**Plan Management**

**2.12 Privacy and Confidentiality Policy**

**1. Policy Statement**

Soothing Minds Plan Management respects the privacy of all stakeholders including employees, volunteers, Participants, student placements, sub-contractors, business partners and online users, and is committed to safeguarding the personal information that is provided to us.

**2. Purpose of Policy**

The purpose of this privacy policy is to:

* clearly communicate the personal information handling practices of Soothing Minds Plan Management
* enhance the transparency of Soothing Minds Plan Management operations, and
* give participants a better and more complete understanding of the sort of personal information that Soothing Minds Plan Management holds, and the way we handle that information.

**3. Roles and Responsibilities**

This policy and procedure apply to all Soothing Minds Plan Management volunteers, employees, Participants, student placements, sub-contractors, business partners and online users.

The Privacy Act and this Privacy Policy ***do not apply*** to acts or practices which directly relate to employee records of Soothing Minds Plan Management’s current and former employees.

***Definitions***
 **Online users**: refers to anyone that accesses the Soothing Minds Plan Management website ([www.soothingmindsplanmanagement.com.au](http://www.soothingmindsplanmanagement.com.au)).
**Personal information**: as defined by the Privacy Act 1988 (as amended) is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not.
**Sensitive information**: as defined by the Privacy Act 1988 (as amended) is information or opinion (that is also personal information) about an individual’s 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 or criminal record or health, genetic, biometric information or biometric templates, that is also personal information.

**4. Policy Procedure**

**4.1 Part A — Personal Information Handling Practices**

This section explains Soothing Minds Plan Management’s general information handling practices, including information about how Personal information is collected, used, disclosed and stored. Soothing Minds Plan Management’s personal information handling practices are:

4.1.1

**Soothing Minds Plan Management’s obligations under the Privacy Act**

This policy sets out how Soothing Minds Plan Management complies with obligations under the Privacy Act 1988 (Privacy Act). Soothing Minds Plan Management is bound by the Australian Privacy Principles (APPs) in the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access, and correct personal information held about them.

4.1.2

**Collection of Personal and Sensitive Information**

If a stakeholder would like to access any Soothing Minds Plan Management services on an anonymous basis or using a pseudonym, they should advise the organisation. If this is possible and lawful, Soothing Minds Plan Management will take all reasonable steps to comply with any request. However, Soothing Minds Plan Management may not be able to provide the services in question if they are not provided with the personal information requested.

The nature and extent of personal and sensitive information collected by Soothing Minds Plan Management varies depending on the particular interaction with the organisation.

Soothing Minds Plan Management collects personal and sensitive information from Participants, donors, business partners, other Soothing Minds Plan Management stakeholders and online users. Further information about the kind of information collected from each of these groups and the usage of such information is detailed below.

4.1.3

**Soothing Minds Plan Management** **Participants**

Information collected can include:

* contact details (name, address, email etc.)
* personal details including date of birth, gender, income
* information on personal issues and experiences, relationships,
* family background, supports Participants may have in the community
* areas of interest
* health information and/or medical history
* credit card numbers or bank account details

How the information is collected:

* intake applications
* online registration
* telephone

Soothing Minds Plan Management uses the information to:

* provide Soothing Minds Plan Management services
* provide Participants with the most appropriate services for their needs
* meet any requirements of government funding for programs
* monitor and evaluate existing services and plan for future services
* for research purposes which may involve contracted organisations
* comply with legal obligations

4.1.4

**Soothing Minds Plan Management** **Business Partners**

Information collected can include:

* contact person's name, the name of the organisation which employs the person, telephone numbers, fax number, street and postal address, email address and position title
* areas of interest by category and industry
* bank details (if Soothing Minds Plan Management is to receive payment or make payment for services received)
* Australian Business Number (ABN)
* type of support

How information is collected:

* communications, email, flyers
* online registration
* telephone

Soothing Minds Plan Management uses the information to:

