

B. 4.5 INFORMATION MANAGEMENT

1.0 Objectives

To outline a framework for ELS to responsibly manage the information provided to ELS by individuals and organisations in accordance with the National Privacy Principles (NPP) contained in the [Privacy Amendment \(Private Sector\) Act 2000](#) and Information Privacy Principles (IPP).

- 2.0 To ensure that ELS collects, stores, manages and protects personal information in accordance with the [Privacy Amendment \(Private Sector\) Act 2000](#) and the related ten (10) National Privacy Principles

3.0 Application of the Privacy Amendment (Private Sector) Act 2000 Definitions

- 3.1 Personal Information is defined by the Privacy Act as “information about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion” which is maintained electronically, on video or in written/printed form; and/or verbal information given to an employee about an individual. Although exempt under the Act, ELS includes employee records under this policy.
- 3.2 Respecting the privacy and dignity of persons identified in a compliment or complaint is paramount. Personal information is shared on a ‘need to know basis’.
- 3.3 Personal information and information relating to compliments and/or complaints must be stored securely.
- 3.4 Individual organisational de-identified data relating to compliments and complaints will be securely managed by ELS.

Individuals as defined by ELS are: -

- Director Members
 - Staff
 - Contractors
 - Suppliers
 - Volunteers
 - Members of the public accessing ELS programs, services and/or website
 - Donors
 - Job applicants
 - Referees
- 3.5 Although the Privacy Act only relates to individuals, ELS will apply the same principles to the collection of information about organisations and businesses. Where this policy refers only to individuals it applies equally to organisations/businesses that conduct business with ELS.
- 3.6 **Sensitive Information** means personal or health information or an opinion about an individual’s:
- racial or ethnic origin
 - political opinions

- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal record.

3.7 Health Information means information or opinion about:

- the health or a disability (at any time) of an individual
- an individual's expressed wishes about the future provision of health services to him or her
- a health service provided, or to be provided, to an individual; that is also personal information
- other personal information collected to provide, or in providing, a health related service
- other personal information about an individual collected in connection with the donation, intended donation, by the individual of his or her body parts, organs or body substances.

3.8 Employee Record, in relation to staff or volunteer, means a record of personal information relating to employment. Examples of personal information may include all or any of the following:

- engagement, training, discipline or resignation
- termination of the employment
- terms and conditions of employment
- personal and emergency contact details
- performance and conduct
- hours of employment
- salary or wages
- membership of a professional or trade association
- trade union membership
- recreation, long service, sick, personal, maternity, paternity or other leave
- taxation, banking or superannuation affairs.

3.9 The [*Privacy Amendment \(Private Sector\) Act 2000*](#) regulates the way that private sector organisations and health funded agencies can collect, use, keep secure and disclose personal information.

3.10 This procedure covers individuals whose personal information may be collected by ELS. Such people may include people with disabilities, accessing Staff and Volunteers at ELS.

3.11 Individuals have the right to know what information ELS holds about them and a right to correct that information if it is wrong. Individuals can also make a complaint if they think their information is not being handled or used properly.

4.0 Responsibilities

4.1 The ELS Chairperson is responsible for the effective implementation of this policy.

- 4.2 All Director members, staff, contractors and volunteers are responsible for complying with this policy.
- 4.3 All Director members, staff, contractors and volunteers are responsible for seeking a documented exemption from ELS Chairperson in any situations where they are unable to follow policy or procedure.

5.0 Personal Information

5.1 Practice Guidelines

The following guidelines establish the professional practice framework for all areas of activity within ELS

- ELS regards having the confidence of individuals/organisations as a privilege.
- Individual/organisations access to information about them is a right.
- The collection and storage of unnecessary information of individuals/organisations is considered a breach in privacy and is inappropriate.
- The formation of, or expression of a professional assessment/opinion must be recorded with care.
- Sensitive information will only be recorded with the individual/organisations consent unless:
 - (1) the collection is required by law
 - (2) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (a) is physically or legally incapable of giving consent to the collection
 - (b) physically cannot communicate consent to the collection.
- All individuals/organisations have the right to be informed on who has access to their information
- Individuals have a right to challenge the accuracy of personal information recorded about them
- At, or before, the time (or, if that is not practicable, as soon as practicable after) it is reasonable to expect that individuals/organisations will be made aware of the:
 - nature of the contents of the information
 - identity of ELS and how to make contact
- (1) individuals/organisations right to make reasonable requests to access that information
- (2) purpose for which the information is collected
- (3) period of time for which the information is kept
- (4) organisations (or type of organisations) to which ELS usually discloses information of that kind
- (5) any law that requires the particular information to be collected
- (6) main consequences (if any) for the individual if all or part of the information is not provided.

