

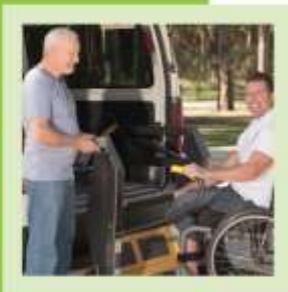


Samaritans

Compassion Integrity Justice

Organisational Policy

PRIVACY POLICY



ORG-POL / 01117

Issued on: March 2018

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Authorised by: *Chief Executive Officer*

Document Approval

The **Privacy Policy** has been endorsed and approved by Samaritans Chief Executive Officer.



Brad Webb
Acting Chief Executive Officer

Document Version Control

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February 2018	3	Changes to Section 4: 4b & 4k - New points relating to fundraising 4l. & 4m. – New points relating to data breach of personal information

Samaritans Privacy Policy

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Samaritans Privacy Policy

1. Purpose and Scope

The purpose of this document is to provide details on Samaritans' legal and ethical practices for the use and disclosure of personal information, which complies with relevant legislation and protects confidentiality.

Samaritans is bound by the Privacy Act 1988 including the Australian Privacy Principles as well as other applicable laws protecting privacy, including State and Territory health information legislation.

By providing personal information to Samaritans, an individual is consenting to the collection, use and disclosure of that personal information on the terms of this Privacy Policy and any other contractual or other arrangements that apply (if any).

This policy applies to personal records and information, whether hard copy or electronic, and to interviews or discussions of a sensitive personal nature relating to:

- all current and former staff and Authorised Carers;
- any unsuccessful applicants for employment with the organisation;
- the people we support in all services throughout the organisation;
- individual donors, sponsors and community partners.

This policy should be read in conjunction with Samaritans Privacy Procedure for privacy procedures applicable to organisational operations and/or Samaritans Privacy Procedure – Human Resources for privacy procedures applicable to staff.

This policy is a practical expression of the Christian faith as received by the Anglican Church and expressed in the Samaritans Mission, Vision and Values.

2. Policy Statement

1. Samaritans is committed to upholding the privacy of all people and will take reasonable steps to protect personal information received from the people we support, families, staff, Authorised Carers, sponsors, donors and community partners.
2. Samaritans recognise that personal information collected is often of a highly sensitive nature and the highest privacy compliance standards have been adopted to ensure such information is protected.
Samaritans requires staff, Authorised Carers, and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.
3. Samaritans will ensure that:
 - a) the integrity, security and relevance of personal information for people we support, families, staff, Authorised Carers, donors, sponsors, and community partners;
 - b) the people we support, families, staff, Authorised Carers, donors, sponsors, and community partners understand the general purpose and use of personal information collected by the organisation;

- c) it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of the staff, Authorised Carers, and the people we support;
 - d) the people we support and their families, staff, Authorised Carers, donors, sponsors, and community partners are provided with information about their rights regarding the privacy of personal information;
 - e) the people we support and their families, staff, Authorised Carers, and are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
4. Samaritans will:
- a) whenever possible collect personal information directly from the person themselves. This will be done in a lawful manner and for relevant reasons.
 - b) occasionally collect information from a third party, including but not limited to other charities and commercial lists.
 - c) be open about the reasons for collecting information, how it will be stored and who will access it.
 - d) always securely store all personal information.
 - e) not keep personal information any longer than necessary and appropriately dispose of it.
 - f) explain to a person the details about storing their personal information, the reasons for storing it and their rights to access it.
 - g) allow a person to access their information promptly and without undue expense.
 - h) allow a person to up-date their personal information at any time.
 - i) ensure personal information is relevant and accurate before using it.
 - j) limit the use of personal information to the purpose for which it was collected, or a directly related purpose. Otherwise consent will be sought before it is used for another purpose.
 - k) give donors the opportunity to opt-out of sharing their personal information with third party organisations who may contact them directly with offers and information.
 - l) monitor personal data storage and access.
 - m) contain, assess and respond to data breaches of personal information in a timely manner to mitigate potential harm to affected persons.
 - n) only disclose personal information without consent to deal with a serious and imminent threat to any person's health or safety.
 - o) lawfully and practicably respect an individual's choice of anonymity or pseudonymity when interacting with the organisation.

3. Legal Framework

Related Policy Document Suite

Samaritans Code of Conduct

Samaritans Complaints Policy & Procedure

Samaritans Fundraising Policy & Procedure

Samaritans Incident Management Policy & Procedure

Samaritans Managing for Performance Policy

Samaritans Privacy Procedure

Samaritans Privacy Procedure – Human Resources
Samaritans Professional Boundaries Policy
Samaritans Rights Policy
Samaritans Recruitment Policy
Samaritans Social Media Policy

Related Legislation and Supporting Documents

Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Health Records and Information Privacy Act 2002 (NSW)
Health Records and Information Privacy Regulation 2012 (NSW)
Privacy Amendment (Notifiable Data Breaches) Act 2017
Australian Privacy Act 1988
Australian Privacy Regulation 2013

4. Implementation and Evaluation

The implementation of this policy is immediate and will be supported by learning and development processes via:

- Staff induction;
- Staff training;
- Team meetings.

5. Definitions

Authorised Carer - a person authorised by a designated agency, or the principal officer of a designated agency, or any person authorised according to the Regulations under section 137(1) of the Act.

Board - the appointed Directors of Samaritans Foundation – Diocese of Newcastle and its subsidiary companies.

Confidentiality - information which is of a private, personal or intimate nature and which should not be disclosed to others;

Consent - consent is the permission given by a person we support, or person(s) with relevant authority, for the person we support to receive specific interventions outlined in this policy, such as physical restraint, (physical contact in supporting daily care routines does not constitute physical restraint, unless the person we support objects to this support), exclusionary time out, and use of psychotropic medication for the purpose of behaviour management.

Data Breach of Personal Information:

- unauthorised access of personal information (when personal information held by Samaritans is accessed by someone who does not have authorisation); or
- unauthorised disclosure of personal information (when Samaritans or its staff makes personal information accessible or visible to others outside the organisation and releases that information from its control in a way that contravenes the Privacy Act); or
- loss of personal information (accidental or unintentional loss of personal information held by Samaritans, in circumstances where it is likely to result in unauthorised access or disclosure)

Person/People We Support - a person receiving support from a Samaritans service.

Personal Information - is any information or opinion that identifies a person. This includes:

- records containing a person's name, address, sex, etc.
- photographs, images, video or audio footage
- fingerprints, blood or DNA samples

Samaritans - The Samaritans Foundation Diocese of Newcastle; Samaritans Community Services Hunter Mid North Coast Pty Limited; Samaritans Enhanced Living Options Central Coast Pty Limited; Samaritans Enhanced Living Options Hunter Mid North Coast Pty Limited; Samaritans Enhanced Living Options Newcastle/Lake Macquarie Pty Limited or any other organisation operating as part of Samaritans Foundation.

Sensitive Information - is any information about a person's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.

Staff - all paid employees and volunteers who work for Samaritans.

6. Review

This policy will be reviewed at least every two years in accordance with Samaritans Policy Development and Review Policy. Samaritans reserves the right to vary, replace or terminate this policy.

7. Risk

Risk Statement	If a breach of privacy occurs due to inadequate policies and procedures the consequences could result in a negative impact on organisational reputation and business capacity.
Risk Category	Moderate