

Privacy and Confidentiality Policy

1 At a glance

- Who** This policy applies to the Sylvanvale Board, Executive team, Managers and Workers (including employees, volunteers, agency staff, contractors and students).
- What** The purpose of this policy is to:
- Clearly communicate personal information handling practices
 - Enhance the transparency of Sylvanvale operations, and
 - Give individuals a better and more complete understanding of the sort of personal information that Sylvanvale holds, and the way we handle that information.
- Why** Sylvanvale respects every person's right to privacy, dignity and confidentiality and operates in accordance with the [Australian Privacy Principles](#) under the Commonwealth Privacy Act (1988), and is committed to safeguarding of personal information.

! The *Privacy Act 1988* does not apply to acts or practices which directly relate to employee records of Sylvanvale current and former employees.

! Where another document is referred to within this policy, it can be located on the Sylvanvale Intranet. The [Intranet Document Library](#) contains all of Sylvanvale's Policy, Procedure, Form, Template, Protocol and Poster documents.

This document does not contain direct hyperlinks to any other document.

2 Policy

2.1 Personal and Sensitive Information

Our obligations under the Privacy Act

 [OAIC – Privacy information](#)

 [Privacy Act](#)

This policy sets out how Sylvanvale complies with its obligations under the *Privacy Act 1988* (Privacy Act).

Sylvanvale is bound by the Australian Privacy Principles (APPs) a privacy protection framework in the Privacy Act which regulates how Sylvanvale may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

Data Protection

 [Records Management Policy](#)

Sylvanvale takes reasonable steps to ensure confidential, personal and sensitive information is protected from misuse and loss and from unauthorised access, modification or disclosure.

Data Breach

 [Data Breach Procedure](#)

The Notifiable Data Breaches (NDB) scheme in Part IIIC of the Privacy Act requires entities to notify affected individuals and the Commissioner of certain data breaches.

Sylvanvale has a requirement to notify individuals and the Australian Information Commissioner about 'eligible data breaches'. The processes for responding to suspected or actual data breaches are set out in the *Data Breach Procedure*

Collection of personal and sensitive information

Anyone wanting to access any Sylvanvale services on an anonymous basis or using a pseudonym, is required to let us know. If this is possible and lawful, Sylvanvale will take all reasonable steps to comply with the request, however, may not be able to provide the services in question if we are not provided with the personal information requested.

2.2 Collection of Personal and Sensitive Information

How we collect information

Sylvanvale collects personal information that is necessary for our work and helps us to engage with each stakeholder. The nature and extent of personal and sensitive information collected by Sylvanvale varies depending on the interaction with Sylvanvale.

Sylvanvale collects information through various means, including telephone and in-person interviews, appointments, forms and questionnaires.

There may be situations where Sylvanvale may need to obtain personal information from a third party. If we collect information in this way, we will take reasonable steps to contact the person the information relates to, to ensure they are aware of the purposes for which we are collecting the personal information.

If the information collected is required to be disclosed to an organisation to which we may disclose the information to (subject to

any exceptions under the Privacy Act) we will advise the person the information relates to. For example, we may need to collect information from a health care professional, such as a doctor.

Information collection sources

Sylvanvale collects personal and sensitive information from Clients, beneficiaries, donors, business partners, workers and online users.

Specific information about the kind of information collected from each of these groups and the use of the information is detailed below.

Sylvanvale Clients and beneficiaries

 *Decision Making Choice and Consent Procedure*

 *Code of Conduct Policy*

Type of information collected:

- Contact details (name, address, email etc.)
- Personal details including: date of birth, gender, income, community of origin, cultural and linguistic background, disabilities and other circumstances including family, carers and legal guardians
- Information on personal issues and experiences, relationships
- Family background, supports Clients may have in the community
- Areas of interest
- Health information and/or medical history
- Credit card numbers or bank account details.
- Information received via the NDIA Portal
- Service Agreements, Schedules of Support and Accommodation Agreements.

How the information is collected:

- Membership applications
- Online registration
- Telephone
- Interviews and meetings
- Email correspondence
- Service agreements
- Enrolment forms.

Use of Information Collected:

- To provide Sylvanvale services
- To provide Clients and beneficiaries with the most appropriate services for their needs
- To meet any requirements of government funding for programs
- To monitor and evaluate existing services and plan for future services
- To produce annual reports
- For research purposes which may involve contracted organisations and for which informed consent will be sought
- To comply with legal obligations.

