

Privacy and Confidentiality

POLICY

Purpose

Marymead CatholicCare Canberra & Goulburn (MCCG) hereon referred to as MCCG, is committed to the principles of Catholic Social Teaching, including the dignity of the human person, the common good, solidarity and subsidiarity. These principles are expressed through our values of respect, integrity, excellence, care, compassion, and inclusivity. In light of the particular values of respect, integrity, and excellence, MCCG strives to ensure that all personnel, including staff, volunteers, and contractors are well-informed about both their duties to protect privacy of personal information that is collected, held, and administered. Operational and management practices comply with the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles, as well as any other relevant legislation, regulation, and standards and this applies to clients, participants (also referred to as “client”), carers, authorised carers, family members of authorised carers and carers, legal guardians, staff, board members, volunteers, contractors, and stakeholders.

Overview

The *Privacy Act 1988 (Cth)* (*‘Privacy Act’*) requires MCCG to have a Privacy Policy. MCCG will review this Privacy and Confidentiality policy and procedure on an annual basis and update the policy if personal and sensitive information handling practices change or if there is a change to the *Privacy Act* or other relevant legislation. The specific legal obligations of MCCG when collecting and handling personal information are outlined in the *Privacy Act* and in the *Australian Privacy Principles in Schedule 1 of that Act*.

Scope

This *Privacy and Confidentiality Policy* only applies to MCCG. It does not apply to any other organisation MCCG associates with, including organisations whose services are in some way linked to MCCG. When MCCG engage third parties and contractors to perform services that involve handling of the personal information held, MCCG require the third-party service providers and contractors to handle all personal information in accordance with the obligations that apply to MCCG under the *Privacy Act 1988 (Cth)*.

Policy Statement

1. MCCG is committed to ensuring that information is used in an ethical and responsible manner and recognises the need to manage personal and sensitive information with respect.
2. MCCG will ensure:
 - Clients and partner organisations are made aware of what sensitive or personal

- information MCCG collects and records, and for what purposes.
- Clients are made aware of who sees their personal information.
 - All information in client records will clearly indicate the source it is derived from and is kept accurate and up to date.
 - All client and partner organisation information are stored securely.
 - That permission will be sought, where applicable, before information is shared with a different MCCG programs or external services.
 - It responds to a suspected or known data breach in accordance with the *Privacy Act 1988 (Cth)*.
 - All clients are made aware of their right to make complaint if they believe their privacy has been breached.

PROCEDURE

MCCG supports a client's right to have control over their personal information and ensures service users are able to request to see their information and seek to correct that information.

MCCG will collect, hold, use, and disclose personal information to enable service provision to the community and to meet its legal obligations.

These include:

- a. For clients to be able to receive services and support.
- b. For employees, visitors, and sub-contractors, to administer pay, entitlements, performance, access to MCCG facilities and services, taxation purposes, and in relation to work health and safety, or rehabilitation and compensation matters.

Information that is collected and contains personal or sensitive information when MCCG performs internal processes, is protected, and handled in accordance with this *Privacy and Confidentiality Policy*.

Collection Of Personal and Sensitive Information

MCCG collects a wide range of personal and sensitive information in the course of providing services and support to the community, for purposes that are directly related to its core functions or activities. MCCG collects personal or sensitive information for the following reasons:

- a. An enquiry about programs or services.
- b. Referral to programs or services.
- c. Providing treatment and support to clients.
- d. Administrative activities, including human resources management and accounts management.
- e. Sector development activities.
- f. Community development activities.

- g. Fundraising.
- h. Complaint handling.
- i. Fees and Payments.
- j. Because MCCG is obligated by law to collect the information.

Collection Of Personal Information

MCCG collects a wide range of personal information in the course of its operations, for purposes that are directly related to its core functions, activities, service, and program delivery.

MCCG collects personal information:

- a. To provide a program, service, or treatment.
- b. Because it has been provided to MCCG by:
 - applying to be part of a program, treatment session or service delivery,
 - enquiring about MCCGs programs,
 - being referred by another agency
 - registering to attend a MCCG information session.
 - asking MCCG a question or,
 - making a complaint.
- c. Because MCCG is required by law to collect it.

At all times, MCCG aim to collect only the information it needs for the particular function or activity being carried out. MCCG may not be able to provide the assistance or services being ask for if the personal information requested is not provided, when requested.

Collection Of Sensitive Information

Sometimes we may need to collect sensitive information, for example, if:

- Participation in MCCG programs, services, treatment programs or other services is requested.
- Assistance in accessing particular types of publicly funded services is requested.
- Fees or payments for services are required.
- A complaint to or about MCCG is made.

