

Privacy Policy

February 2019

1. Purpose

The purpose of this policy is to:

- We recognise that your privacy is important to you and, in line with our core principles; we value and respect the decisions you make as to how your personal information should be handled. For the purposes of this document, the terms “Southern Cross Care (WA) Inc.” and “SCC” refer to the company’s entire portfolio of assets including retirement villages, care facilities, services, buildings and managed sites, plus subsidiary company Southern Cross Housing.

Southern Cross Care (WA) Inc. (SCC) is bound by the *Privacy Act 1988* (Cth), including the Australian Privacy Principles (Privacy Principles), which regulate how organisations handle personal information and sets the minimum standards for how organisations handle an individual’s personal information. You can obtain a copy of the Privacy Principles from the Office of the Australian Information Commissioner (OAIC) or from the OAIC’s website at: <http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles>.

At SCC we are committed to protecting the privacy of your personal information. We have developed this policy and implemented procedures and systems to ensure our compliance with the Privacy Principles and to ensure the security and proper management of your personal information.

2. Scope

All staff and clients.

3. Policy Statement

Understanding this policy

This policy applies to all personal information which we collect, uses or disclose.

This policy explains:

- What information we collect and why we collect it. How we collect that information
- How we may use or disclose that information.
- How you may access and update information we hold about you.
- How to make a privacy complaint.

In this policy we use the terms “personal information”, “sensitive information” and “health information”. These terms have the meanings

given to them under the *Privacy Act 1988* (Cth) (Privacy Act). Changes to this privacy policy

Our privacy policy may change from time to time. A current version of our privacy policy may be obtained from our Privacy Officer (see below for contact details) or through our website at: www.scrosswa.org.au.

We encourage you to check our website regularly for any updates to our privacy policy.

1 Information we collect and why we collect it

Collection of Personal Information (*Privacy Principle 3*)

SCC routinely collects personal information about individuals required to perform our functions or activities as a not-for-profit provider of residential, community, mental health, housing, tenancy and independent living services. The kind of personal information we collect about you depends on your relationship with us. We collect and hold personal information about individuals including clients, residents, employees, volunteers, contractors and sub-contractors. We will only collect personal information if it is necessary to perform our functions and activities.

Typically the personal information we would collect includes [your name, address, date of birth and contact details]. If you are a client or prospective client of SCC we will also collect health, financial and other personal information about you which is necessary for us to assess your application and to provide you with the care and services which you may require.

Please refer to the Schedule of this privacy policy for more detail as to the kinds of personal information we collect.

Collection of Sensitive Information (*Privacy Principle 3.3*)

We will not collect Sensitive Information (including Health Information) about you unless:

- It is reasonably necessary for us to perform our functions and activities and you have consented to the collection of such information;
- Collection of such information is required or authorised by or under state or commonwealth law (including where a “permitted general situation” or “permitted health situation exists”, as defined under the Privacy Act) or in accordance with a court or tribunal order; or
- The information relates to our activities as a not-for-profit organisation and relates solely to our members or to individuals who have regular contact with SCC in connection with its activities.

Consequences of refusal

We understand that you may not want us to provide certain information to us. If you choose not to provide us with some or all of the information we request, we may not be able to assess any applications you have made with

us or provide you with the employment, care or services you require. In particular, if you are a client or prospective client of SCC, we may not be able to:

- determine the appropriate entitlement to government funding (including determining your eligibility to entitlements under the Aged Care Act 1997);
- provide you with care and service according to your needs;
- contact relatives, attorneys and others when requested or needed; or
- contact health service providers when requested or needed.

2 How we collect personal information

Means of collection (*Privacy Principles 3.5 - 3.6*)

We may collect your personal information in person, over the phone, by email, through our website or when you complete our forms. Where possible, we will endeavour to collect information about you directly from you (or your authorised delegate and with your consent).

Where it is unreasonably or impractical to do so, we may collect personal information about you from others who have information necessary for us to provide you with the care and services which you require. These may include your family (or other significant persons), health practitioner, legal representatives, government departments and your previous and current health care providers (including your general practitioners, the Aged Care Assessment Team, the hospital, allied health professionals and other health care professionals). The purpose of collecting your information from a wide range of persons and organisations is to assist us to provide a service to you that is relevant to your needs. Where this occurs, we will take reasonable steps to ensure that you have been made aware of this.

