



Policy Title: Privacy and Confidentiality

1. POLICY STATEMENT

Indigenous Allied Health Australia (IAHA) Ltd. understands that privacy and confidentiality is important to our members, employees, students, representatives, and Board Directors.

Unless otherwise required by law, confidential information will be treated as such, and personal information will be utilised only for the purpose intended. Such personal information will not be disclosed to any other organisations or to any other individuals without express permission from the individual to whom the details relate, save where the law requires such information to be divulged.

2. PURPOSE

This policy records the principles IAHA adopts regarding personal information held by IAHA in respect to its members, representatives, Board Directors, students, or employees. These principles are determined by IAHA's legislative requirements under the Privacy Amendment (Enhancing Privacy Protection) Act 2017 and the Information Privacy Act 2000.

This document

- 2.1. Is binding on all members, representatives, Board Directors, students, and employees and any other individuals who have access to personal information held by IAHA.
- 2.2. Establishes the IAHA policy and procedures for addressing privacy and confidentiality issues in implementing IAHA business.

3. DEFINITIONS

3.1. Personal information: means information or opinion that is recorded, materially or otherwise, about an individual, which may be true or untrue, this information serving as an identifier which would enable a party to reasonably ascertain information regarding that individual including but not limited to:

- a) Name
- b) Home address
- c) Telephone number
- d) Racial origin
- e) Education
- f) Religion

and any other such information that may be seen as personal or of a personal nature that may serve as an identifier of the individual.

3.2. User: means an individual either private or part of an organisation that accesses the IAHA website.

- 3.3. APP:** Australian Privacy Principles.
- 3.4. Enforcement body:** The Integrity Commissioner, the Australian Crime Commission, the CrimTrac Agency, another Commonwealth agency, to the extent that it is responsible for administering a law relating to the protection of the public revenue, a police force or service of a State or a Territory.
- 3.5. Board/Board Directors:** Current members of the IAHA Board of Directors.
- 3.6. Employee:** Current staff member of IAHA.
- 3.7. Students:** Students enrolled in the National Aboriginal and Torres Strait Islander Health Academy or other IAHA programs.
- 3.8. Representative:** an appointed or chosen delegate of IAHA, selected to represent IAHA.
- 3.9. Member:** Current members of IAHA.

4. POLICY / PROCEDURES

4.1. Collection

4.1.1 Personal Information other than Sensitive Information.

IAHA will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of IAHA's functions or activities. IAHA will only collect personal information from those individuals who are members of IAHA, members of the Board of IAHA, employees, students, or representatives of IAHA.

4.1.2 Sensitive Information.

IAHA will not collect sensitive information about an individual unless:

- the individual consents to the collection of the information and;
- the information is reasonably necessary for one or more of IAHA's functions or activities; or
- subclause 4.1.3 applies in relation to the information.

4.1.3 This subclause applies in relation to sensitive information about an individual if:

- the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- a permitted general situation exists in relation to the collection of the information by IAHA; or
- a permitted health situation exists in relation to the collection of the information by IAHA; or
- otherwise, the collection of the information is reasonably necessary for, or directly related to, one or more of IAHA's functions or activities; or
- the information relates to the activities of IAHA; or
- the information relates solely to the members of IAHA, or to individuals who have regular contact with IAHA in connection with its activities.

4.1.4 Means of Collection.

IAHA will collect personal or sensitive information only by lawful and fair means. IAHA will collect personal or sensitive information about an individual only from the individual unless:

- the individual consents to the collection of the information from someone other than the individual; or
- IAHA is required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than the individual; or
- it is unreasonable or impracticable to do so.

4.1.5 Dealing with Unsolicited Information.

- If IAHA receives personal or sensitive information and did not solicit the information, IAHA must, within a reasonable period after receiving the information, determine whether or not IAHA could have collected the information under Australian Privacy Principle 3 (Collection of Solicited Information), if IAHA had solicited the information.
- IAHA may use or disclose the personal or sensitive information for the purposes of making the determination under the above point.
- If IAHA determines that it could not have collected the personal or sensitive information, and the information is not contained in a Commonwealth record, IAHA must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified and/or filed securely.
- If the above does not apply in relation to the personal or sensitive information, notification of collection policy applies in relation to the information as if IAHA had collected the information under Australian Privacy Principle 3 (Collection of Solicited Information).