Personal information about the Clients must only be used for the purposes it was collected for as specified in the relevant consent sought prior to collection of the personal information. If additional uses of the information is required, an additional consent to that use of the information must be obtained.

Staff are not to access and read any Client records unless they require the information contained in the record to carry out their authorised duties. All staff to comply with Sylvanvale Code of Conduct in relation to the use and consideration of the personal information they collect, use and disclose in the course of their duties.

Staff responsible for writing Client records should ensure that the information they record is accurate, factual, objective and respectful of the Clients and plan nominee and/or legal guardian. Staff should be aware that records may be read by the Client or plan nominee/legal guardian concerned.

Site Managers and Regional managers are responsible for verifying the information held about Clients and up-dating at least annually or as changes occur.

Sylvanvale Donors

 *Fundraising Procedure*

Type of information collected:

- Contact details (name, address, telephone numbers, email etc.)
- Personal details including: date of birth, gender, income
- Areas of interest
- Donation history
- Credit card numbers or bank account details of all our donors
- Expiration date of credit card.

How the information is collected:

- Communications, email, flyers
- Online registration
- Events and meetings
- Telephone.

Use of Information Collected:

- To provide Sylvanvale services
 - To process donations and provide accurate receipts
 - To facilitate on-going fundraising and marketing activities
 - To comply with legal obligations
 - To provide transparency relating to donated funds, particularly for appeals for public donations.
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Sylvanvale Business Partners

Type of information collected:

- Contact person's name, the name of the organisation which employs the person, telephone numbers, fax number, street and postal address, email address and position title
- Areas of interest by category and industry
- Bank details (if Sylvanvale is to receive payment or make payment for services received)
- Australian Business Number (ABN)
- Type of support (e.g. workplace giving, goods in kind, program support, volunteering).

How the information is collected:

- Communications, email, flyers
 - Online registration
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- Interviews and meetings
- Telephone.

Use of Information Collected:

- To provide Sylvanvale services
- To process donations and provide accurate receipts
- To pay for services
- To establish and manage partnerships
- To receive services from you or the organisation which employs you
- To manage Sylvanvale relationship with the business partner
- To provide information about Sylvanvale services
- To update the company on Sylvanvale appeals for public donations, programs and services.

Workers and prospective workers

 *Recruitment Procedure*

Volunteers, employees, directors, agency staff, contractors, delegates and candidates for volunteer work and prospective employees.

Type of information collected:

- Contact details (name, address, telephone numbers, email etc.)
- Personal details including personal details of emergency contact person(s)
- Date of birth
- Country of birth, citizenship, residency and/or visa details
- Details of current/previous employment or volunteer involvement
- Skills and experience
- Languages spoken and written
- Qualifications, drivers licence
- Information and opinions from referees for prospective employees and candidates for volunteer work
- Worker screening information.

A Police Check is required for all roles in Sylvanvale. Individuals will be required to provide certain information for a Police Check. There are different arrangements for Police Checks in each state and territory of Australia.

In some cases the Police Check will be received directly by Sylvanvale and then stored securely or destroyed.

Working with Children Checks and NDIS Worker Clearance Checks are also required for specific roles at Sylvanvale.

The *Recruitment Procedure* sets out different types of worker screening requirements and the positions to which they apply.

In some rare situations it is necessary for Sylvanvale to collect or receive information about an individual's health. In this circumstance, Sylvanvale will advise why the information is being collected and whether and to whom it will be released.

Use of Information Collected:

- To provide Sylvanvale services
- To process an application to become a member, volunteer or employee of our organisation
- To facilitate a placement in an appropriate service or position

- To assist with services whilst an individual is employed or engaged as a volunteer with Sylvanvale
- To provide feedback on performance as a volunteer or employee
- To meet legislative responsibilities to all volunteers and employees
- To obtain feedback from individuals about their experiences
- To assist Sylvanvale to review and improve its programs and services to keep individuals informed about Sylvanvale developments and opportunities
- To provide information about services
- To facilitate further involvements with Sylvanvale (e.g. Disability supports, membership or donor or supplier).

Online Users

To the extent that this policy applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the Sylvanvale website.

Type of information collected:

- Contact details (name, address, telephone numbers, email etc.)
- Credit card number
- Expiration date of credit card
- Non-personal information e.g. visitor navigation and statistics
- Server address, browser type, date and time of visit
- Personal information.

