



PRIVACY POLICY

PREAMBLE

The Privacy Act (Commonwealth) has been in existence in various forms since 1988. The most recent changes have been implemented from March 12th 2014 in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. This Amendment Act is a part of an overall privacy law reform process. The expectation of the Australian Information Commissioner is that all organisations will be proactive in continually assessing how well they are managing personal information in their care.

POLICY STATEMENT

The Society of Professional Social Workers (SPSW) is classified as an Australian Privacy Principles (APP) entity under the privacy legislation. SPSW is committed to ongoing compliance and the proactive application of the 13 Australian Privacy Principles (APPs) contained within the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and any subsequent amendments to this Act and any Codes of Practice issued under this Act.

Specifically, SPSW is committed to ensuring that personal information (see “Definitions and Terms”) of any type is:

- only collected when justified by the primary purpose for which it is being or has been collected
- only used when its use is directly related to the primary purpose for which it was originally collected
- stored securely
- regularly reviewed for its accuracy and relevance
- only accessed, and/or released to third parties when consistent with the primary purpose for its original collection and the APP’s
- not released when the APP’s specifically provide exceptions to or conditions on its release
- in the custody of persons who can be trusted to uphold the spirit and substance of the APPs
- destroyed where the information no longer passes the primary purpose relevance test,
- ensuring that all persons associated with SPSW have a clear understanding of their rights under the legislation and good access to the Act and the APP’s if required.

This policy commits the holders of personal information to best practice personal information management and see themselves as custodians or trustees of the information entrusted to them.

The policy also recognises that from a risk management perspective, poor or complacent personal information management can place SPSW at risk of breaching legislative requirements and broader reputational damage.

Finally, the policy recognises that good personal information management is best achieved by a sense of shared responsibility between the person providing the personal information and those who hold it in trust.

POLICY SCOPE

This policy statement is relevant to SPSW’s compliance with the Privacy Act (as amended) for all members, Board members and others accessing SPSW’s professional development events and email group, website and/or locum register.

This policy statement is specifically applicable to all persons who manage databases (whether electronically or in hard copy) containing personal information for use by SPSW for administrative or operational purposes. It also has direct relevance to information released/transmitted on any social media sites.

EXCEPTIONS

There are exceptions to when a person's information will be shared. In situations *where there is information to suggest that*:

- a child or young person has been harmed or is at risk of harm;
- a person is likely to harm themselves in situations such as commit suicide;
- another vulnerable person is at risk of harm or
- a criminal act has occurred or is likely to occur

In such situations, a person's information pertaining to such matters will be shared with the appropriate agency/service provider. This may occur without seeking the person's permission or without telling them in advance of sharing the information.

AUSTRALIAN PRIVACY PRINCIPLES (APPs)

A complete version of the new APPs can be accessed by accessing the following link <http://www.oaic.gov.au/privacy/privacy-act/privacy-law-reform#APPs> Readers of this policy are encouraged, wherever practical, to refer to the actual wording of the APPs in the Act rather than rely on the summarized sections herein.

KEY DEFINITIONS AND TERMS

Definitions of key privacy terms viz. personal information, sensitive information and health information are attached as *Appendix 1*. In short, personal information is information about an individual that is not expected to be in any public domain such as White Pages or any SPSW databases. The definition of personal information has been expanded in the most recent amendments.

Managers of sensitive and health information are required to comprehensively familiarise themselves with the ways in which this information must be treated under the Act and, in particular, the strict guidelines surrounding the retention or release of this information to accredited agencies. Close liaison with the President or the Executive Officer is highly recommended when dealing with these issues.

COLLECTION OF PERSONAL INFORMATION BY SPSW

It is necessary for SPSW to collect personal information in order to give maximum opportunity for its members and other people to be actively involved in and well informed about SPSW and its functions and activities. This collection of personal information can be for administrative and operational purposes.

SPSW is committed to only holding personal information where it can be demonstrated as being necessary to achieve this involvement. Holders of personal information on behalf of SPSW must be in a position to demonstrate to any person the relevance of personal information held by them at any time.

Individuals retain the right not to provide personal information or specify specific conditions for the holding of that information but must recognise that not disclosing some personal information may limit their involvement in SPSW.

Where personal information has been or is to be collected from unsolicited sources, the matter should be referred to the SPSW President or the Executive Officer.

USE OF PERSONAL INFORMATION

Personal information is always to be used for the purpose for which it has been collected and, where required by the APP's, with the specific consent of the individual.