4.1.6 Notification of the Collection of Personal Information.

At or before the time or, if that is not practicable, as soon as practicable after IAHA collects personal or sensitive information about an individual, IAHA takes such steps (if any) as are reasonable in the circumstances to:

- notify the individual of such matters referred to in subclause 4.1.6.1 as are reasonable in the circumstances; or
- otherwise ensure that the individual is aware of any such matters.

4.1.6.1 The matters for the purposes of subclause 4.1.6 are as follows:

- the identity and contact details of IAHA;
- if:
 - IAHA collects the personal or sensitive information from someone other than the individual; or
 - the individual may not be aware that IAHA has collected the personal or sensitive information;

- the fact that IAHA so collects, or has collected the information and the circumstances of that collection;
- if the collection of the personal or sensitive information is required or authorised by or under an Australian law or a court/tribunal order — the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- the purposes for which IAHA collects the personal or sensitive information;
- the main consequences (if any) for the individual if all or some of the personal or sensitive information is not collected by IAHA;
- any other Australian Privacy Principles (APP) entity, body or person, or the types of any other APP entities, bodies, or persons, to which IAHA usually discloses personal or sensitive information of the kind collected by IAHA;
- that IAHA's Privacy and Confidentiality Policy contains information about how the individual may access the personal or sensitive information about the individual that is held by IAHA and seek the correction of such information;
- that IAHA's Privacy and Confidentiality Policy contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds IAHA, and how IAHA will deal with such a complaint;
- whether IAHA is likely to disclose the personal or sensitive information to overseas recipients;
- if IAHA is likely to disclose the personal or sensitive information to overseas recipients — the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

4.2. Use and Disclosure

Personal or sensitive information IAHA holds about an individual that was collected for a particular purpose (the primary purpose), must not be used or disclosed for another purpose (the secondary purpose) unless:

- the individual has consented to the use or disclosure of the information; or
- subclauses 4.2.1 or 4.2.2 applies in relation to the use or disclosure of the information.

4.2.1 This subclause applies in relation to the use or disclosure of personal or sensitive information about an individual if:

- the individual would reasonably expect IAHA to use or disclose the personal or sensitive information for the secondary purpose and the secondary purpose is:
 - if the information is sensitive information — directly related to the primary purpose; or
 - if the information is not sensitive information — related to the primary purpose; or
 - the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - a permitted general situation exists in relation to the use or disclosure of the information by IAHA; or

- IAHA 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.

4.2.2 IAHA must take such steps as are reasonable in the circumstances to ensure that the personal or sensitive information is de-identified before IAHA discloses it.

4.3. Data quality

IAHA takes such steps (if any) as are reasonable in the circumstances to ensure that the personal or sensitive information that IAHA collects is accurate, up-to-date and complete.

IAHA must take such steps (if any) as are reasonable in the circumstances to ensure that the personal or sensitive information that IAHA uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

4.4. Data security

If IAHA holds personal or sensitive information, IAHA must take such steps as are reasonable in the circumstances to protect the information:

- from misuse, interference and loss; and
- from unauthorised access, modification or disclosure.

If:

- IAHA holds personal or sensitive information about an individual it will be stored in a safe and secured facility and will only be available as is reasonably necessary in order for IAHA to adequately conduct business; or,
- where member information is no longer relevant, or
- IAHA no longer needs the information for any purpose for which the information may be used or disclosed by IAHA under this Schedule; or
- the information is not contained in a Commonwealth record; or
- IAHA is not required by or under an Australian law, or a court/tribunal order, to retain the information:

IAHA will take such steps as are reasonable in the circumstances to destroy the personal or sensitive information or to ensure that the information is de-identified at the earliest possible convenience.

IAHA will also strive to preserve the integrity of the personal or sensitive data stored, either physically or electronically, by updating this data. Additionally, electronic information is protected by way of firewall against electronic threat.

4.5. Openness

4.5.1 Compliance

IAHA is committed to manage personal or sensitive information in an open and transparent way. To achieve this, IAHA must take such steps as are reasonable in

the circumstances to implement practices, procedures and systems relating to IAHA's functions or activities that:

- will ensure that IAHA complies with the Australian Privacy Principles and a registered APP code (if any) that binds IAHA; and
- will enable IAHA to deal with inquiries or complaints from individuals about IAHA's compliance with the Australian Privacy Principles or such a code.