* provide services
* process payments and provide accurate receipts
* pay for services
* establish and manage partnerships
* receive services from the stakeholder or the organisation which employs him/her
* manage Soothing Minds Plan Management's relationship with the business partner
* provide information about Soothing Minds Plan Management's services
* update the company on Soothing Minds Plan Management programs and services

4.1.6

**Soothing Minds Plan Management employees and volunteers, and candidates for volunteer work and prospective employees**

Information collected can include:

* contact details (name, address, telephone numbers, email etc.)
* personal details including personal details of emergency contact person(s)
* date of birth
* country of birth, citizenship, residency and/or visa details
* details of current/previous employment or volunteer involvement
* skills and experience
* languages spoken and written
* qualifications, drivers licence details
* information and opinions from referees for prospective employees and candidates for volunteer work and/or student placement
* a Police Check will be required for all roles within Soothing Minds Plan Management. Individuals will be required to provide certain information for a Police Check. There are different arrangements for Police Checks in each state and territory of Australia. In some cases, the Police Check will be received directly by Soothing Minds Plan Management and then stored securely or destroyed
* in some situations, it is necessary for Soothing Minds Plan Management to collect or receive information about an individual's health. In this circumstance, Soothing Minds Plan Management will advise why the information is being collected and whether and to whom it will be released.

Soothing Minds Plan Management uses the information to:

* provide Soothing Minds Plan Management services
* process an application to become a member, volunteer or employee of the organisation
* facilitate a placement in an appropriate service or position
* assist with services whilst an individual is employed or engaged as a volunteer with Soothing Minds Plan Management
* provide feedback on performance as a volunteer or employee
* meet legislative responsibilities to all volunteers and employees
* obtain feedback from individuals about their experiences
* assist Soothing Minds Plan Management to review and improve its programs and services to keep individuals informed about Soothing Minds Plan Management developments and opportunities
* provide information about Soothing Minds Plan Management services
* facilitate further involvements with Soothing Minds Plan Management.

4.1.7

**Online Users**

To the extent that this Privacy Policy applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the Soothing Minds Plan Management website.

Information collected:

* contact details (name, address, telephone numbers, email etc.)
* non-personal information (e.g., visitor navigation and statistics)
* server address, browser type, date, and time of visit
* personal information.

Soothing Minds Plan Management uses the information to:

* process purchase orders, online bookings, purchases/ transactions
* analyse website usage and make improvements to the website
* however, Soothing Minds Plan Management does not match the personal information collected with non‐personal information.

**Additional Information**

The website may from time to time contain links to other websites. Soothing Minds Plan Management stresses that when an online user accesses a website that is not the Soothing Minds Plan Management website, it may have a different privacy policy. To verify how that website collects and uses information, the user should check that particular website’s policy.

4.1.8

**How Soothing Minds Plan Management** **Collects Information**

Where possible, Soothing Minds Plan Management collects personal and sensitive information directly from the relevant party. Information is collected through various means, including telephone and in person interviews, appointments, forms and questionnaires. If a stakeholder feels that the information requested, either on forms or in discussions, is not information they wish to provide, it can be discussed directly with the organisation.

In some situations, Soothing Minds Plan Management can also obtain personal information about a stakeholder from a third-party source. If information is collected in this way, the organisation will take reasonable steps to contact the relevant stakeholder and ensure that they are aware of the purposes for which the personal information is being collected and the organisations to which the information can be disclosed, subject to any exceptions under the Act. For example, information can be collected from a health care professional, such as a doctor.

4.1.9

**Health Information**

As part of administering Soothing Minds Plan Management services, Soothing Minds Plan Management can collect health information. For example, Soothing Minds Plan Management collects health information (such as disability) from Participants participating in Soothing Minds Plan Management. When collecting health information from a stakeholder, Soothing Minds Plan Management will obtain consent to such collection and explain how the information will be used and disclosed. If health information is collected from a third party (such as a support coordinator), Soothing Minds Plan Management will inform the stakeholder that this information has been collected and will explain how this information will be used and disclosed.

