

TITLE: Privacy – CORP 040

TYPE: Policy

PURPOSE

- Anam Cara House Geelong Ltd (**ACHG, we, us**) respects your privacy and is committed to protecting your Information. Our privacy policy outlines our approach to privacy and how we collect, use, disclose and protect your personal information; and sets out your rights in relation to accessing the Information we hold about you.
- We may from time to time be bound by the *Privacy Act 1988* (Cth) and the *Privacy and Data Protection Act 2014* (Vic) (**Privacy Acts**) or any other acts or regulations that govern the management, collection, use, disclosure, and storage of Personal Information or Health Information.
- ACHG understands the need to maintain confidentiality and privacy in relation to Personal Information and Sensitive information (collectively, **Information**), which are defined in the Privacy Acts as follows:
 - **Personal Information** includes information or an opinion about an identified individual, or an individual who is reasonably identifiable; and
 - **Sensitive Information** includes information about racial or ethnic origin, political opinions, membership of a political association, or 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.
 - **Health Information** includes Personal Information collected in providing a Health Service, or Personal Information pertaining to an illness, disability, injury, or your wishes about the future provision of a Health Service.
 - **Health Service** is an activity pertaining to the assessment, maintenance, improvement, management, diagnosis, or treatment of a person's health, or recording the individual's health for those reasons.

SCOPE

- This privacy policy outlines the way in which we manage Information of all staff, volunteers, Board members, students, contractors and other appointed officers of ACHG (collectively, **Staff Members**), guests at our palliative care premises or otherwise receiving Health Services from us (**Guest**), donors, and persons of the public who otherwise utilise our services or access our website at <https://achg.org.au> (**Site**).

POLICY

Collection of Information

- ACHG only collects Information we need to perform our functions.
- Information will be collected by fair and lawful means.
- When we collect Information, we will ensure the individual has given their verifiable consent, or there is some other lawful basis for collection and processing.

Collection of Personal Information

- ACHG only collects Personal Information you give us directly, or which is collected automatically as part of your activities with us (including usage data or cookies on our Site).
- The purpose for which we collect Personal Information is to enable the effective operation of our organisation, including to:
 - execute your requests for our services;
 - improve and optimise our services, business and our users' experience;
 - to send you service, support and administrative messages, reminders, technical notices, updates, security alerts, and Information requested by you;
 - to send you marketing and promotional messages and other information that may be of interest to you, including information sent by, or on behalf of, our business partners that we think you may find interesting;
 - to administer rewards, surveys, contests, or other promotional activities or events sponsored or managed by us or our business partners;
 - to comply with our legal obligations, resolve any disputes that we may have with any of our users, and enforce our agreements with third parties;
 - to consider your employment application, maintain your employment and determine eligibility for training programs; and/or
 - meet government reporting, accreditation and benchmarking requirements using de-identified data that contains age, racial, disease, gender and postcode information.
- You consent to us collecting the following Personal Information and Sensitive Information:
 - identifying information, including your name and contact details such as your email, home address and billing address;
 - transactional information, including information you provide as part of a transaction with us or that is generated as a result of that transaction;
 - financial information, including payment details, credit card numbers or bank details;
 - information we are required or authorised to collect and process under law to identify you or verify information you have provided;
 - usage information, including data about your interaction with the Site through devices you use;
 - computer and connection information such as page views, traffic, URLs, IP address and web log information;
 - information that may be requested or found on a national police check; and/or
 - information relating to your race and ethnicity, including information about whether you are of Australian indigenous or Torres Strait Islander descent.
- When you visit our Site, we may place cookies on your browser to enhance and manage our website and improve our business and the services we provide to you. We and/or Google may use this information to optimise and place advertisements, including advertisements of third-party vendors, on our own and third party websites. Google's ability to use and share information collected by Google Analytics is restricted by the Google Analytics terms of use and privacy policy. Cookies can be managed by accessing the individual settings in your browser. The Site does not support "do not track" requests and by continuing on the Site you consent and agree to

the use of cookies by us.

- We may collect Personal Information from people who are not customers or suppliers of our business but whose Personal Information is given to us by those individuals via our Site or in the course of a transaction or recruitment. If you give us Personal Information of a third party, you warrant that you have obtained that individual's authorisation and you should inform them of this privacy policy.

