

# B-GOV-25 Privacy Policy

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## Policy statements

At Jabiru protecting your privacy and the confidentiality of your “personal information” is very important to us and is fundamental to the way we serve you. All dimensions of privacy are to be respected, including:

- Privacy of the body
- Privacy of the home
- Privacy of personal information
- Cultural and religious issues relating to privacy.

When you give your personal information to us it is a serious responsibility. We are committed to protecting your personal information and informing you of how it may be used.

We are bound by the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) (subject to exemption that apply to us under the Act), the Privacy Act 2009 and the Queensland Human Rights Act 2019 related to the gathering and storing of information.

We collect personal information to meet our requirements of legislation and funding bodies to ensure quality care and fulfil our duty of care obligations to the children, young people, families and community members who use our services and to tailor our services to meet our customer’s needs.

## Policy requirements

All Jabiru staff are expected to follow the guidelines below related to the confidential collection, storage, management, disclosure and destruction of personal and sensitive information, consistent

with Division 1 of the *National Regulation 168, 170, 181, 195. HSQS 1.1, 1.7, 4.1, 5.1, 6.1, 6.5 and NQS 2, 4, 6 and 7.*

- Jabiru is committed to ensuring the privacy of children, young people and community members is safeguarded by ensuring best practice in the way we collect, use and store up-to-date client data.
- Jabiru will comply with the privacy requirements of the service agreement / Service Approval by operating processes for the safe, secure and systematic collection, use and storage of up-to-date client data (in hard copy and/or electronically), including consent to the sharing of information.
- Jabiru will ensure all Jabiru staff, managers and contractors are fully trained and regularly refreshed on their obligations in relation to:
  - Safeguarding the privacy of children, young people and community members.
  - Informing children, young people and community members with information about their rights regarding privacy.
  - Ensuring privacy for children, young people and community members when they are being interviewed or discussing matters of a personal or sensitive nature with Jabiru staff members.
- Jabiru staff members are to ensure they are well informed about their obligation to keep information secure and that our service users are aware we take these responsibilities seriously. Jabiru staff members will ensure their practices support the privacy of children, young people and their families. This includes, but is not limited to:
  - Ensuring private information is stored safely (Policy *O-MGMT-14 – Record Keeping*)
  - Ensuring private conversations are had in a confidential place
  - Ensuring workers' electronic devices are properly password controlled and not left unattended
  - Ensuring electronic information on children, young people and community members is stored and protected appropriately
  - Ensuring private notes or documents related to children, young people or community members are stored in confidential files and locked in secure cabinets.

## Data collection

The organisation collects child and young person information to ensure we provide them with the most appropriate assistance. The information is collected in a fair, legal and transparent way.

Jabiru will obtain personal information from the child / young person's family through the enrolment and intake process (see *O-MGMT-07 Enrolment Intake and Orientation policy* and *O-MGMT-07 Enrolment Intake and Orientation procedures*). The information collected is required to ensure safe delivery of services to program participants, and may include (but is not limited to) personal details, medical information, financial information, needs assessments.

Jabiru staff members may need to collect new personal and/or sensitive information through the course of providing care to children, young people, families and community members. This will be done sensitively and with the participant's privacy in mind, for example by using confidential spaces to request information.

## Data storage

All information collected on Jabiru's participants, families and community members must be stored on a personal/ client file in a secure and confidential storage facility or on data encrypted storage devices within the Jabiru office.

For information relevant to the safe delivery of services to Jabiru participants, personal files are accessible to all team members at a local service level. This ensures that information to ensure the safety of children and young people accessing the service is readily available to all staff delivering the service. This information includes but is not limited to

- Medical information, including Medical Management and Communications plans
- Allergies and dietary information
- Service usage and needs assessments
- Emergency contacts and authorisations

Information collected by Jabiru that is not required for safe service delivery is stored and managed centrally by Enterprise Support and is not accessible at a local service level. This ensures that the privacy and security of participants, families and community members is protected. This includes but is not limited to

- Financial information
- Child Care Subsidy information

Information collected will be kept on a secure file for the period the child, young person or community member is accessing the service. Once a service ceases for an individual, records are stored securely aligned with legislative timeframes, and otherwise destroyed.

## Data use

Personal information collected by the organisation will be used generally for the purposes negotiated between the organisation and the child, young person or community member. Additional purposes may be to comply with legislation, funding requirements, marketing or meeting our legal requirements.

