

## PRIVACY POLICY

### 1. Objective

**bestchance** is working for the growth of individuals through mutual respect and responsibility, within a harmonious and supportive work environment.

**bestchance** is committed to:

- responsible and secure collection and handling of personal information
- protecting the privacy of each individual's personal information
- ensuring individuals are fully informed regarding the collection, storage, use, disclosure and disposal of their personal information, and their access to that information.

This policy aims to cover the following:

- the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at all **bestchance** sites and
- comply with all relevant privacy legislation.

### 2. Scope

This policy applies to **bestchance** staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of **bestchance**.

### 3. Definitions

**Health information** - any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

**Health Records Act 2001** - Victorian legislation that regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

**Information Privacy Act 2000** - Victorian legislation that protects personal information held by Victorian Government agencies, statutory bodies, local councils and some organisations, such as bestchance contracted to provide a service or program for government.

**Privacy Officer** - the first point of contact for advice on privacy matters related to **bestchance**.

**Personal information** - recorded information, including images or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained. This typically includes a person's name, address, contact details, date of birth, gender, sexual orientation and race.

**Privacy breach** - an act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the Information Privacy Principles (refer attachment from the Office of the Australian Information Commissioner – Privacy Fact Sheet 17 – Australian Privacy Principles).

**Sensitive information** - information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or 54 practices, or criminal record. This is also considered to be personal information.

**Unique identifier** - a symbol or code, usually a number, assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

#### **4. Procedures**

bestchance will take the following steps to ensure the collection, storage, use, disclosure and disposal of personal information, including images, visual recordings and health information complies with all relevant privacy legislation and privacy principles.

**4.1 Gaining consent to collect and use personal information:** Consent must be gained to collect, use and where appropriate/necessary, forward to a third party. A person's consent is to be sought unless there are sound, justifiable reasons permitted by the relevant legislation and privacy principles.

*Criteria for consent:*

##### **(i). Consent must be informed**

The person from whom the information is collected must be informed as to what they are consenting to. This means knowing –

- what is being collected, used or disclosed and why;
- who/what organisation is collecting, using or receiving/likely to receive the information; and
- the consequences, if any, if consent is not given

##### **(ii). Consent must be freely given**

There must be no coercion in obtaining the person's consent. If a genuine choice is not offered, the proposed action can only proceed if permitted by legislation.

**(iii). Consent must be specific**

Consent is to be sought for the collection or use of specific information, for an identified purpose, by identified people/organisation, for an identified period of time.

**(iv). Consent must be current**

Consent must apply to a person's circumstances at the time; it should be able to be revoked at any time.

***'Express' and 'Implied' Consent***

There are two types of consent – 'express' and 'implied'.

- Express consent is unequivocal consent that does not require any inference.
- Implied consent is consent that can only be inferred by the actions of the person from whom the consent is sought.

Where possible/appropriate, express consent must be sought/obtained. Where a person's consent is sought or obtained verbally, detailed file notes should be kept regarding the name of the person giving consent, the date and time consent was given and whether consent was obtained over the phone or in person.

Where written consent is sought, the request must be easy to find and expressed in clear language.

**Collection of personal information**

Personal information about individuals will be collected verbally and more generally via forms filled in by the individual or by the child's parent/guardian. Only the information legitimately required and related to the service or function will be collected. The types of information collected and held includes, but is not limited to, personal information regarding children and their parents/guardians and other individuals who are accessing bestchance services.

**4.2 Use and Disclosure of Personal Information**

Personal information must only be used and disclosed for the primary purpose for which it was collected or for a secondary purpose the person may reasonably expect. Use or disclosure for any other purpose must have the consent from the person concerned.

Where it is intended to forward or make available an individual's personal information to a third party, at the time of collection of the information

- the consent of that individual to have that information passed on will be sought;
- the identity of the third party will be made known to the individual; and
- the reason for intending to give the personal information to the third party will be made known to the individual.

The information will not be provided to the third party until the consent has been obtained/received. Personal information will not be provided to a third party, where consent has been refused, unless there is a legal requirement to do so.

Where information is to be disclosed to a third party, the third party must understand and agree to abide by all relevant privacy legislation and principles.

**bestchance** does not disclose personal information to overseas parties.

#### **4.3 Security of personal information**

Personal information must be secured to prevent unauthorised access, removal, interference, loss or alteration.

Access to personal information must only be provided to:

- Employees with a legitimate reason for accessing the personal information, for example, for program related activities.
- A third party with legitimate reasons for seeking access in order to fulfil its obligations.
- The Privacy Officer, for their investigation of a complaint of breach of privacy, or in the course of responding to a request for access to the personal information.
- State and Commonwealth Government agencies as provided for by legal or statutory requirements.
- The person about whom the information concerns where legislation provides for them to obtain access.

