



Policy Name:	Privacy Policy	Policy Number:	FCO-022
Date Approved:	11 April 2018	Approved By:	Board of Management
Date Issued:	13 April 2018	Review Date:	June 2018
Version 1.5	This version of the policy was approved 11 April 2018 and replaces the version approved 29 June 2016.		

1. Aim

Firstchance is committed to protecting personal information in accordance with our obligations under the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012.

The purpose of this document is to outline how Firstchance will comply with these legislative requirements.

The supporting systems and procedures will ensure that there are some guidelines and consistency on the following:

- What kind of personal and sensitive information that Firstchance collects and holds
- How Firstchance will collect and hold personal and sensitive information
- The purposes for which Firstchance collects, holds, uses and discloses personal and sensitive information
- How people can access their personal and sensitive information held by Firstchance and seek the correction of such information
- How people can make a complaint about the way Firstchance collects, holds, uses or discloses personal and sensitive information, and how Firstchance will deal with Privacy related complaints
- Whether Firstchance is likely to disclose personal or sensitive information to overseas recipients, and where those recipients might be located

2. Scope

This policy applies to all Firstchance stakeholders, including children, young people, families and all workers for Firstchance (employees, volunteers, students, contractors, and third parties/partners), community members, donors and sponsors.

3. Policy

Firstchance Privacy Policy ensures that we manage personal information (including sensitive information) in an open and transparent way (Australian Privacy Principle 1).

3.1. What is Personal Information

Personal information will only be collected if it is reasonably necessary for Firstchance service activities and functions (Australian Privacy Principle 3). Examples of personal information Firstchance would collect includes a person's name, address, a photograph, details of education qualifications or an email address. We will collect relevant information depending on your relationship with Firstchance:

- 3.1.1.** Employee Records – personal information in relation to the employment of an individual. This may include any of the following information:



- Recruitment, training, disciplining or resignation
- Termination of employment
- Terms and conditions of employment
- Personal and emergency contact details
- Performance or conduct documents
- Hours of employment
- Detail of salary or wages
- Membership of a professional or trade association
- Trade union membership details
- Leave records – annual, long service, personal/carers, parental or other leave;
- Taxation, banking or superannuation details

3.1.2. Client Files – personal information collected from children/young people and their families to assist us in providing safe, relevant and effective advice and support in relation to early intervention strategies for children living with a disability

3.1.3. Donor/Sponsor details – personal information collected from community members, workers and/or the families we support who provide financial or in-kind support to the work of Firstchance.

3.2. What is Sensitive Information

Sensitive information can only be collected with the individual's consent, and where it is reasonably necessary for Firstchance service activities and functions (Australian Privacy Principle 3).

Sensitive information may include any of the following information or opinion about an individual:

- 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 orientation or practices
- criminal record
- working with children check
- health information about an individual

3.3. Collection of personal information

Where possible, Firstchance will collect personal information directly from the individual it relates to (or their legal guardian). In some instances, Firstchance may need to obtain personal information from third parties, like in the instance of the employment of an individual, where Firstchance may obtain work history information from a referee. Where reasonable, Firstchance will notify the individual that this personal information has been collected. Firstchance will only collect personal information by lawful and fair means (Australian Privacy Principle 3).



3.4. Unsolicited personal information

Should Firstchance receive personal information that they did not request and determine that they could not have obtained this information using the lawful and fair means identified in section 3.3, Firstchance will destroy this information (Australian Privacy Principle 4).

3.5. Use and disclosure

- 3.5.1 Personal information which is collected for the primary purpose of Firstchance service delivery, activities and functions will not be disclosed for secondary purposes unless the individual consents to the disclosure of the information or; the secondary purpose is directly related to the primary purpose or; the disclosure of information is required under Australian law (Australian Privacy Principle 6).
- 3.5.2 Firstchance will not disclose personal information, including sensitive information, for the purpose of direct marketing or fundraising without the consent of the individual (Australian Privacy Principle 7).
- 3.5.3 Firstchance will not disclose personal information to an overseas recipient unless required by Australian law (Australian Privacy Principle 8).
- 3.5.4 Firstchance will not adopt a government related identifier (such as a Medicare number) as a unique identifier, nor will we disclose any identifiers we store (Australian Privacy Principle 9).

