

ASSOCIATION FOR THE BLIND OF WA (INC.)
PRIVACY SAFEGUARDS POLICY AND PROCEDURE

POLICY

1.0 INTRODUCTION

The Association for the Blind of WA (Inc.) is committed to protecting the privacy of all the individuals with whom it conducts its service and business operations. The Association is bound by the Privacy Act 1988 and undertakes to adhere to the National Privacy Principles. This document sets out the Association's policies on handling personal information, including health information. With the exception of employee records, it applies to all of the Association's programs and activities and to all staff members involved.

2.0 STATEMENT

2.1 Access

The Association will ensure that each individual about whom personal and/or health information is collected, stored or used has access to this policy in accordance with the Association's obligations under the Privacy Act.

2.2 Information Regarding Consumers

2.2.1 Service Provision

The Association collects personal information in order to provide services to its consumers or where it is necessary for the purposes of its activities. The Association collects and holds personal information including a person's name and contact details and, where a service recipient makes a financial contribution to the Association, information that might include his/her credit card and/or bank particulars along with the amount of his/her financial contribution.

The Association also collects health information about its consumers for the purposes of: providing its services; promoting and marketing its services to its consumers; and for administration purposes. The Association undertakes to seek the consent of the consumer prior to collecting health information about the consumer in accordance with its obligations under the Privacy Act.

2.2.2 Fundraising and Marketing

The Association undertakes to seek the consent of the consumer prior to using his/her personal information for fundraising and marketing purposes.

2.2.3 Disclosure

The personal and health information collected by the Association is considered by the Association to be strictly confidential. However, the Association may from time to time provide a consumer's personal and health information to service providers and contractors engaged incidental to the purposes for which the Association has collected the information, including providers of medical and rehabilitation services as applicable, regulatory bodies and to others.

Where the Association is required to do this, the Association will require these parties protect the information in the same manner the Association does. If legal or health and safety issues arise, the Association may also have to make disclosures to relevant organisations to deal with these matters.

In accordance with its obligations under the Privacy Act, the Association undertakes to seek the consent of the consumer prior to providing his/her personal or health information to research organisations. However, as described in *Guidelines on Privacy in the Private Health Sector and Information Sheet 9*, published by the Office of the Federal Privacy Commissioner, the Association may disclose de-identified health information for purposes of public health research or statistical analysis.

2.2.4 Security

The Association uses a variety of physical and electronic security measures including restricting physical access to its files and secure, password controlled databases to keep personal information secure from misuse, loss or unauthorised use or disclosure.

2.2.5 Access

The Association agrees that each consumer has a right to access most personal information the Association holds about that consumer. The Association reserves the right to deny access to some information in accordance with the Privacy Act and other applicable laws however, it undertakes to advise the consumer of the reason for this denial. For instance, access may be denied if the release of information could present a serious threat to the life or health of the individual or if the information relates to existing or anticipated legal proceedings.

2.3 Personal Information which does not relate to consumers

2.3.1 Fundraising and Marketing

Fundraising to collect funds to provide its services is one of the Association's major activities. The Association collects personal information from individuals other than its consumers for the purpose of fundraising.

The Association collects and holds personal information including a person's name and contact details and, where that person chooses to make financial contributions to the Association, information that might include his/her credit card and/or bank particulars and the amount of the financial contribution.

The Association uses the personal information to provide and market its services and for administration purposes, fundraising and marketing purposes.

2.3.2 Disclosure

The personal information collected by the Association is considered by the Association to be strictly confidential. The Association may from time to time provide information to contractors engaged to assist the Association with its fundraising activities, such as a printer or mailing

house. If it does, the Association will require the contractors to handle the personal information in the same manner as the Association does.

2.3.3 Security

The Association uses a variety of physical and electronic security measures including restricting physical access to its files and secure, password controlled databases to keep personal information secure from misuse, loss or unauthorised use or disclosure.

2.3.4 Access

The Association agrees that each individual whose personal information the Association holds has a right to access most personal information held by the Association. The Association reserves the right to deny access to some information in accordance with the Privacy Act and other applicable laws however, the Association undertakes to advise the individual of the reason for this denial.