Use of Information Collected:

- To process donations, purchase orders, online bookings, purchases/transactions (e.g. booking Gala Dinner tickets)
 - To analyse website usage and make improvements to the website
 - Sylvanvale does not match the personal information collected with the non-personal information.
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Health Information

 *Health Records and Information Privacy Act 2002*

As part of administering Sylvanvale services, Sylvanvale may collect health information. For example, Sylvanvale collects health information (such as medical history) from Clients and beneficiaries participating in Sylvanvale programs.

When collecting health information, Sylvanvale will obtain consent to such collection and explain how the information will be used and disclosed.

If health information is collected from a third party (such as a doctor), Sylvanvale will inform the person the information relates to that the information has been collected and will explain how the information will be used and disclosed.

Sylvanvale will not use health information beyond the consent provided, unless further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law.

If Sylvanvale uses health information for research or statistical purposes, it will be de-identified if practicable to do so.

Surveillance Footage and Data

-  [Property and Security Policy](#)
-  [Workplace Surveillance Policy](#)
-  [Supported Independent Living Handbook](#)
-  [Individual Apartment Living Handbook](#)
-  [Community Hubs Handbook](#)
-  [Flexible Support Handbook](#)
-  [Work Health and Safety Policy](#)
-  [Filming and Photography Policy](#)
-  [Vehicle Policy](#)
-  [Vehicle Procedure](#)

Sylvanvale collects surveillance footage to support the organisation with real-time monitoring and evidence collection.

Sylvanvale ensures that all staff, visitors and Clients are informed of new surveillance devices 14 days prior to the surveillance commencing.. Unobstructed signage signal operational surveillance devices are in use.

Service Handbooks inform Clients about the use and purpose of closed-circuit television (CCTV) surveillance equipment and other monitoring technology such as Telematics.

Telematics is a term that combines the words telecommunications and informatics to describe the use of communications and IT to transmit, store and receive information from devices to remote objects over a network.

Sylvanvale will not use this footage and/or data beyond the consent provided, unless further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law.

Website

The Sylvanvale website may from time to time contain links to other websites. Sylvanvale stresses that when an online user accesses a website that is not the Sylvanvale website, it may have a different privacy policy. To verify how that website collects and uses information, the user should check that particular website's policy.

Sylvanvale will never knowingly send electronic messages without consent. Refer to the [Spam Act 2003](#) for more information.

2.3 Disclosure of Personal and Sensitive Information

Personal Information Disclosure

-  [Records Management Policy](#)

Sylvanvale only uses personal information for the purposes for which it has been provided, or for purposes which are related to one of our functions or activities. This includes the lawful functions and activities of the Sylvanvale Board of Directors.

For the purposes referred to in this policy (discussed above under 'Collection of Personal and Sensitive Information'), Sylvanvale may also disclose personal information to other external organisations including:

- Government departments/agencies who provide funding for Sylvanvale services
- a court or other agency authorised by statute has issued a subpoena for specific information

- Contractors who manage some of the services we offer to you, such as distribution centres may send information to you on behalf of Sylvanvale. Steps are taken to ensure they comply with the APPs when they handle personal information and are authorised only to use personal information in order to provide the services or to perform the functions required by Sylvanvale
- Doctors and health care professionals, who assist us to deliver our services
- Other regulatory bodies, such as WorkSafe
- Referees and former employers of Sylvanvale employees and volunteers, and candidates for Sylvanvale employee and volunteer positions, and
- Our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, Sylvanvale will not disclose an individual's personal information to a third party unless one of the following applies:

- The individual has consented
- The individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
- It is otherwise required or authorised by law
- It will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety (if a Client or a worker has a notifiable disease)
- It is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities (for example, notification of a case of child abuse)
- It is reasonably necessary to assist in locating a missing person
- It is reasonably necessary to establish, exercise or defend a claim at law
- It is reasonably necessary for a confidential dispute resolution process
- It is necessary to provide a health service
- It is necessary for the management, funding or monitoring of a health service relevant to public health or public safety
- It is necessary for research or the compilation or analysis of statistics relevant to public health or public safety
- It is reasonably necessary for the enforcement of a law conducted by an enforcement body
- We do not usually send personal information out of Australia. If we are otherwise required to send information overseas we will take measures to protect your personal information. We will protect your personal information either by ensuring that the country of destination has similar protections in relation to privacy or that we enter into contractual arrangements with the recipient of your personal information that safeguards your privacy.

2.4 Personal and Sensitive Information Protection

Security of personal and sensitive information

 *Records Management Policy*

 *Records Management Procedure*

Sylvanvale takes reasonable steps to protect the personal and sensitive information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.

