

Privacy Policy

Introduction

Learning Links is committed to respecting and preserving the confidentiality of information acquired and not releasing any such information to third parties without proper authority.

In order that Learning Links can maintain privacy in the workplace it is important for staff to know what information may be collected and retained by Learning Links and whether it can be passed on to others.

This policy outlines:

- The kinds of personal information we collect and hold
 - How we collect, hold, and keep information secure
 - The purposes for which we collect, hold, use, and disclose information
 - Your right to access and seek correction of information
 - How you may complain about privacy matters.
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Policy

Our programs and services for children and their families make it necessary to collect, store and use personal information, including sensitive information, about individual children and their families.

Information may also be collected about staff, donors, members, government and non-government agencies, suppliers and other organisations engaged with Learning Links.

Staff will not disclose third party personal information without the authority and permission to do so and will only provide information to a third party that meets a lawful request.

Learning Links informs our customers/clients that we are collecting their personal information, and how we may use that information (including the restrictions on sharing it with others), and what we do to protect the information and keep it confidential.

Definitions

Privacy	Privacy is the word we give to being able to keep certain information to ourselves and to control what happens to our personal information.
Personal Information	<p>Personal information is information that identifies a person. Personal information can include a person's name, address photos, credit history information, bank account details and in some instances, will include a person's likes, their opinions and where they work - basically any information where the person is reasonably identifiable.</p> <p>Personal information can be sensitive in nature and can include information about a person's race, ethnicity, political opinions, membership of political associations, membership of professional associations and trade unions, religious or philosophical beliefs, sexual preferences, health and genetic information or criminal records.</p>
Responsible persons	<p>Is a person able to act on a child's behalf and can include:</p> <ul style="list-style-type: none"> • A parent, guardian, carer or other person responsible for the care of the child. • A person recognised under law as responsible for any aspect of the care and welfare of the child.
Data Breach	A data breach is the intentional or unintentional release of secure information. There is a legal obligation for Learning Links to report data breaches likely to result in serious harm.

Eligibility

This policy applies to all Learning Links' staff, clients, and other individuals dealing with Learning Links. The term staff includes volunteers and students.

Responsible

Responsibilities for the policy are:

Person	Responsible for
CEO and Privacy Officer	Oversee the privacy systems and ensures there are clear accountabilities and responsibilities for ensuring privacy across the organisation.
Managers	Enforce privacy related policies and procedures. Review and approve any requests for information.
Staff	<ul style="list-style-type: none"> Never disclose third party personal information without the authority and permission to do so and only provide information to a third party that meets a lawful request. Inform our customers/clients that we are collecting their personal information, how we may use that information (including the restrictions on sharing it with others), and what we do to protect the information and keep it confidential. Upholding professional and industry standards in relation to all client documentation.
Clients and other individuals	Consent to providing Learning Links with personal information and indicate any concerns you may have.

Related documents

- Code of Conduct
- Feedback and Complaints Policy
- Archiving and Retention of Non-Current Records Policy
- Clean Desk Policy
- Procedure to prepare documents for a subpoena
- Use of Cookies on the Learning Links Website Policy
- Information Security Policy and Procedures
- Client Record Policy and Procedure
- National Disability Insurance Scheme (NDIS) Policy and Procedure

More information**Australian Government**

More information about privacy law and privacy principles is available from The Office of the Australian Information Commissioner (OAIC) www.oaic.gov.au, headed by the Australian Information Commissioner.

New South Wales:

The Information and Privacy Commission NSW (IPC) oversees two laws that promote the protection of personal and health information in New South Wales (NSW).

Legalisation

Name	Description
Commonwealth	
The <i>Privacy Act 1988</i> (Privacy Act)	Regulates the handling of personal information about individuals.
Telecommunications Act 1997	Regulates the activities of participants in the telecommunications industry.
The Australian Privacy Principles (APPs)	Outlines how not-for-profit organisations with an annual turnover of more than \$3 million, and all private health service providers must handle, use and manage personal information.
National Health Act 1953	Related to the provision of medical services.

The Healthcare Identifiers Act 2010	The bill establishes the national e-health Healthcare Identifiers Service to ensure that patients, healthcare providers and provider organisations can be consistently identified.
Children and Young Persons (Care and Protection) Act 1998 (NSW)	Provides for the care and protection of, and the provision of services to, children and young persons'.
The Education & Care Services National Regulations	Set a range of operational requirements for education and care services in Australia
Personally Controlled Electronic Health Records Act 2012	Electronic health records are overseen by the National Electronic Health Transition Authority (NEHTA). The purpose of the PCEHR is to provide a secure electronic summary of people's medical history.
Freedom of Information Act 1989	Individuals have the right to request access to documents from Australian Government ministers and most agencies under the Freedom of Information Act 1982 (FOI Act).
New South Wales	
Privacy and Personal Information Protection Act 1998 (NSW)	Outlines how agencies need to manage personal information and the functions of the NSW Privacy Commissioner.
Health Records and Information Privacy Act 2002 (NSW)	Applies to organisations that are health service providers or that collect, hold or use health information of NSW public members.
Workplace Surveillance Act 2005 (NSW)	Regulates and outlines the legal use of camera, audio, computer surveillance and geographical tracking.
Industry Standards	
The Payment Card Industry (PCI) Data Security Standard (DSS)	The standard was created to increase controls around cardholder data to reduce credit card fraud.