Dr Margaret Crowley
Chief Executive Officer

30/03/2005
Effective Date

First Adopted 2002; Reviewed 2003

PROCEDURE

1.0 INTRODUCTION

The Association for the Blind of WA (Inc.) is committed to the National Privacy Principles. This procedure relates to the Association's *Privacy Safeguards Policy*. It outlines the process the organisation will follow in the collection, storage, use and disclosure of personal information in its possession.

2.0 COLLECTION

2.1 Collection from the individual

Personal information should, wherever possible, be collected from the individual concerned. At the point of collection, the individual must be allowed to provide information in a fair, open and non-intrusive manner. The individual will be advised of the purposes for the collection and how the information will be used. The individual must give verbal consent for this to occur. At the same time, the individual (if a consumer) will be provided with

an Association “*Services and Information*” booklet, in his/her preferred format. This package will include reference to the Association’s *Privacy Safeguards Policy*, instructions on how an individual might request to see his/her personal information held by the Association and how he/she might request that personal information *not* be used for one or more specific purposes.

2.2 Collection from a third party

If the information is collected from a third party (other than public lists, such as the White Pages), the individual must be advised as soon as possible of this collection and be provided with the details as outlined in point 2.1 above. If the individual does not wish to enter into a service relationship with the Association, his/her information must be immediately destroyed. If the individual does want to enter into a service relationship with the Association, he/she must be given a copy of the Association’s “*Services and Information*” booklet. If the individual does not wish to enter into a business relationship with the Association, his/her record will be clearly marked for no further contact.

2.3 Confidentiality

All information gained during employment with the Association is confidential and staff must observe the Association’s related policy on *Information Confidentiality*.

2.4 Recording information

Details of ongoing contacts with consumers, customers or supporters must be recorded in an accurate, brief, factual and non-judgemental manner.

3.0 USE AND MAINTENANCE

3.1 Use of information

Only staff who need it to carry out the purpose for which it was collected, must use personal information. In this context “use” means the handling of information within an organisation.

3.2 Currency and accuracy of information

Staff must update information when it is out of date and correct any inaccuracies.

3.3 Archiving and destroying information

The Association’s *Records Management Policy* must be observed for the treatment of personal information no longer needed.

4.0 ACCESS

4.1 Receiving an access request

Requests for access to personal information should be directed to one of the following designated officers - Manager: Independent Living Services, Manager: Technology, Training and Employment Services or Manager: Library, Information and Research Services.

4.2 Content of request

Requests must be received either in person, writing or Braille, or via the phone. A requestor may ask:

- 4.2.1 to inspect all personal information held about him/her by the Association;
- 4.2.2 for a photocopy of the information;
- 4.2.3 to receive a print out of the information;
- 4.2.4 to take notes of the contents of a record;
- 4.2.5 view information and have its contents explained by a suitably qualified person, if appropriate;
- 4.2.6 to be given an accurate summary of the information;
- 4.2.7 to use any other appropriate method to get access to the data; and
- 4.2.8 to take copies away.

4.3 Denying access

If information is withheld, the requestor must be given reasons for the denial of access. Access may be denied if:

- 4.3.1 the release of such information could present a serious threat to the life or health of the individual or another person;
- 4.3.2 a record contains details about another person and releasing such details will have an unreasonable impact on the privacy of that other person;
- 4.3.3 the request is frivolous or vexatious;
- 4.3.4 the information relates to existing or anticipated legal proceedings;
- 4.3.5 access would prejudice negotiations with the individual;
- 4.3.6 access would be unlawful;
- 4.3.7 it is required or authorised by or under law;
- 4.3.8 there are law enforcement or national security interests;
- 4.3.9 it contains commercially sensitive information.

4.4 Processing access request

A request for information –

- if lodged in writing must be acknowledged within 14 days of receipt;
- must be processed in no more than 30 days total (less in most cases).

4.5 Identity of requestor

The designated officers must establish the correct identity of the requestor before providing access to the information. Such access should take into consideration the needs of the requestor ie alternative format.

5.0 RELATED DOCUMENTS

- *Guidelines on Privacy in the Private Health Sector*
Office of the Federal Privacy Commissioner
November 2001