Anonymity and pseudonymity (*Privacy Principle 2*)

Generally, the purposes for which we collect personal information may make it impractical for us to de-identify your information. However, wherever it is possible to do so, we will offer you the option of not identifying yourself (for example, if you are making a general inquiry about the services we provide).

Notification (*Privacy Principle 5*)

At or before the time or, if that is not possible, as soon as practicable after, we collect personal information about you we will take all reasonable steps to ensure that the individual is notified or made aware of each of the following (as applicable):

- our contact details;
- the purpose for which we are collecting the personal information;
- the identity of other entities or persons to whom we usually disclose the personal information;

- that our privacy policy contains information about how the individual may complain about a breach of the Privacy Principles and how we will deal with a complaint; and
- whether we are likely to disclose personal information to overseas recipients and if so, the countries in which such recipients are likely to be located and if practicable, to specify those countries.

This information will usually be provided in the form of a Privacy Collection Statement.

Unsolicited personal information (Privacy Principle 4.1)

In the event that we receive unsolicited personal information about you and we are permitted to keep the information, we will take reasonable steps to notify you that such information has been received as soon as reasonably practicable. Otherwise, we will destroy or de-identify the information as soon as practicable and if reasonable to do so.

3 Use and disclosure of personal information

Permitted disclosures

We will only use or disclose your personal information for the primary purpose for which it was collected or as permitted or required by law.

The purposes for which we may collect and use your personal information depends on your relationship with us. For more information on the purposes for which we may collect and use personal information about you please refer to the Schedule to this privacy policy.

In addition to the primary purpose for which personal information is collected, we may also use your personal information for other secondary purposes:

- If you consent to the use or disclosure.
- Where you would reasonably expect us to use or disclose the information for the secondary purpose and the secondary purpose is related to the primary purpose or, where the information is sensitive information, the secondary purpose is directly related to the primary purpose for which the information was collected.
- Where the use or disclosure of the information is required or authorised by or under state or commonwealth law.
- Where a “permitted general situation” or a “permitted health situation” exists, as defined under the Privacy Act. In particular, sections 16A - 16B of the Privacy Act permit limited disclosure of personal information where:
- It is unreasonably or impracticable to obtain your consent and we reasonably believe that the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety.

- In relation to health information only, the use or disclosure is necessary for research, the compilation or analysis of statistics, relevant to public health or public safety and it is impractical to obtain consent, the use or disclosure is conducted within the guidelines approved under section 95A of the Act and we reasonably believe that the recipient will not disclose the health information.
- In relation to health information about an individual, such information may be disclosed to a person who is a responsible person for the individual where:
 - a) the individual is incapable of giving or communicating consent;
 - b) the staff member at SCC providing the health care service is satisfied that either the disclosure is necessary to provide appropriate care or treatment or is made for compassionate reasons and the disclosure is limited to the extent reasonable and necessary for that purpose; and
 - c) the disclosure is not contrary to any wish previously expressed by the individual or of which the responsible staff member could reasonably be expected to be aware.
 - d) Where the use or disclosure is otherwise required or authorised by law (including the Privacy Act).

Business management

During your relationship with SCC, your personal information will be routinely utilised by SCC staff and, where necessary, may be disclosed to other health care providers such as your general practitioner, pharmacist etc.

We may use or disclose your personal information for administrative purposes and to meet our legal and regulatory obligations, such as to third parties including Medicare, government departments, health insurers, superannuation providers and if necessary external collection agencies.

We may use your personal information for the purpose of monitoring the quality of employment, care or services we provide. We may use your personal information to request feedback on services provided to you and for dealing with complaints.

Should you provide any personal information we request, you consent to SCC using the information as described in this policy or authorised by law.

Direct marketing

We will not use or disclose your personal information to any third party for the purpose of direct marketing.

Clients, residents or tenants may be asked for consent to their personal information being used for general communications and for soliciting donations for SCC which operates as a non-profit organisation.

You may withdraw your consent to receive such communications at any time. All general communications and fundraising requests will include a means by which you may request not to receive any further similar communications from SCC.

Nominated representatives

If you are a client, resident or tenant of SCC, on your admission we will ask you to identify the people who we may contact to obtain your personal information and to provide updates in relation to your care and health status. This will be recorded on your file and complied with to the extent permitted by law.