3.6. Data Quality and Correction

- 3.6.1 Firstchance will take reasonable steps to ensure the all personal information collected from stakeholders is accurate, complete and up to date. Parents/carers will be required to up-date their enrolment details annually, or whenever they experience a change in circumstances. Computer records will be updated as soon as new information is provided. In the event that Firstchance discloses personal information we will reasonably ensure it is accurate and relevant as per our commitment to data quality (Australian Privacy Principle 10).
- 3.6.2 Similarly, should Firstchance believe that personal information stored is out of date, or an individual requests to update personal information, they will take reasonable steps to correct the information and will update computer records (Australian Privacy Principle 13).

3.7. Data Security

Firstchance is committed to securely storing the personal information we collect and will take all reasonable steps to prevent the unauthorised access, misuse, loss or disclosure of such information. In the event that Firstchance no longer needs, or is no longer required under Australian law to store personal information, we will de-identify and/or destroy the information (Australian Privacy Principle 11).

If the personal information of a person supported by Firstchance or their parent/carer were to be lost, damaged or the security of their personal information were to be compromised, Firstchance would notify the parent/carer within 48hrs of becoming aware of this situation.



Firstchance would also notify the Privacy Commissioner and any other and external agencies required and take all reasonable steps to minimise the impact of the data breach and remediate the situation.

If personal or sensitive information is used for the purpose of evaluation, case studies or research, including in Assessment tasks completed by Student Placements, we will ensure that any documents provided are de-identified.

3.8. Access and Correction

Where reasonable, Firstchance will allow individuals access to their personal information in a prompt and convenient manner. Parents/carers wishing to access their personal information must make written application to the Program Manager, who will arrange an appropriate time for this to occur. The Program Manager will protect the security of the information by checking the identity of the applicant, and ensuring someone is with them while they access the information to ensure the information is not changed or removed without the Program Manager's knowledge.

In the event that Firstchance believes that access to personal information: poses a risk to health and safety; unreasonably impacts the privacy of others; or relates to anticipated legal proceedings between Firstchance and the individual, Firstchance may reasonably refuse access and will outline the decision in writing.

3.9. Anonymity and pseudonymity

Individuals have the right to not identify themselves in relation to a particular matter, unless it is impractical to do so, or where it is required by law or court/tribunal order (Australian Privacy Principle 2).

3.10 Complaints

This policy is available to all stakeholders in an appropriate form and/or as requested by an individual. There is no fee to view this policy. The Privacy Policy is available on the Firstchance website – www.firstchance.org.au - or a copy can be emailed or posted upon request.

The Program Manager will deal with privacy complaints promptly and in a consistent manner, following the Firstchance Complaints and Feedback procedures. Where the aggrieved person is dissatisfied after going through the complaints process, they should refer to the Office of the Australian Information Commission website www.oaic.gov.au and submit a Privacy Complaint Form. Alternatively they should phone the hotline on 1300 363 992.

3.11. Advocacy/legal advice/independent support

Firstchance welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Firstchance. Assistance may be provided by a friend, family member, staff member, translator, community visitor, advocate or anyone else who is acceptable to the family / person. Where necessary, Firstchance will offer assistance to a family by making a referral to an advocacy service with the consent of the family.



This policy must be read in conjunction with the following policies and procedures which supports this policy:

Child Protection Policy
Family Law and Access Policy
Medical Conditions Policy
Record Keeping and Retention Policy
Social Networking Usage Policy
Family Handbook

4. References

Disability Service Standards
Standard 1 – Rights
Privacy Act 1988
Australian Privacy Principles
Privacy Amendment (Enhancing Privacy Protection) Act 2012
United Nations Convention of the Rights of a Child
Freedom of Information Act 1989
Child Protection Act 1998
NSW Children and Young Person's (Care and Protection) Act (1998)
Disability Inclusion Act 2014

5. Persons Responsible

All employees are responsible for:

- Implementing this policy
- Recording documentation in an accurate and strengths based way
- Maintaining Privacy and Confidentiality responsibilities as outlined in their employment contract
- Ensuring security of all family and staff information

Supervisors are responsible for:

- Ensuring that changes to enrolment and other relevant information about children/young people and parent/carers is updated in the service records

Managers are responsible for:

- Responding to requests from parents/carers and workers to see information held about themselves
- Coordinating the Enrolment process for all clients
- Organising for Confidentiality Forms to be signed by volunteers/students

Board of Management are responsible for:

- Approval of this policy.