These steps include password protection for accessing our electronic IT system, securing paper files in locked cabinets and physical access restrictions. Only authorised personnel are permitted to access these details.

When personal information that we collect is no longer required, we destroy, delete or de-identify it in a secure manner, in accordance with the *Records Management Policy* and *Records Management Procedure*.

Access to and Correction of Personal Information

 *Records Management Policy*

 *Records Management Procedure*

If an individual requests access to the personal information we hold about them, or requests that we change that personal information, we will allow access or make the changes unless we consider that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

Sylvanvale assumes that personal information provided is accurate, complete and up-to-date. It is the responsibility of individuals to provide Sylvanvale with details of any changes to their personal information as soon as reasonably practicable following such change.

Sylvanvale will take reasonable steps, such as making appropriate deletions, additions and corrections, to ensure that personal information held is accurate, relevant, complete, up to date and not misleading.

Requests for access and/or correction should be made to the Privacy Officer (details of which are set out below). For security reasons, we require the request in writing and proof of your identity to be provided. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

Where the individual is a current Sylvanvale worker, requests to personal information should be made to HR. The handling of employee records is exempt from the Privacy Act if it is directly related to a current or former employment relationship.

Denied Access to Personal Information

 *Records Management Policy*

 *Records Management Procedure*

If we deny access to information, Sylvanvale will set our reasons for denying access. Where there is a dispute about the right of access to information or forms of access, this will be dealt with in accordance with the Complaints Management procedure

Access to information will be denied if:

- The request does not relate to the personal information of the person making the request
- Providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety
- Providing access would create an unreasonable impact on the privacy of others

- The request is frivolous and vexatious
- The request relates to existing or anticipated legal proceedings
- Providing access would prejudice negotiations with the individual making the request
- Access would be unlawful
- Denial of access is authorised or required by law
- Access would prejudice law enforcement activities
- Access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Sylvanvale Limited
- Access discloses a 'commercially sensitive' decision making process or information, or
- Any other reason that is provided for in the APP's or in the Privacy Act.

Requesting Personal Information

 *Records Management Policy*

 *Records Management Procedure*

When a request for information is received, in the first instance, Sylvanvale will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Sylvanvale databases and in paper files, and which may be used on a day to day basis.

Due to the nature of our service delivery, personal records, such as incident reports, may contain information about other persons involved in activities or such matters. In this case, Sylvanvale must protect the confidentiality of those individuals. In this case, a summary or redacted reported may be provided to ensure we are protecting the identify of those people.

We will take all reasonable steps to provide access to the information requested within 14 days of receiving the request. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

If an individual is able to establish that personal information Sylvanvale holds about her/him is not accurate, incomplete or not up to date, Sylvanvale will take reasonable steps to correct the applicable records.

Providing Information Externally

 *Records Management Procedure*

When a request for information is received Sylvanvale ensures the following prior to releasing the information:

- That consent to release information has been given by a person who is authorised to give that consent prior to collecting the information or information is required by law.
- The requestor of the information is authorised to receive the information requested
- The information provided only contains the information needed
- The information provided does not contain any information relating to any other person
- The information collated to be provided is approved by a member of the Executive team prior to release

	The <i>Records Management Procedure</i> sets out the detailed processes used to respond to these requests and providing information externally.
Providing Information Charges	Sylvanvale may charge reasonable fees as reimbursement for the cost incurred relating to the request for access to information, including in relation to photocopying and the delivery cost of information stored off site. For information on the current fees, contact the Privacy Officer.
Deletion or Removal of Personal Information	Personal information is stored for the required timeframes in accordance with the applicable legislative requirements, and when the information is no longer needed for any purpose for which the information may be used or disclosed, it will be destroyed or permanently de-identified. For electronically stored information we store data until it is no longer necessary to provide our services, or until your account is deleted—whichever comes first. This is a case-by-case determination that depends on things such as the nature of the data, why it is collected and processed, and relevant legal or operational retention needs. Any personal information not actively being used is archived, usually for 7 years, before being securely destroyed unless stated otherwise in the Records Management Policy.

