

## PRIVACY POLICY

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### DOCUMENT CONTROL INFORMATION

<b>Policy No.</b>	6.1	<b>Version</b>	2.0
<b>Approved by</b>	Board	<b>Approval Date</b>	21/09/2021
<b>Responsible Officer</b>	Chief Executive Officer	<b>Review Date</b>	21/09/2024

### POLICY SUMMARY

This policy provides and outlines the Sammy D Foundation’s legal obligations and ethical expectations in relation to privacy and confidentiality.

### POLICY BACKGROUND

The Sammy D Foundation prides itself on being a professional organisation in which all records of interactions with young people and others are kept confidential.

The Sammy D Foundation administers a range of personal information for the purposes of conducting its interactions with young people through education and mentoring. The organisation is committed to protecting the privacy of personal information it collects, holds, and administers.

The Sammy D Foundation 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 our core values and philosophies.

### POLICY OBJECTIVES

The objective of this policy is to outline the Sammy D Foundation’s legal obligations and ethical expectations in relation to privacy and confidentiality. It aims to ensure all Sammy D Foundation staff, volunteers, and Board members are familiar with the organisation’s legislative requirements regarding privacy and the collection, storage, and use of personal information and provide guidance and instruction in the organisational systems that are in place to protect privacy and confidentiality.

### POLICY STATEMENT

The Sammy D Foundation is committed to protecting the privacy and confidentiality of young people interacting with the organisation, staff, volunteers, Board members, and contractors in the way information is collected, stored, and used. As part of our commitment to privacy and confidentiality, and to ensure compliance with this policy, Sammy D Foundation has appointed the Chief Executive Officer as Privacy Officer.

## **Principles**

The Sammy D Foundation is committed to ensuring that information is used in an ethical and responsible manner. We recognise the need to be consistent, cautious, and thorough in the way that personal information is recorded, stored, and managed.

All individuals including young people interacting with us, stakeholders, staff, and Board members have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy or legal framework, or both.

## **Collection of information**

Personal information collected by the Sammy D Foundation is only used for purposes that are directly related to the functions or activities of the organisation. In accordance with Australian Privacy Law, the Sammy D Foundation does not provide individuals the option of dealing anonymously or by pseudonym as it is impracticable for Sammy D Foundation to provide tailored services to individuals who have not identified themselves. The organisation will only solicit and collect sensitive information if the individual has consented to the sensitive information being collected.

The organisation has adopted the following principles as minimum standards in relation to handling personal information and will:

- collect only information which the organisation requires for its primary functions;
- ensure that stakeholders are informed as to why we collect the information, how we administer and use the information gathered, and how they can request access to or correction of their personal information;
- use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the individual's consent;
- securely store personal information, protecting it from unauthorised access; and,
- provide stakeholders with access to their own information and the right to seek its correction.

Where possible, the organisation will strive to collect personal information directly from the individual to whom it is providing services. However, under Australian Privacy Law exceptions apply where an individual would reasonably expect personal information about them to be collected directly from another source, such as a parent or caregiver. The organisation reserves the right to collect personal information from parents, caregivers, teachers, or other people connected to the individual to whom it is providing services.

## **Collection, use, and disclosure of other confidential information**

Other information held by the Sammy D Foundation may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public. If staff members are unsure whether information is sensitive or confidential to the Sammy D Foundation or its staff and stakeholders, staff members are to refer to the Chief Executive Officer before transferring or providing information to an external source.

In accordance with Australian Privacy Law, the Sammy D Foundation will not adopt government related identifiers of an individual as its own identifier of the individual. Where needed, sensitive information will be assigned a unique identifier and the corresponding individual's identity will be kept confidential from third parties. The organisation will also take reasonable steps to ensure that the personal information it collects is accurate, up-to-date, and complete.

The Sammy D Foundation website may utilise "cookies" which enable us to monitor traffic patterns and to serve users more efficiently. A cookie does not identify individuals personally, but it does identify their computer. IP addresses may be gathered as part of our business activities and to assist with any operational difficulties or support issues with our services.

### **Information security**

The Sammy D Foundation takes steps to protect the personal information it holds against loss, unauthorised access, use, modification, or disclosure, and against other misuse. These steps include reasonable physical, technical, and administrative security safeguards for electronic and hard copy or paper records. Refer to the Records Management and Security Policy.

### **Breach of privacy or confidentiality**

If staff members are dissatisfied with the conduct of a colleague regarding privacy and confidentiality of information, the matter should be raised with the Chief Executive Officer. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action, in serious instances dismissed, and if appropriate subject to legal action.

If a client or stakeholder is dissatisfied with the conduct of the Sammy D Foundation's staff, volunteer, or Board Member, a complaint should be raised in accordance with Policy #9.1 Complaints Management. Information about making a complaint will be made available on the Sammy D Foundation website or additionally, a complaint can be taken over the phone by any staff member.

### **Information sharing relating to vulnerable children and young people**

The Ombudsman SA's Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) provide a mechanism for information sharing for all South Australian government agencies and relevant non-government organisations wanting to provide more integrated support to children, young people and adults who are at risk of harm. The guidelines (2013) aim to remove barriers to information exchange (such as misconceptions about privacy and confidentiality) and provide a consistent, clear, and guided statewide approach to appropriate sharing of personal information.

## **DEFINITIONS**

- **Privacy provisions** of the Privacy Act 1988 (in particular the 10 National Privacy Principles [NPP]), govern the collection, protection and disclosure of personal information provided to Sammy D Foundation by clients, Board members, staff, contractors, and students.
- **Confidentiality** applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, for example, it is information that is not available in the public domain.
- **Consent** means voluntary agreement to some act, practice, or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.
- **Individual** means any person such as a client, staff member, Board member, student, contractor, or a member of the public.
- **Personal information** means information or an opinion (including information or an opinion forming part of a database) about an individual. It may include information such as names, addresses, bank account details and health conditions.
- A **record** means a document, or a database (however kept), or photograph or pictorial representation of a person.

## COMPLIANCE OBLIGATIONS

Privacy Act (1988) (including National Privacy Principles):

<https://www.legislation.gov.au/Details/C2021C00242>

Privacy Amendment (Enhancing Privacy Protection) Act 2012:

<http://www.comlaw.gov.au/Series/C2012A00197>

The Information Privacy Principles (IPPS) Instruction, And Premier and Cabinet Circular 12:

<https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf>

In South Australia, there exists an administrative direction on handling personal information which binds the public service (PC012- Information Privacy Principles (IPPs) Instruction). Part II of the administrative instruction, *PC012: Information Privacy Principles Instruction*, provides a set of Information Privacy Principles which guide the Sammy D Foundation's approach to all matters of privacy.

South Australian Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG):

[https://www.dpc.sa.gov.au/\\_data/assets/pdf\\_file/0009/45396/Information-Sharing-Guidelines.pdf](https://www.dpc.sa.gov.au/_data/assets/pdf_file/0009/45396/Information-Sharing-Guidelines.pdf)

In March 2013 South Australian Cabinet directed that the scope of the 2008 Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families should be broadened to include information sharing for all adults irrespective of their status as parents or caregivers and relocated responsibility for the ISG to Ombudsman SA. This enables service providers to apply the ISG to all clients with whom they work and aligns information sharing practice across both adult and child services.

## REFERENCE DOCUMENTS

- 6.2 – Records Management & Security Policy
- 9.3 – Complaints Management Policy
- 9.3.1 – Complaints Handling Form