

# Privacy Policy V3. 1

At ARAS, we work together as a team to fulfill our vision of a community where all older individuals are valued and respected, and to achieve our purpose of empowering and supporting older people and the community through information, education, and advocacy.

The Aged Rights Advocacy Service (ARAS) is committed to ensuring that the security, privacy, and confidentiality of personal information of all person's engaged by or engaging with ARAS, (including but not limited to, clients and their representatives, employees, volunteers and contractors) that is obtained, recorded, and stored is respected and protected.

ARAS recognises every individual's fundamental human right to privacy as set out in the Universal Declaration of Human Rights, Article 12, which 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."*

ARAS will comply with the requirements and obligations set out in the *Privacy Act 1988* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017*. It is to be noted that ARAS will also observe the 13 Australian Privacy Principles<sup>1</sup> (APP) set out below:

- APP 1—open and transparent management of personal information
- APP 2—anonymity and pseudonymity
- APP 3—collection of solicited personal information
- APP 4—dealing with unsolicited personal information
- APP 5—notification of the collection of personal information
- APP 6—use or disclosure of personal information
- APP 7—direct marketing
- APP 8—cross-border disclosure of personal information
- APP 9—adoption, use or disclosure of government related identifiers
- APP 10—quality of personal information
- APP 11—security of personal information
- APP 12—access to personal information
- APP 13—correction of personal information

## Purpose

ARAS recognises the importance of protecting personal information which it may be required to collect, record and store from clients or their representative(s) who seek to receive its services. The purpose of this Policy is to ensure that information provided to ARAS by clients, their representatives or related parties is protected, kept confidential and compliant with the requirements under the *Privacy Act 1988*.

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<sup>1</sup> 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.

The following Collection Notice meets the requirements of *APP5 - Notification of the collection of personal information*, and whilst a component of this policy can also be provided as an extract to persons it applies to.

Note: a separate Collection Notice for Employees is maintained and is listed as an Associated Document to this policy.

## **COLLECTION NOTICE**

### **Interpretation**

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

- **Personal information** means information relating to an individual, that may reveal their identity or make their identity apparent. The information may be received or provided to ARAS in the course of the provision of its services such as **Information, Advocacy, and Education**.
- **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. **Information about sexuality, religion, and similar personal details might be collected as sensitive data, with your consent to understand and respect individuals' needs, preferences, and identities, ensuring that services, support, and interactions are tailored appropriately and ethically.**
- **Health information** refers to data regarding an individual's health status, which is used to evaluate and refer to customised services, such as a home care package. An aged care assessment is conducted to determine the appropriate level of support for the client and to facilitate advocacy services. If a client is diagnosed with dementia, it is necessary to review relevant documentation and obtain a legal representative to assist with the advocacy process through ARAS (Aged Rights Advocacy Service).

### **Collection and use of information**

ARAS obtains, records and stores personal information from clients or their representative(s) to enable it to provide Advocacy and related services. The reasons for the collection of personal information is to assist in identifying and tailoring the most appropriate information and/or assistance to be provided to the client.

Information is collected for the purpose of:

- Providing services to clients or their representatives;
- Improving business and performing analytics;
- Comply with legal obligations;
- Manage operations;
- Promotion and marketing of its products and extended range of services; and
- undertaking client or member satisfaction surveys.

### **Storage, access and retention of information**

Information collected by ARAS is retained in an electronic database, which is securely monitored and maintained by ARAS, with access by authorised personnel only.

Information such as email addresses and telephone numbers may be stored in data **storage overseas**, such as Mail Chimp for the purposes of communication with the client or their representatives.

ARAS makes available for inspection personal information, based on the information supplied by the client or their representatives, that it holds in relation to that client, provided reasonable notice is given. In the event that any part of the personal information that the client inspects is determined to be incorrect and requires alteration, upon request ARAS can make such alteration necessary to correct the information.

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.

### **Sources of Information**

Where possible, ARAS collects the information directly from clients or their representative(s). In some instances, ARAS may collect personal information from press reports, published mediums, or documentations pertaining to the client's circumstances. This ancillary information will be verified with the client or their representative(s) to the best extent possible.

