

**CATEGORY – Quality, Risk and Compliance**  
**Policy # 3.12**  
**PRIVACY POLICY- draft V4**

- 1 Policy Statement** Carlton Neighbourhood Learning Centre Inc (CNLC) is committed to protecting the privacy of personal information and health information of individuals, which we collect, hold, use and administer.
- Personal information includes a broad range of information, or an opinion that could identify an individual.  
Health information includes information or opinion about the physical or mental health, or disability, of an individual.  
Individuals include students, program participants, staff, Committee of Governance members, volunteers, contractors and other centre users.
- At CNLC, we are committed to protecting privacy as part of creating an environment where people feel safe and where their rights are protected. CNLC understands the importance of developing personal information and health information handling practices in which individuals can trust and openly exchange information where appropriate to assist CNLC to develop and deliver its activities.

**2**

This policy applies to the entire organisation.

**Responsible Persons**

| Who                               | What   |
|-----------------------------------|--|
| Committee of Governance           | Endorse reviewed or new Policies;<br>Oversee the responsibility for the implementation of this policy  |
| Delegated Sub-Committees          | Review delegated Policies  |
| Executive Officer                 | Maintain Policy Register;<br>Responsible for the implementation of this policy;<br>Responsible for monitoring changes in Privacy legislation; and reviewing this policy as and when the need arises. |
| Staff, Contractors and Volunteers | Responsible for the implementation of this policy  |

- 3 Guiding Principles** CNLC recognises the right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other.

**3.1 Policy Distribution**

- 3.1.1 Staff, contractors and volunteers and anyone who handles personal information will be informed of the Centre's Privacy policy as part of their orientation/induction to CNLC. Staff, contractors and volunteers will be required to sign a statement showing their agreement with the policy and purposes for which the personal information is to be used.
- 3.1.2 Staff who handle student health information, noted in the student health declaration form at the time of student enrolment, will be re-informed of the Centre's Privacy policy when developing individual

student incident response plans, reiterating the sensitivity of the information and the procedures for collection, use, handling and storage

- 3.2 Collection and Disclosure of Personal Information
- Personal information and health information is to be only collected, for purposes reasonably necessary or directly related to a function or activity of CNLC as required by privacy law and funding body requirements.
- CNLC will only use and disclose personal information and health information for another purpose with consent.
- The individual concerned must be aware of the purposes for which personal information and health information is collected, how we use and disclose the information gathered and who has access to the personal information.
- Information will only be used or disclosed for the purpose for which it was collected.
- Conversations concerning personal information and health information with students, or between staff, volunteers or contractors about individuals, should not be conducted in places or situations where they can be overheard. Discussion between staff concerning individuals is acceptable where there is a need for the benefit of the service to share information.
- Interviews or discussions where personal information or health information is to be discussed on a need-to know basis will take place in a private space where they cannot be overheard.
- Personal information or health information should not be left in publicly accessible areas (particularly reception and in classrooms).
- Information about , individuals will not be disclosed for purposes other than for which it was collected except where it involves:
  - The consent of the individual concerned to the disclosure
  - Serious illegal actions on the part of a person involved
  - Any issue which could endanger the safety of other people
  - A situation in which a staff member is mandated to make a report to the Department of Health or the Department of Families, Fairness and Housing
  - A disclosure necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body
  - A disclosure required or authorised by Australian law or a court/tribunal order
  - If disclosure is mandated by law, then the person concerned will be informed directly that any personal information they give (i.e. on violent crimes, child abuse) may need to be reported to the relevant authority in accordance with Victorian or Federal laws.
- 
- 3.3 Quality of Personal Information
- CNLC will take reasonable steps to ensure the personal information and health information we collect is accurate, complete, up-to-date, and relevant to the functions we perform.
- 
- 3.4 Security and Retention of Personal Information and Health Information
- 3.4.1 CNLC will take reasonable steps to protect personal information we hold from misuse, interference and loss, and from unauthorised access, modification or disclosure, as set out in the privacy procedures.

- 3.4.2 In addition to the steps noted in 3.4.1, all health information will be treated with extreme sensitivity in collection, use, handling and storage as set out in the Health Information management procedures.
- CNLC will maintain and destroy personal and health information in accordance with the Records Management Policy.

**3.5 Access to and Correction of Personal Information and/or Health Information**

- CNLC will ensure individuals have a right to seek access to personal information and health information held about them and to correct it if it is inaccurate, incomplete, misleading or not up-to-date. Where that individual is unknown to the staff member, a visible form of identification is required.
- CNLC will ensure all requests for disclosure of personal information and health information are referred to the Executive Officer. In some cases, consistent with the Privacy Act, CNLC may refuse to give participants access to personal information it holds about them. In such cases, reasons for refusal will be provided. Reasons for denying access include;
  - Where the request is frivolous or vexatious
  - Where providing access would have an unreasonable impact on the privacy of other individuals
  - Where providing access would post a serious threat to the life or health or any person
  - Where CNLC is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.
- CNLC can only release personal information or health information about a person with that person's express permission. For personal information or health information to be released, the person concerned must sign a release form.
- CNLC can release only personal information to third parties where it is authorised in writing by the person concerned or verbally through an interpreter in the case of low literacy levels (i.e. with Centrelink) – in this instance staff are required to keep a record of the time/date that permission was granted.

**4 Key Definitions**

- Personal information – means recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. This includes an individual's name, email address, postal address, phone number, signature, fingerprint, photographs or surveillance footage, comments written about the individual or financial details. The information or opinion can be recorded in any form.
- Health Information – means information or opinion about a person's physical, mental or psychological health or disability, as defined in the Health Records Act, which is also classified as personal information. This includes information or opinion about a person's health status and medical history, fitness levels and vital statistics, such as weight and height.

Sensitive information – is a subset of personal information. It is defined as information or opinion (that is also personal information or health information) about an individual’s 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 preferences or practices, or an individual’s criminal record.

- Government related identifier – is a unique combination of letters and numbers, such as a Medicare number, which Commonwealth government agencies or contracted service providers allot to an individual.
- Unless specified otherwise, personal information includes health information.

Relevant legislation, regulatory guidelines and rules

- Privacy Act 1988 (Cth)
- Health Records Act 2001(Vic) - Health Privacy Principles (HPPs)1-10
- Australian Charities and Not-for-profits Commission (ACNC) Governance Standards
- CNLC Rules

Related policies & procedures & documents

- CNLC Policy Register
- Records Management Policy
- Privacy procedures
- Health Information management procedures
- Staff Induction and management procedure
- Volunteer Induction and management procedure
- Student Health Declaration Form
- Student Incident response plan template
- Photographic/ Filming Release Form
- Further Education and Community Development Enrolment forms