

Privacy Policy – Consumers or their Legal Representative

Policy

The Universal Declaration of Human Rights, at Article 12, states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against interference or attacks.

Consistent with this fundamental human right to privacy ARAS is committed to ensuring that the security, privacy and confidentiality of personal information of individuals using ARAS services are respected and protected.

The *Privacy Act 1988* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017* provide extensive regulations about the collection, storage and use of information relating to individuals.

ARAS is also covered by the 13 Australian Privacy Principles, as set out in the legislation, which cover all aspects of dealing with personal and sensitive information.

Purpose

ARAS recognises the importance of protecting personal information, which it may be required to collect from individuals who become associated with its business. The purpose of this Privacy Policy is to ensure that any individual who provides information to ARAS is protected according to the requirements of the *Privacy Act 1988*.

Policy

For the purpose of this Privacy Policy, **information** is described as:

- **personal information** means information relating to an individual, including an opinion, which may be provided to ARAS as part of its supporting individuals with **Information, Advocacy, and Education** and related matters either in material form or not, and whether true or not. Such information may personally identify an individual or make the person's identity reasonably apparent
- **sensitive information** means information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual practices, criminal record or **health information**.

ARAS takes its obligations under the *Privacy Act 1988* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017* seriously, and as such, takes all reasonable steps in order to comply with the Act and protect the privacy of personal information that it holds.

Procedure

Collection and use of information

ARAS may require the collection of personal information from individuals to enable it to provide Advocacy and related services. The reasons for the collection of personal information include, but are not limited to, health, welfare and legal requirements.

The type of information held by ARAS:

- **Personal information** relating to the ARAS consumers and/or their representative(s), e.g. name, address, age, telephone number, email, date of birth etc;
- Information including **sensitive information** required by advocates so that they are able to provide advocacy support to service/users or clients;

ARAS may collect and hold personal information, such as, but not limited to, names of service users and proprietors of organisations, addresses, telephone numbers, facsimile numbers, email addresses, titles and professional affiliations. These details are collected for the purpose of providing ARAS services to consumers and/or their representative(s), and the selling and marketing of its products and extended range of services. ARAS may also use such information to apply customer or member satisfaction surveys and events. ARAS does not disclose this information to any other organisation, nor does it send any information overseas for any purpose whatsoever.

In the event that sensitive information is collected by ARAS, it is not used for any purpose without the express permission of the consumer and/or their representative(s) The collection, use and disclosure of information is in accordance with the ARAS collection statement.

Storage, access and retention of personal information

Personal information collected by ARAS is retained as part of a database, which is securely monitored and maintained by ARAS. The data is not made available to a third party, unless it is legally required or as per contractual obligations to funding bodies, and verified, without the authority of the individual who provided the personal information.

ARAS makes available for inspection personal information, based on the information supplied by the individual that it holds in relation to an individual, provided reasonable notice is given. In the event that any part of the personal information that the individual inspects is determined to be incorrect and requires alteration, then ARAS makes such alteration in compliance with the corrected advice provided by the individual.

ARAS takes all reasonable steps to protect the security of the personal information that it holds. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy, and prohibiting the removal of consumer information by use of USB or other portable devices as outlined in the ARAS Information Technology policy.

Where information held by ARAS is no longer required to be held, and the retention is not required by law, ARAS will destroy such personal information by secure means.

Compliance

If an individual has any concerns regarding the privacy of personal information, the individual may make a complaint to the Operations Manager who will endeavour to resolve the complaint.

Sources of Information

Where possible, ARAS collects the information directly from consumers and/or their representative(s). In some instances, ARAS may collect personal information from press reports or published mediums and, in this case, it endeavours to verify such details with the person concerned.

ARAS acknowledges that there is no obligation for an individual to provide personal information. The consumer and/or their representative(s) may wish to remain anonymous, in which case, they will be provided with a case number for future reference. There is also the option to use a pseudonym. However, if an individual chooses not to provide ARAS with personal details, it may not be able to provide the individual with a full range of services or may reduce the ability of directly servicing the individual's organisation.