Disclosures to other organisations

Organisations, or types of organisations, to which we usually disclose personal information are:

- State and Federal Government Departments (where applicable)
- Health service providers
- Hospitals providing treatment to you
- Pharmacies required to dispense your pharmaceutical needs
- St John's Ambulance
- Guardianship and Administration Tribunal or the Public Trustee (where applicable)
- Any other agencies as directed by the Privacy Act or under any other state or commonwealth law.

Use of Commonwealth or government identifiers

Commonwealth or government identifiers are numbers such as your Medicare number or your Tax File Number (TFN). We will only use your Commonwealth or government identifiers when it is necessary to verify your identity for the purposes of our activities or functions or as otherwise required or permitted by law.

Cross-border disclosure

We will not disclose your personal information to an overseas recipient unless you provide your consent and certain other requirements are met.

4 How we store information

We are committed to ensuring that your personal information is protected and have strict protocols and procedures in place to protect your personal information from misuse, loss, interference, unauthorised access or modification.

If we no longer require your personal information for our functions or for any purpose for which the information may be used or disclosed (and we are not required to retain the information), we will, as soon as practicable

and in accordance with the law, destroy or de-identify your personal information held by us.

5 Access and correction of personal information

Requests for access

You can request us to provide you with access to the personal information we hold about you.

Requests for access to personal information can be made by telephone, email or in person at the contact details provided below. In all cases we will need to verify your identity before giving you access.

In most cases, we will be able to provide you with a summary of your personal information held by us at no cost. More detailed requests for access will be handled as quickly as reasonably possible, however, the time it takes for us to respond to your request depends on the type of information you require and a fee may be charged. This fee is usually payable where the information you have requested is not readily available and will involve a considerable amount of time for us to compile. You will not be charged an application fee in making the request.

In a limited number of circumstances, we may deny you access to some of the personal information that we hold about you, these include where:

- giving access would unreasonably impact on the privacy of other individuals;
- the request for access is frivolous or vexatious;
- the information relates to anticipated or actual legal proceedings;
- the information would reveal our intentions in relation to negotiations in such a way as to prejudice our commercially sensitive decision making process; or
- the law prevents us from disclosing the information.

If we refuse to provide you with access to your personal information, we will provide you with an explanation for our decision and the mechanisms available to you to complain about the refusal.

Requests for correction

We aim to ensure that the personal information we hold, use or disclose is accurate, complete and up-to-date.

If you learn that any personal information that we hold about you is inaccurate, incomplete, out-of-date or misleading, you should contact us and we will take reasonable steps to correct the information within a reasonable time.

If we correct personal information that we have previously provided or disclosed to a third party, you may request that we notify that third party of the correction. On receipt of such a request we will take such steps as may

be reasonable in the circumstances to give that notification, unless it would be impracticable or unlawful for us to do so.

If we are unable to correct your personal information in accordance with your request, we will provide you with an explanation for why we will not correct the relevant information (except to the extent that it would be unreasonable) and the mechanisms available to you to complain about the refusal.

If we do not agree to make requested changes to your personal information, you may make a statement about the requested changes and we will attach this to the record.

Requests for withdrawal

Please contact SCC if you wish to withdraw a consent which you had previously provided to SCC.

6 Resolving your privacy concerns

Who to contact

You are entitled to complain if you believe that your privacy has been compromised by us.

If you have any concerns about how SCC manages your personal information, or wish to make a complaint about a privacy breach, you may lodge a complaint with our Privacy Officer in person, by phone, fax, email or in writing.

We will endeavour to resolve your complaint as quickly and courteously as possible. However, if you are not satisfied with how the complaint or concern is resolved by us, you can contact the Office of the Australian Information Commissioner.