Collection of Personal Information

Learning Links only collects personal information that is necessary for us to provide services to people or help them access the services they need.

Learning Links recognises that individuals can elect not to provide information to us at any time and that they have the option of:

- not identifying themselves or
- using an assumed name when transacting with us.

Where possible Learning Links does not adopt any government-related identifiers of individuals that have been assigned by an agency, an agent of an agency, or a contracted service provider for a government contract; however, when corresponding with agencies including the NDIS we may need to use their allocated identifiers including the NDIS plan and identification numbers.

Types of Personal Information

Sources of information are collected from direct client engagement, enquires, complaints registers, donation and membership forms, suppliers and partners and social media. Information may also be collected from the Learning Links' website through the use of cookies.

Personal and sensitive information collected includes:

- Contact details, date of birth, bank account details, family details including family's contact details, Family Health Care Card Number, Pensioner Concession Card Number, NDIS Plan and identification numbers, school and/or medical information and information relevant to a diagnosis / queried diagnosis; and Custody or access orders pertaining to children.
- Tax file number, bank account details, driver's licence number, previous employment information and/or next of kin (where the person is a staff member or that information is otherwise necessary for one of Learning Links' functions).

Information we collect from you:

We collect personal information from the person to whom that information relates. Information may be collected about clients, their family, guardian, responsible person or carer, Learning Links' staff, Learning Links' Members, Directors, business customers, donors, volunteers and Government and non-Government stakeholders. In some circumstances, we collect personal information about an individual from services external to Learning Links after authorisation from the parent/guardian has been obtained.

Information we collect from others:

Sometimes we collect personal information from a third party (for example, in obtaining a police check or working with children check), where the individual has consented or the collection is otherwise required or permitted by law.

Use and Disclosure of Personal Information

Learning Links does not give information about a person to other organisations, government agencies or anyone else unless one of the following applies:

- Consent has been received
- The person reasonably expects us to or we have told them we will
- It is required or authorised by law
- We believe the disclosure is necessary to prevent or lessen a serious threat to somebody's life, health or safety and it is unreasonable or impracticable to obtain the person's consent
- When releasing information, no information belonging to another individual (i.e. a third party) can be released without that party's consent. In this instance only that part of the information relating to the parent who requested the information should be provided.
- There is a subpoena to produce documents by a relevant court.

Special Considerations to the use and Disclosure of Personal Information

Confidentiality of client records is unable to be guaranteed in the following situations:

If the client is under 18 years of age and it has been carefully determined that the client has an understanding of making independent privacy decisions in consultation with relevant staff and the parent/carer.

Staff have been informed about, or suspect that a child (under 18) is being abused, or is at risk of abuse, and as mandatory reporters follow the Keeping Children Safe Policy and Procedure.

Where information relates to existing or anticipated legal proceedings between the organisation and the individual.

Information about a client cannot be released without explicit, written, signed consent from the parent / carer unless mandated by legislation to do so.

Maintaining the Quality of Information

Learning Links takes reasonable steps to ensure that the personal information and our record of any consent in relation to that information we collect, use or disclose is relevant, accurate, up to date and complete.

These steps include:

- regular requests for updates by clients
 - updating personal information when we are advised by individuals that their personal information has changed.
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Using personal information for Direct Marketing

Learning Links may use personal information for the purpose of direct marketing where we perceive that our clients and potential clients would reasonably expect us to use or disclose the information for that purpose.

If individuals specifically request us not to contact them, we will respect this request. Learning Links will prominently display a notice in all direct marketing communications whereby the individual can request not to receive direct marketing communications from Learning Links.

Direct marketing communications from Learning Links will set out our business address, phone number, and email address.

Storage and Security of Information

Learning Links takes reasonable steps to protect personal information/images we hold against misuse, loss, unauthorised access, modification and disclosure.

These steps include password protection for electronic files and databases, securing paper files with sensitive information in locked cabinets, physical access restrictions and taking reasonable steps to ensure that, when no longer required, personal information/images are destroyed in a secure manner or deleted.

Personal information no longer required will be treated according to existing law and regulations and may be securely stored offsite with a third party.

Shared Parental Responsibility

Under the Family Law Act 1975 there is a presumption that both parents will have an equal parental responsibility—that is, they will both have a role in making decisions about major long-term issues such as where a child goes to school or major health issues.

