



**Section:** Privacy Policy  
**Issue:** 8  
**Date:** 26<sup>th</sup> May, 2014  
**Issuing Authority:** Chief Executive Officer

## SCOPE

This policy and procedure applies to all staff, contractors and volunteers engaged by ON-Q Human Resources.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

## RESPONSIBILITIES

All ON-Q Human Resources staff, volunteers and Board members are responsible for the management of all personal information to which they have access.

**Privacy Contact Officers:** ON-Q's Quality Manager and Human Resources Manager are responsible for:

- ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
- handling any queries or complaint about a privacy issue.

## CONTEXT

This policy relates to the following legislative and contractual requirements:	
<b>Standards</b>	<i>Disability Service Standard one: Rights</i>
<b>Legislation</b>	<i>Australian Privacy Principles 2014 Privacy Act 1988 (Commonwealth) Privacy and Personal Information Protection Act 1998 (NSW) Health Records and Information Privacy Act 2002 (NSW)</i>
<b>Contractual obligations</b>	<i>Disability Employment Services Deed. Section 3C: Control of Information</i>

## POLICY STATEMENT

ON-Q Human Resources is committed to protecting and upholding the right to privacy of clients, employers, customers, staff, volunteers, Board members and representatives of agencies we deal with. In particular ON-Q Human Resources is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, and the services we provide to them.

ON-Q Human Resources requires staff, volunteers and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

ON-Q Human Resources will follow the guidelines of the *Australian Privacy Principles* in its information management practices and this policy conforms to the *Federal Privacy Act (1988)* and the *Australian Privacy Principles* which govern the collection, use and storage of personal information.

ON-Q Human Resources will ensure that it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel. With regard to clients of its various programs, we will ensure that they are:

- provided with information about their rights regarding privacy. Clients will be told what information is being collected, how their privacy will be protected and their rights to this information at their initial interview. Clients will also be given information on how to make a complaint regarding the privacy of their personal information.
- granted access to their information upon request without charge or recourse
- provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.

## PROCEDURES

## **Consideration of Personal Information**

In managing personal information, ON-Q Human Resources staff will ensure individuals know what information is held, for what purposes it is held, how it is collected, used, disclosed, who will have access to it, how long it will be kept for and how to gain access to it.

At their initial interview clients will be informed what personal information is being collected, how their privacy will be protected and their rights in relation to this information.

## **Collection of Personal Information**

In collecting personal information, ON-Q Human Resources staff will:

- only collect and store personal information that is reasonably necessary for, or directly related to the organisation's functions and activities
- use fair, lawful and the least intrusive means to collect personal information
- ensure that individuals are aware that information is being collected from them and only collect sensitive information with their consent
- only collect personal information from the individual, unless the individual consents to the collection of information from a third party
- use reasonable means to ensure information being provided by other agencies or external individuals conforms to the privacy principles
- provide a privacy statement for information collected on the company website.

To provide privacy for clients or staff when discussing sensitive or personal matters, ON-Q Human Resources will utilise private interview rooms when required or requested

## **Dealing with Personal Information**

In dealing with personal information, ON-Q Human Resources staff will ensure that:

- disclosure of personal information is done only with consent from the individual, and information will not be disclosed to parties outside of Australia
- personal information held by the organisation will only be used or disclosed for the primary purpose for which it was collected, unless the individual has consented to another purpose, or in the following situations:
  - the use or disclosure of the information is required by law or court / tribunal order,
  - a "permitted general situation" including: preventing a serious threat to the life, health or safety of any individual, locating a person reported as missing
  - the information is related to the primary purpose or sensitive information directly related to the primary purpose,
  - when believed necessary for enforcement related activities on behalf of an enforcement body (eg for a criminal investigation by the police).
- personal information is only used for direct marketing activities where the individual has full knowledge of the type of information used, how the information will be used and with specific consent from the individual.

## **Integrity of Personal Information**

ON-Q Human Resources staff will:

- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access for any individual to review information or correct wrong information about themselves
- take care to ensure information recorded or conversations regarding individuals shall have regard to the individual's privacy and dignity with no slanderous or defamatory comments
- ensure any unsolicited information received is destroyed would it not have been collected with consent from the individual
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired

- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure.