IAHA has a clearly expressed an up to date policy about the management of personal or sensitive information which contains:

- the kinds of information that IAHA collects and holds;
- how IAHA collects and holds information;
- the purposes for which IAHA collects, holds, uses, and discloses information;
- how an individual may access information about the individual that is held by IAHA and seek the correction of such information;
- how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds IAHA, and how IAHA will deal with such a complaint;
- whether IAHA is likely to disclose personal information to overseas recipients;
- if IAHA is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

4.5.2 Availability

IAHA takes such steps as are reasonable in the circumstances to make its Privacy and Confidentiality Policy available:

- free of charge; and
- in such form as is appropriate.

Note: IAHA makes its Privacy and Confidentiality Policy available on IAHA's website.

If a person or body requests a copy of IAHA's Privacy and Confidentiality Policy in a particular form, IAHA will take such steps as are reasonable in the circumstances, to give the person or body a copy in that form.

IAHA will ensure continued compliance with this policy by way of annual review by the IAHA Board. Compliance with this policy is mandatory for all who are bound by it.

4.6. Access and correction

4.6.1 Access to any personal or sensitive information IAHA holds about an individual must, on request by the individual, be given.

4.6.1.1 Exception to access

IAHA is not required to give the individual access to the personal or sensitive information to the extent that:

- IAHA reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- giving access would have an unreasonable impact on the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between IAHA and the individual, and would not be accessible by the process of discovery in those proceedings; or
- giving access would reveal the intentions of IAHA in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- giving access would be unlawful; or
- denying access is required or authorised by or under an Australian law or a court/tribunal order.

And the following would apply:

- IAHA has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to IAHA's functions or activities has been, or is being or may be engaged in;
- giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- giving access would reveal evaluative information generated within IAHA in connection with a commercially sensitive decision-making process.

4.6.1.2 IAHA must:

- respond to the request for access to the personal or sensitive information within a reasonable period after the request is made; and
- give access to the personal or sensitive information in the manner requested by the individual, if it is reasonable and practicable to do so.

4.6.1.3 Other Means of Access

If IAHA refuses:

- to give access to the personal or sensitive information because of subclause 4.6.1.1; or
- to give access in the manner requested by the individual;

IAHA must:

- take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of IAHA and the individual, and
- Without limiting subclause 4.6.1.1, access may be given through the use of a mutually agreed intermediary.

4.6.1.4 The charges for giving access to personal or sensitive information must not be excessive and must not apply to the making of the request.

4.6.1.5 Refusal to Give Access

If IAHA refuses to give access to the personal or sensitive information because of subclause 4.6.1.1, or to give access in the manner requested by the individual, IAHA must give the individual a written notice that sets out:

- the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

If IAHA refuses to give access to the personal or sensitive information because of commercially sensitive information, the reasons for the refusal may include an explanation for the commercially sensitive decision.

4.6.2 Correction

If IAHA holds personal or sensitive information about an individual and either:

- IAHA is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- the individual requests IAHA to correct the information;

IAHA must take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant, and not misleading.

4.6.2.1 Notification of correction to third parties, If:

- IAHA corrects personal or sensitive information about an individual that IAHA previously disclosed to another APP entity; and
- the individual requests IAHA to notify the other APP entity of the correction;

IAHA must take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

4.6.2.2 Refusal to correct information

If IAHA refuses to correct the personal or sensitive information as requested by the individual, IAHA must give the individual a written notice that sets out:

- the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal; and
- any other matter prescribed by the regulations.

4.6.2.3 Request to associate a statement, If:

- IAHA refuses to correct the personal or sensitive information as requested by the individual; and

- the individual requests IAHA to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading;

IAHA must take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

4.6.2.4 **Dealing with requests**

If a request is made to correct, or associate, a statement, IAHA must:

- respond to the request within a reasonable period after the request is made,
- must not charge the individual for the making of the request, for correcting the personal or sensitive information or
- for associating the statement with the personal information (as the case may be).

4.7. **Identifiers**

Members, students and employees of IAHA shall not be identified by any identifier save that for which has been created by IAHA in order to identify members, Board Directors, students and employees unless such identification is required in order to adequately carry out the services offered by IAHA.

4.8. **Anonymity**

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves, or of using a pseudonym, when dealing with IAHA in relation to a particular matter.