Both parents also have a duty to support the child financially and to share information in relation to the child's wellbeing and care.

When parents of a child under 18 separate, they both have parental responsibility for the child, subject to any court order.

The Act confirms that one or both parents have access to information about their child, irrespective of the home in which the child resides. By law, Learning Links is required to provide a parent with information about their child's involvement with Learning Links unless otherwise directed by court and/or custody rulings.

This requirement does not apply if the parent is engaged in abuse of the child or family violence. The requirement also does not apply if it is not in the best interests of the child.

Clients accessing and correcting personal Information

A person can generally obtain access to any personal information that Learning Links holds about them upon request as outlined in the Australia Privacy Principles.

In instances where an individual believes the data is inaccurate, incomplete or out of date they can ask us to correct the personal information we hold. In some circumstances, it may not be appropriate or lawful for Learning Links to provide the individual with all information we hold.

To request access or the correction of personal information, individuals are required to contact Learning Links.

Subpoenas

From time to time Learning Links receives subpoenas which must be responded to immediately they are received.

A subpoena can be issued for any one of the following purposes:

- To direct a person to give oral evidence in Court (called a subpoena to attend court);
- To direct that a person or organisation produces documents (called a subpoena for production); or
- To direct that a person, either personally or on behalf of an organisation, to attend court to give oral evidence and to produce documents (called a subpoena to give evidence and to produce Documents)

Failure to comply with a validly issued subpoena, unless lawfully excused, constitutes contempt of court.

The subpoena should spell out explicitly the relevant documents Learning Links must produce.

If the request contained in the subpoena is very broad or vague, Learning Links has the right to apply to the Court to have it set aside.

Helpful information on subpoenas

- Family Court of Australia –Subpoena- Information sheet
- NSW Department of Health – Subpoenas- Policy Directive

Procedure to complete a Subpoena request

The following steps should be taken if a Subpoena to provide documents and/or information regarding an existing or prior client is received by Learning Links:

Request to provide information	Action
Professional	Forward the Subpoena request to your manager.
Manager	Review document/s requesting information and forward to General Manager, Quality & Impact for verification
General Manager, Quality & Impact	Liaise with relevant managers (Customer Service Officers and/or service delivery professionals) to access one or more of the following: <ul style="list-style-type: none"> • Current records • Records to be retrieved from recall facility
General Manager, Quality & Impact	Review records provided in line with the nature of Subpoena request.
General Manager, Quality & Impact	<ul style="list-style-type: none"> • Confirm records to be provided to the party requesting or court. • Record completion of Subpoena request in electronic format against the client name.

Customer Service Officer	Collate and send all documents in response to Subpoena request. Documents are to be sent via registered post or electronically for those requests received via the Online Registry: The free, secure and efficient online service can be found at http://subpoenaresponse.justice.nsw.gov.au and is available to anyone who needs to return subpoenaed items to the Registry, as long as the subpoena received was issued via the Online Registry, and has a court item ID.
General Manager, Quality & Impact	Updates Subpoena details to the Learning Links' Subpoena Registry.

Procedure when a Subpoena request cannot be met

The following steps should be taken in cases where a Subpoena request to provide identified documents is received by Learning Links and is unable to be met:

Subpoena request unable to be fulfilled	Action
Professional	Forward the Subpoena request to your manager.
Manager	Review document/ s requesting information and forward to General Manager, Quality & Impact for verification.
General Manager, Quality & Impact	Liaise with relevant managers (Customer Service Officers and/or service delivery professionals) to access one or more of the following: <ul style="list-style-type: none"> • Current records • Records to be retrieved from recall facility.
General Manager, Quality & Impact	Review records provided in line with nature of Subpoena request.
General Manager, Quality & Impact	Send written application to the Courts to request that Learning Links is unable to fulfil the request to provide the identified documents
General Manager, Quality & Impact	Updates Subpoena details to the Learning Links' Subpoena Registry.

Raising a privacy concern or complaint

If staff, a client, or person dealing with Learning Links seeks to complain about a breach of privacy, please contact our Privacy Officer. We may ask you to put your complaint in writing and to provide details about your complaint.

Our Privacy Officer will investigate the matter and attempt to resolve it in a timely way. Our Privacy Officer will inform you in writing about the outcome of the investigation.

If our Privacy Officer does not resolve your complaint to your satisfaction and no other complaint resolution procedures are agreed or required by law, our Privacy Officer will inform you that your complaint may be referred to the Privacy Commissioner or NSW Ombudsman Community Services for further investigation and will provide you with the relevant contact details.

Review of the privacy policy

This privacy policy is current at the date below. Learning Links may change it periodically as required and it will be formally reviewed every two years.

Document control

This table outlines the control details for this document.

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