 *Records Management Policy*

2.5 Information Handling Complaints

Receiving Complaints	Complaints about Sylvanvale privacy practices or the handling of personal and sensitive information are to be addressed to the Sylvanvale Privacy Officer. All complaints received will be managed through the feedback and complaints management process, logged on the complaints database and actioned in line with our <i>Feedback and Complaints Policy</i> and <i>Feedback and Complaints Procedure</i>. A privacy complaint relates to any concern regarding Sylvanvale's privacy practices or handling of personal and sensitive information. This could include matters such as how information is collected or stored, how information is used or disclosed or how access is provided to personal and sensitive information. If Sylvanvale failed to respond to your complaint within a reasonable time or if you are dissatisfied with the response that you received, you are entitled to make a complaint to the Office of the Australian Information Commissioner at: Privacy complaints - Home (oaic.gov.au).
Complaints Resolution	Sylvanvale aims to achieve an effective resolution of complaints received within a reasonable timeframe, usually 21 days or as soon as practicable, however, in some cases, particularly if the matter is complex, the resolution may take longer.

 *Feedback and Complaints Policy*

 *Feedback and Complaints Procedure*

Once the complaint has been made, Sylvanvale will resolve the matter in a number of ways such as:

- Request for further information: We may request further information including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.
- Discuss options: We will discuss options for resolution with the complainant about how the matter might be resolved.
- Investigate: Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation.
- Conduct of our employees: If the complaint involves the conduct of our employees we will raise the matter with the employee concerned and seek their comment and input in the resolution of the complaint.
- The complaint is substantiated: If the complaint is found to be substantiated, we will take appropriate agreed steps to resolve the complaint, address the concerns and prevent the problem from recurring.
- If the complaint is not substantiated, or cannot be resolved and this policy has been followed, Sylvanvale may decide to refer the issue to an appropriate intermediary. For example, this may mean an appropriately qualified lawyer or an agreed third party, to act as a mediator.
- At the conclusion of the complaint, if a complainant is not satisfied of the outcome they can take it to the Office of the Australian Information Commissioner at www.oaic.gov.au. Sylvanvale will keep a record of all complaints received and the outcomes.

In the event that an anonymous complaint is received Sylvanvale will note the issues raised and, where appropriate, try and investigate and resolve the complaint appropriately.

Privacy Officer

Sylvanvale reserves the right to review, amend and/or update this policy from time to time. We aim to comply with the APPs and other privacy requirements required to be observed under State or Commonwealth Government contracts.

If further privacy legislation and/or self-regulatory codes are introduced our *Privacy and Confidentiality Policy* is updated accordingly.

Individuals can obtain further information in relation to this policy, or provide any comments, by contacting us:

Privacy Officer – Executive Finance and Commercial

☎ Phone: (02) 8536 0100

Post: PO Box 29 SUTHERLAND NSW 1499

Email: privacy@sylvanvale.com.au

2.6 Key responsibilities

Role	Responsibilities
Privacy Officer	Point of contact for any concerns regarding Sylvanvale privacy practices or handling of personal and sensitive information.

2.7 Standards, laws and other contractual obligations

Standards	<i>NDIS Practice Standards and Quality Indicators NDIS Code of Conduct</i> <i>Australian Privacy Principles Guidelines</i> <i>Surveillance Technology Practice Guide (2022)</i>
Legislation or other requirements	<i>Freedom of Information Act 1982 (Cth)</i> <i>National Disability Insurance Scheme Act 2013 (Cth)</i> <i>National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other measures) Bill 2017 (Cth)</i> <i>Privacy Act 1988 (Cth)</i> <i>Privacy Amendment (Enhancing privacy protection) Act 2012 (Cth)</i> <i>Privacy Amendment (Notifiable data breaches) Act 2017 (Cth)</i> <i>Privacy Amendment (Private Sector) Act 2000 (Cth)</i> <i>Spam Act 2003 (Cth)</i> <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)</i> <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>Children's Guardian Act 2019 (NSW)</i> <i>Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)</i> <i>Health Records and Information Privacy Act 2002 (NSW)</i> <i>Health Service Act 1997 (NSW)</i> <i>Privacy and Personal Information Protection Act 1998 (NSW)</i> <i>Workplace Surveillance Act 2005 (NSW)</i> <i>Surveillance Devices Act 2007</i>
Contractual obligations	<i>Office of the Australian Information Commissioner</i> <i>Notifiable Data Breaches (NDB) Scheme</i>

2.8 Review, approval and document controls

Review frequency	Every 3 years
Person responsible	Executive Finance & Commercial
Approval	Chief Executive Officer (CEO) or Board

Review	Date approved	Approved by	Next review due
1	03/04/2020	Leanne Fretten, CEO	03/04/2023
2	24/04/2020	Leanne Fretten, CEO	23/04/2023
3	22/11/2021	Leanne Fretten, CEO	22/11/2024
4	10/11/2025	Leanne Fretten, CEO	09/11/2028