If however, IAHA is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or, it is impracticable for IAHA to deal with individuals who have not identified themselves or who have used a pseudonym anonymity is not available to the individual.

4.9. **Trans Border data flows**

Before IAHA discloses personal or sensitive information about an individual to an overseas recipient/person:

- who is not in Australia or an external Territory; and
- who is not the entity or the individual;

IAHA must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

IAHA will not disseminate or disclose personal or sensitive information about members, students, or employees to other State or Territory associated organisations.

4.10. **Web use**

- 4.10.1** IAHA will collect and maintain in the database, certain personally identifiable information from members, students, or employees only when it is provided on a voluntary basis, for example, when making an enquiry.
- 4.10.2** Email addresses will be used only for the purpose for which they have been provided and will not be added to mailing lists or used for any other purpose without specific consent being given.
- 4.10.3** IAHA will not share any information about website users with third parties except as provided by civil privacy legislation.
- 4.10.4** The IAHA website does not provide facilities for secure transmission of information across the internet.
- 4.10.5** Internet Service Providers maintain records and log information about website visitors, including but not limited to:
- a) user server addresses;
 - b) user top level domain names (i.e. .com, .gov, .au, .uk, etc.);
 - c) date and time of visit to the site;
 - d) pages accessed and documents downloaded;
 - e) previous site visited; and
 - f) type of browser utilised to access the website and any other information as is reasonably understood as being usual practice for Internet Service Providers to collect.
- 4.10.6** By using the IAHA website, users consent to the IAHA Privacy and Confidentiality Policy.
- 4.10.7** Any changes to the IAHA Privacy and Confidentiality Policy will be updated on the IAHA website.
- 4.10.8** Users may consult the IAHA Privacy and Confidentiality Policy at any time in order to obtain details of the information collected, how it is used and the circumstances under which any of this information is disclosed, if at all.
- 4.10.9** Users may contact the Business Manager with any queries at admin@iaha.com.au
- 4.10.10** All information contained on the IAHA website is Copyright ©Indigenous Allied Health Australia Ltd.
- 4.10.11** All information contained on the IAHA website is for the purposes of reference by interested visitors.
- 4.10.12** Information may be cited only with prior written permission and proper attribution.
- 4.10.13** Any queries regarding the use of material and information contained within the IAHA website should be directed to the IAHA Communications team at comms@iaha.com.au
- 4.10.14** IAHA accepts no responsibility for the content on external sites. External links are presented without warranty, express or implied. The descriptions of sites in these pages have been taken from the pages themselves and do not express the opinions

of IAHA.

4.11. Complaints

Any complaints can be directed to the Business Manager at admin@iaha.com.au in line with the IAHA Complaints Handling Policy.

4.13 Data Breach

In accordance with the *Privacy Amendment (Notifiable Data Breaches) Bill 2016*, IAHA in years when it's annual turnover exceeds \$3million, must notify eligible data breaches to the Office of the Australian Information Commissioner (OAIC) and affected individuals as soon as practicable after the applicable entity becomes aware that "there are reasonable grounds to believe that there has been an eligible data breach of the entity" (section 26WK of the Bill) IAHA will refer to the legislation with regards to determining an eligible breach and act accordingly. Refer to Appendix 1 for flow chart re definitions of an 'eligible breach'.

5. ACKNOWLEDGEMENTS / REFERENCES

Australian Privacy Principles
IAHA Records and Information Management and Security Policy
IAHA Complaints Handling Policy
IAHA Code of Conduct Policy
IAHA Anti-Racism and Anti-Discrimination Policy
IAHA Indigenous Cultural and Intellectual Property Policy
IAHA Risk Management Policy

6. RELATED LEGISLATIONS

Health records Act 2001 (Vic)
Information Privacy Act 2014 (ACT)
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Privacy Act 1988 (Cth)
Privacy Amendment (Enhancing Privacy Protection Act 2017)
Information Privacy Act 2000

7. DEVELOPED BY:

Effective Date:	14 April 2014
Reworked/redeveloped:	5 May 2021
Re-endorsed by the Board on:	18 May 2021
Review Date:	5 May 2022



Signed by the Chief Executive Officer:

Date: 18 May 2021



Signed by the Chairperson:

Date: 18 May 2021



Appendix 1

Mandatory Data Breach Notification Regime