Jabiru also collates non-identifiable data for the purposes of internal reporting and continuous improvement processes.

## Data disclosure

Jabiru will obtain permission from children or young people's families through the enrolment process for personal information to be shared with health and medical professionals if necessary to ensure the health and wellbeing of children and young people (see *Policy O-MGMT-07 – Enrolment, Intake and Orientation*).

Jabiru will provide children, young people and community members with access to their personal information on request. The organisation undertakes to ensure access is:

- Convenient
- Without reasonable delay
- Without cost

- Supported by an advocate if required.

The organisation will disclose personal data only under the following circumstances (also see Policy *O-MGMT-10 – Provision of Information*):

- Where required by law
- With the consent of the parent/guardian or authorized nominee, or consent from an eligible young person
- When permitted by law.

## Grievances and Complaints

Access to the Jabiru Privacy policy is available on Jabiru website and upon request from any Jabiru staff member. The Privacy Officer (GM Enterprise Support) and Jabiru staff members will advise families and other stakeholders that grievances and complaints related to the handling of personal information are to be in writing and will be dealt with as per Policy *O-MGMT-06 – Complaints Handling*. If individuals choose not to identify themselves or use a pseudonym for complaints or other issues, this may limit the capacity of the service to effectively deal with or investigate the issue. Jabiru will take all complaints or concerns of breaches of our Privacy Policy seriously and investigate all instances thoroughly.

If the complainant is not satisfied with the response from Jabiru, the Privacy Officer (GM Enterprise Support) should refer them to the Office of the Information Commissioner (Qld) (<https://www.oic.qld.gov.au>).

## Breaches of Privacy

Under the *Commonwealth Privacy Act 1988*, a privacy data breach must be reported to the Office of the Australian Information Commissioner and the people that were subject of the breach, if there is a reasonable suspicion that the breach will result in harm to the subject of the information (see *Commonwealth Privacy Act 1988* Section 26WK to 26WT).

See 'Notifiable Data Breaches' on the website of the Office of the Australian Information Commissioner: <https://www.oaic.gov.au/privacy/notifiable-data-breaches/>,

Under the *Queensland Information Privacy Act 2009* and terms of service agreements with Queensland Government departments, Jabiru must report any breach to the funding department.

Refer to Jabiru *SOP B-GOV Responding to Breaches of Privacy* [currently pending approval] for more information.

## Document Control

Policy Number	B-GOV-25	Document Title	Privacy Policy
Policy Owner	Board	Approved By (Date)	Board (June 2022)
Policy Author	Policy Manager		
Last Review Date	April 2022	Next Review Date:	April 2024

## Appendix 1

### Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- *HSQS: Standard 1 Governance and Management, Standard 4 Safety, Wellbeing and Rights, Standard 5 Feedback, Complaints and Appeals, Standard 6 Human Resource*
- *NQS Area's: 2 Children's health and safety, 4 Staffing Arrangements, 6 Collaborative partnerships with families and communities, 7 Governance and Leadership*
- *Education and Care Services National Law Act 2010 and Regulations 2011*
- *Information Privacy Act 2009 and Information Privacy Principles (Schedule 3 of the Act)*
- *Privacy Act 1988 and Australian Privacy Principles (Schedule 1 of the Act)*
- *Human Rights Act 2019.*
- *Duty of Care*

### Internal Policies Relating to this Policy

- *Jabiru Policy B-GOV-17 – Promoting and Protecting Human Rights*
- *Jabiru Policy B-RISK-02 – Managing Compliance within the Service*
- *Jabiru Policy O-HS-02 – Incident, Illness, Injury and Trauma*
- *Jabiru Policy O-MGMT-06 – Complaints Handling*
- *Jabiru Policy O-MGMT-07 – Enrolment, Intake and Orientation*
- *Jabiru Policy O-MGMT-10 – Provision of Information*
- *Jabiru Policy O-MGMT-12 – Confidentiality*
- *Jabiru Policy O-MGMT-14 – Record Keeping*

### Other Internal Documents Related to this Policy

- *Jabiru SOP B-GOV – Responding to Breaches of Privacy [pending approval]*
- *Jabiru SOP O-HS - Incident, Illness, Injury and Trauma Procedure*
- *Jabiru SOP O-MGMT - Complaints Handling Procedure*
- *Jabiru SOP O-MGMT - Enrolment, Intake and Orientation Procedure*