If a manager of personal information has a request to disclose personal information to a third party that does not, in their view, fit the primary purpose definition outlined above, the request should be declined or, if in doubt, the matter should be referred to the President or the Executive Officer.

ACCESS TO PERSONAL INFORMATION

Unless personal information is:

- specified by law or confidentiality arrangements,
- a specific exception under the APPs or another provision of the Act requires it to be inaccessible to individuals,

a person has the right to be aware of personal information stored about them by SPSW.

DISCLOSURE OF PERSONAL INFORMATION

SPSW may disclose personal information where:

- it is consistent with the primary purpose of the collection of the information, or
- required or authorised by law, or
- a specific consent to the disclosure has been received from an individual.

ACCURACY AND CORRECTION OF PERSONAL INFORMATION

SPSW is committed to checking the accuracy and relevance of personal information held on a regular basis. This checking process should, wherever practical, involve the individuals who have personal information held by SPSW. Any inaccurate or irrelevant personal information records should be destroyed within a reasonable time. At any time, an individual can make a request to have personal information altered or deleted and this request must be attended to within 21 days of the request.

Notification of the completion of the correction must be sent to the individual involved. Wherever relevant, individuals should be given the ability to easily unsubscribe to mailing and distribution lists containing their personal information.

KEY CONTACT PERSONS RESPONSIBLE FOR PRIVACY ADVICE AND INFORMATION

Everyone connected with SPSW has a responsibility for ensuring that implementation of the requirements of the privacy legislation and APP's are taken seriously. However, the Board members have a responsibility to be well informed on all privacy issues and constantly oversighting the application of this policy at all times.

DIFFERENT FORMS OF CONSENT

Individuals giving consent to having their personal information collected, stored and used for the primary purpose can be asked to provide one of two types of consent:

- Opt in – this consent requires the specific authority of an individual to have their information collected.
- Opt out – this consent is a default position in that, unless SPSW is advised by the individual to remove personal information, the information will continue to be stored.

SPSW's policy is that for the first time entry of an individual's personal information on any data base or recording system, an "opt in" process must be used and the accompanying consent form stored securely. In situations where a periodic review of the accuracy of personal information being held on data bases and other personal information storage mechanisms and where using an "opt in" process is impractical or unreasonable, putting an "opt out" option to individuals is acceptable.

Organisers of particular activities/events can choose to use a consent wording that relates more specifically to the reason for collection of personal information e.g. SPSW Continuing Professional Education events.

COMPLAINTS PROCESSES

An individual involved with SPSW can register a complaint about an alleged breach of the APPs. SPSW's preferred process is to attempt to resolve these issues internally by having the complaint mediated by members of the Board or if the issue relates to a Board member then an external mediator can be consulted. However individuals can, at any time, access the provisions of the Act in relation to complaint resolution processes and address their complaint to the Office of the Australian Information Commissioner, GPO Box 5218, Sydney NSW 2001 or [email enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

POWERS OF THE AUSTRALIAN INFORMATION COMMISSIONER

SPSW acknowledges that the Australian Information Commissioner has specific powers under the Act including the ability to:

- Recognise external dispute resolution schemes as a way of handling privacy related complaints
- Accept enforceable undertakings
- Seek civil penalties in the case of serious or repeated breaches of privacy
- Conduct assessments of the privacy performance of SPSW

DISSEMINATION AND ACCESSIBILITY OF THIS POLICY

SPSW's Privacy Policy will be available on the website or in printed form upon request from the Executive Officer at eo@spsw.net.au.

ADOPTED BY: Dr Barbara Meddin, President **Date:** July 2017

APPENDIX 1

Privacy Policy

KEY PRIVACY ACT DEFINITIONS AND TERMS

Personal Information means:

information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive information means:

(a) information or an opinion about an individual's:

1. racial or ethnic origin; or
2. political opinions; or
3. membership of a political association; or
4. religious beliefs or affiliations; or
5. philosophical beliefs; or
6. membership of a professional or trade association; or
7. membership of a trade union; or
8. sexual preferences or practices; or
9. criminal record;

that is also personal information; or

(b) health information about an individual; or

(c) genetic information about an individual that is not otherwise health information.

Health information means:

(a) information or an opinion about:

the health or a disability (at any time) of an individual; or

an individual's expressed wishes about the future provision of health services to him or her;

or

a health service provided, or to be provided, to an individual; that is also personal information; or

(b) other personal information collected to provide, or in providing, a health service; or

(c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or

(d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual

