

## Privacy and Confidentiality Policy



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Policy adopted	18/4/11	Approved by Board on	19/05/2021
Responsible person	Chief Executive Officer	Scheduled review date	19/05/2024

### Introduction

Playgroup SA is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person. Playgroup SA implements information management systems that rely on necessary restrictions on the free circulation of information.

### Purpose

The purpose of this document is to provide directives for Playgroup SA staff, including Board members, volunteers and students when managing private and confidential personal information.

### Policy

1. Playgroup SA collects and administers personal information for financial transactions relating to family enrolment, registration of Playgroups and employment.
2. Playgroup SA recognises the essential right of individuals to have their information administered in ways which they would reasonably expect. These privacy values are reflected in and supported by our core values and philosophies and also reflected in our Privacy Policy, which is compliant with the Privacy Act 1988 (Cth).
3. Exceptions to the sharing of information without consent are identified in the Information Sharing Guidelines. In the case of children, if staff or volunteers suspect abuse or neglect they must report it immediately to CARL by phoning 13 14 78 (under section 11 of the Children's Protection Act 1993).
4. Playgroup SA is bound by laws which impose specific obligations on handling information. The organisation has adopted the following principles as minimum standards for handling personal information.
  - 4.1. Playgroup SA will:
    - 4.1.1. only collect Personal information where an individual or the parent/guardian has provided informed consent.
    - 4.1.2. collect information which the organisation requires for its primary function;
    - 4.1.3. ensure that stakeholders are informed about why we collect the information and how we administer the information gathered;
    - 4.1.4. use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the consent of the person the subject of that information;
    - 4.1.5. store personal information securely, protecting it from unauthorised access; and,
    - 4.1.6. provide stakeholders with access to their own information, and the right to seek its correction.

**Related Legislation and references**

***Commonwealth Government***

Privacy Act 1988

Privacy Regulation 2013

Australian Privacy Principles

***South Australian Government***

Information Privacy Principles Instruction

Information Sharing Guidelines

## Privacy Procedure



Procedure number	Version	1.0	
Procedure adopted	Approved by Board on	19/05/2021	
Responsible person	Chief Executive Officer	Scheduled review date	19/05/2024

### Responsibilities

Playgroup SA's Board is responsible for developing, adopting, and reviewing this policy.

Playgroup SA's CEO is responsible for the implementation of this policy and procedure, and for monitoring changes in Privacy legislation, and for advising the Board on the need to review or revise this policy as and when the need arises.

Playgroup SA staff and volunteers are responsible for enacting this procedure, ensuring their practices including the collection, use and disclosure of personal information follow and complying with the directions outlined in this procedure.

### Processes

#### Collection

1. Playgroup SA will:
  - 1.1. Only collect information that is necessary for the performance and primary function of Playgroup SA.
  - 1.2. Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
  - 1.3. Notify stakeholders about why we collect the information and how it is administered.
  - 1.4. Notify stakeholders that this information is accessible to them.
  - 1.5. Collect personal information from the person themselves wherever possible.

#### Use and Disclosure

2. Playgroup SA may only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
3. For other uses, Playgroup SA will obtain consent from the affected person.
4. In relation to a secondary purpose, Playgroup SA may use or disclose the personal information only where:
  - 4.1. a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or,
  - 4.2. the person has consented; or,
  - 4.3. disclosure is required to prevent serious and imminent threat to life, health or safety.
5. Playgroup SA may:
  - 5.1. In relation to personal information, use the personal information for direct marketing, where that person would reasonably expect it to be used for this purpose, and Playgroup SA has provided an opt out and the opt out has not been taken up.

- 5.2. In relation to personal information which has been collected other than from the person themselves, only use the personal information for direct marketing if the person whose personal information has been collected has consented (and they have not taken up the opt-out).
  - 5.3. Provide all individuals access to personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the personal information is not accurate, then Playgroup SA must take steps to correct it.
  - 5.4. Where, for a legal or other reason, we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
  - 5.5. Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
6. If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety and it is impracticable for Playgroup SA to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A, the organisation may make such a disclosure.
  7. If Playgroup SA has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
  8. Playgroup SA may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:
    - 8.1. the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
    - 8.2. the enforcement of laws relating to the confiscation of the proceeds of crime;
    - 8.3. the protection of the public revenue;
    - 8.4. the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
    - 8.5. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
      - For the purpose of this Clause, Playgroup SA must make a written note of the use or disclosure.

## **Storage**

9. Playgroup SA will:
  - 9.1. Implement and maintain steps to ensure that personal information is protected from loss, unauthorized access or unauthorized modification.
  - 9.2. Before Playgroup SA discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant.

9.3. Periodically review that Playgroup SA data is up to date, accurate and complete.

#### **Destruction and de-identification Playgroup SA**

10. Playgroup SA will:
  - 10.1. Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
  - 10.2. Change information to a pseudonym or treat it anonymously if required by the person whose information Playgroup SA holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

#### **Data Quality**

11. Playgroup SA will:
  - 11.1. Take reasonable steps to ensure the information Playgroup SA collects is accurate, complete, up to date, and relevant to the functions we perform.

#### **Data Security and Retention**

12. Playgroup SA will:
  - 12.1. Only destroy records in accordance with the organisation's Records Management Policy.

#### **Openness**

13. Playgroup SA will:
  - 13.1. Seek to ensure stakeholders are aware of Playgroup SA's Privacy Policy and its purposes.
  - 13.2. Make this information freely available in relevant publications and on the organisation's website.
  - 13.3. On request by a person, Playgroup SA must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

#### **Access and Correction**

14. Playgroup SA will:
  - 14.1. Seek to ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
  - 14.2. If the individual and Playgroup SA disagree about whether the information is accurate, complete and up to date, and the individual asks Playgroup SA to associate with the information a statement claiming that the information is not accurate, complete or up to date, take reasonable steps to do so.
  - 14.3. Playgroup SA may provide to the individual its reasons for denial of access or a refusal to correct personal information.
  - 14.4. Playgroup SA may withhold the access of an individual to his/her information if:

- 14.4.1 providing access would pose a serious and imminent threat to the life or health of any individual; or
  - 14.4.2 providing access would have an unreasonable impact upon the privacy of other individuals; or
  - 14.4.3 the request for access is frivolous or vexatious; or
  - 14.4.4 the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
  - 14.4.5 providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - 14.4.6 providing access would be unlawful; or
  - 14.4.7 providing access would be likely to prejudice an investigation of possible unlawful activity; or
  - 14.4.8 an enforcement body performing a lawful security function asks Playgroup SA not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
15. Where providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision making process, Playgroup SA may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
16. If Playgroup SA decides not to provide the individual with access to the information on the basis of the above mentioned reasons, Playgroup SA will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
17. Playgroup SA may charge for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.

### **Identifiers**

18. Playgroup SA will not adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may however adopt a prescribed identifier by a prescribed organisation in prescribed circumstances.
19. Playgroup SA will not use or disclose the identifier assigned to an individual by a third party unless:
- 19.1. the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
  - 19.2. the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

### **Anonymity**

20. Allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

## **Related Documents**

- Records Management Policy
- Confidentiality Policy
- Playgroup SAs Information Sharing Guidelines Appendix

## **Authorisation**

[Signature of CEO]

[Name of CEO]

[Date]

## PRIVACY POLICY

### Your privacy is important

This statement outlines the **Playgroup SA**'s policy on how **Playgroup SA** uses and manages personal information provided to or collected by it.

**Playgroup SA** is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and is compliant with the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

**Playgroup SA** may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to **Playgroup SA**'s operations and practices and to make sure it remains appropriate to the changing legal environment.

### What kind of personal information does the **Playgroup SA** collect and how does the **Playgroup SA** collect it?

The type of information **Playgroup SA** collects and holds, includes (but is not limited to) personal information, including sensitive information, about:

- the referral of new members
- distribution of publications
- communication to members of events/workshops, competition results, and new services
- responding to queries and provide information or advice
- carrying out administration, marketing, planning, fraud and loss prevention activities, product and service development
- the consideration and response to complaints
- complying with laws or regulations
- advising others including government agencies and other community groups of playgroup activities;
- whether you are a candidate for employment, to assess your suitability for a position with Playgroup SA

### Personal Information you provide:

**Playgroup SA** will generally collect personal information held about an individual by way of family enrollment and Playgroup registration forms. You do have the right to seek to deal with us anonymously or using a pseudonym, but in almost every circumstance it will not be practicable for us to deal with you or provide any services to you except for the most general responses to general enquiries, unless you identify yourself.

## **How will the *Playgroup SA* use the personal information you provide?**

*Playgroup SA* will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

In relation to direct marketing, *Playgroup SA* will use your personal information for direct marketing where you have provided that information, and you are likely to expect direct marketing: only then you will be sent direct marketing containing an opt out. If we use your personal information obtained from elsewhere we will still send you direct marketing information where you have consented and which will also contain an opt out. We will always obtain your consent to use sensitive information as the basis for any of our direct marketing.

### **Job applicants, staff members and contractors:**

In relation to personal information of job applicants, staff members and contractors, *Playgroup SA*'s primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the *Playgroup SA* uses personal information of job applicants, staff members and contractors include:

- for insurance purposes;
- if you are a candidate for employment, to assess your suitability for a position with Playgroup SA
- to satisfy the *Playgroup SA*'s legal obligations,

Where *Playgroup SA* receives unsolicited job applications these will usually be dealt with in accordance with the unsolicited personal information requirements of the Privacy Act.

### **Volunteers:**

*Playgroup SA* also obtains personal information about volunteers who assist *Playgroup SA* in its functions or conduct associated activities, such as to enable *Playgroup SA* and the volunteers to work together. [#]

## **How does Playgroup SA treat sensitive information?**

In referring to 'sensitive information', the *Playgroup SA* means:

"information relating to a person's racial ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual orientation or criminal record, that is also personal information; and health information about an individual".

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

## **Management and security of personal information**

**Playgroup SA**'s staff are required to respect the confidentiality of personal information and the privacy of individuals.

**Playgroup SA** has in place steps to protect the personal information **Playgroup SA** holds from misuse, loss, unauthorised access, modification, interference or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.

We have a data breach response plan, which we would follow in the unlikely event of a privacy or data breach.

When you use our website, having your cookies enabled will allow us to maintain the continuity of your browsing session and remember your details when you return. We may also use web beacons, Flash local stored objects and JavaScript. If you adjust your browser settings to block, reject or delete these functions, the webpage may not function in an optimal manner. We may also collect information about your IP address, although this may not identify you.

## **Updating personal information**

**Playgroup SA** endeavors to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by **Playgroup SA** by contacting the Privacy Officer at **Playgroup SA** at any time.

The Australian Privacy Principles require **Playgroup SA** not to store personal information longer than necessary.

You have the right to check what personal information **Playgroup SA** holds about you.

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information which **Playgroup SA** holds about them and to advise **Playgroup SA** of any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. To make a request to access any information **Playgroup SA** holds about you, please contact the Privacy Officer in writing.

**Playgroup SA** may require you to verify your identity and specify what information you require. Although no fee will be charged for accessing your personal information or making a correction, **Playgroup SA** may charge a fee to retrieve and copy any material. If the information sought is extensive, **Playgroup SA** will advise the likely cost in advance.

## **How long will *Playgroup SA* keep my information?**

Under our destruction and de-identification policies, your personal information that is no longer required will be de-identified or destroyed. In many circumstances, however it will be kept for marketing purposes, as you will have consented to that in writing with us.

## **Enquiries and privacy complaints**

If you would like further information about the way *Playgroup SA* manages the personal information it holds, please contact the Privacy Officer. If you have any concerns, complaints or you think there has been a breach of privacy, then also please contact the Privacy Officer who will first deal with you usually over the phone. If we then have not dealt satisfactorily with your concerns we will meet with you to discuss further. If you are not satisfied with our response to your complaint within 30 days from this meeting then you can refer your complaint to the Office of the Australian Information Commissioner via:

- email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- tel: 1300 363 992
- fax: +61 2 9284 9666