

Purpose:

SHINE SA is committed to protecting the privacy of personal information it collects, holds and administers in the process of providing its services. This policy document outlines SHINE SA's approach to maintaining the privacy of collected information.

Scope:

All SHINE SA workers are bound by this policy.

Responsibility and Authority:

All SHINE SA workers are bound by this policy.

Effective date:

This policy is effective from its approval date.

1. Policy Statement

SHINE SA provides a range of educational and clinical services across South Australia. SHINE SA is a not-for-profit organisation which provides educational and clinical services on a range of health, wellbeing, relationship and sexual health issues in order to assist individuals, families and communities to achieve the best health and wellbeing outcomes. As such information is routinely collected and an individual's personal and sensitive information is used to ensure delivery of appropriate, timely and quality health and educational services.

In line with our values, SHINE SA respects and upholds individuals' rights to privacy and rights to their personal information. Consequently, SHINE SA is committed to protecting the privacy of personal information it collects, holds and administers in the process of providing its services. These commitments are undertaken to comply with the Australian Privacy Principles (APPs) prescribed in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

2. Primary purpose for collection of information

SHINE SA primarily collects personal information to ensure delivery of optimum health and educational services that are tailored to the needs of the individual.

3. Information collected, used and stores

To ensure the delivery of high quality clinical and educational services, the following types of personal information are collected:

- Name and contact details of client (including address, telephone number and email address).
- Health status and services provided.
- Clinical care information, including images and scans.
- Relevant demographic and social information, such as date of birth.
- Name and contact number of any carers or relevant family members.
- Name and contact number of the client's general practitioner and other relevant health care providers.
- Government-related identifiers (including but not limited to Medicare, Centrelink and Department of Veterans Affairs numbers).

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4. Consequences if personal information is not collected

SHINE SA is committed to providing its clients with the very best of care and to develop appropriate interventions and educational responses. If personal information is not collected because it is refused or not available, it may result in a different level of service to a client than which they could be entitled.

Additionally, SHINE SA uses personal information to improve services to some of the most vulnerable groups in the community. If sufficient information is not gathered, incomplete data may jeopardise future care and service planning and funding arrangements that SHINE SA enters into for it to deliver premium services. In addition, SHINE SA may not be able to effectively resolve an individual's complaint or dispute if their personal information is incomplete or missing.

5. Legal requirements for handling personal information

As an organisation that manages funds and provides health and educational services, SHINE SA has various exemptions for collecting, using and disclosing clients' personal information under 'permitted general situations' and 'permitted health situations' as defined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. The information handling requirements imposed by some APPs do not apply if a 'permitted general situation' or a 'permitted health situation' exists. These exceptions apply in relation to the collection of personal information (including sensitive information, in some cases) (APP 3), the use or disclosure of personal information (APP's 6 and 8) and the use or disclosure of a government related identifier (APP 9). In general terms, SHINE SA is permitted to manage clients' personal information if the collection is required or authorised under other Australian laws or in accordance with established health and medical bodies that operate under their own obligations of professional confidentiality.

6. Obligations for obtaining consent

SHINE SA is permitted to collect clients' personal information (including sensitive information) as part of its functions as a not-for-profit health care provider. However, using and disclosing clients' personal information requires consent unless prescribed circumstances exist (refer to the SHINE SA ISG Appendix). SHINE SA's Client Rights & Responsibilities and Confidentiality Contract will be discussed with clients and/or their appointed guardian at the commencement of receiving a service from SHINE SA. SHINE SA clients are requested to provide their consent to the use and disclosure of personal information collected as part of SHINE SA's involvement.

In the absence of a client's consent (or a person authorised to act on their behalf) under the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, information can only be collected or released to another party if the following provisions are met:

(Sub-clause 6.2):

- a. *the individual would reasonably expect the APP entity to use or disclose the information for the secondary purpose and the secondary purpose is:*
 - I. *if the information is sensitive information — directly related to the primary purpose; or*
 - II. *if the information is not sensitive information — related to the primary purpose; or*
- b. *the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or*
- c. *a permitted general situation (refer section 16A) exists in relation to the use or disclosure of the information by the APP entity; or*
- d. *the APP entity is an organisation and a permitted health situation (refer section 16B) exists in relation to the use or disclosure of the information by the entity; or*
- e. *the APP entity reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.*

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In situations involving personal safety and serious threat, the following provision of the Act permits the release of information for which consent has not been obtained to be released:

- a) *Where it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure;*

and

- b) *the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety*

In all other situations, the release of clients' personal information may only occur with their written consent or their substitute decision-maker with legal authority.