6. Definitions



APP entities – refers to the organisations and Australian Government agencies that these principles apply to, including Firstchance.

Board of Management – the governing body of Firstchance, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

Collecting by Fair means - a 'fair means' of collecting information is one that does not involve intimidation or deception, and is not unreasonably intrusive. Whether a collection uses unfair means will depend on the circumstances. For example, it would usually be unfair to collect personal information covertly without the knowledge of the individual. However, this may be a fair means of collection if undertaken in connection with a fraud investigation.

The following are given as examples of where a collection of personal information may be unfair (some may also be unlawful):

- collecting from a file dumped by accident on a street, or from an electronic device which is lost or left unattended
- collecting from an individual who is traumatised, in a state of shock or intoxicated
- collecting in a way that disrespects cultural differences
- misrepresenting the purpose or effect of collection, or the consequences for the individual of not providing the requested information
- collecting by telephoning an individual in the middle of the night
- collecting by deception, for example, wrongly claiming to be a police officer, doctor or trusted organisation.

Collecting by lawful means – The term 'lawful' is not defined in the Privacy Act. It is lawful for an organisation to destroy or de-identify unsolicited personal information if it is not unlawful to do so. That is, if the destruction or de-identification is not criminal, illegal or prohibited or proscribed by law. Unlawful activity does not include breach of a contract. Examples of collection that would *not be lawful* include:

- collecting via computer hacking
- collecting using telephone interception or a listening device except under the authority of a warrant
- requesting or requiring information in connection with, or for the purpose of, an act of discrimination
- collecting by a means that would constitute a civil wrong, for example, by trespassing on private property or threatening damage to a person unless information is provided
- collecting information contrary to a court or tribunal order, for example, contrary to an injunction issued against the collector.

Family – refers to the parents/caregivers of the children or young people that receive support from Firstchance

Firstchance – all Firstchance Incorporated services and programs

Manager – refers to the General Manager or Program Manager, whichever is relevant in the context of the situation

Primary Purpose – the *specific* function or activity for which Firstchance collects personal information



Secondary Purpose – is any purpose other than the primary purpose for which Firstchance collects the personal information

Staff – refers to employees and volunteers of the organisation

Supervisor – refers to all senior staff who are responsible for supervising one or more staff members

Visitor – any person who is visiting a Firstchance service who is not a staff member, client or family

- **Worker** – anyone who is carrying out work, in any capacity, for Firstchance. This includes employees, contractors/subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers

Document review history

<i>Date</i>	<i>Section</i>	<i>Change</i>
August 2014	Definitions	Included definitions for “Collecting by Lawful means”, “Collecting by Fair means”, “Primary Purpose”, “Secondary Purpose”
	3.3/3.4	Inclusion of the term “fair” in relation to collecting information in a lawful and fair way
	3.1.1	Removal of Criminal History Check from list of personal information, as it is classified as sensitive information
	3.7	Inclusion of de-identifying documents
March 2015	3	Working with Children Checks moved from Personal Information list in 3.1 to Sensitive Information list in 3.2
	References	New Legislation – Disability Inclusion Act 2014 Removed: Children Legislation Amendment (Wood Enquiry Recommendations) Act 2009 – repealed 29/10/14 DSS 1 relocated up the list
June 2016	All	Removed any reference to Nominated or Certified Supervisor
	4	Removal of reference to NQS, EYLF and National Regulations as Firstchance is no longer a licenced service Removed reference to Enrolment Policy and included Family Handbook
	5	Changed reference to Nominated Supervisor to Supervisor
	3.10	Removed reference to Centres
	5	Amended responsibility of all employees
	5	Amended responsibility of Managers
April 2018	3.7	Addition of information regarding data security/breaches