Collection Of Credit Card Information

MCCG's credit card transactions are fulfilled by an authorised banking institution. When collecting credit card information for online transactions, MCCG offers secured server transactions that encrypt your information in transit to help prevent others from accessing it. Your credit card details are encrypted and then removed from our system once your payment has been processed.

Collection Of Health Information

MCCG provides information to clients on collecting health and personal information including:

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- a. Purpose of collecting information.
- b. How information will be used.
- c. Who (if anyone) information may be transferred to and under what circumstances information will be transferred.
- d. Limits to privacy of personal information.
- e. How a client can access or amend their information.
- f. How a client can make a complaint about the use of their personal information.

Collection From Third Parties

In the course of day-to-day activities, MCCG may collect personal information from third parties who have been authorised to disclose information. This could include aligned agencies that are assisting with program, service or treatment delivery, or agencies that are authorised to disclose information to MCCG by law.

Anonymity And Pseudonymity

Where practicable and lawful, MCCG will allow individuals to interact anonymously or using a pseudonym. However, a name and contact information is usually required, and enough information about the particular matter to enable a response to an inquiry, request, application, complaint, or request for assistance.

Collecting Through Websites

The MCCG Website collects information on visitors and the information collected includes the following set out in the table below.

Information Collected by Websites	Information Collected by MCCG
An individual's browser internet address.	Yes – MCCG website is currently held on CloudWays hosting. All web contents on website firewall Sucuri web application firewall
The date and time of an individual's visit to the site.	Yes - This can only be collected IP address range
The pages an individual has accessed, and documents downloaded.	Yes - MCCG Forms on Website are hosting by Salesforce and Gravity Forms on WordPress.
The previous site visited by an individual.	No
The type of browser an individual is using.	Yes- the information can be accessed through server logs or by using JavaScript on a webpage. Common web browser

	includes Google Chrome, Mozilla Firefox, MS Edge, Safari, and Opera.
The username entered if accessing a restricted site.	Yes – For Donation page – required the user to enter name and email

The MCCG website has access logs which may be accessed to obtain the above data for statistical purposes and for system administration tasks to maintain this service. MCCG does not attempt to identify individuals, however in the event there is an official investigation, MCCG, a law enforcement or other government agency may exercise their legal authority to inspect access logs for either website.

Use And Disclosure

MCCG will generally use or disclose personal information only with an individual's consent and for the purpose that MCCG collected it unless an individual provides consent to use or disclose it for a different purpose. Sometimes MCCG will use or disclose personal information in circumstances where it would reasonably be expected that MCCG would use or disclose it, the *Privacy Act 1988 (Cth)* permits the disclosure, and it is impracticable to obtain an individual's consent.

MCCG only discloses personal or sensitive information:

- a. For the purposes for which MCCG received it.
- b. For directly related purposes an individual would reasonably expect.
- c. For prevention or reduction to serious or imminent harm to an individual's wellbeing.
- d. If the *Privacy Act 1988 (Cth)* allows MCCG to disclose it.
- e. If an individual consents to the disclosure of personal or sensitive information.

In the course of working with clients and families (this could include carers, authorised carers and/legal guardians), it may be necessary to share information with workers from other agencies or other programs within MCCG.

The following applies generally for sharing information externally and internally with other MCCG programs:

- a. Where practical written consent should be sought from clients prior to the release of information.
- b. When working with a child or young person, the parent/guardian's consent should be sought. Wherever possible and developmentally appropriate, the child or young person should be involved in the process.
- c. Clients should be advised that they have the right to withdraw their consent to the release of personal information, preferably in writing (where there are literacy barriers, MCCG will offer to record verbal consent).

Where a MCCG program becomes aware that a client is also a client of another MCCG program, program workers must observe this policy and seek client permission to share information. This will assist MCCG workers to work together effectively to provide better services to the client.

All MCCG consent to exchange information must contain:

- a. Who is giving the consent.
- b. Where the information will be shared (i.e., the agencies, etc.)
- c. Any limitations on the information which can be shared.
- d. The period for which the consent is given.

At the time of seeking consent the worker must also ensure that the client is/has been provided with MCCG Client Information Sheet or Booklet which includes information about their right to privacy.

Personal or sensitive information about individuals presented in the context of internal MCCG employees meetings, supervision or employees support forums as well as external organisational meetings will be altered in such a way as to protect the identity of the service user.