Notwithstanding the above, SHINE SA's clients have the right to withdraw consent to release their personal information at any time. Ideally such communication should be in writing to the relevant SHINE SA worker responsible for their care or service.

Unsolicited personal information that SHINE SA receives, will be de-identified or destroyed unless it falls within Commonwealth or State funding arrangements, or is required to be retained by law.

7. Reporting requirements

Under contractual arrangements with various funding bodies and government departments, SHINE SA is also obliged to provide a range of different reports. Some reports provide de-identified information on the type and amount of care provided and the types of clients that SHINE SA supports.

For example, under the funding provided by the State Government de-identified data is supplied relating to the Key Performance Indicators required by the funders.

8. Use of contractors

At times SHINE SA uses presenters or contractors to provide aspects of educational activities and client care. Presenters or contractors are required to abide by the same confidentiality and privacy requirements as SHINE SA employees and this is clearly stated within non-disclosure clauses in their contract.

There may be disclosures of personal information where there is a change of contractors, in which case personal information may be transferred to a new contractor. SHINE SA may also disclose clients' personal information in seeking assistance and advice from lawyers, auditors, data support specialists and other advisers who are bound by confidentiality obligations to the organisation.

9. Keeping information up to date and accurate

SHINE SA makes every effort to keep client's personal information up to date and accurate. This may mean that at times SHINE SA staff will review or test the personal information held and request verification as to its accuracy.

10. Access to individual personal information

Clients can request access to all of their personal information held by SHINE SA. This request will be evaluated as per the requirements and conditions of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*. There may be instances where access is denied to certain records or aspects of records in accordance with the APPs.

Generally, if requested, an individual will be provided access to any personal information held about them, unless:

- it is unlawful to provide the information;
- it poses a serious and threat to the life or health of any individual;

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- it has an unreasonable impact upon the privacy of other individuals;
- the request is frivolous or vexatious; or
- access is otherwise exempt under the Australian Privacy Principles.

11. Inter-country disclosure of personal information

SHINE SA will not transfer clients' personal information to third parties outside Australia unless they are subject to similar privacy laws or schemes, or where the client's consent has been obtained, or other provisions of Australian Privacy Principle 8 - Cross-border Disclosure of Personal Information apply.

12. Data Security

SHINE SA strives to ensure the security, integrity, and privacy of clients' personal information. Periodically, the means by which this is done is reviewed to ensure that appropriate levels of security are maintained. Systems and procedures are already in place to protect personal information from misuse and loss and from unauthorised access, modification or disclosure. SHINE SA will retain information in line with its record retention policies. When information is no longer required or relevant, it will be disposed of in a secure manner.

13. Email

All email from SHINE SA managed devices and services (iPads, laptops, desktops, Outlook Web Access) sent to a SHINE SA address (i.e. name@SHINEsa.org.au) is secured using SSL encryption. Email transmission of clients' identifying information over public networks (for example, using personal email accounts) is prohibited by SHINE SA. The use of personal email accounts and phone messaging accounts to send or receive any client or resident or corporate information or images is also strictly prohibited by SHINE SA.

14. Privacy concerns, complaints and suggestions

SHINE SA is keen to adhere to the APPs and protect the individual's right to privacy. If there are any concerns, complaints, suggestions or questions as to how the organisation can improve in this area, clients are referred to the Client Rights & Responsibilities Brochure for details of how to provide feedback.

15. Anonymity

Where lawful and practicable, SHINE SA allows people to participate in activities anonymously. (e.g. when completing evaluation forms, opinion surveys or when making a donation.) Anonymous compliments and complaints about any aspect of SHINE SA services, including privacy matters, are also able to be submitted via the SHINE SA internet site www.shinesa.org.au.

16. Clinical Areas

The names of clients are to be protected at all times from public view. Client names on whiteboards, histories left exposed at front counter, and files left open to public view will contravene this policy.

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Further Questions

Any questions about this policy can be directed to:

Chief Executive Officer

Tel: 1300 794 584

Toll free: 1800 188 171

info@SHINEsa.org.au.

Approving Authority		
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Signature: See Hard Copy Records	Position: CEO	Date: 5/3/2018