

G14 - Privacy and Confidentiality Policy

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Policy Statement

Advocare is dedicated to safeguarding individuals' privacy by using, managing, and securing personal information in compliance with the *Privacy Act 1988* (Cth) (the *Privacy Act*) and Australian Privacy Principles. We collect personal and sensitive information and take reasonable measures to protect it from misuse, loss, and unauthorised access.

Additionally, we ensure the information is accurate, up-to-date, and securely archived or disposed of when no longer necessary.

1. Definitions

Term	Definition
Health Information	Health information has the meaning provided in the <i>Privacy Act</i> and includes: <ul style="list-style-type: none"> • Information or an opinion about the health or a disability of an individual • An individual's expressed wishes about the future provision of health services to him or her • A health service provided, or to be provided, to an individual; and • Other personal information collected to provide, or in providing a health service.
Personal Information	As per the <i>Privacy Act</i> , personal information refers to information or opinion about an individual, whether true or not and whether recorded or not, that can identify or reasonably ascertain the individual. Personal information covers sensitive and health information.
Privacy Legislation	Means all privacy legislation which applies to Advocare and includes the <i>Privacy Act</i> and the Australian Privacy Principles contained in Schedule 1 thereof.
Sensitive Information	Sensitive information has the meaning provided in the <i>Privacy Act</i> which is information or opinion about an individual's: <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Membership of a political association • Religious beliefs or affiliations • Philosophical beliefs • Membership of a professional or trade association • Membership of a trade union • Sexual preferences or practices • Criminal record • Health information; and Genetic information.
Website	www.advocare.org.au

2. Collection of Personal and Sensitive Information

Advocare values individuals' privacy and takes all reasonable steps to safely and securely manage all personal information (including sensitive and health information) provided by staff, volunteers, clients, and the public.

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To enable us to deliver our services and carry on our business, we collect the following types of personal information:

2.1 Advocare Clients

- Contact details (including name, address, telephone number, email for client and family contacts)
- Personal details (which may include date of birth, gender, nationality, religious affiliations)
- Health information.

2.2 Advocare Staff and Volunteers, Prospective Staff and Volunteers

- Contact details (including name, address, telephone number, email)
- Personal details (including date of birth, country of birth, citizenship, tax file number, residency and visa details)
- Details of emergency contact persons
- Information provided by the individual relating to qualifications, skills and experience; languages spoken, driver's license details and traffic infringements
- Information and opinions from referees for prospective employees and candidates for volunteer work
- Bank account details
- Results of a Police Check
- Health information (if requested by Advocare, in which case the reason for collection of this information will be provided).

3. How Advocare Collects Information

Advocare only collects personal information necessary for our not-for-profit functions as a support and advocacy organisation for the older people in Western Australia.

We gather information by lawful and fair means and prefer direct collection from the individual concerned when feasible.

We collect personal information which:

- Individuals provide directly to us in person via face-to-face meetings, or via telephone calls, forms or questionnaires provided via online methods
- Individuals provide to us while applying for employment positions at Advocare
- Individuals provide to us while updating or changing their details
- Is contained in documents or correspondence an individual provides to us; or
- Is provided to us by third parties who have disclosed that information to us with an individual's consent (and only if it would be unreasonable or impracticable to collect the information directly from the individual).

In all cases, at the time of collection, we will take reasonable steps to tell the individual why we are collecting their personal information and how it will be used.

If Advocare acquires personal information from a third party, we will make reasonable efforts to contact the individual and disclose the purpose of obtaining the information, potential disclosure, and seek their consent. For instance, we may gather information from a client's doctor, or a referee referred by a potential staff member or volunteer.

3.1 Health Information

In providing advocacy services to clients, Advocare may collect Health information. This may include a client's medical history, treatment notes and photographic images.

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In most cases, we will collect personal information about an individual directly from that individual. However, there may be some circumstances in which we collect Health information from a third party (for example a doctor, specialist health provider, or legal guardian).

We will only do so if:

- We have the individual's consent
- The collection is authorised or required by law; or
- It is unreasonable or impracticable for us to collect that information from the individual.

Advocare will not use health information beyond the consent provided by the individual unless further consent is obtained; or is in accordance with one of the exceptions under the Privacy Legislation.

If Advocare wishes to use health information provided for research or statistical purposes, this information will be de-identified unless consent is obtained for us to identify the individual.

4. Consent

We will obtain consent before collecting personal information from our clients unless it is unreasonable or impracticable for us to do so.

We may not be able to obtain consent directly from the client if they are not able to communicate consent to us for reasons, which may include mental incapacity or illness.

If the person is not able to provide consent, the Privacy Legislation allows us to obtain consent from the person's legal guardian who is entitled to act on behalf of the individual.

5. Use and Disclosure of Personal Information

Other than as set out in this Policy, Advocare will only use and disclose personal information for the purpose for which it was collected.

