. HelpingMinds will assess all requests to access personal information on a case-by-case basis and may refuse access under exemptions in the Freedom of Information Act such as if the request is frivolous or poses a threat to the life, health or safety of an individual.

5.2. **How to lodge a complaint if you think your information has been mishandled**

5.2.1. Any person who feels that their privacy has been breached whilst interacting with HelpingMinds, can make a complaint through the HelpingMinds Privacy Officer within 30 days of the alleged breach:

Email: privacy@helpingminds.org.au

Telephone: 08 9427 7100

or via the [HelpingMinds Feedback Form](#) on the website.

5.2.2. HelpingMinds takes all complaints seriously and will respond and address the concerns raised in line with HelpingMinds' Feedback Procedure.

5.3. **Children and Young People**

- 5.3.1. Children and young people are informed about their right to provide feedback or make a complaint in a manner in which they feel comfortable and supported, culturally safe and easily accessible.
- 5.3.2. We acknowledge that a child or young person may benefit from additional support with understanding the feedback process. This will be provided by the HelpingMinds Privacy Officer and/or a person of the child/young person's choosing, to further allow the child/young person's voice to be heard in an environment where they feel safe.

6. **Compliance and Evaluation**

- 6.1.1. HelpingMinds has a zero-tolerance approach towards breaches of privacy (unless required by law). As an organisation, we will take an active approach to the management of breaches of this policy, ensuring any areas for development are identified and additional training and support provided where required.
- 6.1.2. Any team member who breaches this policy may be subject to disciplinary action and recorded as an internal incident.
- 6.1.3. All feedback and complaints will be reviewed by HelpingMinds' Safety and Quality Committee. Any quality improvements that are identified will be actioned accordingly.

7. **References and Related Documents**

| Documents | |
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| 1. | HelpingMinds Code of Conduct Child Protection Policy and Procedure Confidentiality Agreement Continuous Improvement Policy and procedure Feedback Procedure Feedback Poster Client Handover Policy Informed Consent policy and procedure Website feedback form |
| 2. | Legislation <u>Australian Privacy Principles 2014</u> <u>Privacy Act 1988</u> <u>National Principles for Child Safe Organisations</u> |
| 3. | Other References <u>PACFA: Maintaining client records</u> <u>PACFA: (Code of Ethics)</u> |

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| | <p><u>NMHS 2010</u></p> <p><u>NQSHS Standards 2017 (V2.0)</u></p> <p><u>National Standards for Disability Services</u></p> <p><u>NDIS Practice Standards</u></p> <p><u>NDIS Code of Conduct</u></p> |
| 4. | <p>Applicable Standards</p> <p>NSQHS Standards (V2.0): 1</p> <p>NSMHS: 1, 2, 6, 7, 8</p> <p>NDIS Practice Standards: 2</p> |

8. Document History

| Version | Date | Author | Summary of changes |
|---------|----------|------------------------------|--|
| 4.1 | 19.12.19 | | |
| 4.2 | 20.01.23 | Care Governance Lead | Revision |
| 4.3 | 09.04.24 | Safety and Quality Committee | Revision |
| 5 | 02.04.25 | Privacy Officer | Revision, OAIC best practice recommendations |
| 5.1 | 31.07.25 | Privacy Officer | Revision, sharing PI overseas |
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