

## Privacy and Personal Information Protection policy

Authorised by:	Executive Director/Board
Applies to:	All HCNSW workers
Effective from:	19 November 2021
Review date:	November 2024

### 1.0 Policy statement

Health Consumers NSW (HCNSW) is committed to protecting the privacy of individuals in the way it collects, uses, discloses, and manages their personal information. In this regard, we act in accordance with the Australian Privacy Principles and the *Privacy Act 1988 (Cwlth)*. If collection involves health information about individuals, then HCNSW must also comply with the *Health Records Information Privacy Act 2002 (NSW)*.

#### Security of personal and health information held by NSW Health funded NGOs

HCNSW will act in accordance with the Standard Conditions that apply to Ministerially approved grant (MAG) funding agreements between NSW Health and NGOs stipulated requirements (under section 10.3) for the protection of personal information collected by an NGO. It is a requirement that grantees must comply with all relevant privacy legislation, including the *Health Records and Information Privacy Act 2002 (NSW)* and the *Privacy Act 1988 (Cwlth)*.

The Information and Privacy Commission NSW has issued a factsheet ([The 15 Health Privacy Principles explained for members of the public](#)) that outlines legal obligations that HCNSW and other NSW public sector agencies and private sector organisations must abide by when they collect, hold, use and disclose a person's health information.

#### Personal information

HCNSW may collect personal information from:

- Employees and volunteers.
- Individual Members.
- Member organisations and their office holders.
- Health consumers who come to HCNSW for advice or information.
- Those who register for our health consumer training programs.
- Those who access our website, subscribe to our newsletter, join a discussion forum, or register to participate in our online engagement site *Amplify*.
- Anyone providing feedback or making a complaint to HCNSW.

We may collect a person's contact information (e.g. name, email address, postal address, mobile phone number, and other profile information), login details, comments, or feedback. All forms used by HCNSW to collect personal information (including membership and registration forms) carry a statement that refers to this Privacy policy.

We also collect information that is not classified as 'personal information' because it does not identify individuals – for example, anonymous answers to surveys, or aggregated information about how the HCNSW website is used.

#### Analytics and Cookies

HCNSW collects statistical information about visitors to our website using web analytics technology. These services use cookies that assist us to understand how a visitor accesses and uses our website, but the information is not used to identify individuals. In some circumstances, however, statistical information may include a visitor's internet protocol (IP) address, which could be linked to them. Users who do not wish to receive cookies can set their browser to not accept them.

#### Confidential information

HCNSW may create, collect, use, and store confidential information which is not in the public domain. On commencement, a HCNSW worker may be asked to sign a Confidentiality Undertaking (see Attachment 1), or be advised that their terms and conditions of employment include their confidentiality obligations. Workers are asked to check with the Executive Director if they are unsure about the sensitivity or confidentiality of information, before releasing it to an external source.

### **2.0 Principles**

The principles guiding this policy include the following:

- The collection and use of someone's personal information must relate directly to HCNSW's legitimate purposes, and it must be collected using lawful and fair means.
- Individuals are informed of the purposes to which their personal information will be put.
- Every effort is made to ensure that the personal information collected is accurate and current.
- All reasonable measures are taken to store personal information securely.
- Individuals are entitled to have access to the personal information that HCNSW holds about them, unless we are prevented by law from doing so.
- Third party access to an individual's personal information is only granted if permitted or required by law.
- HCNSW amends the personal records in its possession that are shown to be incorrect.

### **3.0 Definitions**

*Worker* is anyone working with or for HCNSW who may require access to information HCNSW holds in order to do their work. This includes, but is not limited to, paid staff, Board members, volunteers, student placements and contractors.

*Confidentiality* is an obligation, owed to the source of information, not to disclose it without permission.

*Personal information* means information or an opinion about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It includes information in hard copy and electronic formats, photographs and film images.

*Health information* includes personal information that is also information about a person's physical or mental health or disability; a health service that the person is receiving; or genetic information that is, or could be, predictive of the person's health or that of their relatives or descendants.

*Sensitive information* is personal information that includes a person's racial or ethnic origin, their political opinions, religious beliefs, trade union membership, sexual orientation, criminal record, health or genetic information. Generally, sensitive information has a higher level of privacy protection than other personal information.

#### **4.0 Accountabilities**

The Board must ensure that HCNSW has privacy and personal information protection systems in place that comply with privacy legislation. The Executive Director is responsible for implementing the policy and ensuring that personal information held by HCNSW is kept secure.

#### **5.0 Procedures**

##### **5.1 Collection of personal information**

HCNSW collects the personal information that Members, other stakeholders, and individuals willingly provide. We always explain why we wish to collect personal information, how it will be used, and who else may see it. With a person's consent, HCNSW may also collect personal information from third parties such as government agencies. This is only done to assist HCNSW to provide services and support.