ARAS acknowledges that there is no obligation for a person to provide personal information when they seek to access ARAS' services. The client 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 a person chooses not to provide ARAS with personal details, it may not be able to provide the person with a full range of services or may reduce the ability to directly provide a service or advocacy support.

### **Disclosure of Information**

ARAS may disclose information collected from a client:

- To ARAS' related entities, third party suppliers, consultants, employees, agents, contractors, sponsors, government agencies or other third parties to satisfy the purposes for which the information was collected for or for another purpose if that other purpose is closely related to the primary purpose of collection and an individual would reasonably expect ARAS to disclose the information for that secondary purpose;
- When the client's authorised representative, such as an accountant or lawyer, contact ARAS in connection with providing a client with services;
- If the disclosure is requested by a government agency, such as the Adult Safeguarding Unit, Aged Care Quality and Safety Commission, or the courts and ARAS is obliged to comply;
- To any other person, with the client's consent (express or implied); and
- To any person to whom ARAS' assets or business (or any part thereof) is transferred to.
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In addition to the above, ARAS will disclose Information if required to do so under law or if the disclosure is made in connection with either the normal operation of our business in a way that you might reasonably expect, or ARAS deems that the client may be at serious risk of imminent harm. ARAS is unlikely to be required to disclose personal information to overseas recipients, but in that event, ARAS will see the client's prior consent to do so in advance of disclosing to any overseas recipient.

## **Access and correction rights**

The *Privacy Act 1988* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017* provide the right to clients to access (their) personal information held by ARAS. If the information is inaccurate, a request can be made to correct it and ARAS must respond within 30 days.

### **Access to personal information**

Clients or their representatives(s) may request to access their personal information. The request must be in writing and meets the following requirements before access is provided:

- The written request for access is addressed to the Privacy Officer and sent via
  - email to [aras@agedrights.asn.au](mailto:aras@agedrights.asn.au), or
  - posted or hand delivered to 175 Fullarton Road, Dulwich SA 5065.
- 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).

For the purposes of this policy the Corporate Services Manager shall be the Privacy Officer.

Access to personal information will not be provided unless ARAS is satisfied 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. If ownership of the record cannot be proven, access may be denied. Refusal of access to personal information will be set out in writing with reasons or due to involvement of third parties.

Access to personal information may be limited or restricted in the following circumstances:

- access would have an unreasonable impact on the privacy of other individuals;
- 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.

### **Correction to personal information.**

A client or their representative(s) who have been provided access to their personal information and have identified an error, can request that the error is corrected. The request should be in writing which can include a request that ARAS notify any third parties that may have been provided with the incorrect information. ARAS will endeavour to comply with the request for correction and notification of third parties unless there is valid reason not to do so.

Refusal to correct personal information will be provided in writing with reasons. In these circumstances, the client or their representative(s) can provide a written statement outlining what personal information they believe is incorrect and why. This statement will be included in the information collected and stored on behalf of the client.

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 Privacy Officer on 08 8232 5377 or by email at [aras@agedrights.asn.au](mailto:aras@agedrights.asn.au).

## Requests for Deletion of Information

A client or their representative may request that their records be deleted. Such request will be considered under the same requirements as a request to access information/ records. There may be legal or other reasons why ARAS needs to keep the information. An Executive officer will assess the request and provide a response to the client or their representative within a reasonable time frame, and if denying the request, provide reasons for the declination.

A copy of the Australian Privacy Principles can be accessed [here](https://www.oaic.gov.au/privacy/australian-privacy-principles) (<https://www.oaic.gov.au/privacy/australian-privacy-principles>).

## Complaint

A complaint can be lodged for any breached of privacy to the Privacy Officer by phone on 08 8232 5377 or by email at [aras@agedrights.asn.au](mailto:aras@agedrights.asn.au). Alternatively, a client or their representative(s) can contact the Office of the Australian Information Commissioner on 1300 363 992.

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### Associated Documents

- Collection Notice [Employees]
- Responding to a Data Breach Procedure
- [Information Sharing Policy Consumer](#)
- [Information Technology Policy](#)
- [Information Technology Security Policy](#)
- [Record Keeping Policy \[see Board\]](#)
- [Record Keeping Procedure](#)

### References

- [Privacy Act 1988](#)
- [Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#)
- [Australian Privacy Principles | Oaic](#)

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### MONITORING, EVALUATION AND REVIEW

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