Collection of Health Information

- If you are a Guest (or you are duly authorised to act on behalf of a Guest):
 - you acknowledge and agree and consent to us collecting Health Information for the purposes of providing you (or the Guest) with a Health Service;
 - we may collect and you consent to us collecting the following Information:
 - information provided about the Guest to the Palliative Care Association (if applicable);
 - information about the Guest's financial status;
 - assessments done by external service providers and any classification records, and details of psycho-social history;
 - information concerning social security status;
 - information concerning details of the appointment of attorneys or other alternative decision makers;
 - contact details for relatives and/or records of social contacts;
 - documentation required to complete ACHG documentation;
 - progress notes;
 - medical reports and history from the Guest's medical practitioners and health care providers;
 - details of the Guest's health insurance provider;
 - information concerning the Guest's religion and end of life arrangements;
 - a care plan recording the Guest's ongoing care needs and strategies (including an interim care plan);
 - records relating to the Guest's entry, discharge and leave arrangements, including death certificates where appropriate; and
 - the purpose for which we collect this Information may include to:
 - provide appropriate ongoing care;
 - enable us to contact any nominated person to lawfully inform them of a Guest's health status;
 - enable the facility to provide relevant financial and asset information to our funding bodies;
 - lawfully liaise with the Guest's nominated representative and to contact family if requested or needed; or
 - to assist Guests in maintaining social contacts in the general community.
- If you are a Staff Member, with your consent, we may need to collect some Health Information for the purposes of us assessing your ability to safely undertake your role.

Use and disclosure of Information

- We will only use, process or disclose your Information for the primary purpose for which it was collected, or otherwise as relevant national laws allow.
- You consent to the use and disclosure of your Information by us to the extent required by us to satisfy and/or undertake the purposes for which we collected that Information as set out above.
- If the purposes for which we have collected Information require the provision of any form of information about an individual to any third party, we will take appropriate and reasonable steps to ensure your Information is protected to the greatest extent possible.

Use and disclosure of Personal Information

- We may otherwise use and disclose your Personal Information if you have given us consent for the use or disclosure; to detect, prevent and investigate fraudulent behaviour; to lessen or prevent a serious threat to public health, welfare or safety; or if it is required or authorised by law.
- You consent to us using your Personal Information for the purposes of providing you with direct marketing materials. Our electronic marketing activities will comply with the requirements of the *Spam Act 2003* (Cth).
- We may disclose your Personal Information for the purposes described above to:
 - our employees and related bodies corporate;
 - data processors, including third party suppliers and service providers (including providers for the operation of our websites and/or our business or in connection with providing our products and services to you);
 - professional advisers, dealers and agents;
 - payment systems operators (eg merchants receiving card payments);
 - our existing or potential agents, business partners or partners;
 - our sponsors or promoters of any competition that we conduct via our services;
 - anyone to whom our assets or businesses (or any part of them) are transferred;
 - specific third parties authorised by you to receive information held by us;
 - other persons, including government agencies, regulatory bodies and law enforcement agencies, or as required, authorised or permitted by law.

Use and disclosure of Health Information

- We may use your Health Information for the purposes of providing you with a Health Service.
- We may disclose Health Information for the purposes of providing you with a Health Service, including to provide Health Information to your GP or, if you are a Guest, to the referring doctor after you are discharged or after an emergency. You (or your appointed representative) are able to request this does not occur.
- We may otherwise make your Health Information available to another Health Service provider if requested by you.

Where your Information be held and processed

- We will process and store your Information:
 - electronically, on our computer databases; and/or
 - in hard copy, on our premises.
- We will provide your Personal Information to third parties that provide services to us solely for the purpose of providing those services, including third parties that provide our payment gateway, marketing and technology support services. This may include providing your Personal Information to third parties that are located outside of Australia.
- Where your Personal Information is transferred outside Australia (including the USA, UK, India, Bangladesh and the EU), we will take steps to ensure that overseas recipients will deal with that Personal Information in a way that is consistent with the Privacy Acts.

Security and retention of Information (including staff conditions of employment and remuneration)

- We will take reasonable steps to ensure your Information is complete, accurate and up to date.
- While we cannot guarantee the security of your Information, we take reasonable steps to protect the Information we hold against loss, unauthorised access, use, modification or disclosure and against other misuse. For example:
 - all electronically stored Information is password protected; and
 - all hard copy Information is stored in a locked cabinet in a room only accessible by Staff Members and will not be left unattended in an open area.
- We will only retain Information for as long as required by the purpose for which it has been collected, including where such purpose relates to our legitimate interest, and otherwise for a longer period where you have given consent to such processing as long as that consent is not withdrawn. We may be obliged to retain Information for a longer period whenever required to do so for the performance of a legal obligation or upon order of an authority under law.
- We will take reasonable steps to permanently destroy and/or de-identify Information if it is no longer needed for any purpose after 6 months. Subject to any specific legislative requirements, Staff Member and Guest files that are non-active for 6 months or longer are archived and stored securely for up to 7 years before being destroyed, except for Staff Members incident reports, which are stored for 30 years.