### **Access to and Correction of Personal Information**

ON-Q Human Resources will, at an individual's request, provide the individual with access and make corrections to their personal information held by the organisation free of charge and without recourse.

ON-Q Human Resources will respond to the request for access or correction to personal information within 20 days and provide access to the information in the manner requested by the individual if reasonable and practicable to do so.

ON-Q Human Resources may refuse to give an individual access to, or correct their personal information in the following circumstances

- documents obtained from Government Department, such as the Department of Social Services (DSS) or Centrelink, including Job Capacity Assessment Reports will not be released to an individual without DSS approval.
- when exceptions detailed in the Australian Privacy Principles apply (section 12.3), including:
  - we believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public safety, or
  - the information relates to existing or anticipated legal proceedings between the entity and the individual.

Consideration must also be given to the impact of releasing information on the individual's mental health at that time.

In these circumstances ON-Q Human Resources will endeavour to provide access in a way that best meets the needs of the organisation and the individual.

A Waiver Form must be signed by the individual prior to the release of personal information as ON-Q Human Resources no longer has sole responsibility for the information.

Corrections can be made to information by updating the record or document and adding a notation. At the individual's request ON-Q Human Resources will notify another entity where the personal information corrected has been previously disclosed to that entity.

Where the information requested is not released or not provided in the manner requested, or the request to correct information is refused, ON-Q Human Resources will advise the individual in writing of the reasons for the refusal and provide information on how to make a complaint about this decision. Information will also be provided on how to seek access to the information through a Freedom of Information request to the relevant government body, such as the Department of Social Services.

### **Storage of Confidential Information**

The individual records relating to clients, staff and customers will be kept in standard formats across the organisation. Electronic records are password protected and hard copy files will be stored in a locked cabinet.

When hard copy client information is being utilised or electronic client records are open, care should be taken to ensure that no individual identifiers or personal information is visible to or accessible by anyone not authorised access to the information.

Should personal information be lost, damaged or misused, the individual to which the information pertains will be notified in writing within 20 working days of discovery and the incident will be recorded by the client's Employment Consultant in the Quality database and investigated by the relevant manager.

### **Transporting of Confidential information**

Where individual records must be transported to another location for either disposal or operational purposes the information must be contained in a locked bag or briefcase and transported in a locked motor vehicle. A record must be kept to document the departure and arrival of the information in the File Transfer Log at each location.

### **Disposal of Confidential information**

The retention of non-current information will be treated in accordance with all applicable statutory requirements.

Information about an individual that can be legally disposed of will be destroyed. Individual information in Company hard-copy records can only be disposed of by shredding or by secure disposal containers. At least one appropriate disposal unit is to be kept in each office.

### Privacy Inquiries or Complaints

To make an inquiry or complaint about the handling of your personal information, contact ON-Q's Quality Manager (via email [info@onqhr.com.au](mailto:info@onqhr.com.au) or phone 1800 761 561).

Refer to the Concern-Complaint Procedure for detail on how ON-Q Human Resources investigates and manages complaints.

If you are not satisfied with how ON-Q has dealt with your complaint, you may apply to the Australian Information Commissioner for an external review.

*Information and Privacy Commissioner*

Phone 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

### Related to this policy:

<b>ON-Q policies and procedures</b>	<ul style="list-style-type: none"> <li>• Concern-Complaint Procedure</li> <li>• Archive Policy and Procedure</li> <li>• Quality Management System</li> </ul>
<b>Internal Forms, record keeping or other documents</b>	<ul style="list-style-type: none"> <li>• Waiver Form</li> <li>• Customer Feedback Procedure - summary</li> <li>• Quality Database</li> <li>• File Transfer Log</li> <li>• Significant mail register</li> </ul>
<b>Resources</b>	<p><b>Australian Privacy Principles:</b>  <a href="http://www.oaic.gov.au/privacy/privacy-resources/all/">http://www.oaic.gov.au/privacy/privacy-resources/all/</a></p> <p><b>Freedom of Information:</b>  <a href="http://www.oaic.gov.au/freedom-of-information/freedom-of-information">http://www.oaic.gov.au/freedom-of-information/freedom-of-information</a></p>

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