- (7) People with disability have the right to request access to information held by ELS about them.
- (8) ELS will provide access to this information within thirty (30) days and any costs related to access to the information will be borne by ELS.
- (9) Where confidential information is to be provided to third parties, the written consent of the individual/organisation must be obtained or it must be identified as a requirement in the organisation's contract with ELS.
- (10) The release of non-identifying information must be checked prior to release to ensure the information is truly non-identifying.
- (11) Wherever it is lawful and practicable, individuals must have the option of not providing particular information. Consequences of not providing the information must be explained to the individual for their decision making purposes.

5.2 **All Director** members, staff, contractors and volunteers will sign a document which identifies the need to maintain privacy and confidentiality of information.

5.3 Information collected and held by ELS will often include pertinent personal details. The *Privacy Amendment (Private Sector) Act 2000* covers personal information. Personal information is information or an opinion that can identify a person.

5.4 The *Privacy Amendment (Private Sector) Act 2000* has special protection for information that is sensitive information and only applies to information that is recorded in some form, which can include in an electronic record.

5.5 Sensitive information is information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, members of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, or health information.

5.6 Sensitive information held by ELS will be used and disclosed:

- (1) Only for the purpose for which it was requested and provided, or
- (2) For a directly related secondary purpose, unless otherwise agreed, or
- (3) If the use or disclosure of the sensitive information is allowed by law

5.7 ELS is likely to collect the following personal information:

Personal information collected on people with disability	Personal information collected on Staff or Volunteers
Full name	Full name
Date of birth	Date of birth
Address	Address
Occupation	Occupation
Career history and plans	Career history and plans
Government allocated reference numbers	Results of aptitude and other tests
Results of aptitude and other tests	Medical history and reports
Medical history and reports	Educational history and reports

<p>Educational history and reports</p> <p>Financial details, including Tax File number and bank account details</p> <p>Assessments, behavioural reports</p> <p>Agency referrals</p> <p>Care and Discharge Plans</p> <p>Individual Plans</p> <p>NDIS Plan reference Number</p> <p>NDIS Plan budget related Information</p>	<p>Financial details, including Tax File number and bank account details</p>
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6.0 Purpose of Collecting Personal Information

- 6.1 ELS only collects information that is necessary for effective business operations or program activities. Information would ordinarily be considered “necessary” if an organisation cannot effectively pursue a legitimate function or activity without collecting this personal information.
- 6.2 ELS’s primary purposes for collecting personal information include:
- (1) To identify support and training needs of people with or without disability
 - (2) To comply with government and funding body requirements, including annual census information
 - (3) To meet legislative requirements
 - (4) To ensure duty of care obligations are fulfilled
 - (5) To analyse statistics for current and future planning
- 6.3 ELS is required to release information about people with disability (without identifying them by full name or address) to various Departments to enable statistics about disability services and their service users to be compiled. This information will be used for statistical purposes only and will not be used to affect any people with disabilities entitlements or access to services.
- 6.4 ELS may disclose limited personal information regarding people with disabilities to:
- (1) Prospective employers
 - (2) Government departments, according to government and funding requirements
 - (3) Insurance companies
 - (4) All other reasonable parties that assist ELS to place people with disability in appropriate employment or day programs
 - (5) Medical practitioners in an emergency situation
 - (6) Relevant referral agencies with the consent of the person with disability or the person responsible, family member, carer, guardian or advocate

7.0 Collecting and Keeping Information Up to Date

- 7.1 ELS will use fair and lawful ways to collect personal information.