Soothing Minds Plan Management will not use health information beyond the consent provided by the stakeholder, unless further consent is obtained; or in accordance with one of the exceptions under the Privacy Act; or in compliance with another law. If Soothing Minds Plan Management uses health information for research or statistical purposes, it will be de‐identified if practicable to do so.

4.1.10

**Use and disclosure of Personal Information**

Soothing Minds Plan Management only uses personal information for the purposes for which it was provided, or for purposes which are related to one of Soothing Minds Plan Management’s functions or activities.

For the purposes referred to in this Privacy Policy (discussed above under ‘Collection of Personal and Sensitive Information’), Soothing Minds Plan Management can also disclose personal information to other external organisations including:

* government departments/agencies (NDIS) who can provide funding for Soothing Minds Plan Management services
* contractors who manage some of the services offered by Soothing Minds Plan Management, such as distribution centres who can send information on behalf of Soothing Minds Plan Management. Steps are taken to ensure they comply with the APPs when they handle personal information and are authorized only to use personal information in order to provide the services or to perform the functions required by Soothing Minds Plan Management.
* other regulatory bodies, such as NDIS Quality and Safeguards Commission;
* Soothing Minds Plan Management’s professional advisors, including accountants, auditors and lawyers.

Except as set out above, Soothing Minds Plan Management will not disclose an individual's personal information to a third party unless one of the following applies:

* the individual has consented
* the individual would expect Soothing Minds Plan Management to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
* it is otherwise required or authorised by law
* it will prevent or lessen a serious threat to somebody’s life, health, or safety or to public health or safety
* it is necessary for Soothing Minds Plan Management to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to its functions or activities
* it is necessary to assist in locating a missing person
* it is necessary to establish, exercise or defend a claim at law
* it is necessary for a confidential dispute resolution process
* it is necessary to provide a health service
* it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety
* it is necessary for research or the compilation or analysis of statistics relevant to public health or public safety
* it is reasonably necessary for the enforcement of a law conducted by an enforcement body.
* Soothing Minds Plan Management does not send personal information out of Australia. If otherwise required to send information overseas Soothing Minds Plan Management will take measures to protect any personal information. The organisation will protect any personal information either by ensuring that the country of destination has similar protections in relation to privacy or that contractual arrangements are entered into with the recipient of any personal information that safeguards privacy.

4.1.11

**Security of Personal and Sensitive Information**

Soothing Minds Plan Management takes appropriate steps to protect the personal and sensitive information held against misuse, interference, loss, unauthorised access, modification, and disclosure.

These steps include password protection for accessing electronic IT systems, securing paper files in locked cabinets and physical access restrictions. Only authorized personnel are permitted to access these details.

When the personal information is no longer required, it is destroyed in a secure manner, or deleted.

4.1.12

**Access to and correction of personal information**

If an individual requests access to the personal information Soothing Minds Plan Management holds about them, or requests to change that personal information, the organisation will allow access or make the changes unless it is considered that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made to the Soothing Minds Plan Management. For security reasons, stakeholders will be required to put their requests in writing and provide proof of identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

In the first instance, Soothing Minds Plan Management will provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Soothing Minds Plan Management databases and in paper files, and which can be used on a day-to-day basis.

Soothing Minds Plan Management will provide access by allowing the relevant stakeholder to inspect, take notes or print outs of personal information. If personal information (for example, name and address details) is duplicated across different databases, Soothing Minds Plan Management will provide one printout of this information, rather than multiple printouts.

Soothing Minds Plan Management will take all appropriate steps to provide access, of the information requested within 14 days of request. In situations where the request is complicated or requires access to a large volume of information, Soothing Minds Plan Management will take all appropriate steps to provide access to the information requested within 30 days.

If an individual is able to establish that personal information Soothing Minds Plan Management holds about her/him is not accurate, complete or up to date, Soothing Minds Plan Management will take appropriate steps to correct Soothing Minds Plan Management’s records.