Disclosure Without Consent

Sometimes collected sensitive or personal information may need to be used or disclosed without an individual's consent, but only when it is reasonably believed to be necessary, such as:

- a. To lessen or prevent a serious threat to life, health, or safety.
- b. When MCCG is required by or authorised under, a law or court or tribunal order to do so.
- c. To take appropriate action in relation to suspected unlawful activity or serious misconduct.
- d. To assist authorities to locate a person reported as missing.
- e. Establishing or defending a legal or equitable claim or participating in a confidential dispute resolution process.
- f. For enforcement related activities conducted by, or on behalf of, an enforcement body.

Overseas Disclosure

MCCG will take reasonable steps to protect privacy when sending personal information about a client to a third party in a foreign country. This means MCCG will only transfer personal information to a third party in a foreign country, if it is reasonably believed that the recipient is subject to a law or binding scheme, that imposes principles substantially similar to the Australian Privacy Principles or the individual has expressly consented.

Quality Of Personal Information

MCCG take reasonable steps to ensure that the personal information held is accurate, up to date and complete by:

- a. Asking an individual from time to time to confirm their details are correct, or update their details, recording information in a consistent format.
- b. Where necessary, confirming the accuracy of information collected from a third party.
- c. Adding updated or new personal information to existing records.

Storage And Security Of Personal Information

MCCG take reasonable physical, electronic, and procedural steps to protect the security of the personal information held from both internal and external threats by regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification, or disclosure of personal information. Measures taken may be physical, electronic, or procedural. MCCG staff are trained to treat personal information with care, and in accordance with this Privacy and Confidentiality Policy and Procedure and other applicable laws. MCCG take reasonable steps to destroy or de-identify personal information in a secure manner when it is no longer required.

Reasonable physical safeguards for security of personal or sensitive information include:

- a. Locking filing cabinets and unattended storage areas.
- b. Physically securing the areas in which the personal information is stored.
- c. Not storing personal information in public areas.
- d. Positioning computer terminals so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable technical safeguards for security of personal or sensitive information include:

- a. Using passwords to restrict computer access and requiring regular changes to passwords.
- b. Establishing different access levels so that not all staff can view all information.
- c. Ensuring information is transferred securely (for example, not transmitting health information via non-secure email).
- d. Using electronic audit trails where applicable.
- e. Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance, but also training to ensure staff, board members and volunteers are competent in this area.

Access And Correction Of Personal Information

An individual has the right under the *Privacy Act 1988 (Cth)* to ask for access to the personal information that MCCG holds and ask that MCCG correct that personal information held

about an individual. An individual can ask for access or correction by contacting the Privacy Officer, who will respond within 30 days. Contact information for inquiries is located at section 22. *How to Make a Complaint* of this policy and procedure document.

If an individual requests access to their personal information, this will be provided unless MCCG is restricted from doing this by law. MCCG will take reasonable steps to correct and update personal information if it is confirmed to be incorrect, unless there is a law that requires MCCG not to correct it. MCCG will ask an individual to confirm their identity before assisting in this process.

MCCG is required to respond to a request to access or amend information within 30 days of receiving the request. However, some requests may take longer to process because of the substantial number of documents held in respect of some matters. Where the information is held in secure off-site storage, MCCG reserves the right to charge a fee to cover the cost of retrieval and supply of information to an individual. However, MCCG will endeavour at all times to ensure that the cost of such retrieval and supply is reasonable. In some circumstances, where MCCG are providing services under a contract with a government agency or another organisation, it may be more appropriate to request disclosure by that government agency or organisation.

Direct Marketing

MCCG may from time to time use personal information such as an address or contact details to provide an individual with information about other services offered. If at any time individuals do not wish to receive any information about these services, requests can be made by contacting on 02 62954300 and no further material will be sent.

MCCG will not disclose personal information to any party outside the organisation except for the purposes of furthering services, or as a requirement under Australian Law.

How To Make A Complaint (Privacy Officer)

If you have concerns that your personal information has been mishandled by MCCG, MCCG asks that you raise your concerns with the Privacy Officer:

- Telephone: 02 6295 4300
- In writing to:
Privacy Officer
PO Box 3167
Manuka ACT 2603
- Email: PrivacyOfficer@mccg.org.au
- Visit: 51 Cooyong Street, Braddon ACT 2612

If an individual is not satisfied with MCCG's response, the concern may be escalated for a review by the CEO or raised with the following:

Australia Human Rights Commission – can assist with resolving human rights concerns 1300 369 711.

Office of the Human Rights Commissioner, ACT – works to resolve complaints and promotes rights – 02 6205-2222

Head of Agency – Contact the Archbishop of Canberra & Goulburn (or his delegate the Vicar General) on 02 6239-9811 or via email on archbishop@cg.org.au to discuss concerns relating to misconduct within MCCG.