Collection Statement¹

Purpose of the collection

ARAS may require the collection of personal information to satisfy the needs of the organisation. The reasons for the collection of the personal information include, but are not limited to, health, welfare and legal requirements.

The personal information may be required for the purpose of:

- giving the information which a service user/consumers or their legal representative(s) is entitled to

¹ In order to comply with the privacy laws, organisations are required to provide specific information to an individual at the time the personal information is collected. An organisation must take reasonable steps to ensure that the individual is aware of this information, whether or not an individual requests it. The individual must also be told who is collecting the information, the reason for collecting it and how to directly contact the privacy officer.

- supplying to, and administering, the products and services the member or customer requires.

ARAS may also collect the information for the provision of research, marketing, unless a specific request in writing is provided, detailing what is not required. In this event, any information provided for these purposes is first de-identified.

ARAS may need to give personal information to other organisations to comply with its legal obligations, such as auditors, legal advisers and the Australian Taxation Office (or any other relevant organisations).

Disclosure to an organisation

ARAS may disclose personal information, for the purposes set out above, to any of its subsidiaries, branches, franchises or legally related companies, agents, dealers or contractors. Disclosure to external parties or entities does not occur without the individual's consent except where disclosure is required by law. ARAS is unlikely to be required to disclose personal information to overseas recipients.

ARAS acknowledges that there is no obligation for an individual to provide it with personal information. However, if an individual chooses not to provide ARAS with personal details, it may not be able to provide the individual with a full range of services or may reduce the ability of directly servicing the individual's organisation.

Access rights and contact details

The *Privacy Act 1988* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017* provide the right to access personal information held by ARAS. If the information is inaccurate, a request can be made to correct it. You can ask for access or correction by contacting us and we must respond within 30 days. If you ask, we must give you access to your personal information, and take reasonable steps to correct it if we consider it is incorrect, unless there is a law that allows or requires us not to.

For example, we will not give you access to your personal information if we reasonably believe that:

- giving access would have an unreasonable impact on the privacy of other individuals;
- giving access would pose a serious threat to life, health or safety of any individual, or to public health or public safety; or
- the request for access is frivolous or vexatious.

Individuals will be required to provide the following information before access or correction is undertaken:

- A written request for access and/or correction addressed to the Privacy Officer and sent via email to aras@agedrights.asn.au or via post to PO Box 7234, Hutt Street SA 5000 or hand delivered to 16 Hutt Street, Adelaide SA 5000.
- Proof of identity (this may be achieved by a number of means, including using 100-point identification system, certified through a legal practitioner, pharmacist, police officer or GP with an accompanying statutory declaration).

We will not provide access to personal information unless we are sure that the person seeking access is the person to whom the information relates, or the law otherwise supports such access. In some cases additional proof of identity information may be required or access may have to be denied because ownership of a record cannot be proven.

If we refuse to give you access to, or correct, your personal information, we will notify you in writing setting out the reasons.

If we make a correction and we have disclosed the incorrect information to others, you can ask us to tell them about the correction. We must do so unless there is a valid reason not to.

If we refuse to correct your person information, you can ask us to attach a statement which indicates that you believe the information is incorrect, and why.

ARAS reserves the right to charge a nominal fee if required for the retrieval of information requested.

Further information can be obtained by contacting the ARAS Operations Manager on 08 8232 5377 or by email at aras@agedrights.asn.au.

A copy of the Australian Privacy Principles can be accessed at <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>.

Complaint

If you believe your privacy has been breached you can lodge a complaint to the Advocacy Operations Manager on 08 82325377 or or by email at aras@agedrights.asn.au.

Alternatively you may wish to contact the Office of the Australian Information Commissioner on: 1300 363 992.

References

Australian Privacy Principles

Consumer Database

Privacy Act 1988

Privacy Amendment (Notifiable Data Breaches) Act 2017

MONITORING, EVALUATION AND REVIEW

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