##### **5.2 Use and disclosure of personal information**

The personal information that someone shares with HCNSW is generally kept confidential within the organisation; however, disclosure of information to others may occur where:

- We have informed the person of our intention to use or disclose their personal information and they have consented.
- The person would expect us to use and disclose the information.
- Use or disclosure will prevent or lessen a serious threat to someone's life, health or safety.
- Use or disclosure is reasonably necessary for a confidential dispute resolution process.
- We are authorised or compelled by law to use or disclose the information.
- There is a directly related secondary purpose to justify use and disclosure of personal information, and the person has consented to the secondary use.
- Use or disclose is required by a third party such as a court, police, or health professionals involved in delivering services to a person.

##### **5.3 Storage and protection of personal information and data**

HCNSW holds personal information as either physical records, or as electronic records on secure networks and databases. We take all reasonable steps to protect this information against loss, unauthorised access and use, modification, or disclosure. Such steps include: physical security over paper-based and electronic data storage and premises; computer and network security measures, including use of firewalls, password access and secure IT environments. HCNSW follows the advice of IT specialists and uses secure software and systems to best protect this information.

##### **5.4 Access to personal information held by HCNSW**

HCNSW supports a person's right to access the personal information they have shared with us. Requests for access may be made in writing, by phone, or in person. We usually respond to a request for access within five working days. There is no charge for access requests.

HCNSW may refuse to give access if there is a valid reason – for example, if giving access would have an unreasonable impact on the privacy of others. If access is refused, we advise the person in writing and provide information on how they may make a complaint.

## **5.5 Correction of the personal information held by HCNSW**

HCNSW takes all reasonable steps to ensure that the personal information it holds is accurate, current, complete, and not misleading. However, if someone thinks there are inaccuracies or omissions in the information, we invite them to let us know the reasons why. We then take reasonable steps to verify their identity before making any corrections to their information.

If HCNSW refuses a request to correct personal information, we inform the person in writing giving the reasons for refusal and, if they wish, information about how to make a complaint. We also inform the person of their right to make a statement about the requested changes which is attached to the records we hold.

## **5.6 Complaints about privacy breaches**

A person wishing to complain about HCNSW's handling of their personal information or about a breach of their privacy is entitled to complain to the Executive Director and request an internal review. As a result, the Executive Director may decide to:

- Make a formal apology.
- Take remedial action.
- Provide undertakings that the conduct will not occur again.
- Take no further action.

If a person remains dissatisfied with the way we handle their complaint, then they may complain to the Australian Information Commissioner.

- Phone: 1300 363 992
- Post: GPO Box 5218, Sydney 2001
- Street: Level 3, 175 Pitt Street, Sydney 2000 (by appointment)

## **6.0 Related policies**

- Code of Conduct
- Feedback and Complaints policy
- Data Breach Prevention and Response Plan
- If collection involves health information about individuals, then HCNSW must also comply with the *Health Records Information Privacy Act 2002 (NSW)*.

**CONFIDENTIALITY UNDERTAKING**



I, ..... (Full name) of

(insert address) .....

..... Post Code .....

hereby acknowledge the content of the following Confidentiality Undertaking given by me in favour of HCNSW and agree to be bound by it.

I acknowledge that all of the information provided to me by Health Consumers NSW (HCNSW) and its authorised representatives is confidential and is being provided to me in order to enable me to function at my best in relation to HCNSW’s business. I acknowledge that it is a condition of HCNSW and its authorised representatives supplying this confidential information to me that I give this undertaking, both on behalf of myself and on behalf of any other person whom I represent or who is under my control.

In consideration of HCNSW disclosing to me such confidential information relating to HCNSW’s business, I agree to treat as confidential all such information including, but without limiting the general nature and extent of this undertaking, relating to membership, membership lists, customer lists, technology, know-how, plans, methods of marketing, and intellectual property relating to the business of HCNSW.

I undertake that I will not, without the prior written consent of HCNSW, disclose any of the confidential information to any other person, nor will I use or permit the use of any such information by any officer, employee or agent of mine or any other person under my control for any other purpose other than in respect of evaluating such confidential information for the purposes for which it is intended.

In the event of me or any other person under my control disclosing such confidential information to any other person, I shall only do so with the consent of HCNSW, and upon request by HCNSW will arrange for such other person to execute a confidentiality undertaking in favour of HCNSW in similar form to this undertaking.

I undertake that I will immediately upon request by HCNSW return all documents and other materials supplied to me by HCNSW. Upon written request I will return all documents or information relating to HCNSW’s business within 30 days of that written request. I further undertake not to retain any copies of any such documents or material.

Dated this day .....

Signature: .....

Witness: .....

Name (print): .....

Name (print): .....