Third parties and Information you receive through us

- Our Site may contain links to third party websites. We are not responsible for the privacy policies of any third-party websites. We recommend that you review the privacy policy of each website you visit.

Staff Member obligations

- Our Staff Members are obliged at all times to comply with this privacy policy and any breach of this privacy policy will be deemed a breach of the terms of their employment agreement.

Identifiers

- You consent to us assigning, obtaining, using, or disclosing an identifier, government-related identifier, or healthcare identifier, as those terms are defined in the relevant Privacy Acts, to the extent that the assignment, obtainment, use or disclosure, is required by the purpose for which we collected your Information or otherwise in accordance with law.

Your rights, our complaints procedure, and additional information

- We have appointed a privacy officer who can be contacted at:

Address: Anam Cara House Geelong, Zone 4, Deakin University, Nicol Drive South,
WAURN PONDS, VIC 3216
PO Box 681 GEELONG, VIC 3220

Telephone: 03 5222 5831

Facsimile: 03 5229 2383

Email: info@achg.org.au

- You have certain rights in relation to Information we collect and hold about you. We will:
 - unless impracticable to do so or otherwise prevented by law, allow you to use a pseudonym or not identify yourself;
 - on your request, provide access to the Information we maintain about you and request a copy of your Information; or
 - allow you to request we correct Information we hold about you; or
 - allow you to opt out of receiving direct marketing communications at any time;

subject to the extent we may refuse such a request under and in accordance with the Privacy Acts.

- If you have requested access to or a correction of Personal Information held by us, we will respond to you as soon as practicably, but no later than within 45 days after receipt of the request by our Privacy Officer. If the request is denied or delayed, we will let you know why that request was denied or delayed.
- We may provide you with additional information concerning particular services or the collection and processing of Information upon request by you.
- To make a complaint about how we handle your Information, you may contact our Privacy Officer on the above contact details. We will respond to your complaint within a reasonable time after it is received. If you are not satisfied by our response, you may acquire further information regarding your privacy from the Office of the Australian Information Commissioner.
- We may make changes to this privacy policy at any time by giving notice on this page and - as far as technically and legally feasible - sending a notice to you. We recommend you check this page often, referring to the effective date of the last modification listed at the bottom.
- The privacy brochure "Your Information: It's Private" is available from the Department of Health and outlines information about the organisation's Information handling practices and how Information may be accessed. These brochures are also available in other community languages if required. The Australian Charter of Healthcare Rights in Victoria is available to anyone who asks for further information on information handling practices.

Minors

- If you are under the age of 18 and you are a Staff Member or a Guest, you acknowledge and agree that:
 - you understand the terms and conditions of this privacy policy; and
 - your legal guardian has read and understood the terms of this privacy policy and otherwise agreed to the terms of this privacy policy on your behalf.

DEFINITIONS

For the purpose of this Policy, "confidential information" is defined as:

- The names, personal details and information relating to the affairs of our guests, clients, volunteers or employees of ACHG;
- Matters of a technical nature, clinical data, marketing and financial information, business plans and like information relating to the business of ACHG;
- Other information which ACHG informs the employee is confidential or which, if disclosed, the employee knows or ought reasonably to know, would be detrimental to ACHG, its guests, volunteers or staff; and
- All other information which is imparted to the employee in circumstances which they know or ought reasonably to know that the information is confidential to ACHG or confidential to persons with whom ACHG provides service to or/and or has business dealings with.
- Confidential information includes written, verbal and electronically stored information.

RELATED POLICIES, PROCEDURES AND FORMS

Privacy, Confidentiality and Technology Security Agreement Procedure – CORP 016

Privacy, Confidentiality and Technology Security Agreement Form – CORP 017

Records Management Procedure – CORP 029

Confidentiality Statement – CORP 118

REFERENCES

Consent to Share Information Form <http://docs.health.vic.gov.au/docs/doc/Consent-to-share-information>

Victorian Health Records Act 2001 (Vic) www.health.vic.gov.au/healthrecords

The Australian Privacy Principles (APPs) are found in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).

The Privacy Act (1988)

The Australian Charter of Healthcare Rights in Victoria June 2017

Victorian Data Privacy and Protection Act 2014(Vic)

“Your Information: It’s Private” <http://www.health.vic.gov.au/pcps/publications/languages.htm>

Spam Act 2003 (Cth)

AUTHORISED BY

Chief Executive Officer