Human Services Registrar, Community Services Directorate, ACT – provides responsive regulation of service providers – 02 6207-5474

Fair Work Australia – provides free workplace relations advice to employees – 1300 845 036.

ACT Police – 13 14 44

Provision Of Privacy Information To Clients

Individuals that come into contact with MCCG must be made aware of the requirements for collecting personal and / or sensitive information. This procedure may vary from program to program however, there will be a formal and documented procedure to adhere to, to ensure that MCCG can validate that clients are provided with the information required prior to commencing in a program, service, or the provision of treatment. In MCCG's Policy Library, all Guidelines for the privacy and confidentiality resources for clients will be available.

MCCG will provide clients or participants with verbal and written information in regard to how MCCG meets its obligations under the *Privacy Act*. MCCG will have available an Information Sheet or Booklet for clients. MCCG also has a statement on its website to provide another source of information in regard to the management of personal and sensitive information.

Process To Secure Consent from Individuals

Written consent should be sought from clients based on the program(s) they have engaged in. The forms are provided individually and are listed in Section 30. *References* of this procedure.

MCCG program forms for privacy and confidentiality will be provided with the Information Sheet or Booklet for clients or when engaging with MCCG.



Sharing Client Information In Statutory Out Of Home Care

In NSW, *Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW)* allows information to be exchanged between prescribed bodies in the interests of promoting the safety, welfare or wellbeing of children or young persons, and to promote collaboration and communication in the provision of services to children and young people. Under the *Act*, the needs and interests of children and young persons, and of their families, in receiving services relating to the care and protection of children or young people, takes precedence over the protection of confidentiality, or of an individual's privacy. As a prescribed body under the *Act*, MCCG can receive and request information from other prescribed bodies (i.e., Health, Education, Community Services, Corrections) in order to meet the needs of children and young people.

In the ACT, *Section 854, 862 and 863 of the Children and Young People Act 2008 (ACT)* allows an out-of-home carer or approved kinship and foster care organisation to give someone protected information that is not sensitive information, about a child or young person if:

- a. the carer or organisation considers that giving the information is necessary for the proper exercise of their responsibilities for the child or young person; and,
- b. the giving of the information is in accordance with any directions given by the Director-General, Community Services.

Under the *Act*, sensitive information means any of the following:

- a. care and protection report information.
- b. care and protection appraisal information; and,
- c. interstate care and protection information.

Note: while consent is not always necessary in the circumstances described in NSW and ACT above, it should be sought where possible. At a minimum, MCCG will advise children, young people, and their families that information may be shared with other organisations.

Responding To Subpoenas

MCCG receives subpoenas requiring the timely production of files in relation to litigation. All subpoenas are to be complied with appropriately, as per the *Subpoena Policy & Procedure*.

Data Retention

MCCG has a *Data Retention Policy and Procedure* to support best practice management and control of personal and sensitive data. These documents should be referred to in order to manage and control the security of information based on the data type.



National Data Breach Scheme (NDBS)

Under the *Privacy Act 1988 (Cth)* and as per the *Notifiable Data Breach Response Plan*, MCCG is required to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to individuals whose personal information is involved in the breach. MCCG will draw on our *Data Breach Response Plan* documents to manage the response to a confirmed data breach.

Whistleblower Procedure

To promote an open and transparent culture MCCG has a *Whistleblower Policy and Procedure* where current and former employees, volunteers, board members, contractors and other stakeholders (including clients, residents, families, etc.), are encouraged to report an issue, if it is genuinely believed that wrongdoing has occurred, where the whistleblower policy is an important tool for helping the MCCG to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing. A copy of the Whistleblower Policy and Procedure can be found on the MCCG Website (<https://mccg.org.au/policies-and-statements/>)

Guideline – Privacy Impact Assessment

When developing or reviewing a new or revised project system, consideration must be given to the need for a privacy impact assessment (PIA). Please refer to the OAIC Website ([Privacy impact assessments | OAIC](#)) for guidance and assessment tools.

A PIA identifies how a new or revised project system can have an impact on an individual's privacy, and makes recommendations for managing, minimising, or eliminating those privacy impacts.

The PIA process should be included as part of the project and system planning processes and recorded in the project plan and risk reporting. It should be revisited and updated when changes to a project or system are considered.

The MCCG Privacy and Confidentiality Policy and Procedure is reviewed by the MCCG Board annually, or when there is a change to the Privacy Act 1988 (Cth). to ensure that all compliance with current legislation is met by the organisation.