#### **Storage of personal information**

In order to protect personal information from misuse, loss, unauthorised access, modification or disclosure, bestchance will ensure that

- Access will be limited to authorised staff or other individuals who require this information in order to fulfil their responsibilities and duties.
- Information will not be left in areas that allow unauthorised access.
- All materials will be physically stored in a secure cabinet or area.

- Electronic records containing personal or health information will be stored safely and securely.

#### **4.4 Destruction of personal information**

- Use of 'confidential destruction bins' or some other method guaranteeing confidential and secure destruction of documents must be made for the destruction of outdated personal information.
- Before destruction is undertaken, reference will be made to any legal or statutory requirements regarding retention of documents.

#### **4.5 Request for access to and correction of personal information**

Individuals have the right to request access to personal information bestchance holds about them and/or their child. They can also make corrections if they consider the information is not accurate, complete or up to date. There are some limited circumstances set out in the relevant acts where access may be denied. Such circumstances include:

- Providing access would have an unreasonable impact on the privacy of other individuals.
- Providing access would pose a serious threat to the life or health of any person.

### **5. Responsibilities**

#### **Human Resources (Staff) Records:**

- Records are maintained in both hard and electronic copy including the Human Resource Information System, as follows but not limited to:
  - o Details of recruitment and selection
  - o Professional qualifications and relevant Licences, for example, Working with Children, VIT Registrations, and current Victorian Driver's Licence
  - o Payroll related records
  - o Performance and professional development information
- Any staff records will not be destroyed until a minimum of seven years following employment termination.
- Only access the personal, sensitive or health information of an individual when directly relevant to their primary area of work.

#### **Volunteers' Records**

- Records are maintained in both hard and electronic copy and will include, but not limited to:
  - o Details of recruitment and selection
  - o Personal and contact details
  - o Any

relevant qualifications and relevant licences, for example, Working with Children or current Victorian Driver's Licence

### Donors' Records

- Personal information is collected and used by staff involved in the management of the fundraising function for the purposes of eliciting, processing, receipting, and acknowledgement of donations. This occurs with the informed consent of the donors.

### Vendors and Contractors' Records

- Personal information which includes, but is not limited to: Working with Children and Police Records Checks, evidence of insurances and references, may be required. The information collected is used to verify suitability in providing services to **bestchance**.

### Table of Disposal/Destruction Dates

	Record/File Type	Disposal/Destruction Date
1	Staff	Minimum 7 years after employment termination  The practice at <b>bestchance</b> is to keep the records for a minimum 30 years due to portability of Long Service Leave for Kindergarten based staff.  Incident reports will be retained in perpetuity.
2	Volunteers	Minimum 7 years after conclusion of volunteering
3	Children – Kindergartens, Long Day Care and Family Day Care <ul style="list-style-type: none"> <li>• Enrolment, incident and injuries</li> <li>• Medication</li> <li>• Attendance</li> </ul>	<ul style="list-style-type: none"> <li>• 25 years after child leaves service</li> <li>• 3 years after the child's last attendance</li> <li>• 7 years after the child's last attendance</li> </ul>
4	Burwood Boy's Home	No disposal date, and to be retained by bestchance
5	Donors	No specific date but records will be retained by bestchance
6	Vendors and Contractors	No specific date but records will be retained by bestchance
7	Students	30 years after completion of course

**Staff members will:**

- Appropriately and securely store all personal, sensitive and health information.
- Only access the personal, sensitive or health information of an individual when directly relevant to their primary area of work.
- Only share personal, sensitive or health information with other staff members when required to do so in carrying out their usual and required work.
- Operate in accordance with parental consent in relation to the use of images and/or visual recordings of children.
- Electronic records containing personal, sensitive and health information will be stored securely and only accessed by authorized personnel with a password.

**6. Complaints Handling**

- Complaints or concerns in relation to privacy will be treated seriously and handled discretely with the involvement of relevant parties only, and will not affect the standard of service provided.
- Complaints or concerns can be addressed to the relevant Team Manager or General Manager, and/or to the bestchance Privacy Officer.

All complaints will be referred to the Privacy Officer, or delegate. 58

o The Privacy Officer can be contacted on:

♣ 8562 5100 or [privacy.officer@bestchance.org.au](mailto:privacy.officer@bestchance.org.au)

• Complaints can also be directly submitted to the Office of the Victorian Privacy Commissioner on 1300 666 444 or [enquiries@cpdp.vic.gov.au](mailto:enquiries@cpdp.vic.gov.au)

**7. Relevant Legislation and Policies**

- Information Privacy Act 2000 (Vic)
- Health Records Act 2001 (Vic)
- Privacy Act 1988 (Commonwealth)
- Australian Privacy Principles 2014
- bestchance Employee Disciplinary Policy
- bestchance People Principles – Code of Conduct