Australian Information Commissioner
GPO Box 5218,
Sydney NSW 2001
Tel: 1300 363 992
TTY: 133 677
Fax: (02) 9284 9666
Email: enquiries@oaic.gov.au

Privacy contacts

You can contact us in person, by telephone, facsimile or by email:

[Privacy Officer]
Southern Cross Care (WA) Inc.
PO Box 76
BURSWOOD WA 6100

Telephone: 1300 669 189
Fax: (08) 9282 9999
Email: info@scrosswa.org.au

Schedule to Privacy Policy

Class of individual	Purpose of collection	Types of information collected
<p>Clients/residents/tenants and prospective clients/residents/tenants</p>	<ul style="list-style-type: none"> • To assess your application to become a client, resident or tenant. • To enable the provision of relevant financial and asset information to the Commonwealth Government to determine any funding entitlements and to set daily bed fees. • To provide you with appropriate ongoing care and services according to your needs. • Determine your eligibility to government entitlements and subsidies etc (including under the <i>Aged Care Act 1997</i>). • Determine your eligibility to entitlements available under state or commonwealth law. • To enable us lawfully to contact your family or any nominated person to inform them of your health status. • To comply with state or commonwealth law and to meet our reporting obligations under state and commonwealth law (if any), in particular, under the <i>Aged Care Act 1997</i>. 	<ul style="list-style-type: none"> • Information provided by the Aged Care Assessment Team, Regional Assessment Service, Mental Health Commission, Mental Health Clinics, Disability Service Commission, Department of Housing etc. • Information provided by State and Federal Government Departments. • Information about your financial status and eligibility to access our services. • Details of psycho-social history. • Information concerning Social Security status. • Information concerning details of the appointment of attorneys or alternative decision makers. • Relevant documentation in order to comply with legislative requirements. • Progress notes. • Medical reports from the person's medical practitioners and health care providers. • A medical history and medical requirements.

	<ul style="list-style-type: none"> • Lawfully to liaise with your nominated representative and to contact family if requested or needed. • To add you to our waiting list or mailing list • To process payments for accounts purpose and from an online transaction from our ecommerce page 	<ul style="list-style-type: none"> • Where applicable, details of health insurance provider. • Contact details of client, resident or tenant including email address. • Family contact details and contact information for any alternative decision makers including the identity of attorneys. • Information concerning your religion. • Details of your marital status. • Details of your preferred end of life arrangements. • A Care Plan recording your ongoing care needs and strategies (including an interim care plan). • Information provided by the Department of Social Services (SS). • Assessments conducted by SS and any classification records. • Records relating to the approved provider meeting prudential requirements for accommodation bonds. • Where applicable, records relating to the payment of accommodation bonds (including periodic payments) or accommodation charges. • Records relating to care recipient/s entry discharge and leave
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		<p>arrangements, including death certificates where appropriate.</p> <ul style="list-style-type: none"> • Payment information such as credit card details or account details • Other information as required
<p>Employees, volunteers and job applicants</p>	<ul style="list-style-type: none"> • Assessment of your application to become an employee or volunteer of SCC. • Maintain your employee record which contains any personal information (including health information) relating to your employment. 	<p>Information regarding an employee (or where applicable a volunteer)'s:</p> <ul style="list-style-type: none"> • basic employment details such as the name of the employee and the nature of their employment. • basic terms of engagement (for volunteer). • terms and conditions of employment including details of your salary or wages, leave entitlements, hours of employment. • superannuation contributions. • termination of employment (where applicable). • individual flexibility arrangements and guarantees of annual earnings. • engagement, training, disciplining or resignation. • personal and emergency contact details. • performance or conduct. • membership of a professional or trade association;

		<ul style="list-style-type: none">• trade union membership.• recreation, long service, sick, personal, maternity, paternity or other leave.• taxation, banking or superannuation affairs.• Other information as required
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4. Roles and Responsibilities

This policy covers the following individuals at Southern Cross Care (WA) Inc.: employees, board members, volunteers, contractors (including labour hire), managed site personnel and contractors, seconded personnel and students/work experience personnel on placement.

5. Related Legislation and Standards

Privacy Act 1988 (Cth) (Privacy Act)

6. Supporting Procedures, Policies and Other Documents

HR - [Code of Conduct Policy](#)

HR - [Confidentiality Acknowledgement](#)

HR - [Confidentiality Policy](#)

M - [Policy Statement](#)

M - [Privacy Collection Statement](#)

7. Feedback

Feedback on this policy must be directed to the Document Owner outlined in the cover of this policy.

8. Definitions

Term	Definition
Privacy	The ability to seclude information from public dissemination
Personal information	Recorded information about an identified individual which may include contact, family, health or financial details
Organisation	Refers to the company's entire portfolio of services and assets including retirement villages, care facilities, services, buildings and managed sites, plus subsidiary company Southern Cross Housing.