5.1 We may also collect, store, use or disclose your personal information:

- In relation to an individual's application for employment.
- To contact an individual should we need to do so.
- To address any enquiries, complaints or feedback we received from an individual.
- To do anything Advocare is required or authorised by law to do.

5.2 We may also disclose collected personal information to external organisations including:

- Government departments and agencies who provide funding for Advocare services.
- External assessment entities and agencies.
- Doctors and health care professionals, who Advocare may engage from time to time to carry out, or assist us to deliver, our services (only with client consent).
- Other regulatory bodies (for example WorkSafe, the Workplace Gender Equality Agency, Centrelink).
- Referees provided by individuals.
- Advocare's professional advisers, including lawyers, accountants and auditors.

5.3 Except as set out above, Advocare will not disclose an individual's personal information to a third party unless:

- The individual has consented to the release;
- The release is authorised or required by law; or
- The use or disclosure is otherwise permitted by the Privacy Legislation.

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5.4 Release of Images or Personal Information for Publicity Purposes

Advocare releases publications (e.g., newsletters, information brochures) and occasionally conducts promotional campaigns to increase awareness, raise funds, and provide information to the public and stakeholders. These publications may feature photos, videos, or sound recordings. We aim to obtain an individual's consent before utilising or publishing any image or recording for promotional purposes by using the Advocare Image Consent Form whenever feasible.

6. Cross-border disclosure of personal information

Advocare does not send your personal information to third parties located overseas.

7. Client's Right to Access or Correction of Information

Under the Australian Privacy Principles (subject to some exceptions), individuals have a right to access and copy personal information which we hold about them. It is the right of the individual to ask Advocare to correct personal information, which is inaccurate, incomplete or out of date.

We ask the individual to provide proof of their identity if they request access to or correction of their personal information.

Advocare:

- Will deal with requests to correct personal information confidentially and promptly, and in any event, within 30 days.
- Correct any inaccurate or out of date information which is brought to our attention.
- Take steps to ensure that any request to access personal information will not affect any commercial or professional relationship which the individual may have with Advocare.

We do not levy a charge in respect of the making of a request for access to personal information held by us. However, we may charge the individual for the reasonable costs incurred by us in providing them with access to the personal information held by us.

Requests for information, access to information, or corrections to personal information should be made in writing to:

CEO
Advocare Incorporated
Perron Place, Suite 4, 61 Kitchener Avenue
Victoria Park WA 6100

Advocare may refuse access to information requested in certain circumstances.

These include if:

- The request relates to personal information about someone other than the individual who made the request.
- Providing access would pose a serious and imminent threat to the life or health of a person.
- Providing access would create an unreasonable impact on the privacy of others.
- The request is frivolous or vexatious.
- Access would be unlawful.
- Denial of access is authorised or required by law.
- Access would prejudice law enforcement activities.

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- Access discloses a 'commercially sensitive' decision making process or information.
- Any other reason that is provided for in the Privacy Legislation.

If we deny access to any information requested, we will provide our written reasons for doing so. If there is a dispute about the individual's right of access to information, this will be addressed via the Advocare complaints process.

8. Archiving and Disposal of Personal Information

9. Security of Personal Information

Advocare places great importance on the security of all information we hold. We take all reasonable steps to ensure the security and protection of personal information held by us, and to protect individuals' data from misuse, interference, and loss, and from unauthorised access, modification or disclosure.

Advocare IT systems meet and maintain Australian Signals Directorate Essential Eight Maturity Level 1 Standards.

Advocare takes reasonable steps to destroy or permanently de-identify personal information which is no longer needed for the purposes described in this privacy policy.

10. Breach Reporting

A breach refers to an incident where information is compromised, accessed, destroyed, stolen, or used by unauthorized individuals, whether intentionally or unintentionally. Each breach is unique and requires a risk assessment to determine the appropriate response.

Parties involved in breach reporting, investigation, and resolution should act in good faith, which entails being truthful and acting sincerely without malice.

Reporting accidental breaches or identifying process errors should not result in blame. However, staff or volunteers committing deliberate or negligent breaches may face disciplinary action or regulatory/criminal consequences (if applicable or appropriate).

11. Monitoring Privacy and Confidentiality Processes

Advocare may update this privacy policy periodically, and the updated version will be available on our website (www.advocare.org.au). Senior Management is responsible for reviewing and communicating policy changes.

Our privacy and confidentiality processes and systems are reviewed regularly, and feedback from staff, volunteers, clients, and stakeholders is welcomed to identify areas for improvement (see [Q3 - Continuous Quality Improvement Policy](#))

12. Complaints, questions or further information

To make a complaint about a breach of privacy, individuals can contact Advocare using the provided contact details. All complaints will be investigated and resolved within 30 days. If not satisfied, individuals can lodge a complaint with the [Office of the Australian Information Commissioner \(OAIC\)](#).

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Approved by:

Print Name

Signed

Date

Version Control

Version #	Date	Changes	By Whom