

## PRIVACY & CONFIDENTIALITY POLICY (IN ACCORDANCE WITH H&H REGULATIONS)

### Scope:

This policy has been developed to protect the interests and reputation of H&H Accredited Training ('the business'). The policy explains how H&H employees, contractors and consultants must manage any personal or sensitive information. This information includes what is collected, used, stored, accessed, disclosed, secured and destroyed, in order to comply with the requirements of the Privacy Amendment (Enhancing Privacy Protection) Act 2012, and related other H&H policies.

This policy pertains only to personal and sensitive information of an individual, as defined by the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

### *Personal information means:*

*"... information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."*

### Purpose:

The purpose of this document is to outline how H&H complies with the privacy obligations as required under the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Privacy Amendment Act).

### 2014 law reform:

The Privacy Amendment (Enhancing Privacy Protection) Act 2012 made many significant changes to the Privacy Act 1988 (Privacy Act). These changes commenced on **12 March 2014**. The Privacy Regulation 2013, made under the Privacy Act, also commenced on 12 March 2014.

H&H uses the principles of the Act in its business.

The Privacy Act now includes a set of *13 new harmonised privacy principles that regulate the handling of personal information by Australian and Norfolk Island Government agencies and some private sector organisations*. These principles are called the Australian Privacy Principles (APPs). They replace both the Information Privacy Principles (IPPs) that applied to Australian Government agencies and the National Privacy Principles (NPPs) that applied to some private sector organisations.

*A number of the APPs are significantly different from the existing principles, including APP 7 on the use and disclosure of personal information for the purpose of direct marketing, and APP 8 on cross-border disclosure of personal information.*

*These principles are to be found at the end of this policy*

### Guidelines

The H&H privacy and confidentiality policy is available to anyone who requests to see it. As an organisation, H&H's principal concern is the health and welfare of its clients. A high level of confidentiality is required, to ensure the trust of the clients that H&H service.

H&H aims to ensure that:

- the privacy of all consumers will be protected when accessing H&H services, or visiting its' premises
- the personal information collected about an individual and retained in the records is correct and up-to-date; and
- an individual can access their personal information for review on request

### **Collection, use and disclosure of personal information**

H&H may collect personal information (including sensitive and health information if relevant to an individual's enrolment).

Personal information collected will generally include:

- name, address, telephone number and Medicare, driver's license and Centrelink concession card, if required
- previous and current medical history, if directly relevant to an enrolment
- the name of any health service provider, medical specialist, government agency or other organisation to whom H&H may need to refer a person, including any reports or other information provided by these organisations or agencies

H&H may collect personal information about a person:

- directly from that person, or
- from some other person, organisation or agency on the individual's behalf, with their consent

Where H&H collects personal information about an individual from another person, reasonable steps will be taken to ensure all concerned are aware of the reason why the information is being collected, how it will be used, and the names of any organisations or agencies to which H&H might disclose the information.

Personal information collected by us may be used or disclosed:

- for the primary purposes, H&H advised the individual of at the time of collection of the information
- as required, to refer an individual to a health service provider or specialist
- to advocate on behalf of an individual with government agencies and organisations to obtain other support services and benefits for them
- as authorised or required by law
- a situation where there is a serious threat to a person's life, health or safety; or, a threat to public health and safety, or
- for secondary purposes which are directly related to the primary purpose of collection of the personal information such as for quality assurance, staff training and as may be required by H&H insurers

H&H does not use or disclose personal information about any individual for direct marketing purposes.

### **Other people's information which is provided to H&H**

Where a student/consumer provides personal information to H&H about someone else (such as a family member, close friend, personal carer or medical service provider) they must ensure that they are entitled to disclose that personal information to H&H.

All reasonable steps should be taken, to ensure that the individual is aware of the various matters detailed in this policy. This includes the identity of H&H, contact details for H&H and the purpose of collecting the information. Additionally, the individual should be made aware of the information disclosure practices of H&H, the individual's right to obtain access to the information and to have it amended or corrected and, importantly, the implications (for the individual) if the information is not provided.

### **Security and storage of personal information**

H&H will use all reasonable endeavours to ensure that information about a person is protected from misuse, loss, and unauthorised access, modification or disclosure, other than in accordance with this policy or the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

All personal information may be stored either in hard copy or electronic form in the H&H files and IT systems.

