



Privacy Procedure

1. Policy Title

Privacy Policy

2. Preamble

Carclew is committed to respecting your personal information and your right to privacy. The *Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)* regulates the handling of an individual's personal information. This includes the collection, storage, use, disclosure, security and disposal of an individual's personal information

3. Definitions

APP: the Australian Privacy Principles, a single set of principles that apply to both Government agencies and the private sector. These principles replace the existing Information Privacy Principles (IPP) and the National Privacy Principles (NPP).

Personal information: information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not, or is recorded in a material form or not.

Sensitive Information: a sub-set of personal information that includes racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, membership of a professional or trade association or union, criminal records or health and genetic information about an individual.

Directly related purpose: disclosing your information where necessary to provide you with the service that you have requested.

Implied consent: consent that is inferred from signs, actions, facts or by inaction or silence.

Expressed consent: clearly and unmistakably stated.

Reasonable identifiable: when information combined with other information (which may or may not be controlled by the same entity), identifies an individual or renders the individual as reasonably identifiable. The cost, difficulty, practicality and likelihood that the information will be linked in a way to identify the individual are to be considered when defining as reasonable identifiable.

4. Information Handling

This document outlines the procedures relating to the storage, use, requests, and feedback to the personal information held by Carclew. It assists in enhancing transparency and providing a clear understanding of what information Carclew holds and the way we handle it.

4.1 Request to access, update, remove and store personal information

All requests will be considered on a case by case basis in accordance with Carclew's Privacy Policy, the South Australian *Public Sector Act 2009*, *Privacy Act 1988*, *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*, Australian Privacy Principles, *Freedom of Information Act 1991* and *State Records Act 1997*.

- All requests made under the *Freedom of Information Act 1991* must be made in writing to the Freedom of Information Officer at foi@carclew.org.au.
- All other requests in relation to personal information, including accessing, corrections or amendments can be made in writing or verbally. The inquiry will be delegated to the appropriate program area, who will ensure the request is completed in a timely manner.

4.2 Staff handling requests to access or change personal information

A client can requests to access their personal information in many forms, including via telephone, writing, email or visiting in person. If a client inquires about accessing their personal information, or information about a child/young person entrusted in their care, the following steps must be considered:

- Explain that in accordance with Carclew's Privacy Policy, we are by law required to confirm their identity prior to releasing any personal information. You will need to confirm the following details:
 - Their full name, address and current telephone number.
 - It must reflect the information recorded on the documentation that they are inquiring about.
- If a client is inquiring about a child or young person's personal information, it is important to check that the person calling is an '**Authorised Emergency Contact**'.
 - This information can be found on the participant's Health, Safety and Wellbeing Participation Declaration Form.
 - The inquirer must be listed as an 'Authorised Emergency Contact'. They will need to confirm their full name, contact telephone number and relationship to the participant.
 - They must also confirm the child/young person's full name and date of birth.
 - They will need to confirm the details exactly as written on the form.
 - Finally, you must view the Declaration on page 4 of the participant's Health, Safety and Wellbeing Participation Declaration Form to ensure that there are no 'Court Orders/Child Protection Plan or Parental Plan' restrictions.
- If the inquirer is not an 'Authorised Emergency Contact', or cannot provided the details as completed on the form, you must advise the inquirer that Carclew is **not** entitled to, by law, to disclose any information.
- The inquirer will need to contact an authorised person, which we cannot provide the details of, to view or amend the information.

4.3 Feedback / concerns

All feedback or concerns in relation to privacy and/or an individual's personal information can be made in writing to Carclew enquiries, PO Box 519, North Adelaide, SA, 5006.

If an individual is unsatisfied with Carclew's response to their concern that we have interfered with their privacy, refer them to the Office of the Australian Information Commissioner.

5. **Legislation**

The South Australian *Public Sector Act 2009*

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

State Records Act 1997

Freedom of Information Act 1991

Children's Protection Act 1993

6. **Additional Information**

The following information can be found on <http://www.oaic.gov.au> and are also available to download from the Carclew website.

- Australian Privacy Principles
- Privacy Regulations 2013
- State Records General Disposal Schedule No.15 (8th Edition)