Access will be denied if:

* the request does not relate to the personal information of the person making the request.
* providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety.
* providing access would create an inappropriate impact on the privacy of others.
* the request is frivolous and vexatious.
* the request relates to existing or anticipated legal proceedings.
* providing access would prejudice negotiations with the individual making the request.
* access would be unlawful.
* denial of access is authorised or required by law.
* access would prejudice law enforcement activities.
* access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Soothing Minds Plan Management
* access discloses a 'commercially sensitive' decision making process or information; or
* any other reason that is provided for in the APP's or in the Privacy Act.

If Soothing Minds Plan Management denies access to information the organisation will set reasons for denying access. Where there is a dispute about right of access to information or forms of access, this will be dealt with in accordance with the Soothing Minds Plan Management complaints procedure set out below.

4.1.13

**Complaints Procedure**

If stakeholders have provided Soothing Minds Plan Management with personal and sensitive information, or we have collected and hold personal and sensitive information, they have the right to make a complaint and have it investigated and dealt with under Soothing Minds Plan Management complaints procedure.

If stakeholders have a complaint about Soothing Minds Plan Management privacy practices or Soothing Minds Plan Management’s handling of personal and sensitive information, they should contact Soothing Minds Plan Management. All complaints will be logged on Soothing Minds Plan Management’s database.

A privacy complaint relates to any concern that a stakeholder may have regarding Soothing Minds Plan Management privacy practices or Soothing Minds Plan Management’s handling of personal and sensitive information. This could include matters such as how information is collected or stored; how information is used or disclosed; or how access is provided to your personal and sensitive information.

4.1.14

**Changes to this Privacy Policy**

Soothing Minds Plan Management reserves the right to review, amend and/or update this policy from time to time. The organisation aims to comply with the privacy requirements required to be observed under State or Commonwealth Government contracts. If further privacy legislation and/or self-regulatory codes are introduced or this Privacy Policy is updated, the organisation will summarise any substantial modifications or enhancements in this section.

4.1.15

**How to contact us**

Individuals can obtain further information in relation to this privacy policy, or provide any comments, by contacting Soothing Minds Plan Management on:

* Telephone: 08 8448 1106
* Assisted Contact: TTY/Voice: 133677; Speak & listen (SST): 1300555727; Translating and Interpreting Service: Phone 131450
* Post: Suite 9, 1064 Old Port Road, Albert Park SA 5014
* Email: feedback@soothingminds.com.au

Note: These calls can be made for a local call cost from fixed residential landlines anywhere in Australia but calls from mobile and pay phones may incur higher charges. Check with the service provider for costings from mobile and pay phones.

**4.2 Part B — Files**

This section outlines how Soothing Minds Plan Management handles specific types of files that contain personal information.

4.2.1

**Data quality**

Soothing Minds Plan Management maintains and updates personal information in its contacts lists when advised by individuals that their personal information has changed. The organisation also regularly audit contacts lists to check the currency of the contact information. Soothing Minds Plan Management will remove contact information of individuals who advise that they no longer wish to be contacted.

4.2.2

**Data security**

The personal information in the contacts lists is stored in either password protected electronic media or in locked cabinets in paper form. When no longer required, personal information in contacts lists is destroyed in a secure manner or deleted.

Routine access to contacts lists is limited to the database operators who have responsibility for maintaining the contacts lists. Other staff members have access to the personal information in contacts lists on a need-to-know basis.

4.2.3

**Access and correction**

For information about how to access or correct personal information in Soothing Minds Plan Management’s contacts lists see 'Access and correction' in Part A of this document.

**5.** **References**

[Information Sharing Guidelines for Promoting Safety and Wellbeing](http://www.ombudsman.sa.gov.au/isg/)
[Privacy Act 1988 (amended 2014)](http://www.comlaw.gov.au/Details/C2014C00076)
[Privacy Resources](http://www.oaic.gov.au/privacy/privacy-resources/all/)

**Monitoring, Evaluation and Review**

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