H&H will keep all information for a minimum of 7 years from the date of the last entry in its records. This is because H&H may be required to maintain such records under some laws.

H&H will take extra precautions to ensure the security of all records and sensitive information that is held on our premises, understanding the delicate nature of the information that has been collected by us, to provide our services.

### **Gaining access to information H&H holds about an individual**

H&H will, on request, provide an individual with access to the personal information held by H&H about them, unless there is an exception which applies under the Privacy Amendment (Enhancing Privacy Protection) Act 2012. These exceptions may include where H&H has a legal duty not to disclose the information, or where it may be harmful to the person concerned to do so.

As a student of H&H, the persons able to access information are those involved in the training program; the trainee, the employer and the RTO. These three parties have access to all information held by H&H, about that individual. Any request to obtain access to information will be dealt with in a reasonable time.

If H&H refuses to provide access to the information, they will provide the person making the request with reasons for the refusal and inform them of any exceptions relied on under the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Privacy Amendment Act).

### **Keeping personal information up to date**

H&H will take all reasonable steps to ensure all personal information is accurate, complete and up to date whenever it is collected, or it is used for a particular purpose. If an individual thinks any of the personal information held about them is inaccurate, incomplete or out of date, they should contact H&H and all reasonable steps will be taken to correct the information or, if necessary, discuss alternative options that may be available.

### **Internet site privacy policies**

H&H may collect contact information (such as e-mail addresses) for a student and other individuals via its internet site.

Unless an individual objects, the use of the H&H internet site is undertaken with the consent of an individual to use the personal information collected:

1. to monitor who is accessing the internet site, or using services offered on the internet site; and
2. to profile the type of people accessing the internet site

H&H utilises 'cookies' which allows us to screen traffic patterns, while serving our consumers more efficiently should they revisit the site. A cookie does not identify someone personally, but it is able to identify that person's computer. All users are able to set their browser to notify them when they receive a cookie, providing an opportunity to accept or reject the cookie.

H&H may, where it is believed they have a legal requirement to do so, preserve the content of any e-mail sent to us; or where H&H is permitted to do so under the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

By using the internet site of H&H, a person is consenting to their e-mail message content being monitored by H&H for email abuse, trouble-shooting or maintenance purposes. Any personal information collected may be collected for business analysis but, in these circumstances, all persons remain anonymous.

### **How to contact us**

Should an individual want to formally make a complaint to H&H about a deemed breach of their privacy; or, they want to access personal information held by H&H; or, they want to correct any personal information held by H&H; or, they want to enquire as to how H&H deals with personal information, please contact:

Ms Kate Lovett  
General Manager  
kate\_l@hnh.org.au

### **Australian Privacy Principle - APP 7 Key points – Direct marketing**

- APP 7 provides that an organisation must not use or disclose personal information it holds for the purpose of direct marketing unless an exception applies. APP 7 may also apply to an agency in the circumstances set out in s 7A.
- Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.
- Where an organisation is permitted to use or disclose personal information for the purpose of direct marketing, it must always:
  - allow an individual to request not to receive direct marketing communications (also known as ‘opting out’) and comply with that request.
- An organisation must, on request, provide its source for an individual’s personal information, unless it is impracticable or unreasonable to do so.

### **Australian Privacy Principle - APP 8 Key points – Cross border disclosure**

- Before an APP entity discloses personal information to an overseas recipient, the entity must take reasonable steps to ensure that the overseas recipient does not breach the APPs in relation to the information (APP 8.1)
- An APP entity that discloses personal information to an overseas recipient is accountable for any acts or practices of the overseas recipient in relation to the information that would breach the APPs (s 16C).
- There are exceptions to the requirement in APP 8.1 to take reasonable steps and to the accountability provision in s 16C.

Ref and full information: <https://www.oaic.gov.au/resources/agencies-and-organisations/app-guidelines/chapter-8-app-guidelines-v1.1.pdf>

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| Version Dates | Policy Version 1 approved 11 December 2012 / Policy Version 2 approved 8 September 2014 / Policy Version 3 approved 31 August 2017 / Policy Version 4 approved 16 March 2018 |
| Approved by   | CEO / General Manager  |
| Relevant to   | All staff; trainers and assessors; students  |

### **Risk Rating (Please highlight the appropriate risk level):**

5 = High Risk

4 = Medium Risk

**3 = Medium to Low Risk**

2 = Low Risk

1 = Very Low Risk or N/A