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- 7.2 Individuals will be informed when personal information is being collected or requested by ELS and this will be clearly indicated on relevant forms.
- 7.3 Individuals may choose not to provide personal information to ELS. This may limit ELS's ability to provide a full and relevant range of opportunities to the individual.
- 7.4 ELS collects personal information directly from an individual if it is reasonable and practicable to do so.
- 7.5 In some cases, ELS may receive personal information from families, carers, doctors, referees or people that have worked with or are working with the person concerned. If the personal information about a person with disability or staff member was not collected from the individual but from another person, ELS will take reasonable steps to make the **people with disability or staff member aware of:**
- (1) Why ELS is collecting information about them
 - (2) Who else the personal information may go to
- 7.6 ELS will take reasonable steps to ensure, when collecting, using and storing the personal information of people with disability or staff that the information is accurate, complete and up to date. This will be done by:
- (1) An annual request of individuals to update their own personal information, which will be coordinated by the NSW Leader.
 - (2) Only allowing individuals to update their own information, in writing, or with written consent from the individual concerned
- 8.0 Providing Engagement/Change of Details forms in accessible locations at all sites**
- 9.0 Information Storage, Retention and Retrieval**
- 9.1 ELS will take reasonable steps to protect the personal information held, from misuse and loss, and from unauthorized access, modification or disclosure. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy. This is facilitated by ensuring that:
- (1) All paper based Personal Files will be stored in a lockable cabinet or cupboard in a secure area.
 - (2) Paper based identifiable information will be kept securely locked away when not in use. The minimum requirement is that, outside normal working hours, the information must be stored in locked drawers or cabinets. Particular care will be taken regarding the print out and photocopying of paper based information. Authorised users with approved purposes must be prepared to collect personal information from printers, photocopiers and fax machines as soon as possible. Identifiable information will not be copied, electronically transmitted or removed from any ELS premises without specific approval from the NSW Leader.
 - (3) Computer and networks will be secured by user account and password protection and automatic screen shutdown will be in place on all PCs. Procedures which limit access to personal information by authorised persons for approved purposes will be communicated to people with disability and staff.

- (4) Staff will be made aware of their privileged access to information. This will be communicated in staff recruitment, selection, induction, training and supervision procedures.
 - (5) Staff who directly or indirectly have access to personal information, will be required to sign a Confidentiality Agreement as part of their induction into ELS.
- 9.2 ELS does not normally contract out data storage or processing functions. If ELS does contract out reasonable measures will be taken to protect the information by ensuring contracts reflect obligations under the [Privacy Amendment \(Private Sector\) Act 2000](#).

10.0 Access to Personal Information

- 10.1 Individuals may request to inspect their own records, take notes, photocopy or print them out.
- 10.2 A person with disability or staff member will generally be given access to personal information held in their name only
- 10.3 People other than the person with disability or staff member concerned, may only access another's personal information if authorised to do so and for an approved purpose.
- 10.4 ELS may deny an individual access to the personal information ELS holds about them. ELS is required to give the individual its reasons if it denies access to personal information. However, reasons are not required where such a disclosure would prejudice an investigation against fraud or other unlawful activity.
- 10.5 Access will be denied to an approved individual, if:
- (1) The request does not relate to the personal information of the person making the request
 - (2) Providing access would pose a serious and imminent threat to the life or health of a person
 - (3) Providing access could have an unreasonable impact on the privacy of others, which can include any information in the document from which the identity of another person may be reasonably ascertained
 - (4) The request is frivolous and vexatious
 - (5) The request relates to existing or anticipated legal proceedings
 - (6) Providing access would be unlawful
 - (7) Providing access to information would show ELS's intentions and therefore prejudice or interfere in some negative way in ELS's negotiations with the individual making the request
 - (8) Denial of access is authorised or required by law
 - (9) Access would prejudice law enforcement activities
 - (10) Access discloses a '*commercially sensitive*' decision making process or information
 - (11) Any other reason that is provided for in the [National Privacy Principles \(NPPs\) set-out under the Privacy Amendment \(Private Sector\) Act 2000](#)
- 10.6 Where possible ELS will favour providing access. It may do so by providing access to the appropriate parts of the individual's records that are not exempt

10.7 Procedure for access to own personal information:

- (1) A person with disability, (their person responsible, family member, carer, guardian, advocate) or staff member may make a request to the NSW Leader to access information and complete a [Request for Access to Personal Information](#) form. If a staff member is requesting access to their information, the Request for Access to Personal Information form will be forwarded to the NSW Leader.
- (2) Individuals requesting access will be required to provide proof of identity. This is necessary to ensure that personal information is provided only to the individual to whom the personal information relates.
- (3) If access is approved, ELS will take all reasonable steps to provide access within fourteen (14) days of the request, or if it is a more complicated circumstance or a large volume of information is requested, within thirty (30) days.

10.8 With regard to requests for information from external parties, ELS may impose the following charges for legitimate and approved requests for access to personal information, depending on the circumstance and the nature of the request:

- (1) Photocopying – 50c per page
- (2) Delivery cost of information stored off-site – where information is stored off-site, the cost of obtaining access to the information – search fees \$50 per hour
- (3) Access to electronic databases – search fees \$30 per hour

Related ELS Documents

Collection of member with disability information
Communication framework
Computer usage
Member with disability Records and Maintenance
Household Computer
Information Management
Internet and Email Usage
It Security
Mobile Phones
Record management
Telecommunication usage
Information Usage